

Fox Creek Intermunicipal Development Plan



Municipal District of Greenview No. 16



Town of Fox Creek

October, 2009



THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

BY-LAW 681-2009

INTERMUNICIPAL DEVELOPMENT PLAN

A By-law of the Municipal Corporation of the Town of Fox Creek, in the Province of Alberta for the establishment of an Intermunicipal Development Plan pursuant to the provisions of the Municipal Government Act, Chapter M26.

WHEREAS the Council of the Corporation of the Town of Fox Creek has authority to pass a By-law for the establishment of an Intermunicipal Development Plan pursuant to Section 631 of the Municipal Government Act, Chapter M26,

AND WHEREAS the Town of Fox Creek deems it to be in the public interest to adopt, with the Municipal District of Greenview No. 16, an Intermunicipal Development Plan for the Fox Creek area,

NOW THEREFORE PURSUANT to the provisions of the Municipal Government Act, Chapter M26, the Council of the Town of Fox Creek, Alberta, in regular session duly assembled, enacts as follows:

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 – SHORT TITLE

This By-law may be cited as the "Intermunicipal Development Plan By-law".

SECTION 2 – ADOPTION

The Intermunicipal Development Plan attached as Schedule "A" is hereby adopted as Fox Creek Intermunicipal Development Plan.

SECTION 3 – EFFECTIVE DATE

This By-law shall come into effect the date upon third and final reading.


READ A FIRST TIME this 24th day of August, 2009.

JOINT PUBLIC HEARING HELD this 28th day of October, 2009.

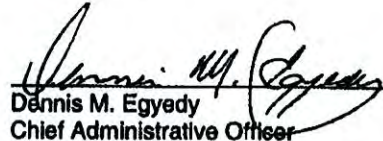
READ A SECOND TIME this 9th day of November, 2009.

READ A THIRD AND FINAL TIME this 9th day of November, 2009.





Leora MacKinnon
Mayor



Dennis M. Egyedy
Chief Administrative Officer



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.



REEVE



CHIEF ADMINISTRATIVE OFFICER

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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.

2.0 Plan Interpretation

2.1 Applicability

The policies of the Fox Creek Intermunicipal Department Plan apply to approximately 25.5 sections (68.0 km² or 26.2 mi²) of land inside and outside the Town's boundaries as illustrated in Map 1. These sections are legally described as:

- a portion of the N½ of Section 14, Township 62, Range 19, West of the 5th Meridian;
- Sections 19 through 23, Township 62, Range 19, West of the 5th Meridian;
- Sections 26 through 35, Township 62, Range 19, West of the 5th Meridian;
- Sections 3 through 5, Township 63, Range 19, West of the 5th Meridian;
- Sections 8 through 10, Township 63, Range 19, West of the 5th Meridian;
- Sections 15 through 17, Township 63, Range 19, West of the 5th Meridian; and
- The S½ of Sections 20 through 22, Township 63, Range 19, West of the 5th Meridian;

With respect to the Plan area, the primary focuses of the Plan include:

- future industrial/commercial opportunities in the vicinity of the Fox Creek Airport;
- future residential expansion opportunities inside and outside the Town's existing boundaries to the west, north, and east; and
- existing and future recreation opportunities in the vicinity of the Iosegun Lake Recreation Area, the Fox Creek R.V. Campground, the Silver Birch Golf Course, and along two of the three creeks within the Plan area.

