

## ADMINISTRATION REPORT

**Date:** June 15, 2017

**Memo To:** Town of Penhold and Red Deer County Council

**From:** Planning & Development Services

**Subject:** Town of Penhold / Red Deer County Intermunicipal Development Plan

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### 1.0 PURPOSE

- To hold a joint public hearing for Bylaw No. 743/17 (Town of Penhold) and Bylaw No. 2017/14 (Red Deer County) as per for the requirements under the Municipal Government Act for the Town of Penhold / Red Deer County Intermunicipal Development Plan (IDP).
- To consider granting 2<sup>nd</sup> and 3<sup>rd</sup> reading to Bylaw No. 743/17 (Town of Penhold) and Bylaw No. 2017/14 (Red Deer County) for the adoption of the Town of Penhold / Red Deer County Intermunicipal Development Plan.

### 2.0 SUMMARY

- The proposed IDP is the result of many months of discussions involving representatives of Penhold Town Council and Red Deer County Council, with the assistance of their respective administrations.
- The IDP provides a framework for the Town and County to work together to address issues and opportunities of mutual concern as they relate to land use planning in and around the Town of Penhold.
- The key component of the IDP is the Future Development Concept (see Schedule A) which identifies five major development areas which are described as follows:

#### Town Growth Area

- This is the area that is to be annexed immediately by Penhold in order to accommodate the Town's immediate growth needs.
- **Note:** annexation is currently being dealt with under a process separate from the IDP. Once this area is annexed it will fall under the jurisdiction of Penhold and will be subject to Penhold's policies and regulations.

#### Future Town Growth Area

- This area is intended to accommodate the Town's long term growth requirements.
- Allows for 1<sup>st</sup> parcel subdivisions but no multi-lot developments until such time as these lands or portions of these lands are annexed by the Town.

#### County Growth Area

- This area accommodates future County growth in accordance with the recently approved District 2 & 42 Major Area Structure Plan.

#### Agriculture / Rural Area

- The Agriculture Rural/Area is intended to continue to be used for agricultural or rural land uses.
- Premature subdivision and conversion of these lands to non-agricultural uses is not supported in this area.

#### Fleming Marsh and Waskasoo Creek

- The intent of the policies for this area is to protect the environmentally sensitive areas of Waskasoo Creek and Fleming Marsh.
  - The plan supports the use of Municipal and Environmental Reserves to create a buffer area adjacent to Waskasoo Creek and Fleming Marsh.
  - Environmental Impact Assessments will be required for any proposed development abutted these two features.
- The IDP also includes a number of policies pertaining to the implementation of the Plan recognizing that the successful implementation of the IDP will require an ongoing commitment from both Councils to continue to communicate and collaborate in accordance with goals and policies of the Plan.

### 3.0 PROCESS

- Two open houses were held in Penhold, one in November 2016 and one in March 2017, to inform the public of the IDP and to obtain their input on the proposed Plan. Those comments were considered when drafting the Plan which was brought forward for first reading in April 2017.
- First reading for Bylaw No. 743/17 was granted by Penhold Town Council on April 24, 2017, and first reading for Bylaw No. 2017/14 was granted by Red Deer County Council on April 25, 2017.
- The proposed IDP was referred to various internal and external agencies, as well as landowners within and directly adjacent to the Plan boundary for comments (see attached). One letter was received from a landowner located west of Penhold and within the proposed Agriculture / Rural Area (see Schedule B).
- The public hearing was advertised in each of the municipality's newspapers and on each of the municipality's websites.
- Prior to either Council giving second and third reading to their proposed Bylaws, a public hearing must be held. In addition to the public hearing requirement, both Red Deer County Council and the Town of Penhold Council must pass a motion to adopt the IDP respectively in order for it to come into effect.

#### **4.0 ALTERNATIVES**

- a) Grant second and third reading to Bylaw No. 743/17 (Town of Penhold) and Bylaw No. 2017/14 (Red Deer County) for adoption of the Penhold / Red Deer County Intermunicipal Development Plan.

**OR:**

- b) Postpone second and third readings pending further information; or
- c) Deny, stating reasons.

#### **5.0 RECOMMENDATIONS**

To grant second and third reading to Bylaw No. 743/17 (Town of Penhold) and Bylaw No. 2017/14 (Red Deer County) for adoption of the Town of Penhold / Red Deer County Intermunicipal Development Plan as presented.

