

**MUNICIPAL DISTRICT OF MACKENZIE NO. 23
SPECIAL COUNCIL MEETING**

**Wednesday, March 10, 2004
7:00 p.m.**

**Town of High Level Council Chambers
High Level, Alberta**

AGENDA

- CALL TO ORDER:** 1. a) Call to Order
- AGENDA:** 2. a) Adoption of Agenda
- BUSINESS:** 3. a) PUBLIC HEARING
Bylaw 398/03 - Inter Municipal Development Plan
- ADJOURNMENT:** 4. a) Adjournment

M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Special Council Meeting
Meeting Date:	March 10, 2004
Originated By:	Paul Driedger, Director Planning, Emergency and Enforcement Services
Title:	PUBLIC HEARING Bylaw 398/03 – Land Use Bylaw Amendment Inter-Municipal Development Plan
Agenda Item No:	

BACKGROUND / PROPOSAL:

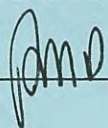
To establish an Inter-Municipal Development Plan 'IDP' between the MD of Mackenzie and the Town of High Level to provide policies and procedures for development of fringe areas surrounding the Town of High Level and the transportation corridor north and south of High Level.

LEGISLATIVE REQUIREMENT/ AUTHORITY

The Municipal Government Act 2000 M-26 'MGA' Division 4 Statutory Plans,

Section 631 Intermunicipal Development Plans, states:

- (1) Two or more councils may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.
- (2) An intermunicipal development plan
 - (a) may provide for
 - (i) the future land use within the area,
 - (ii) the manner of and the proposals for future development in the area, and
 - (iii) any other matter relating to the physical, social or economic development of the area that the councils consider necessary,
 - and
 - (b) must include
 - (i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,

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- (ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and
- (iii) provisions relating to the administration of the plan.

Section 12 Geographic area of bylaws, states:

A bylaw of a municipality applies only inside its boundaries unless

- (a) one municipality agrees with another municipality that a bylaw passed by one municipality has effect inside the boundaries of the other municipality and the council of each municipality passes a bylaw approving the agreement, or
- (b) this or any other enactment says that the bylaw applies outside the boundaries of the municipality.

Section 692 Planning bylaws, states:

- (1) Before giving second reading to
 - (a) a proposed bylaw to adopt an intermunicipal development plan,
 - (b) a proposed bylaw to adopt a municipal development plan,
 - (c) a proposed bylaw to adopt an area structure plan,
 - (d) a proposed bylaw to adopt an area redevelopment plan,
 - (e) a proposed land use bylaw, or
 - (f) a proposed bylaw amending a statutory plan or land use bylaw referred to in clauses (a) to (e),

a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

- (2) Despite subsection (1), if a proposed development relates to more than one proposed bylaw referred to in subsection (1), the council may hold a single public hearing.
- (3) Despite subsection (1), in the case of a public hearing for a proposed bylaw adopting or amending an intermunicipal development plan,
 - (a) councils may hold a joint public hearing to which section 184 does not apply, and
 - (b) municipalities may act jointly to satisfy the advertising requirements of section 606.

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- (4) In the case of an amendment to a land use bylaw to change the district designation of a parcel of land, the municipality must, in addition to the requirements of subsection (1),
- (a) include in the notice described in section 606(2)
 - (i) the municipal address, if any, and the legal address of the parcel of land, and
 - (ii) a map showing the location of the parcel of land,
 - (b) give written notice containing the information described in clause (a) and in section 606(6) to the assessed owner of that parcel of land at the name and address shown on the assessment roll of the municipality, and
 - (c) give a written notice containing the information described in clause (a) and in section 606(6) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.
- (5) If the land referred to in subsection (4)(c) is in another municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.
- (6) Despite subsection (1), a bylaw referred to in subsection (1) may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the bylaw in principle or substance.
- (7) In this section,
- (a) "adjacent land" means land that is contiguous to the parcel of land that is being redesignated and includes
 - (i) land that would be contiguous if not for a highway, road, river or stream, and
 - (ii) any other land identified in the land use bylaw as adjacent land for the purpose of notifications under this section;
 - (b) "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

An IDP Committee was established which comprised of the Town of High level Council and administration and the MD of Mackenzie Council and administration. The Committee requested and were fortunate to have Tom Baldwin, Executive Director of

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Northern Alberta Development Council agree to facilitate the meetings and draft an IDP which incorporated the requirements of an IDP from the recommendations of the committee. A bylaw for adopting the IDP was also drafted to be passed by each municipality.

Since both the MD of Mackenzie and the Town of High Level Councils have agreed that it would be beneficial to enter into an IDP and are in agreement with the IDP drafted, each Council must adopt the Plan by bylaw.