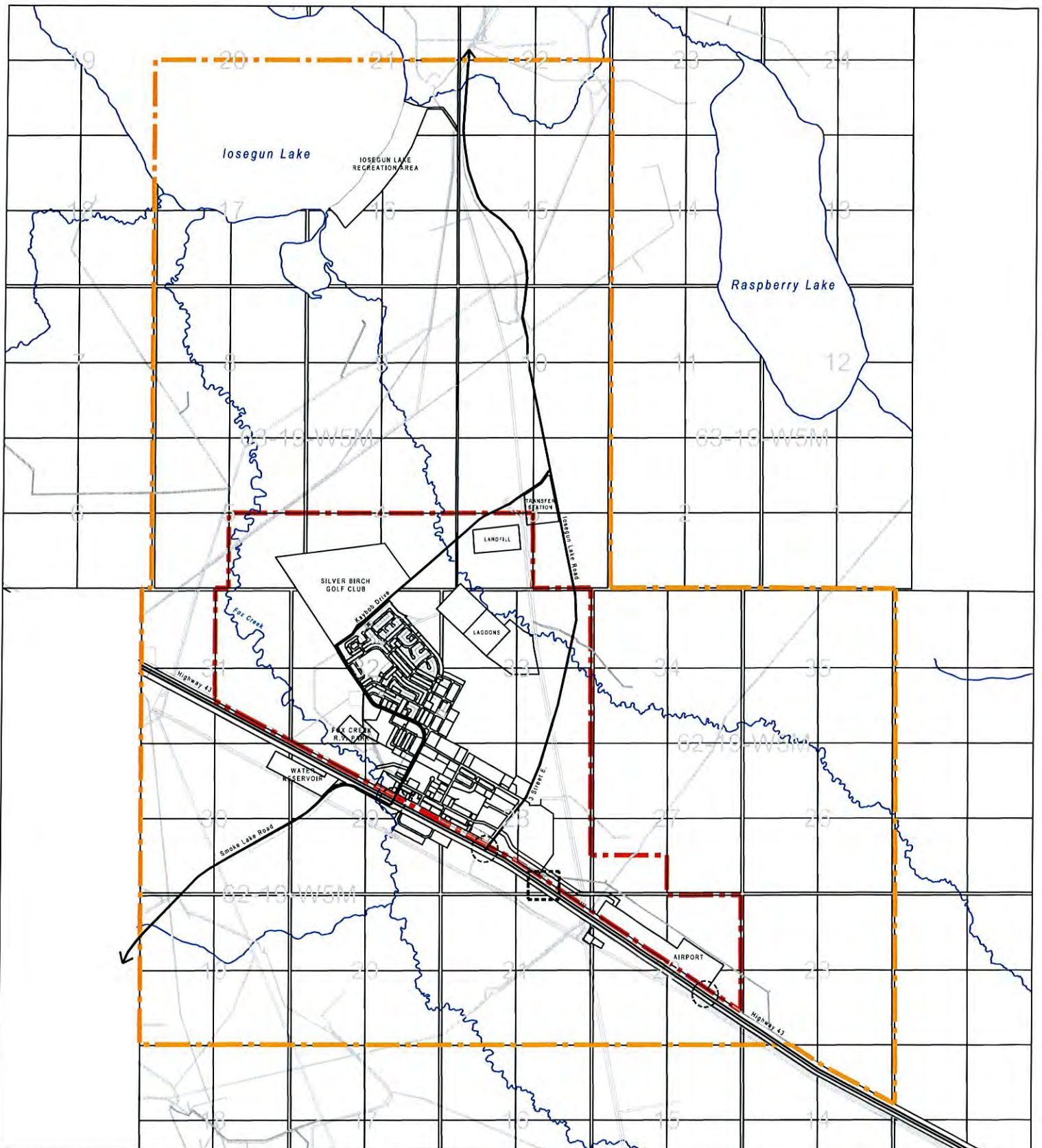
Further, the Plan area includes portions of several facilities that extend beyond the Town's boundaries in which the Town has a vested interest. These facilities include a water well, water treatment plant, and reservoir, all of which are located across Highway 43 in the southern portion of the Plan area.

The Municipal District's portion of the Plan area is predominantly undeveloped and comprised of Crown Land. Two single family dwellings are located on the southwest side of Highway 43 across from Downtown Fox Creek. The entire Plan area is contained within the Province's Green Area and Blue Ridge Lumber's Forest Management Agreement area, and is traversed by various pipelines serving the oil and gas industry.

All development that is present in the Plan area is accommodated on leased sites that are administered by the Province. A query of leases supplied by the Municipal District in April 2008 advises that there are approximately 100 leases in effect within or immediately adjacent to the Plan area, some of which are located inside the Town.

The majority of leases are in favour of oil and gas exploration companies and are scattered throughout the Plan area. Two oilfield service companies have leases within the Plan area – one inside the Town in the vicinity of 3rd Street East and the other southeast of the airport.

Numerous leases are held by the Town and other levels of government. Although most of the Town's leases are located within the Town boundary, a few are located outside the Town on the southwest side of Highway 43. Various leases in favour of other levels of government are located in the vicinity of the airport, Highway 43, the golf course, and Iosegun Lake.



FOX CREEK INTERMUNICIPAL DEVELOPMENT PLAN

Scale: NTS

- Town Boundary
- Plan Boundary
- Divided Highway
- Major Road
- Existing Highway Intersection
- Future Highway Interchange

MAP 1 - CONTEXT

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.