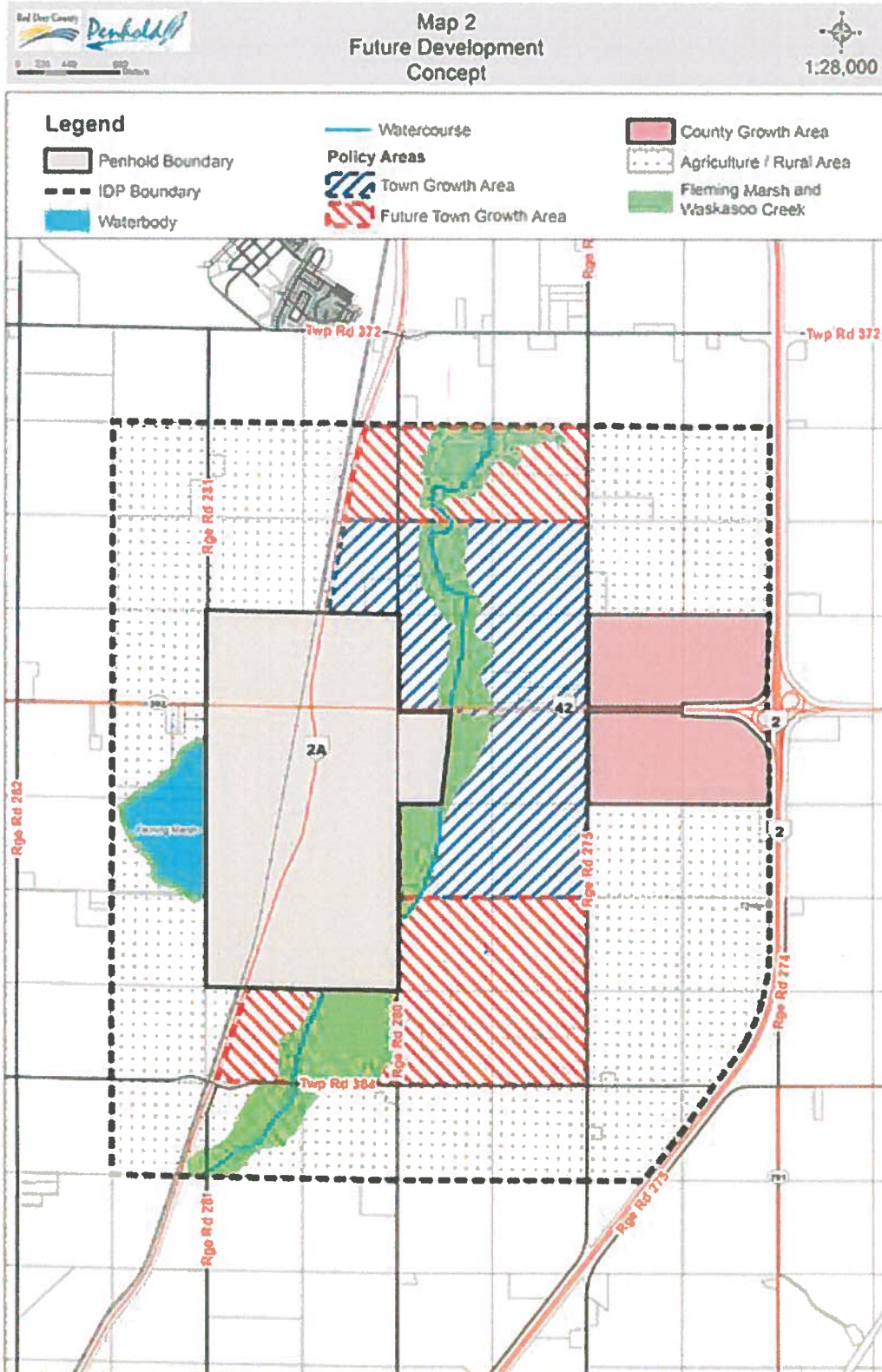
**Prepared by: Ron Barr, Long Range Planning Manager, Red Deer County & Kristina Schmidt, Planner, Town of Penhold**

**Reviewed by: Rick Binnendyk, Town of Penhold, Chief Administrative Officer**

**Reviewed by: Dave Dittrick, Director Planning & Development Services**

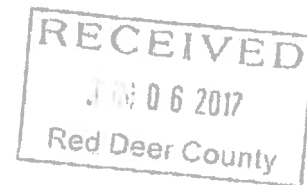
**Reviewed by: Curtis Herzberg, Red Deer County, Chief Administrative Officer**

SCHEDULE A



SCHEDULE B

Kurt and Kyla Belich



June 1, 2017 (original sent in November 23, 2016)

Red Deer County  
Planning & Development Services

RE: Red Deer County and Town of Penhold - Proposed IDP-NE 35-36-28 W4

To whom it may concern,

We are landowners in the county of Red Deer affected by the proposed IDP. Our land borders the town limits on the West side of Penhold, just North of Flemming Marsh and bordering Highway 592. The legal land location is the NE 35-36-28 W4. Our land is identified as agriculture/rural area under the proposed IDP. We are respectfully asking that this be reconsidered and instead classify our land as County Growth area.

We own 124.68 acres. Of that, approximately 95 acres is farmed and the balance of the ¼ section forming part of Flemming Marsh and low land. We own two titles of the original 1/4 section while there are 4 other titles (acreages) making up the balance. As you can see, the land has been significantly fragmented which has made it very difficult to farm. Moreover, there are an additional twelve acreages on the ¼ section to the East of our land.

Given its proximity to the marsh, much of the land is unsuitable as farmland and has marginal outputs. We do believe, however, that the land would lend itself well to future development with close proximity to Penhold as well as the highway and its topography is desirable for residential development.

Should you have further questions, please do not hesitate to call 403-596-2423.

Sincerely,

A handwritten signature in black ink, appearing to be "Kurt and Kyla Belich".

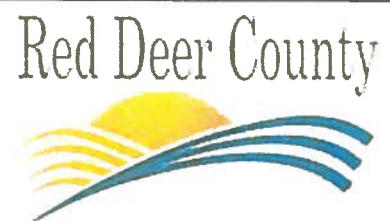
Kurt and Kyla Belich

# Town of Penhold / Red Deer County Intermunicipal Development Plan

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June 15, 2017  
Town of Penhold Bylaw No. 743/17  
Red Deer County Bylaw No. 2017/14



# TOWN OF PENHOLD / RED DEER COUNTY INTERMUNICIPAL DEVELOPMENT PLAN

<b>1.0</b>	<b>INTRODUCTION</b> .....	<b>4</b>
1.1	Purpose .....	4
1.2	Considerations.....	4
1.3	Enabling Legislation .....	4
1.4	Plan Goals.....	4
<b>2.0</b>	<b>FUTURE DEVELOPMENT CONCEPT</b> .....	<b>6</b>
<b>3.0</b>	<b>OBJECTIVES AND POLICIES</b> .....	<b>7</b>
3.1	Intermunicipal Development Plan Boundary .....	7
3.2	Growth Management .....	7
3.3	Waskasoo Creek and Fleming Marsh .....	10
3.4	Agriculture/Rural Area .....	10
3.5	Economic Development and Fiscal Health .....	11
3.6	Public and Institutional Uses .....	12
3.7	Major Green Space, Parks and Trails.....	13
3.8	Recreation and Community Services .....	13
3.9	Transportation.....	14
3.10	Utilities .....	15
<b>4.0</b>	<b>PLAN IMPLEMENTATION AND ADMINISTRATION</b> .....	<b>16</b>
4.1	Intermunicipal Committee.....	16
4.2	Communication and Referral Processes.....	17
4.3	Issue Identification and Dispute Resolution.....	18
4.4	Urban Expansion and Annexation.....	19
4.5	Area Structure Plans .....	21

4.6 Implementation..... 21

**LIST OF MAPS**

Map 1. Land Use Planning Constraints..... 5  
Map 2. Future Development Concept.....9



## **1.0 INTRODUCTION**

### **1.1 Purpose**

The purpose of the Town of Penhold / Red Deer County Intermunicipal Development Plan (IDP) is to provide both municipalities with a comprehensive long range land use plan that reduces potential development conflicts, addresses community concerns and provides a framework for ongoing consultation and cooperation regarding areas of mutual concern. The Plan provides policy direction for the conservation of natural areas, long range planning, infrastructure and services provision and future annexation for the Town of Penhold.