First Reading was given to this Bylaw by each municipality in November, 2003.

The Public Hearing for the IDP was advertised in the local paper February 25th and March 3rd as required by the MGA.

Both Councils, following the Public Hearing during the Joint Special Council Meeting tonight, may proceed with 2nd and 3rd reading of their respective bylaws for adopting the IDP.

COSTS / SOURCE OF FUNDING:

N/A

RECOMMENDED ACTION (by originator):

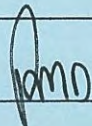
Motion

That second reading be given to Bylaw 398/03 being a bylaw to adopt the M.D. of Mackenzie and Town of High Level Inter-Municipal Development Plan.

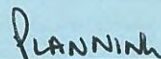
Motion

That third reading be given to Bylaw 398/03 being a bylaw to adopt the M.D. of Mackenzie and Town of High Level Inter-Municipal Development Plan.

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MD of Mackenzie

PUBLIC HEARING FOR LAND USE BYLAW AMENDMENT

BYLAW _____

Order of Presentation

_____ This Public Hearing will now come to order at _____.

_____ Was the Public Hearing properly advertised?

_____ Will the Development Authority _____, please outline the proposed Land Use Bylaw Amendment and present his submission.

_____ Does the Council have any questions of the proposed Land Use Bylaw Amendment?

_____ Were any submissions received in regards to the proposed Land Use Bylaw Amendment? *If yes, please read them.*

_____ Is there anyone present who would like to speak in regards of the proposed Land Use Bylaw Amendment?

_____ If YES: Does the Council have any questions of the person(s) making their presentation?

_____ This Hearing is now closed at _____.

REMARKS/COMMENTS:

BYLAW NO. 398/03

**BEING A BYLAW OF THE
MUNICIPAL DISTRICT OF MACKENZIE NO. 23
IN THE PROVINCE OF ALBERTA**

**FOR THE PURPOSE OF ADOPTING THE MUNICIPAL DISTRICT OF
MACKENZIE – TOWN OF HIGH LEVEL
INTER-MUNICIPAL DEVELOPMENT PLAN**

WHEREAS, Section 631 of the Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26 and any amendments thereto permits the Council of the Municipal District of Mackenzie to adopt an inter-municipal development plan in cooperation with the Town of High Level, and

WHEREAS, the Council of the Municipal District of Mackenzie No. 23, in the Province of Alberta, has deemed it desirable to adopt an inter-municipal development plan with the Town of High Level, and

WHEREAS, the Council of the Municipal District of Mackenzie No. 23, in the Province of Alberta, views the adoption of this inter-municipal development plan as a positive measure to advance the economic development of the region,

NOW THEREFORE, the Council of the Municipal District of Mackenzie No. 23, in the Province of Alberta, duly assembled, enacts as follows:

1. That this Bylaw shall be cited as the Municipal District of Mackenzie – Town of High Level Inter-Municipal Development Plan Bylaw;
2. That the Municipal District of Mackenzie – Town of High Level Inter-Municipal Development Plan, as attached, is hereby adopted; and
3. That this Bylaw shall take force and effect on the date of its final passage.

First reading given on the _____ day of _____, 2003.

Bill Neufeld, Reeve

Barbara Spurgeon, Executive Assistant

Second reading given on the _____ day of _____, 2004.

Bill Neufeld, Reeve

Barbara Spurgeon, Executive Assistant

Third reading given on the _____ day of _____, 2004.

Bill Neufeld, Reeve

Barbara Spurgeon, Executive Assistant

The
MUNICIPAL DISTRICT OF MACKENZIE
-
TOWN OF HIGH LEVEL
INTER-MUNICIPAL DEVELOPMENT PLAN

October 2003

**MUNICIPAL DISTRICT OF MACKENZIE No. 23
and the
TOWN OF HIGH LEVEL
INTER-MUNICIPAL DEVELOPMENT PLAN**

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MUNICIPAL DISTRICT OF MACKENZIE No. 23 and the TOWN OF HIGH LEVEL INTER-MUNICIPAL DEVELOPMENT PLAN

INTRODUCTION

Looking To The Future

The Municipal District of Mackenzie and the Town of High Level, along with the Town of Rainbow Lake, are situated in a high growth area in the Province of Alberta. Over the past few years, this part of Northern Alberta has grown in terms of population and economic development. The area has a promising future in relation to its growth prospects.

In order to sustain and advance this development, it makes sense to have the Municipal District of Mackenzie and the Town of High Level work together on an inter-municipal basis when it comes to the future planning of the area. This type of inter-municipal cooperation will assist in attracting private investment, enhancing economic activity and ensuring that land is available for new development.