Council means the municipal council of either the Town of Fox Creek or Municipal District of Greenview No. 16, as the case may be.

Municipal District means the Municipal District of Greenview No. 16.

Municipal Services means a water distribution and wastewater collection system that conforms to municipal standards and is connected to the water and wastewater systems of the Town of Fox Creek.

Non-Residential when referring to a subdivision or development permit application, means any commercial, industrial, institutional or recreational use, not including an accessory building or use.

Private Services means a water supply and wastewater disposal system that conforms to Provincial regulations, serves an individual lot or development and is confined to the subject lot.

Town means the Town of Fox Creek.

2.3 Compliance

Compliance with policies in this Plan shall be interpreted and applied as follows:

- “shall” and “will” mean mandatory compliance;
- “should” means compliance in principle but is subject to the discretion of the Approving Authority where compliance may be undesirable or impractical due to the specific circumstances associated with a particular issue; and
- “may” means discretionary compliance or choice in the application of policy.

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.

4.0 Development Policies

The purpose of this section is to outline the specific policies that will guide future development in the Plan area. Future residential, industrial/commercial, recreational and transportation opportunities referenced in these policies are illustrated in Maps 2 through 5. It is recognized that the availability of sites for future development opportunities is restricted by such constraints as the proximity of water bodies, flood plains, slopes, and a limited road network.

In the event that the policies of the Fox Creek Intermunicipal Development Plan do not directly address a particular issue, the relevant policies contained in the applicable municipality's Municipal Development Plan shall apply.

4.1 Residential Development

The Town has experienced an increased demand for country residential lots in recent years, although there is no conventional country residential development present in the area. The Province has a general policy of not allowing residential development in the Green Area, and the Town and Municipal District agree that scattered residential development should not be encouraged. However, there is a desire to work with Provincial authorities to establish a country residential development node in proximity to the Town as a means of accommodating the above noted demand.

Also with the impending build out of residential uses in the vicinity of the hospital, the Town is now experiencing a shortage in large urban residential lots. The Town will be looking at opportunities to provide additional large urban residential lots to meet current and future demands without compromising its current supply of small residential lots near the golf course.

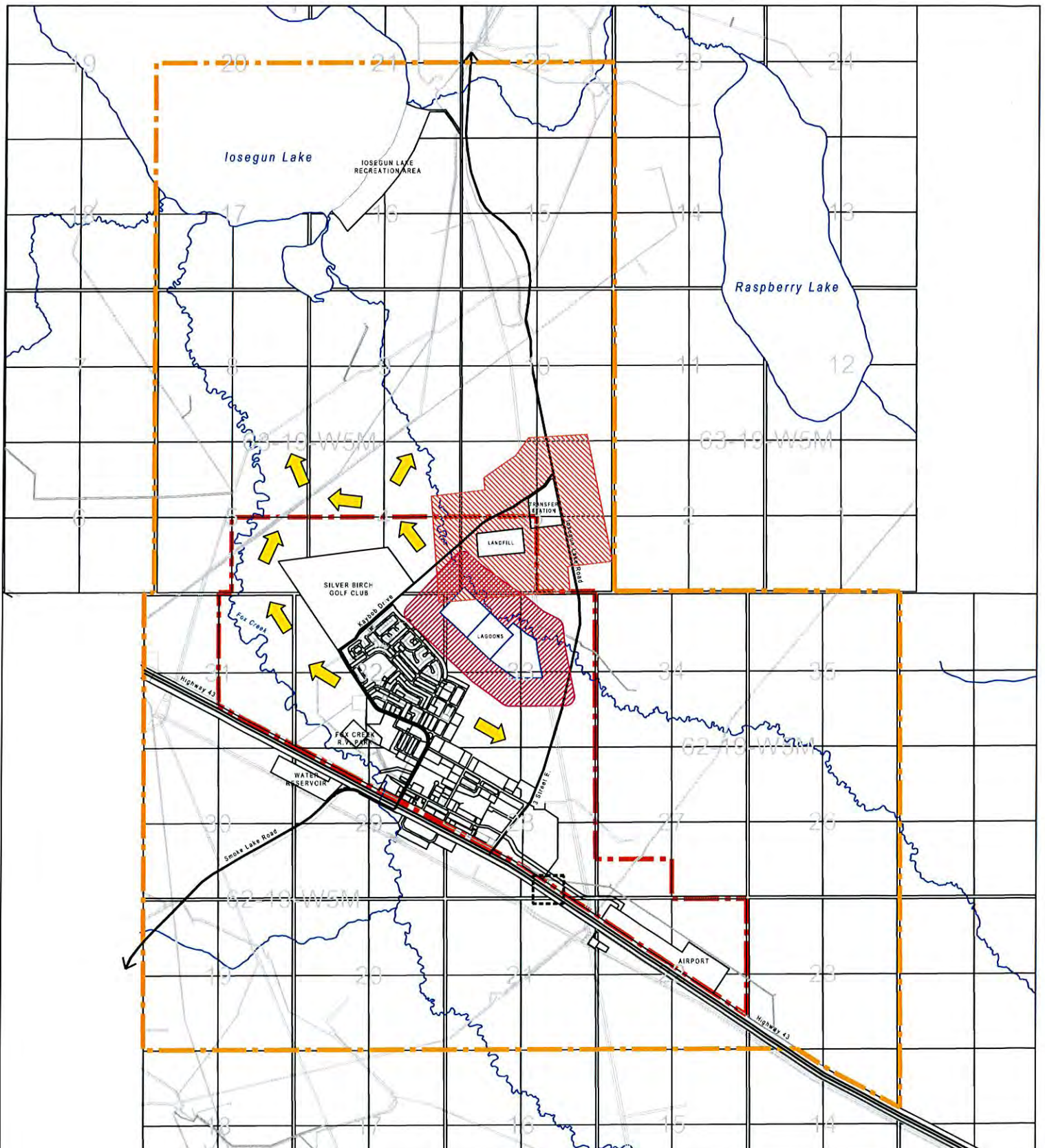
Future residential development in the Plan area, whether urban or country in nature, is limited to those areas conceptually identified for future residential expansion on Map 2.