### **1.2 Considerations**

As with any land use plan the IDP was developed in consideration of a number of factors including, natural features, existing land uses within and outside of the Plan boundary, utilities and road network (**see Map 1**), existing planning legislation and land use plans, existing jurisdictional boundaries, as well as input from both municipalities and the public.

In terms of policy direction readers should consider the policy direction provided in context of the entire document. Several of the policy statements included are intended to work together towards achieving the full essence of the land use planning framework that has been agreed upon by the two municipalities.

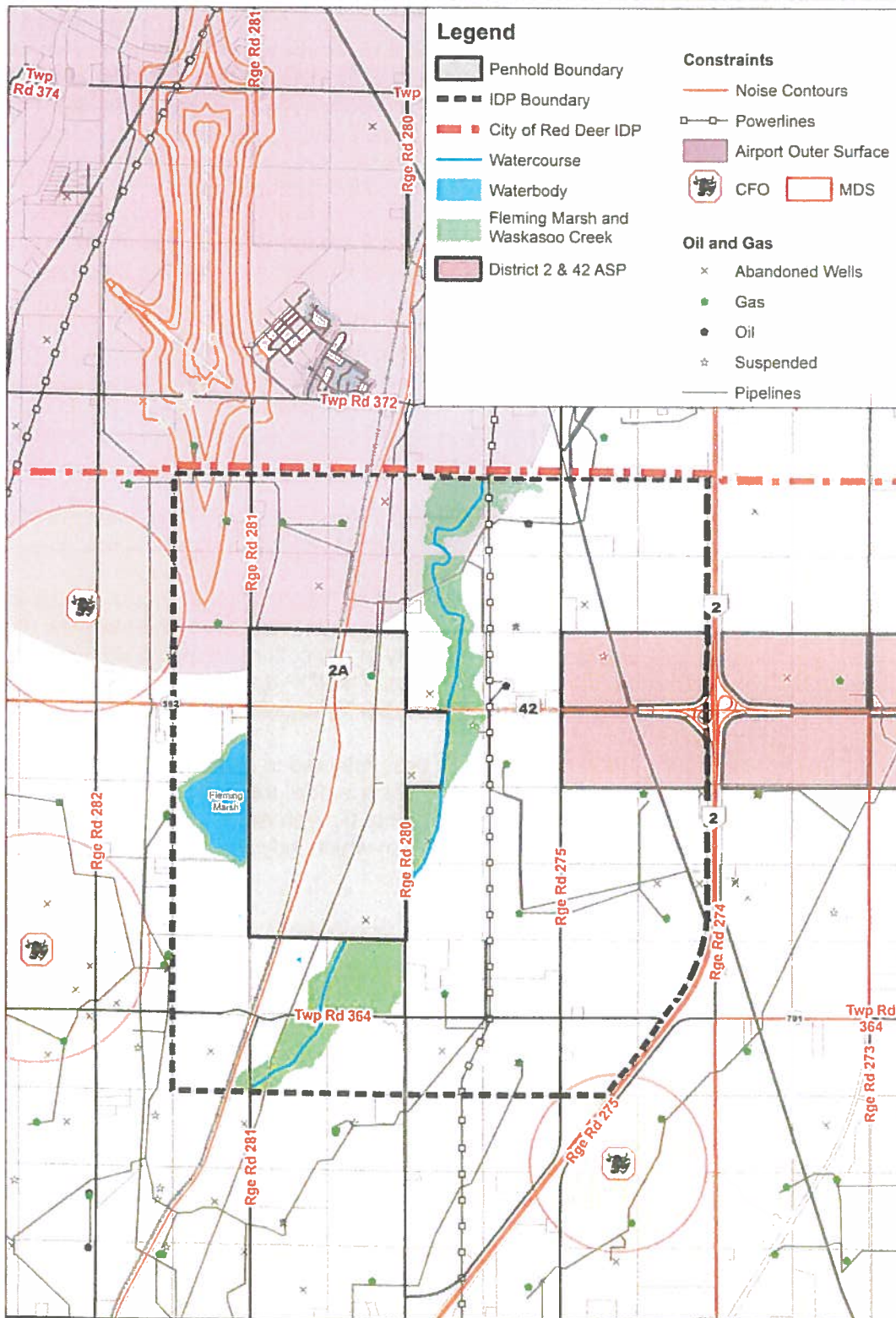
### **1.3 Enabling Legislation**

This Plan was undertaken and adopted pursuant to the Municipal Government Act, RSA, 2000 (as amended). All terms shall be defined within the Municipal Government Act unless otherwise defined herein.

### **1.4 Plan Goals**

The goals of the IDP are as follows:

- a) to facilitate intermunicipal communication related to planning;
- b) to coordinate the provision of infrastructure and services across municipal boundaries where opportunities arise;
- c) to facilitate economic opportunities; and
- d) to enhance the quality of life of residents living in both municipalities.



## 2.0 FUTURE DEVELOPMENT CONCEPT

Long term future land uses and land use patterns form one of the key areas of agreement and coordination in this plan. **Map 2: Future Development Concept** identifies the long term land use pattern for the lands within the current boundaries of the Town of Penhold and within that portion of Red Deer County falling within the plan area boundaries. The land uses identified are based on the predominant or main type of land use to be located in an area. More specific boundaries and information on the precise land uses is intended to be provided through each municipality's respective Land Use Bylaw and more detailed land use plans.

The major land development categories shown on Map 2 are the Town Growth Area, Future Town Growth Area, County Growth Area, Waskasoo and Fleming Marsh Area, and the Agricultural/Rural Area.

The Waskasoo and Fleming Marsh area are intended to provide open space, park and trail systems as development occurs in these areas. Activities within or adjacent to these areas should be limited to those that do not harm these natural features. Parks and trail connections which are likely to occur in this area are not shown on Map 2 as these facilities are expected to be identified in more detailed plans.