The northwest region of the Province of Alberta has great potential to advance development, especially through the combined efforts of the Municipal District of Mackenzie and the Town of High Level.

Legislative Basis

The intent of an inter-municipal development plan is to outline a framework whereby two municipalities can cooperate on the planning of a rural-urban area, while providing policy directions for the future land use of the inter-municipal planning area.

The Municipal District of Mackenzie – Town of High Level Inter-Municipal Development Plan has been prepared in accordance to the provisions of the Province of Alberta Municipal Government Act, which states:

Two or more councils, may, by each passing a bylaw, adopt an inter-municipal development plan to include those areas of land lying within the boundaries of the municipalities, as they consider necessary.

In regards to the Province of Alberta Land Use Policies, this Plan meets the requirements of the Land Use Policies, which states:

To foster cooperation and coordination between neighbouring municipalities and between municipalities and provincial departments and other jurisdictions in addressing planning issues and in implementing plans and strategies.

Working Together – The Need For A Plan

The Councils for the Municipal District of Mackenzie and the Town of High Level recognize the need to work together to advance the socio-economic of the High Level area. With this in mind, the Councils noted the following factors when considering the need for an inter-municipal development plan.

- establishment of effective land use patterns that respect the rural and urban nature of the inter-municipal planning area;
- address the growth occurring in the area in a pro-active and cooperative manner;
- ensuring land availability that will assist with the economic development of the area, while attracting investment;
- coordination between land development and the area's transportation systems;
- recognize and accommodate the projected growth of the urban centre;
- respond to the current and future demand for land for a variety of land uses; and
- establishing a decision-making process that is built on communication, cooperation and consultation.

With these factors, and others, in mind, the Councils agreed with the need to proceed with the preparation and adoption of an inter-municipal development plan for the High Level area.

Plan Goals

The Councils for the Municipal District of Mackenzie and the Town of High Level have agreed to the following goals for the implementation of the Municipal District of Mackenzie – Town of High Level Inter-Municipal Development Plan:

- ❖ To establish an inter-municipal decision-making process that will effectively address the future growth of the inter-municipal planning area.
- ❖ To establish a primary area and corridor areas where the Municipal District and the Town can cooperate on land use planning matters.

- ❖ To pursue economic development on an inter-municipal basis, with an emphasis on the attraction of industry and business investment to the area.
- ❖ To cooperate on the provision of municipal services.
- ❖ To ensure that land use patterns and transportation corridors are coordinated to the benefit of the area, as well as the movement of people, goods and services.

**MUNICIPAL DISTRICT OF MACKENZIE No. 23
and the
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INTER-MUNICIPAL DEVELOPMENT PLAN**

ECONOMIC DEVELOPMENT

The Councils for the Municipal District of Mackenzie and the Town of High Level want to pursue economic development on a cooperative basis that will benefit both municipalities.

The Municipal District and the Town recognize the important connection between land use planning and economic development. In fact, the Municipal District and the Town will use the Municipal District of Mackenzie – Town of High Level Inter-Municipal Development Plan as a way to ensure that land is available for the economic development of the area.

An effective land use planning approach based on inter-municipal cooperation will provide a basis on which to attract investment to the area.

By working together on the economic development of the area, the Municipal District and the Town will be able to realize opportunities to advance the economic development of the area.

Policy Directions:

1. The Municipal District and the Town will ensure that appropriate land is available for economic development proposals in locations agreed to by the two Councils.
2. The Municipal District and the Town will work with the Regional Economic Development Initiative to ensure that there is an effective connection between economic development proposals related to land use planning in the Inter-Municipal Planning Area.
3. The provision of municipal servicing and effective transportation systems for proposed economic development projects will be undertaken on a basis of cooperation between the Municipal District and the Town.
4. The Municipal District and the Town will jointly lobby for projects and/or issues that will advance the economic development of the municipalities.

**MUNICIPAL DISTRICT OF MACKENZIE No. 23
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LAND USE POLICY DIRECTIONS

The following section of the Municipal District of Mackenzie – Town of High Level Inter-Municipal Development Plan outlines the policy directions that will be used for making decisions related to the future planning and development of the Inter-Municipal Planning Area.

Agriculture

The past, current and future development of the High Level area is closely tied to the agricultural industry and the agriculture land base in the area.

Policies:

1. Where appropriate, non-agricultural development will be directed to poorer quality agricultural land.
2. When land is approved for development, the developer will make a reasonable effort to phase the development in such a manner that better agricultural land is kept in production for as long as possible.
3. Proposals for confined feeding operations will conform to the provisions of the Municipal District of Mackenzie Land Use Bylaw.
4. The Municipal District of Mackenzie and the Town of High Level will cooperate on the opening up of agricultural land in the White Zone.