Policies

4.1.1 Country residential development may only be supported in the Plan area if developed in multi-lot clusters to minimize land consumption and maximize efficiencies in service delivery. Scattered country residential development will not be supported in the Plan area.





4.1.2 As illustrated in Map 2, all future residential expansion areas may be considered for either urban and/or country residential development. 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.

4.1.3 New multi-lot residential development should not proceed unless contained in an approved Area Structure Plan.



FOX CREEK INTERMUNICIPAL DEVELOPMENT PLAN

Scale: NTS

-  Residential Expansion Area
-  Lagoon Setback Area (300 m)*
-  Landfill Setback Area (450 m)*
-  Future Highway Interchange

* Locations of the lagoons, landfill and transfer station and associated residential setbacks are approximate only and should be confirmed by legal survey prior to formalizing setbacks at a future planning stage.

MAP 2 - FUTURE RESIDENTIAL EXPANSION

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.

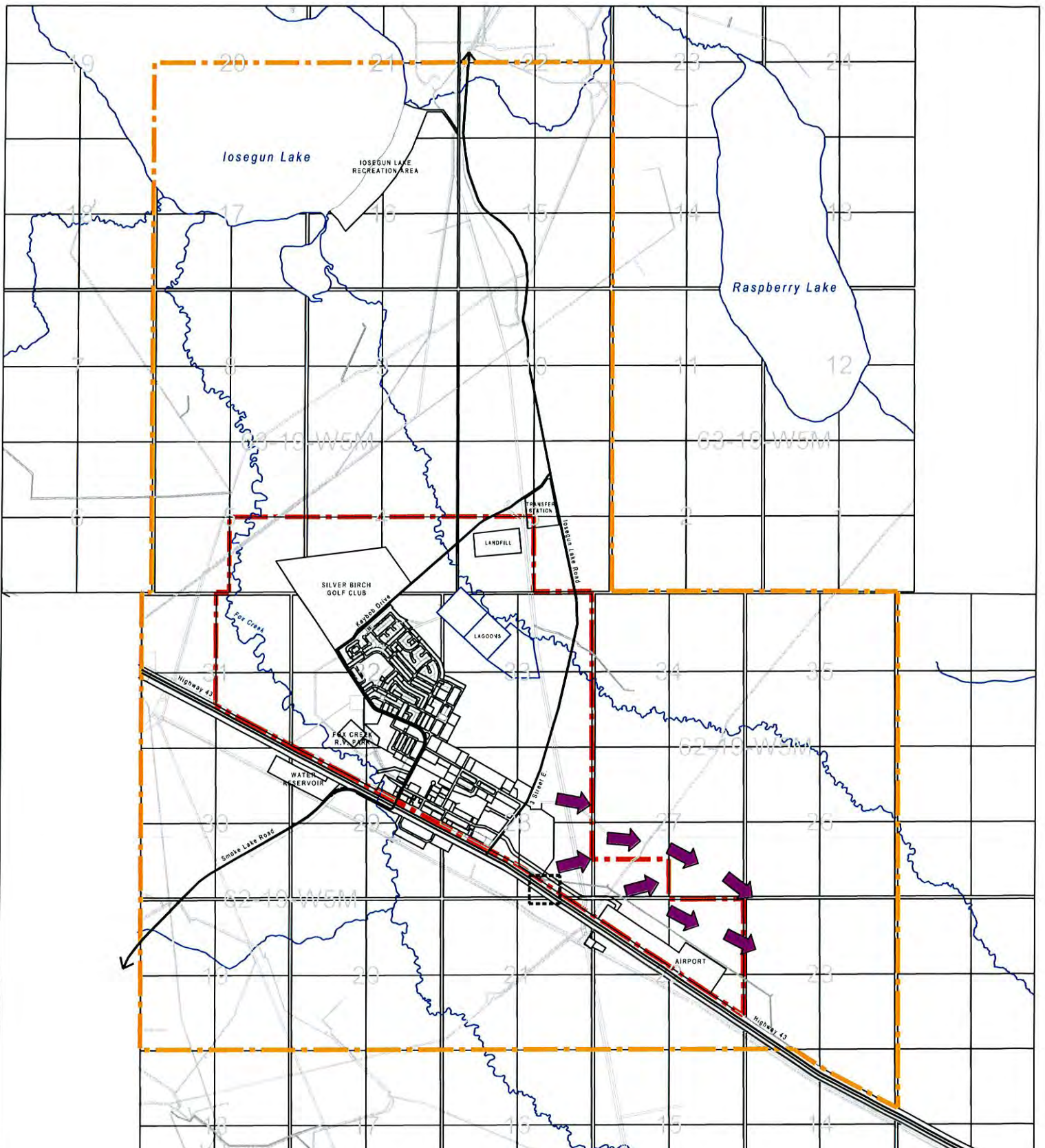
4.2.2 As illustrated in Map 3, future industrial/commercial expansion areas are based on their accessibility to and visibility from the existing road network.

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-lot industrial/commercial residential development should not proceed unless contained in an approved Area Structure Plan.



FOX CREEK INTERMUNICIPAL DEVELOPMENT PLAN

Scale: NTS

- Industrial/Commercial Expansion Area
- Future Highway Interchange