The IDP also identifies the current extent of the Town of Penhold. The IDP defers to the Town's Municipal Development Plan and the direction it provides for future land uses in this area.

The Agriculture/Rural Area represents a large portion of the lands with the Plan Area, beyond the long term growth area of the Town. The intent of this is to recognize and protect the diversity of the existing rural landscape which contains a variety of agricultural uses, including residences and a variety of small scale commercial/industrial uses. The IDP defers to the County's Municipal Development Plan and the direction it provides for future land uses in this area.

The Town Growth and Future Town Growth areas are projected to accommodate approximately 50 years of growth. Periodic annexations will likely occur before the Town boundary expands to include all of the Future Town Growth Area. The County Growth Area represents the area identified in the District 2&42 Major Area Structure Plan which indicates that these lands are to be developed for commercial and industrial uses.

## **3.0 OBJECTIVES AND POLICIES**

### **3.1 Intermunicipal Development Plan Boundary**

#### **3.1.1 Objective**

(1) To establish an area to allow for intermunicipal development planning.

#### **3.1.2 Policies**

(1) The policies of this Plan apply to the lands within the Intermunicipal Development Plan Boundary as indicated on Map 2.

(2) Notwithstanding policy 3.1.1, the policies of this Plan shall not apply to lands that are annexed into the Town of Penhold.

### **3.2 Growth Management**

#### **3.2.1 Goal**

To direct future growth to the areas identified in Map 2 and in a manner that is compatible with the urban and rural character of the plan area while ensuring that potential social, fiscal and environmental impacts are minimized.

#### **3.2.2 Objectives**

(1) To promote compact, contiguous and accessible development that is provided with efficient public services while preserving open space and environmentally sensitive areas that are not suitable for development.

(2) To manage future growth and development in a responsible, orderly and cost-efficient manner through the necessary degree of land use control.

(3) To identify and recognize the potential implications of growth and development on the Plan Area.

(4) To promote an equitable distribution of the indirect costs and benefits of growth between the two municipalities.

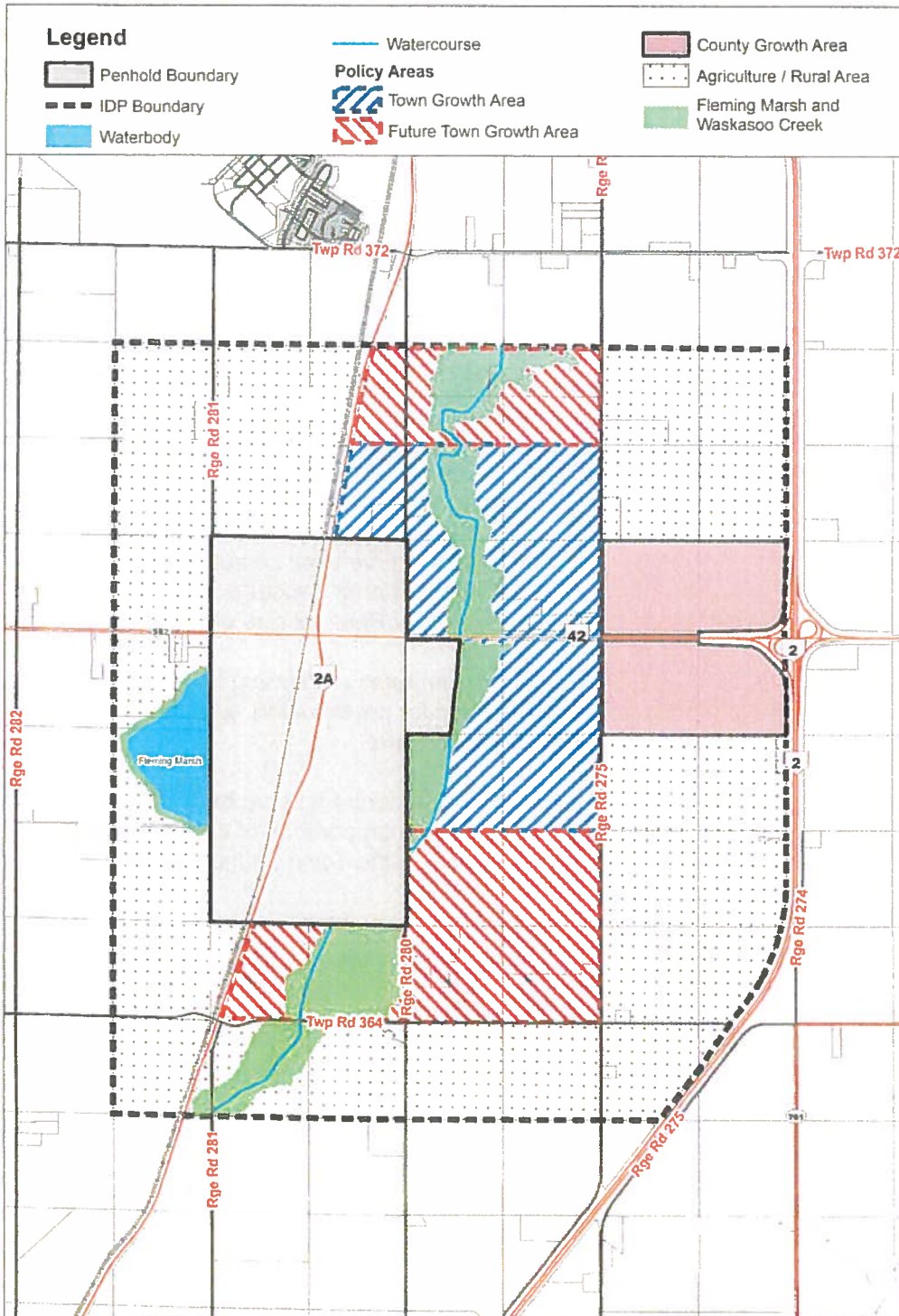
#### **3.2.3 Policies**

(1) The Town Growth Area is intended to be annexed immediately and shall accommodate the Town's immediate growth needs.

(2) Once the Town Growth Area has been annexed and falls under the Town's jurisdiction, the Town's development shall occur in accordance with Town's Municipal Development Plan, applicable area structure plans and outline plans, and Land Use Bylaw.