Industrial Development

There has been and will continue to be a significant amount of industrial development in the Inter-Municipal Planning Area, making it necessary to ensure that sufficient land at appropriate locations is available. Generally, industrial development will occur south of the Town of High Level.

Policies:

1. Where required for site development considerations and when compatible to surrounding land uses, rural industrial development may be allowed in the Inter-Municipal Planning Area.
2. The Municipal District and the Town will take every, reasonable measure to accommodate industrial development in the Inter-Municipal Planning Area.
3. The Municipal District may consider the development of a rural industrial park in the High Level area that will accommodate industrial land uses best suited to a rural location.

Residential

As a result of the economic development that has and will occur in the Inter-Municipal Planning Area, there will be increased demand for residential accommodation of various kinds. Generally, residential development will occur north of the Town of High Level.

Policies:

1. Higher density residential development requiring the full range of municipal services will be directed towards the Town of High Level.
2. Country residential development, based on the land use regulations used by the Municipal District, may be allowed in the Inter-Municipal Planning Area.

Highway Commercial

The Town of High Level is a service centre for the region, as well as for the traveling public. With this role in mind, it is important to advance opportunities for highway commercial development in the Inter-Municipal Planning Area.

Policies:

1. When reviewing proposals for highway commercial development, the following factors will be taken into consideration: access to water distribution and sewage collection systems; the relationship between the proposed land use and the highway corridor; and the integrity of the highway and its safe operation.

Recreation and Natural Areas

The development of recreation land uses and the preservation of natural areas in the Inter-Municipal Planning Area are important considerations for the two municipalities.

Policies:

1. The Municipal District and the Town will cooperate on the planning of recreation areas in the Inter-Municipal Planning Area.
2. The future use and possible protection of natural areas will be considered when reviewing land use and development proposals in the Inter-Municipal Planning Area.

Urban Expansion

With the current and projected levels of economic activity in the northwest part of the Province of Alberta, there may be a need to expand the boundaries of the Town of High Level to accommodate growth.

Policies:

1. Generally speaking, the Town of High Level's residential development will be directed to the north and, possibly, to the west, while industrial development will be directed to the south of the current municipal boundaries.
2. The Municipal District and the Town, when reviewing land use proposals in the Inter-Municipal Planning Area, will consider the general growth directions and land use patterns noted in Policy 1 above.

Transportation Systems

The movement of people, goods and services is very important to the Municipal District and the Town. The coordination of land use patterns with transportation systems is critical in terms of assisting with the attraction of investment to the area. As well, the long-term viability of transportation-related facilities is a key consideration.

Policies:

1. When reviewing land use proposals, the impact of the proposal on the Inter-Municipal Planning Area's air, rail and road transportation systems will be evaluated and taken into consideration during decision-making processes.
2. Land uses that require access to rail transportation will be a priority for development in the rail transportation corridor located in the Inter-Municipal Planning Area.
3. Land uses that are related to the provision and/or servicing of air transportation systems, will be directed to the High Level Airport.
4. The Municipal District and Town will consider the establishment of a regional airports authority, of some kind, as a way to cooperate on the long-term viability and planning of airports located in the area.
5. When considering land use proposals in the vicinity of highway entrances into the Town of High Level, the appearance of the proposed land use/development will be considered due to the importance of the highway entrances to the visual appeal of the area.

Regional Servicing Systems

The provision of water distribution and sewer collections systems, as well as other municipal services, is a key factor when considering land use proposals, especially ones requiring access to such systems.

Policies:

1. The Municipal District and the Town will consider the establishment of a regional water distribution system to serve the High Level area based on an agreement that is mutually agreed to.

2. The Municipal District and the Town may consider renewing current agreements for the provision of municipal services, while considering new agreements for the provision of municipal services not already addressed by the two municipalities.
3. The Municipal District and the Town will consider the establishment of a regional services authority of some kind that will be responsible for the management of regional services.

Crown Land Development

There are still significant areas of Crown-owned land in the High Level area. The development and/or lack of development of these areas will have an affect on the future growth of the area.

Policies:

1. Where appropriate, the Municipal District and the Town will work together on issues, as well as initiatives, related to the future use and development of Crown Land in the Region.
2. The Municipal District and the Town want to ensure that the use of Crown Land benefits the socio-economic development of the two municipalities, as well as the Town of Rainbow Lake.

**MUNICIPAL DISTRICT OF MACKENZIE No. 23
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INTER-MUNICIPAL DEVELOPMENT PLAN**

PLAN ADMINISTRATION AND IMPLEMENTATION

A key component to the successful implementation of the Municipal District of Mackenzie – Town of High Level Inter-Municipal Development Plan is a clear understanding of the plan administration and implementation processes. The success of these processes will greatly depend upon a spirit of cooperation between both the Councils for the Municipal District and the Town, as well as their administrations. The purpose of this section is to establish the methods by which this Plan is to be administrated and implemented.