MAP 3 - FUTURE INDUSTRIAL/COMMERCIAL EXPANSION

4.3 Agriculture

There is no agricultural activity in the Plan area due to soil, climatic, geographic and topographic constraints.

Policies

4.3.1 No extensive agricultural operations will be supported in the Plan area unless otherwise permitted by Alberta Sustainable Resource Development.

4.4 Recreation and Environment

The rolling topography, vast forest, and numerous water bodies in the Fox Creek area provide considerable recreation opportunities. These opportunities include camping, hiking, boating, fishing, hunting, horseback riding, golfing, and the use of all-terrain vehicles in all seasons. This environment also provides a home to significant wildlife populations, including moose, elk, deer, and bear. It is critical that the Plan's policies recognize the importance of recreation opportunities and environmental protection.

Lakes near the Town include Iosegun Lake to the northwest, Raspberry Lake to the northeast, and Smoke Lake to the southwest. The southeast portion of Iosegun Lake is located within the Plan area, while Smoke Lake and Raspberry Lake are found outside the Plan area.

Three creek systems flow through the Plan area before emptying into Iosegun Lake, two of which flow through the Town. Fox Creek flows from the south to the north through the western portion of the Town. An unnamed creek flows from the southeast to the northwest between the wastewater lagoons and the sanitary landfill through the northeast portion of the Town. Another unnamed creek flows from Raspberry Lake westward into Iosegun Lake in the northern portion of the Plan area.

