

BYLAW NO. 09-605
of the Municipal District of Greenview No. 16

A Bylaw of the Municipal District of Greenview No. 16,
in the Province of Alberta, to adopt the
MUNICIPAL DISTRICT OF GREENVIEW NO. 16
AND
TOWN OF FOX CREEK

INTERMUNICIPAL DEVELOPMENT PLAN

WHEREAS the Council of the Municipal District of Greenview No. 16 deems it desirable to adopt an **Intermunicipal Development Plan** with the Town of Fox Creek;


THEREFORE, PURSUANT TO Section 631 of the Municipal Government Act, being Chapter M-26.1, R.S.A. 1994, the Council for the Municipal District of Greenview No. 16, duly assembled, hereby enacts the following:

1. That the **Intermunicipal Development Plan** attached hereto is hereby adopted as the "Municipal District of Greenview No. 16 - Town of Fox Creek Intermunicipal Development Plan".
2. That this bylaw shall come into effect upon the date of the final passage thereof.

Read a first time this 22 day of July, A.D., 2009.

Read a second time this 12 day of NOVEMBER, A.D., 2009.

Read a third time and final time this day 12 of NOVEMBER, A.D., 2009.

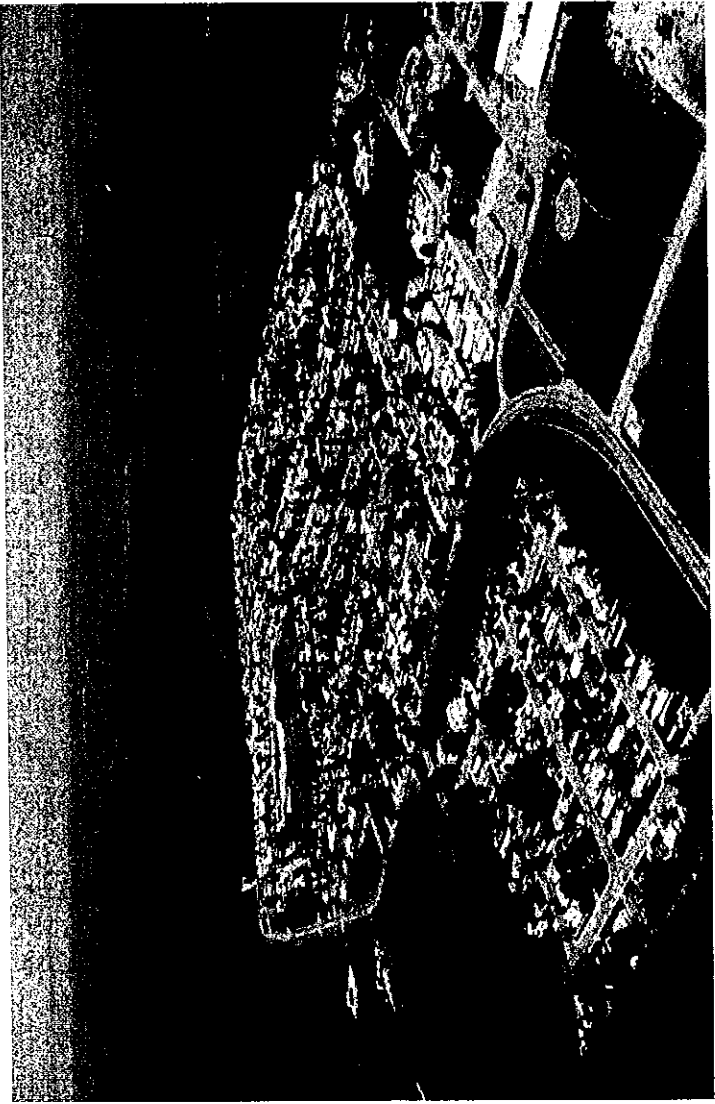


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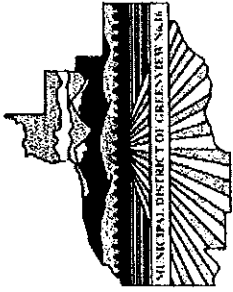


CHIEF ADMINISTRATIVE OFFICER

Fox Creek Intermunicipal Development Plan



Prepared for:



Municipal District of Greenview No. 16

Town of Fox Creek

Prepared by:



Engineering
and Land Services

October , 201

1.0 Introduction

The intent of the Fox Creek Intermunicipal Development Plan is to outline a cooperative framework for the resolution of land use planning issues that are of mutual interest between the Town of Fox Creek and the Municipal District of Greenview No. 16. The Plan also addresses the coordination of information exchange between the two municipalities on development issues.