Adoption Process

The Inter-Municipal Development Plan shall be adopted by bylaw by the Municipal District and the Town in accordance with the provisions of the Municipal Government Act.

The Town's adopting bylaw will specify that although the Town adopts the goals and policies of the Plan, it has no legal jurisdiction for lands in the Inter-Municipal Planning Area that are outside the boundaries of the Town. Similarly, the Municipal District's adopting bylaw will specify that it has no legal jurisdiction for lands, which are outside the boundaries of the Municipal District.

Any amendments to the Municipal Development Plans and Land Use Bylaws of the respective municipalities that may be required to implement the policies of this Plan should occur simultaneously with the adoption of this Plan.

Administrative Agencies

Responsibility for the implementation of the provisions of this Plan is vested with each municipality respecting lands contained within its own boundaries.

Policies:

The Inter-Municipal Development Plan covers land both in the Municipal District of Mackenzie No. 23 and the Town of High Level. However, responsibility for the day-to-day administration falls within the powers of each municipality in accordance with their own statutory plans and Land Use Bylaw regulations.

The Municipal District and the Town will continue to be responsible for subdivision and development permit approvals falling within their boundaries. Likewise, applications to adopt or amend any statutory plan or Land Use Bylaw will be received and processed by the municipality within which the lands, which are the subject of the application, are located.

Referrals

Open communication between the two municipalities and the clear definition of procedural requirements will be critical to the successful implementation of this Plan. This process begins with the exchange of information at the beginning of the decision-making process. In order to ensure proper communication and coordination takes place between the two municipalities, plans, applications for subdivision and development permit applications shall be circulated between the municipalities.

Policies:

Referrals will be based on the following areas, as outlined on the Referral Areas Map, as contained in this Plan:

Primary Area – includes the area of the Municipal District outlined on the Referral Areas Map and the area within the Town that are adjacent to the municipal boundary between the two municipalities.

Corridor Area – includes the transportation corridor areas that are located in the Inter-Municipal Planning Area as outlined on the Referral Areas Map.

The Town will circulate the following to the Municipal District for comment and review if the proposal is located within the Primary and/or Corridor Areas as outlined on the Referral Areas Map.

- a) Statutory Plans (including drafts) and amendments thereto.
- b) Land Use Bylaws (including drafts) and amendments thereto.
- c) Subdivision applications
- d) Non-residential development permits
- e) Applications for development permits or subdivisions for contentious uses on land which is immediately adjacent to, but outside the Inter-Municipal Planning Area.
- f) Non-statutory plans (including drafts).

The Municipal District will circulate the following to the Town for comment and review if the proposal is located within the Primary and/or Corridor Areas as outlined on the Referral Areas Map.

- a) Statutory Plans (including drafts) and amendments thereto.
- b) Land Use Bylaws (including drafts) and amendments thereto.
- c) Subdivision applications, except for farmstead separations.
- d) Non-residential development permits.
- e) Applications for development permits or subdivisions for contentious uses on land which is immediately adjacent to, but outside the Inter-Municipal Planning Area.
- f) Non-statutory plans (including drafts).

For major development proposals that may be of interest to the other municipality but are located in outside the Primary and/or Corridor Areas, the Municipal District and the Town will circulate such proposals to the other municipality for information, as well as review and comments. Such proposals may be subject to the Dispute Resolution Process under the provisions of this Plan.

Referrals made under this section of the Plan are required to conform to the following time-lines:

- a) Each municipality is to be provided with thirty (30) days to review and comment on referrals, unless applicable legislation requires a different time period.

- b) If comments are not received within an agreed time period, it shall be assumed that there is no objection to the proposal. However, given that the fairness and reasonableness must be an integral part of the decision-making process, the time frame may be extended by agreement of both municipalities.
- c) Time extensions may be requested to any of the noted time lines. A request should be considered an exception and must not be abused. The host municipality may grant a time extension to any application upon the request by the receiving municipality.
- d) If a request for a time extension is denied, with reasons, the issue would not constitute a dispute under the provisions of this Plan.