(3) The Future Town Growth Area is intended to accommodate the Town of Penhold's long term growth requirements. Development beyond what is currently allowed under the County's Land Use Bylaw (i.e. Agricultural District) should not be encouraged until such time as lands within this area have been annexed by the Town.

- (4) First parcel out subdivisions may be allowed with the Future Town Growth Area and County Growth Area in accordance with the County Municipal Development Plan.
- (5) Servicing studies, and other information as may be needed to understand the implications of a proposed use or development may have on the Plan Area, may be required by the municipality having jurisdiction.
- (6) The Town and County shall explore, and where possible, implement cost-sharing arrangements, such as the future upgrading of Range Rd 275, in accordance with the following principles:
  - a. Recognize, respect and address the differing needs and values of each municipality including broader rural and urban differences;
  - b. If the ratepayers of one municipality are using a service/facility in a neighbouring municipality there may be consideration for entering into discussions for a financial contribution arrangement;
  - c. Regionally accessible and beneficial services may be financed on a regionally cost-shared basis;
  - d. All parties to a cost-sharing agreement must have the opportunity to participate in a board or committee established to oversee operations;
  - e. Councils will negotiate principles and set the parameters of cost-sharing agreements. Their respective administrations will finalize the details and draft agreements for Council approval; and
  - f. Municipal services that are subject to regional negotiations must be rationalized by the parties in long-term plans to ensure the service meets the regional need as opposed to solely a local need.
- (7) Both municipalities shall seek to make efficient use of land within their respective Growth Areas in keeping with the character of their respective communities and the life styles that they seek to accommodate.
- (8) Developments located along highways shall follow a high standard of appearance in terms of site landscaping, building orientation and building appearance.
- (9) Buffers or similar mechanisms to mitigate potential conflict between commercial, industrial and other uses (i.e. residential) shall be used where needed.



Map 2: Future Development Concept

### **3.3 Waskasoo Creek and Fleming Marsh**

#### **3.3.1 Goal**

To ensure Waskasoo Creek and Fleming Marsh are protected for their intrinsic and functional value while providing opportunities for open space and recreational uses.

#### **3.3.2 Objectives**

- (1) To minimize the impact of development on Fleming Marsh and Waskasoo Creek.
- (2) To protect environmentally sensitive areas of Fleming Marsh and Waskasoo Creek.
- (3) To ensure that existing public access to Fleming Marsh and Waskasoo Creek is maintained and enhanced.
- (4) To protect the shoreline and riparian areas of Fleming Marsh and Waskasoo Creek.

#### **3.3.3 Policies**

- (1) An Environmental Impact Assessment shall be required for any development proposal of a non - agricultural use or any other use more intense than a single detached dwelling and its associated site improvements, on any parcel that abuts the Fleming Marsh and Waskasoo Creek within the Plan area.
- (2) Municipal Reserve and Environmental Reserve shall be subject to the provisions of the Municipal Government Act, an adopted area structure plan and in accordance with the respective Municipal Development Plan policies of the County or the Town.
- (3) Environmentally significant areas and features of Fleming Marsh and Waskasoo Creek shall be evaluated and identified for preservation, where warranted, through the process of preparing area structure plans.
- (4) Where possible, municipal and/or environmental reserve having a width of 30m shall be dedicated through subdivision along those portions of the Fleming Marsh and Waskasoo Creek top of bank lying outside the Town boundary as of the date this plan is adopted.

### **3.4 Agriculture/Rural Area**

#### **3.4.1 Goal**

To ensure agriculture within the Plan Area remains sustainable and diversified.

#### **3.4.2 Objectives**

- (1) To allow agricultural lands to continue to be used for a variety of agricultural activities.
- (2) To avoid the premature subdivision and conversion of agricultural land to non-agricultural use.
- (3) To minimize the impact of urban expansion on agricultural lands.

### 3.4.3 Policies

- (1) Existing agricultural areas located within the Agriculture/Rural Area on Map 2 shall be allowed to continue to be used for agricultural activities over the long term and subdivision for non-agricultural purposes should be discouraged.
- (2) Subdivision of first parcel out farmsteads or fragmented parcels may be allowed in the Agriculture/Rural Area as shown on Map 2 in accordance with the County Municipal Development Plan.
- (3) New confined feeding/intensive livestock operations or the expansion of existing operations within the plan area shall not be supported by either the Town or the County.
- (4) Non-agricultural uses may be allowed within the Agriculture/Rural Area in accordance with the Red Deer County Land Use Bylaw.

## 3.5 **Economic Development and Fiscal Health**

### 3.5.1 Goal

To promote a strong, diversified and sustainable economy that will provide employment opportunities and support community growth within the Plan Area.

### 3.5.2 Objectives

- (1) To promote economic development within the plan area by recognizing the needs of both municipalities and the area economy.
- (2) For both municipalities to work together in providing a land base and land use pattern capable of supporting a range of appropriate economic activities.
- (3) To promote the establishment of sustainable assessment bases capable of supporting desired levels of municipal service provision.

### 3.5.3 Policies

- (1) Both municipalities shall work together to ensure a strong and stable local economy within the broader regional economy.
- (2) Both municipalities shall work towards diversification of local economic sectors.
- (3) The Town or County shall encourage and attract agriculture and value-added agricultural activity to the local area.
- (4) The Town and County shall ensure that their combined land use patterns within the Plan Area provides a suitable inventory of lands for commercial and industrial development which includes a range of choice in terms of parcel sizes and servicing.
- (5) While a broad range of commercial and industrial uses and development is desirable, those uses and developments which may detract from the community's character, quality of life for area residents, unduly impacts the environment, or cause negative social implications may not be permitted.



- (6) The Town and County shall work together to protect and encourage the growth of the Red Deer Regional Airport in recognition of the key role the airport plays in regional economic development opportunities and regional transportation options.

### **3.6 Public and Institutional Uses**

#### **3.6.1 Goal**

To ensure locations are available to provide public and institutional services to Plan Area residents.

#### **3.6.2 Objectives**

(1) To accommodate public and institutional uses which serve the Plan Area and surrounding population.