This Plan is a statutory planning document prepared in accordance with Section 631 of the Municipal Government Act, which states that:

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

The Act requires that a Plan include provisions for plan administration, amendment and repeal, and the establishment of a dispute resolution process. Specific content relating to physical, social or economic development of an area is left to the discretion of the affected municipalities.

The Act also requires that all statutory plans adopted by a municipality be consistent with one another. The Municipal Development Plans for the Town and the Municipal District have been taken into account in the preparation of this Plan.

Both the Town and the Municipal District initiated the preparation of this Plan. The need for a Plan was primarily two-fold. First, the Town has experienced a growing demand for additional residential opportunities, both urban and rural in nature, in recent years. Second, the Town has an interest in pursuing industrial and commercial opportunities in the vicinity of the airport. It was also seen as an opportunity to examine opportunities for future recreation and other land uses in the area. Preparation of this Plan was overseen by a Steering Committee comprised of the Town's Chief Administrative Officer and the Municipal District's Development Officer.

Several private individuals hold leases either within the northern limits of the Town, in the vicinity of the airport, or southwest of Highway 43 across from Downtown Fox Creek. A recreational society has a lease at the north end of the Town.

Finally, a few leases are held by various utility, transportation, and telecommunication agencies. A utility lease is situated on the northeast side of Highway 43 near the Fox Creek Pipeline & Tank Farm. A transportation lease is situated northeast of the Town near Raspberry Lake. Two telecommunication companies are in possession of leases along Smoke Lake Road southwest of the Town.

Policies

2.1.1 The policies of this Plan are designed to respect existing leases. It is the intent of this Plan that all future development be approved under the Provincially-administered leasing system. No future development in the Plan area may proceed without approval from the Province.

2.1.2 The areas identified for land use expansion in the Plan are approximate only and are to be more precisely defined through detailed planning in advance of development.

2.2 Definitions

The following definitions are provided to assist in the interpretation of this Plan. For those terms not identified below, the definitions found in the Municipal Government Act and the respective Municipal Development Plans or Land Use Bylaws will apply.

Act means the Municipal Government Act, RSA 1994 as amended.

Adjacent refers to a parcel of land that is contiguous to another parcel of land, or would be contiguous if not for an intervening river, stream, railway or utility right-of-way.

Agreement means written notification from a municipality indicating support for a statutory plan, non-statutory plan (i.e., outline plan or concept plan), or land use bylaw that has been referred to it for comment.

Applicable Municipality means either the Municipal District of Greenview No. 16 or the Town of Fox Creek.

Approving Authority means the municipal body having jurisdiction to make decisions in a matter related to the development of land. Depending on the nature and location of the development in question, this may be the Subdivision Approving Authority or Development Authority of either the Town or Municipal District.

Board means the Municipal Government Board.

Contentious refers to any land use that, due to its size, nature, or location, may be incompatible with uses on adjacent lands or is anticipated to have a detrimental intermunicipal impact. Such impacts may include but may not be limited to noise, emissions, traffic generation, odours, nuisance, servicing demands, presence of dangerous goods or hazardous materials, or other environmental concerns. For the purpose of this definition, this may include but may not be limited to sawmills, intensive livestock operations, natural resource extraction activities (including sour gas wells), agricultural activities, auction markets, and similar uses.

3.0 Goals of the Plan

The Fox Creek Intermunicipal Development Plan is intended to achieve the following goals:

- a) to establish a planning area where the Town and Municipal District agree to cooperate on land use planning issues;
- b) to identify and protect future growth directions for the Town as deemed necessary;
- c) to identify lands which are potentially suitable for future development purposes;
- d) to develop an administrative structure that supports cooperation and communication between the Municipal District, Town, and Provincial Government;
- e) to develop a dispute resolution process;
- f) to reduce the potential for incompatible uses impacting adversely on the adjacent municipality; and
- g) to encourage growth and development within the Plan area.

4.2 Industrial and Commercial Development

Major industrial and commercial activities are not located within the Municipal District's portion of the Plan area, although the Kaybob Amoco (KA) Gas Plant and the Fox Creek Pipeline & Tank Farm are situated outside the Plan area to the south and west respectively. As previously mentioned, numerous pipelines serving the local oil and gas industry traverse the Plan area. Active natural gas exploration and extraction facilities are located throughout the Plan area.