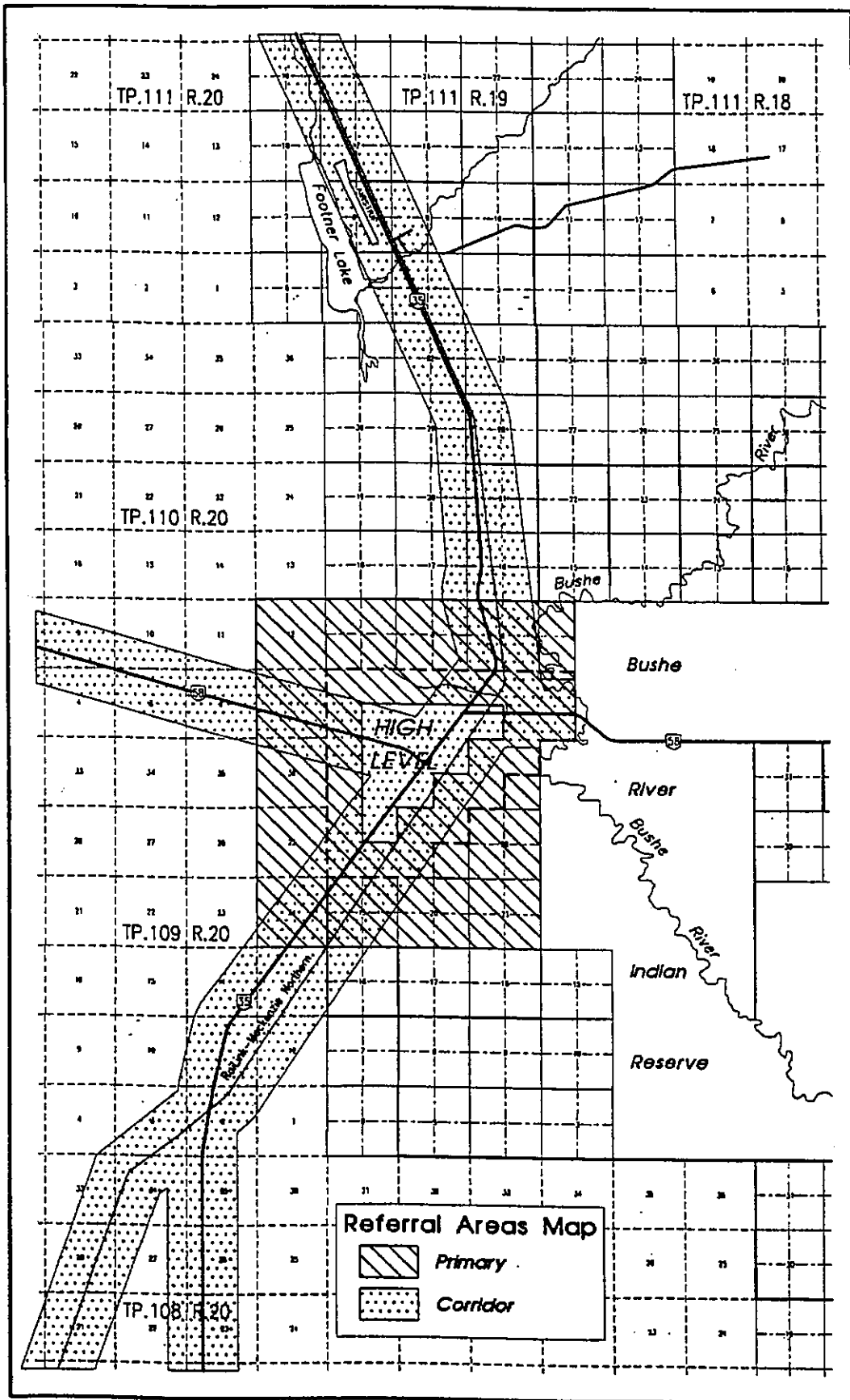
In the event that a potential application gives rise to concern respecting the interpretation of a definition, goal, policy direction, or administrative provision of this Plan, the issue shall be jointly reviewed at the staff level within fourteen (14) days of the application being submitted. If the matter is not resolved by staff, then the Inter-Municipal Planning Committee shall meet within thirty (30) days of the original submission of the application for the purpose of addressing the concern and deciding on what actions to take, if any.

Dispute Resolution Process

The implementation of a dispute resolution process is a mandatory requirement of an Inter-Municipal Development Plan under the provisions of the Municipal Government Act. In order to address this requirement, and to ensure that the principles of fairness and due process are respected, a dispute resolution process consisting of five main components is outlined in Appendix A to this section of the Plan.

The intent of the Dispute Resolution Process is to maximize opportunities for discussion and review in order to resolve areas of disagreement early in the decision-making process and minimizing any associated delays making a decision on a proposal.

TOWN OF HIGH LEVEL-MUNICIPAL DISTRICT OF MACKENZIE NO. 23
 INTER-MUNICIPAL DEVELOPMENT PLAN



Policies:

The following will activate the Dispute Resolution Process:

- a) If an agreement has not been reached on any proposed amendment to the Inter-Municipal Development Plan; or
- b) If an agreement has not been reached on any proposed statutory plan (or amendments thereto) or Land Use Bylaw (or amendment thereto) within the Referral Area; or
- c) If an agreement has not been reached for a development proposal located in the Inter-Municipal Planning Area.