(2) To provide for essential public and private utility services serving the Plan Area population.

#### **3.6.3 Policies**

(1) Proposed public and institutional uses commonly considered compatible with and complementary to residential uses shall be directed to lands located within the Town Boundary.

(2) Proposed public and institutional uses which serve the plan area and regional population that are commonly considered compatible with and complementary to commercial, industrial land uses may be allowed within all areas provided that these uses are adequately serviced.

(3) Essential public and private utility services may be allowed throughout the Plan Area based on the optimal location(s) to provide the desired level of service to the Plan Area. An adopted area structure plan is not required for the development of essential public services or private utility services.

### **3.7 Major Green Space, Parks and Trails**

#### **3.7.1 Goal**

To create an integrated system of green space that preserves natural features for their intrinsic and functional value and provide open space and trail opportunities within the Plan Area.

#### **3.7.2 Objectives**

- (1) To promote the development of intermunicipal greenways and trails.
- (2) To ensure that adequate reserve dedication to meet local and community needs is available through the subdivision process.
- (3) To protect environmentally significant areas from adverse negative impacts.
- (4) To protect natural drainage courses and waterways critical to the Plan Area.

#### **3.7.3 Policies**

- (1) When lands along creeks, water bodies and natural drainage courses are subdivided, environmental reserve shall be dedicated.
- (2) A regional trail network connecting points of interest within the Town and County to major concentrations of residential development shall be addressed as part of any new area structure plan and is encouraged for any existing development areas.
- (3) Environmentally significant areas and features shall be inventoried and identified for preservation, where warranted, through the process of preparing area structure plans.

### **3.8 Recreation and Community Services**

#### **3.8.1 Goal**

To provide a variety of recreation and community services which contribute to a high quality of life for residents in the Penhold area.

#### **3.8.2 Objectives**

- (1) To continue cooperation between municipalities in delivering recreation and community services.
- (2) To provide for private recreational uses and development within the Plan Area.

### 3.8.3 Policies

- (1) The Town and County shall explore ways of providing services to area residents in the most cost effective manner reflecting the desired levels of service within parts or all of the Plan Area (these may include fire protection, animal control, community facilities, etc).
- (2) The Town and County shall share their plans for priorities and timing of investment in recreation facilities.

## 3.9 **Transportation**

### 3.9.1 Goal

To provide a coordinated transportation system that supports the safe and efficient movement of persons and goods within and through the plan area.

### 3.9.2 Objectives:

- (1) To integrate transportation and land use considerations in all transportation decision making.
- (2) To use a system of transportation planning and management that establishes a safe and efficient transportation system.
- (3) To coordinate transportation planning among Alberta Transportation, Red Deer County and the Town of Penhold.

### 3.9.3 Policies

- (1) The highways and major roads network as shown on Map 2 shall continue to guide the development of arterial roadways until such time as a transportation master plan/study has been undertaken for the Plan Area or a functional plan has been adopted for segments of the major road network.
- (2) Both municipalities shall coordinate the planning and construction of major transportation links within the Plan Area. Where these links involve Provincial highways each municipality shall work in concert with Alberta Transportation to provide a satisfactory level of service and safety.
- (3) Both municipalities shall share their respective plans for priorities and timing of transportation improvements to ensure better coordination respecting road upgrades.
- (4) As subdivision occurs, lands required for future major transportation corridors as identified in a transportation plan accepted and approved by both municipalities, shall be protected.
- (5) The right-of-way requirements for roads shall be in accordance with in the applicable Town or County design standards.
- (6) The maintenance and future development of roads (i.e. Range Road 275) that will form the boundary between the Town and County shall be dealt with through a separate agreement between the two municipalities.

### **3.10 Utilities**

#### **3.10.1 Goal**

To establish the broad parameters and expectations leading to the effective and cost-efficient provision of municipal utility services capable of supporting future growth and development.

#### **3.10.2 Objectives**

- (1) To determine appropriate servicing standards and expectations within the Plan Area.
- (2) To provide for the coordination and integration of utility systems within the Plan Area.
- (3) To provide for the orderly and cost-effective extension of servicing systems.
- (4) To promote strategies for storm water management reflecting best management practices.

#### **3.10.3 Policies**

- (1) The two municipalities shall explore the potential to extend the Town's municipal water and sanitary sewer services to service lands within the County Growth Area.
- (2) As subdivision and development occurs, lands required for future utility and servicing rights-of-way, as identified through the mutual agreement of the Town and County, or subsequent studies, shall be protected.
- (3) Provision shall be made for storm water management throughout all of the development areas contemplated by this Plan. Best management practices, including the integration of existing water bodies and natural areas into storm water management ponds, shall be pursued. The release of storm water run-off from any development area to downstream areas shall be designed and managed in accordance with Provincial requirements.
- (4) Natural and man-made drainage courses that are critical to the overall management of storm water within the Plan Area shall be protected by the municipality having jurisdiction.
- (5) If the Town's municipal services are extended into the County, development levies or equivalent contributions shall be collected from the benefiting developments so that the cost of these extensions does not directly impact existing residents of the Town or County. The rate structure of the utilities shall also be adjusted to place no additional burden on existing Town and County residents.

## 4.0 Plan Implementation and Administration

Successful implementation of this Plan will depend on an ongoing commitment by the Town and the County to communicate and share information and views on land use planning matters with one another. A clearly established system outlining the expectations and protocols for ongoing referrals, dialogue on planning issues, plan amendments and means of resolving any issues that arise helps to implement the goals, objective and policies of this plan.

### 4.1 Intermunicipal Committee

#### 4.1.1 Goal

To facilitate the ongoing sharing of information between the two municipality's elected officials and to provide a forum to review and comment on topics of mutual interest.

#### 4.1.2 Objectives

(1) To establish broad processes and procedures for ongoing intermunicipal discussions and communication.

(2) To define the role of the Intermunicipal Committee.

#### 4.1.3 Policies

(1) An Intermunicipal Committee shall be established between the Town of Penhold and Red Deer County. It shall be comprised of the two Mayors, two councilors from each Council and the Town and County Chief Administrative Officers.