Increased natural gas activity in the Fox Creek area is creating a demand for industrial lands to accommodate oilfield service and related businesses. This activity and increased traffic on Highway 43 is also creating a demand for more hotels and other highway-oriented developments. However, due to a relative shortage of industrial and commercial lands in the Town, there is a need to examine these development opportunities elsewhere within the Plan area.

Future industrial and commercial development in the Plan area is limited to those areas conceptually identified for future industrial/commercial expansion on Map 3.

Policies

- 4.2.1 Both municipalities shall cooperate in the promotion of future industrial and commercial development at appropriate locations in the Plan area.
- 4.2.2 As illustrated in Map 3, future industrial/commercial expansion areas are based on their accessibility to and visibility from the existing road network.
- 4.2.3 Prior to disposition, the suitability of specific sites for development shall be evaluated in more detail with respect to access, various servicing alternatives, site suitability, potential impact on and compatibility with forestry and oil and gas activities, and any other factors deemed appropriate.
- 4.2.4 The types of industrial development that are supported in the Plan area would include oilfield, transportation, and other industrial support services. Highway commercial development will be supported in the vicinity of the future interchange on Highway 43 between the existing 3rd Street East entrance to Town and the airport, while other commercial opportunities will be defined through detailed planning in advance of development.
- 4.2.5 In order to avoid the possibility of the Town and Municipal District competing for industrial/commercial uses, developments requiring unserviced sites should be directed to the Municipal District, while uses requiring serviced sites should be directed to the Town.
- 4.2.6 New multi-hot industrial/commercial residential development should not proceed unless contained in an approved Area Structure Plan.

Iosegun Lake Recreation Area, Fox Creek R.V. Campground, and Silver Birch Golf Course.

4.4.3 Expansion of existing recreational areas may be considered so long as expansion does not compromise the Town's future growth areas. With respect to Silver Birch Golf Course, an opportunity for expansion is possible but shall not compromise nearby future residential expansion areas. Economical and sustainable integration between golf course expansion and future residential development should be encouraged.

4.4.4 All lands located adjacent to water bodies, within flood plains, and subject to excessive slopes should be considered environmentally sensitive areas and protected for the purpose of this Plan. In these areas, no development shall be supported which may result in a negative impact on these features. Lands along the creeks adjacent to future residential expansion areas should be considered for passive recreational opportunities such as hiking trails.

4.4.5 All future development shall require the provision of appropriate development setbacks and any other protective measures in accordance with the Applicable municipality's Land Use Bylaw and the requirements of Provincial authorities.

4.4.6 All development proposals in the Plan area shall be reviewed with regard to their potential impact on vegetation and wildlife.

4.4.7 The Town and Municipal District shall support the establishment of outfitting and guiding operations in the Plan area.

4.5 Transportation

Highway 43, a segment of the CANAMEX Trade Corridor¹, is the primary transportation route through the Plan area. This corridor is the only highway linkage to the Town, connecting with Grande Prairie, Peace River, and the Alaska and Mackenzie Highways to the northwest and Whitecourt, Edmonton, and the Yellowhead Highway to the southeast. Rural roads link the Town with industrial activities and recreation opportunities to the north and south of the Plan area. Although there are a number of private roads in the area, much of the area is currently inaccessible to the general public. In addition, further highway access opportunities are relatively limited due to protection of Highway 43 for future freeway traffic.

Although not within the Plan area, another important transportation link is a Canadian National (CN) rail spur that connects the KA Gas Plant south of the Plan area to a CN rail line that travels to Edmonton via Whitecourt. This line is critical for the movement of sulphur, petroleum products, and gravel. CN advises that it would consider the extension of the rail spur into the southern portion of the Plan area if an interested rail customer were to develop south of Highway 43. The extension of the rail spur would require support trackage and a turnaround track.

The Fox Creek Airport is located within the southeast portion of the Town adjacent to Highway 43. A 10-year funding agreement between the Municipal District and the Town

¹ The CANAMEX Trade Corridor is a North American highway corridor that serves Mexico, the United States, and Canada spanning approximately 6,000 km of terrain between Mexico and Alaska.

system. Whichever course of action is chosen, the location should not compromise existing and future residential development opportunities.

Numerous oil and gas pipelines are located within the Plan area. A sour gas line crosses through the southeast portion of the Plan area including a portion of the Town. The pipeline crosses Highway 43 to the west of the airport. A major power line also runs through the Plan area along the north side of Highway 43.

All developments within the Municipal District's portion of the Plan area are served with private water and sewer services. There are no municipal servicing systems present. Most developments within the Town are served by municipal water and sewer services.