A dispute is defined as any statutory plan (in whole or in part) or Land Use Bylaw or amendment thereto, which is given First Reading by a Council, which the other Council deems to be inconsistent with the goals, objectives and polices of this Plan.

The full Dispute Resolution Process does not apply to issues respecting subdivision or development permits appeals, or to matters under the jurisdiction of the Municipal Government Board.

The Municipal Government Act does not allow a municipality to appeal a subdivision approval made by an adjacent municipality. As a result, only Steps 1 and 2 of the Dispute Resolution Process will apply, when initiated by the referral process.

In the event that a Council does not follow a mediated decision or should the mediation process fail the next level of resolution shall be an appeal to the Municipal Government Board. If necessary, final resolution of the issue may be through the courts if based on a question of law or jurisdiction.

Annexation

The annexation of land normally involves the acquisition of land by an urban municipality from a rural municipality in order to accommodate future growth. The purpose of this Plan is to provide policies and directions for annexation to ensure that the transition from rural to urban is done as effectively as possible.

Policies:

Through the provisions of this Plan, the municipalities agree to protect those lands from land uses and developments that might interfere and conflict with future urban development.

Information related to the growth and development of the Town will be shared so that both municipalities are aware of the extent of any future annexation requirements.

All annexation applications will be referred to the other municipality for comment prior to any official action being taken. An annexation application should contain proposed phasing, provision of services and rationale for the annexation of land.

All annexation applications will be preceded by Inter-Municipal Planning Committee discussions, to review the rationale for the annexation, discuss any concerns and prepare a recommendation(s) to the two Councils.

The long-term urban growth directions identified in this Plan should be reflected in the respective Municipal Development Plans and other applicable bylaws for the Municipal District and the Town.

Plan Amendments

In order for this Plan to function effectively, it must be responsive to community change. As a result, revisions to the Plan may be required from time-to-time.

Policies:

Any amendment to this Plan must receive the agreement of both municipalities following a joint Public Hearing held in accordance with the provisions of the Municipal Government Act. No amendment shall come into force until such time as both municipalities approve the amending Bylaw. Any disagreement respecting a proposed amendment would start the Dispute Resolution Process.

Either municipality may initiate an amendment to this Plan.

Plan Review

In order to ensure that the Plan remains current and relevant, it is important that it contain provisions for review.

This Plan should be formally reviewed once every three years in order to confirm or amend any particular policy. Such a review allows both municipalities to update the Plan based on new information and/or studies.

The two Councils agree to meet at least once a year to review issues of mutual concern.

Plan Termination

In the event that the Plan fails to meet the expectations of one of the two municipalities, it is necessary that a procedure for rescinding the Plan be established, but only as a "last resort". This is an important consideration, as the cancellation of the Plan does not eliminate the need for continued cooperation and communication between the two municipalities. In addition, it would not eliminate the need for both municipalities to continue to meet the requirements of the Municipal Government Act respecting the coordination of planning efforts.

Policies:

The procedure for repealing the Inter-Municipal Development Plan bylaw is provided for in the Municipal Government Act. However, prior to repealing the Bylaw, the two municipalities shall use the following process:

- a) A municipality will give six (6) months, or a lesser time period if mutually agreed to by the Municipal District and the Town, written notice, along with reasons, to the other municipality of its intention to repeal its bylaw adopting the Plan.
- b) Within sixty (60) days of the date of the notice provided under subsection (a), an Inter-Municipal Planning Committee meeting shall be held to review the concerns raised and make recommendations to the two Councils.

- c) If the two Councils cannot resolve the issue, the municipality filing the notice may either withdraw its notice by providing a letter in writing to the other municipality, or proceed to give First Reading to a bylaw to repeal the Plan.
- d) In the event that a notice of repeal is filed, a process of mediation shall be engaged in an effort to resolve the matter.
- e) If mediation is not successful, the municipalities may proceed to pass bylaws to repeal the Plan following a Public Hearing held in accordance with the Municipal Government Act.

In the event that the Plan is terminated, the two municipalities shall amend their Municipal Development Plans to address inter-municipal issues in accordance with the Municipal Government Act.

Inter-Municipal Planning Committee

The purpose of the Inter-Municipal Planning Committee is to foster cooperation between the two municipalities. It serves as a mechanism for formal communication between the two municipalities at the political level to address issues of common concern.

Policies:

The Inter-Municipal Planning Committee shall consist of two (2) elected officials from both Councils.