(2) The mandate of the Intermunicipal Committee may include discussion and consideration of the following:

- a. Making recommendations on intermunicipal matters to their respective Councils;
- b. Monitoring the progress of the Plan including overseeing implementation actions;
- c. Reviewing any proposed annexations;
- d. Reviewing any proposed amendments to this Plan;
- e. Serving as an informal review body for any amendment, proposed area structure plan or applications that may have a significant impact on the Plan Area;
- f. Discussing any other joint issues which may arise;
- g. Serving as a forum for discussion of economic development issues within or affecting the Plan Area;
- h. Assisting with the resolution of disputes in accordance with this Plan.

(3) The Intermunicipal Committee shall meet annually approximately on the date of adoption of this plan or as mutually agreed upon to monitor/review the progress in plan implementation and to discuss issues of mutual interest and on an as-needed basis to discuss and/or resolve issues.

(4) The responsibility for providing administrative support to the Intermunicipal Committee shall alternate between the two municipalities. Administrative support to be provided and procedures to be followed shall include:

- a. The establishment of dates and locations for all meetings, production of agendas, distribution of pre-meeting information packages, and other matters as deemed necessary.
- b. Keeping a record of the Committee meetings.

- c. Chairing the meetings on an alternating basis between the Mayors of the two municipalities.
- d. Convening meetings as required by the Plan.

## **4.2 Communication and Referral Processes**

### **4.2.1 Goal**

To provide opportunities for each municipality to become informed about and have input on planning and development matters.

### **4.2.2 Objectives**

- (1) To maintain open and ongoing dialogue through direct and timely communication and sharing of information.
- (2) To establish processes for the referral of plans, amendments and applications affecting lands of mutual interest.

### **4.2.3 Policies**

- (1) Each municipality shall share with the other information, data or studies that may have implications for the Plan Area.
- (2) Each municipality shall refer to the other proposed statutory plans, outline plans, land use bylaws and amendments as required by the Municipal Government Act.
- (3) Each municipality shall have at least thirty (30) days to review and comment on the referrals made pursuant to subsection (2). Upon mutual agreement an extension of the initial review period may be granted.
- (4) Each municipality shall offer comments from the perspective of specific implications that have a high likelihood of impacting their own efforts around land use planning and provision of municipal services and infrastructure. General observations on issues that have no bearing on the planning or service delivery efforts of the commenting municipality shall be avoided.
- (5) Notwithstanding the above policies, where in the judgment of the municipality having jurisdiction, any proposed plan or application is thought to have potential implications for or be of interest to the other municipality the matter shall be referred to the other municipality.

### **4.3 Issue Identification and Dispute Resolution**

#### **4.3.1 Goal:**

To create a process that allows for timely resolution of differences of opinion in a manner respectful of each municipality's interests and concerns.

#### **4.3.2 Objectives:**

- (1) To establish a procedure for resolving disputes if and when required.
- (2) To clarify items that may constitute a dispute and be subject to the dispute resolution process.

#### **4.3.3 Policies:**

- (1) Where the administration of one municipality disagrees with a Land Use Bylaw amendment, area structure plan or amendments thereto, or interpretation of this Intermunicipal Development Plan, either party may give written notice to the other identifying the disagreement and initiating the dispute resolution process.
- (2) Within 15 days of a municipality receiving written notice to initiate the dispute resolution process, a meeting shall be convened between the respective administrations including: staff directly involved in the matters causing the disagreement; a member of the senior planning staff from each municipality and the CAOs of each municipality. If a solution to the disagreement is reached then staff from each municipality shall take the necessary steps to implement the resolution. If there is no resolution of the disagreement then the matter shall be referred to a joint council meeting.
- (3) Within 15 days of administration being unable to resolve the disagreement a meeting shall be convened between both Councils to hear administration from each municipality present their perspectives on the matter, thereby eliminating the potential for miscommunication from indirect forms of communication. If the Councils for each municipality can reach an agreement supported by the majority of both, then each Council shall direct their respective staffs to implement the resolution resolving the disagreement.
- (4) Failing resolution of the issue, the Councils for each municipality shall direct the Intermunicipal Committee to engage in a facilitated mediation process based on the following:
  - a. A mutually agreed upon registered professional mediator shall be named to facilitate face to face discussions. The two municipalities shall share equally in the cost of the mediator's remuneration, travel and lodging expenses.
  - b. In order to assist the mediation process two members from each municipality's council, will be chosen by their respective councils to participate in the mediation. These Councilors may or may not be part of the Intermunicipal Committee. This will ensure that each municipality will be able to choose who they feel are the best Councilors to represent their municipality.

- c. The facilitated mediation shall take place confidentially and be initiated within 30 days following the request from the joint council meeting.
- (5) If a resolution is reached during the mediation process then the details of the resolution shall be presented to the two councils for ratification.
- (6) If a resolution is not reached then the summary of the mediation attempt shall be presented to each council. The disputing municipality may then choose to refer the matter for an appeal to the Municipal Government Board to render a final decision.

#### **4.4 Urban Expansion and Annexation**

##### **4.4.1 Goal**

To recognize and accommodate the growth aspirations of the Town in an orderly, economical and logical manner which discourages loss and premature fragmentation of agricultural land.

##### **4.4.2 Objectives**

- (1) To establish a process for managing and assessing annexation proposals.
- (2) To set out the criteria for timely, cooperative and strategic annexations.
- (3) To identify and protect areas to accommodate future expansion of the Town.
- (4) To promote infill options and intensification of land uses.

##### **4.4.3 Policies**

- (1) Areas identified for long-term urban expansion and annexation into the Town shall be those lands falling within the Future Town Growth Area shown on Map 2. Areas identified as Town Growth Area will form part of an annexation application to be submitted within 1 year of the adoption of this plan. All other areas shall not be annexed into the Town. Map 2 of the IDP shall be amended upon approval of an annexation.
- (2) There shall be a minimum of 5 years between the time land is annexed until the time the Town submits another Notice of Intent to Annex to the Province, unless otherwise agreed to in writing by the County.
- (3) Both municipalities agree to protect those lands identified for future growth from land uses and developments that might interfere or conflict with future urbanization.
- (4) The Town shall not pursue annexation of any land it cannot economically and reasonably service through a logical extension of municipal sanitary sewer and water systems.
- (5) Either municipality may put forward an annexation proposal or request. In the case of an annexation proposal by a landowner, the landowner shall simultaneously notify both municipalities in writing.