Policies

4.6.1 Future developments shall not compromise the operation of existing and future water, wastewater, solid waste, power, and oil and gas infrastructure and minimum setbacks required by Provincial authorities shall be provided.

5.3 Referrals

Open communication between the Town and Municipal District and the clear definition of procedural requirements will be critical to the successful implementation of the Plan, and help ensure that future development in the Plan area is of mutual benefit. This process begins with the exchange of information at the beginning of the development process.

Policies

5.3.1 The Municipal District shall circulate the following to the Town for review and comment if the proposal affects lands within its Development Referral Area presented on Map 6:

- a) statutory plans (including drafts) and amendments thereto;
- b) non-statutory plans (including drafts) and amendments thereto;
- c) Land Use Bylaws (including drafts) and amendments thereto;
- d) subdivision applications (if applicable);
- e) non-residential development permits; and
- f) applications for development permits or subdivisions for potentially contentious uses.

5.3.2 The Town shall circulate to the following to the Municipal District for information if it affects lands that are adjacent to the shared municipal boundary:

- a) statutory plans (including drafts) and amendments thereto;
- b) non-statutory plans (including drafts) and amendments thereto;
- c) Land Use Bylaws (including drafts) and amendments thereto;
- d) subdivision applications (if applicable);
- e) non-residential development permits; and
- f) applications for development permits or subdivisions for potentially contentious uses.

5.3.3 Referrals made under 5.3.1 and 5.3.2 shall be processed in accordance with the following:

- a) each municipality is to be provided with thirty (30) days to review and comment on referrals, unless applicable legislation mandates a different time period;
- b) if comments are not received within the stated time period, it shall be assumed that there is no objection to the proposal. However, given that fairness and reasonableness must be an integral part of the planning process, a time extension may be granted by the municipality circulating the application;
- c) if a request for a time extension were denied, the issue would not constitute a dispute as defined under Section 5.4.

5.3.4 The Municipal District and Town shall work with Alberta Sustainable Resource Development to ensure that lease applications in the Plan area are circulated to both the Municipal District and the Town for comment.

5.3.5 The Municipal District shall circulate all referrals for review and comment listed under 5.3.1 to:

- a) Alberta Sustainable Resource Development;
- b) Alberta Transportation with respect to lands located within 800 m of Highway 43;
- c) Alberta Environment with respect to lands adjacent to water bodies within the Plan area; and
- d) any other agency or government department deemed necessary depending on the nature of the proposed development.

Policies

- 5.5.1 All information related to the intended growth and development of the Town outside its existing boundaries shall be shared with the Municipal District so that both municipalities are aware of the extent of any future annexation requirements.
- 5.5.2 Prior to pursuing annexation by way of filing an annexation application with the Board, the Town shall first obtain the consent of the Municipal District per Section 7 of the Regional Community Development Memorandum of Understanding between the Municipal District and the Town signed on September 8, 2008 until as long as it is in force.
- 5.5.3 Prior to any annexation application being filed with the Board, the Town shall review its requirements with the Municipal District in accordance with the Act.
- 5.5.4 In determining the timing, size and location of any future annexation area, the following factors will be considered:
- *That any future annexation be based on demonstrated need.* The amount of land required should be the minimum necessary to accommodate the Town's demonstrated requirements.
 - *The availability and cost of servicing.* The extension of services or provision of servicing alternatives should be logical and economically viable.
 - *The adequacy of transportation systems.* The subject area should be either serviced with an existing road network or be able to be serviced with a logical extension of an existing road network.
 - *The logic of future boundaries.* Any annexation should follow legal boundaries or natural features to avoid creating a fragmented pattern of land ownership.
 - *Stakeholder concurrence.* The application should have the concurrence of Alberta Sustainable Resource Development and all affected leaseholders.
 - *Consistency with local plans.* The annexation should be consistent with the policies of any relevant statutory plans in effect at the time of annexation.
 - *Other.* Any other matters that the respective councils consider necessary.

5.6 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

- 5.6.1 Any amendment to this Plan must receive the agreement of both municipalities following a joint Public Hearing held in accordance with the Act. No amendment shall come into force until such time as both municipalities give Third Reading to the subject bylaw. Any disagreement respecting a proposed amendment would trigger the dispute resolution mechanism.



Appendix

Dispute Resolution Process



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

If there is no agreement based on the mediation report and Third Reading is given to the disputed bylaw, then the disputing municipality may initiate an appeal to the Board as provided for in the Act.

5. Appeal

In the event that mediation proves unsuccessful, the affected municipality may appeal the matter to the Municipal Government Board for resolution in accordance with the Act.