Administration of the Inter-Municipal Planning Committee and the coordination of meetings shall be the responsibility of the Municipal District.

The Inter-Municipal Planning Committee may be responsible for the following:

- a) Monitoring the progress of the Plan, including the volume and nature of land use activity such as: area structure plans; Land Use Bylaw changes; land development proposals; subdivision and development permit applications; and other related land use activities;
- b) Review of proposed amendments to the Plan and to make recommendations to the two Councils on proposed amendments;

- c) Review of proposed annexations by the Town and the formulation of a recommendation to both Councils;
- d) To act as an informal review body for any amendment, subdivision or development permits which may have significant land use implications in the Inter-Municipal Planning Area;
- e) Review proposed amendments to other statutory plans and land use bylaws that may impact lands within the Inter-Municipal Planning Area and formulate a recommendation to both Councils; and
- f) Review and make recommendations on development proposals outside the Referral Areas that are of interest to the Municipal District and the Town.

It is intended that this Committee not have any formal decision making powers. Rather, its primary role is to provide an opportunity to meet and discuss issues of mutual interest, while maintaining the effectiveness of the Plan.

A meeting of the Committee may be convened as required at the request of either municipality.

APPENDIX "A" – DISPUTE RESOLUTION PROCESS

1. **Staff Review and Discussion**

Upon circulation of a proposed plan or application, the Chief Administrative Officers and staff members of the two municipalities will undertake a technical review of the proposal and provide comments to the approving municipality. Issues or concerns, if any, will be identified in writing to the other municipality. Every attempt will be made to discuss the issue with the intent of arriving at a mutually agreeable solution.

If an issue cannot be resolved at the staff level, it is referred to the Inter-Municipal Planning Committee for their discussion and review. The applicant municipality will provide the disputing municipality with complete information concerning the disputed matter. The disputed municipality will undertake an evaluation of the matter and provide comments to the Inter-Municipal Planning Committee.

2. **Inter-Municipal Planning Committee**

In the event that a matter is referred to the Inter-Municipal Planning Committee, a meeting will be scheduled and the Chief Administrative Officers, and/or their representative, of the Municipal District and Town will present their positions on the matter to the Committee.

Prior to a decision being made on the proposal and/or a Public Hearing being held, the Inter-Municipal Planning Committee will meet to review and discuss the dispute.

After considering the matter, the Inter-Municipal Planning Committee may:

- a) provide suggestions to both administrations on how to resolve the disputed matter;
- b) agree on a position to be presented to the two Councils; or
- c) conclude that they cannot reach a resolution of the disputed matter.

The Inter-Municipal Planning Committee may use a facilitator to assist the Committee Members reach a consensus on the disputed matter.

If a resolution of the dispute cannot be determined, the matter will be referred to the two Councils.

3. Joint Council Meeting

If the Inter-Municipal Planning Committee cannot resolve the dispute, the two Councils shall meet to review and discuss the possible resolutions.

If there is agreement, the proposal shall proceed accordingly. If there is still a dispute, the matter will be referred to mediation.

4. Mediation

Assuming that agreement cannot be reached by the Two Councils, a mediation process would be employed as a means of resolving the matter.

Prior to the initiation of the mediation process, the municipalities shall:

- a) Appoint an equal number of municipal councilors to participate in the mediation process;
- b) Engage a mediator agreed to by the municipalities at equal cost to each municipality; and
- c) Approve a mediation process and schedule.

Note: There may be opportunity for the municipalities to request assistance from the Minister of Municipal Affairs under the provisions of the Municipal Government Act in accordance with the terms of the mediation process.

If agreed to by both Councils, the municipal administrations may be used as a resource during the mediation process.

All discussions and information related to the mediation process will be held in confidence until the conclusion of the mediation process.

At the conclusion of the mediation process, the mediator will submit a report to the both Councils for consideration. The mediator's report and recommendations will not be binding on the municipalities and will be subject to the approval of the Councils.

If the Councils agree to the mediation report, then the applicant municipality will take the appropriate actions to address the disputed matter.

If there is no agreement based on the mediation report and a final decision has been made by the municipality, such as the third and final Reading of a bylaw, related to the disputed matter, then the disputing municipality may begin the appeal process as provided for the Municipal Government Act.

A mediation process conducted prior to the final decision, such as reading of the bylaw, will not affect other appeal or referral mechanisms or the relevant timelines relating thereto allowed by the Municipal Government Act.

5. Appeal to Municipal Government Board

In the event that mediation proved unsuccessful, the matter would be referred to the Municipal Government Board for resolution.

The disputing municipality may lodge an appeal with the appropriate appeal body, including an appeal to the Municipal Government Board, in accordance to the provisions of the Municipal Government Act.