- (6) Where annexation is proposed by either municipality affected landowners shall be notified prior to the general public.
- (7) A request for annexation from a landowner shall not constitute the sole reason for annexation. Similarly, landowner opposition to annexation shall not constitute the sole reason to object to annexation.
- (8) Annexation proposals will be reviewed by the Intermunicipal Committee prior to submission to the respective Councils and the Municipal Government Board.
- (9) At least one joint meeting of the two Councils to discuss the rationale for the annexation shall be held prior to submission of the formal Notice of Intent to Annex to the Municipal Government Board.
- (10) In determining the appropriateness of an annexation proposal the following criteria, among others, shall be taken into account and documented in a supporting report:
  - a. Justifiable based on projected growth rates reflecting historic trends or anticipated economic stimulus;
  - b. Availability and cost of providing municipal services including consideration of economies of scale related to the financing of municipal service extensions;
  - c. Adequacy of transportation system and ability to expand to accommodate demands resulting from annexation including consideration of economies of scale related to the financing of transportation infrastructure;
  - d. Landowner interest in pursuing development and has high a degree of concurrence among affected landowners as possible;
  - e. Measures to mitigate the impacts of annexation relating to such aspects as change in taxation levels, service provisions and treatment of and continuation of existing, approved uses and development;
  - f. Consistency with adopted statutory plans;
  - g. Logical extension of jurisdictional boundaries including consideration of long term responsibilities for maintenance and service delivery and the establishment of rational planning units; and
  - i. The financial impact on both municipalities and any means of mitigating impacts.

## **4.5 Area Structure Plans/Outline Plans**

### **4.5.1 Goal**

To provide consistency between this Intermunicipal Development Plan and adopted area structure plans.

### **4.5.2 Objectives**

- (1) To recognize the land use patterns and policies of existing and adopted area structure plans.
- (2) To limit potential conflicts when new area structure plans/outline plans are adopted or existing area structure plans are amended.

### **4.5.3 Policies**

- (1) Where there is an existing area structure plan in place as of the date this Plan is adopted (date of adoption), the detailed land use patterns and policies of the area structure plan shall take precedence over this Plan.
- (2) As new area structure plans are prepared and adopted or as existing area structure plans are amended and expanded these plans shall be used to determine the detailed land uses for the area covered.
- (3) Receipt of an application to adopt an area structure plan or amend an existing area structure plan shall not constitute a dispute.
- (4) Each municipality may establish their own processes for the preparation of new or amendments to existing area structure plans. At the start of these processes, each municipality shall consult the other on issues that concern the neighbouring municipality and should be considered and reviewed as part of preparing the plan. This may involve obtaining comments on the proposed terms of reference for the plan process.

## **4.6 Implementation**

### **4.6.1 Goal**

To promote the use of the Plan and implementation of its policies.

### **4.6.2 Objectives**

- (1) To implement the Plan through other statutory plans.
- (2) To implement the Plan through decisions of the subdivision and development authorities.
- (3) To provide for periodic reviews and plan amendments when deemed desirable and necessary.

#### 4.6.3 Policies

##### *Interpreting Policies*

- (1) The IDP contains “shall”, “should” and “may” policies which are interpreted as follows:
  - “Shall” policies must be complied with,
  - “Should” policies mean compliance in principle is required but subject to the discretion of the applicable authority on a case by case basis, and
  - “May” policies indicate support in principle subject to the applicable authority determining the level of compliance that is required.

##### *Approving Authorities*

- (2) In the hierarchy of statutory plans, and unless stated otherwise in this Plan, the Intermunicipal Development Plan shall take precedence over other municipal statutory plans and documents.
- (3) The Town of Penhold shall be responsible for the administration and decisions on all statutory plans, land use bylaws, amendments thereto, and subdivision applications falling within the boundaries of the Town.
- (4) Red Deer County shall be responsible for the administration and decisions on all statutory plans, land use bylaws, amendments thereto, and subdivision applications falling within the boundaries of the County.

##### *Future Plans and Studies*

- (5) Area structure plans shall be prepared and adopted by the municipality having jurisdiction prior to changes in land use designation or subdivision within the non-agricultural areas shown on Map 2. This requirement shall not apply to those areas within the current Town boundaries that are not presently covered by an approved area structure plan as of the date of adoption of this Intermunicipal Development Plan.
- (6) First-parcel subdivisions shall not require an area structure plan.
- (7) Each municipality may establish their own processes for the preparation of new or amendments to area structure plans.
- (8) The Town and the County shall coordinate future planning efforts including potential collaboration on area structure plans, transportation plans, drainage basin studies, and water system studies, feasibility studies relating to provision of municipal utilities and power generation and open space plans.

*Plan Amendments*

- (9) An amendment to this Plan may be proposed by either municipality. An amendment to this Plan proposed by a landowner shall be made to the municipality in which the subject land is located.
- (10) An amendment to the Plan has no effect if not adopted by both municipalities by bylaw pursuant to the Municipal Government Act.

*Procedure to Repeal Plan*

- (11) If one municipality deems this Plan no longer workable, the municipality may initiate the repeal of the Plan. Repeal of the Plan may be accomplished by one municipality passing a bylaw in accordance with the repeal provisions of the Municipal Government Act.
- (12) The following procedure to repeal the Plan shall be followed:
  - a. One municipality shall give the other written notice of its intention to repeal its bylaw adopting the Plan
  - b. Within 30 days of the date of written notice forwarded to the other municipality, an Intermunicipal Committee meeting shall be convened
  - c. Following the Intermunicipal Committee meeting, the municipality initiating the repeal procedure may either withdraw its intention to repeal the Plan by giving written notice to the other municipality or proceed to consider a bylaw to repeal the Plan
  - d. Once one municipality has passed a bylaw repealing the Plan the other municipality shall also proceed to pass a bylaw repealing the Plan
- (13) In the event that the Plan is repealed, each municipality shall amend their Municipal Development Plan to address intermunicipal issues in accordance with the Municipal Government Act. Should these required amendments not satisfy the neighbouring municipality the matter may be appealed to the Municipal Government Board.