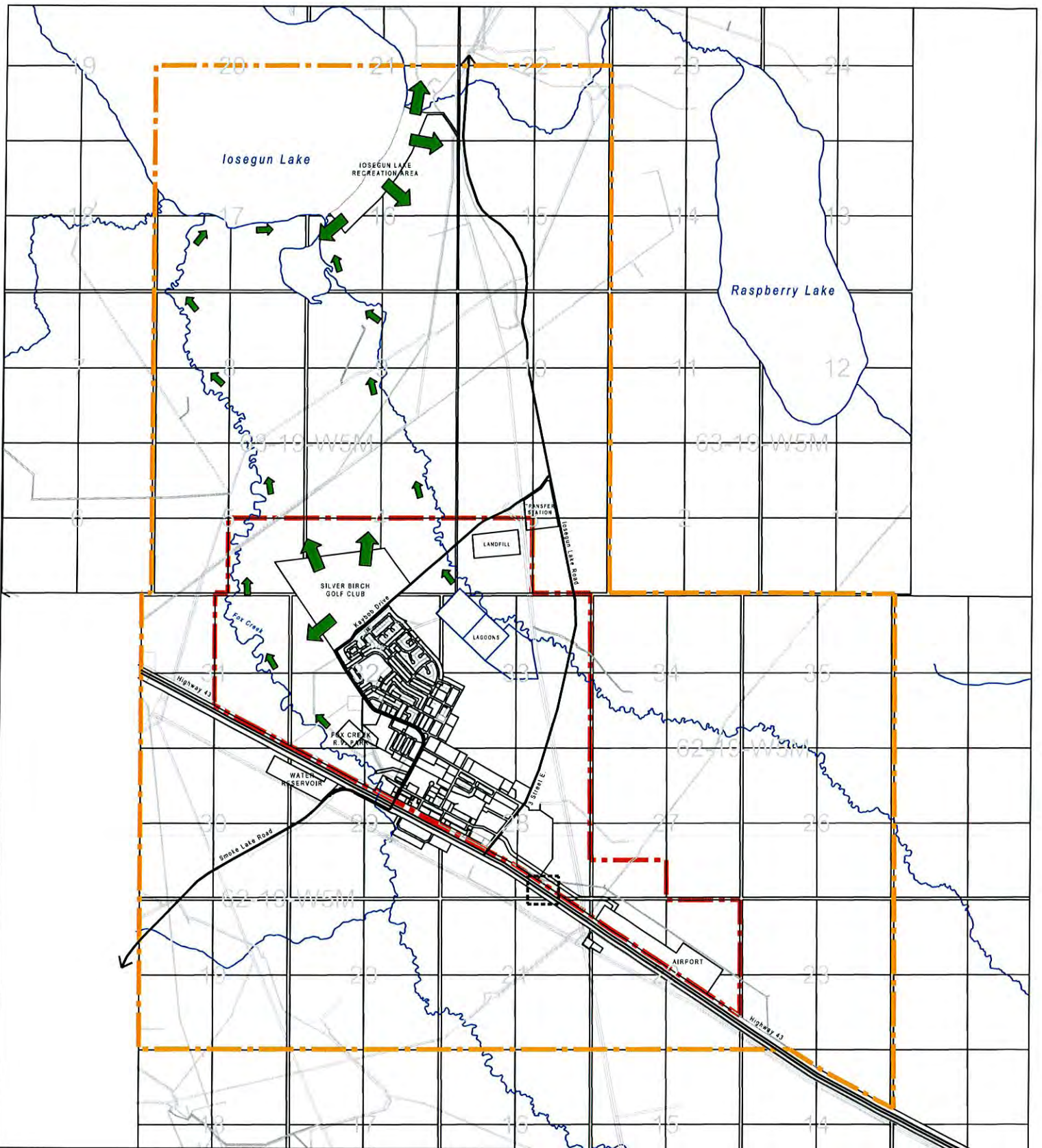
The Iosegun Lake Recreation Area, Fox Creek R.V. Campground, Silver Birch Golf Course, and links to the Golden Triangle snowmobile system are all located within or adjacent to the Plan area. Additional recreational facilities are in close proximity to the Plan area, including the Smoke Lake Campground to the southwest. Opportunities to expand or enhance these recreational facilities in response to public demand should be explored.

Future recreational development in the Plan area, whether for active, passive or environmental protection purposes, is limited to those areas conceptually identified for future recreational expansion on Map 4.

Policies

4.4.1 Both municipalities will continue to support the development of recreational facilities in the Plan area. 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.

4.4.2 As illustrated in Map 4, future recreational expansion areas are based on the presence of water bodies near the Town and existing recreational facilities, including the Iosegun Lake Recreation Area, Fox Creek R.V. Campground, and Silver Birch Golf



FOX CREEK INTERMUNICIPAL DEVELOPMENT PLAN

Scale: NTS

- Recreational Expansion Area
- Future Highway Interchange

MAP 4 - FUTURE RECREATIONAL EXPANSION

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 the 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.

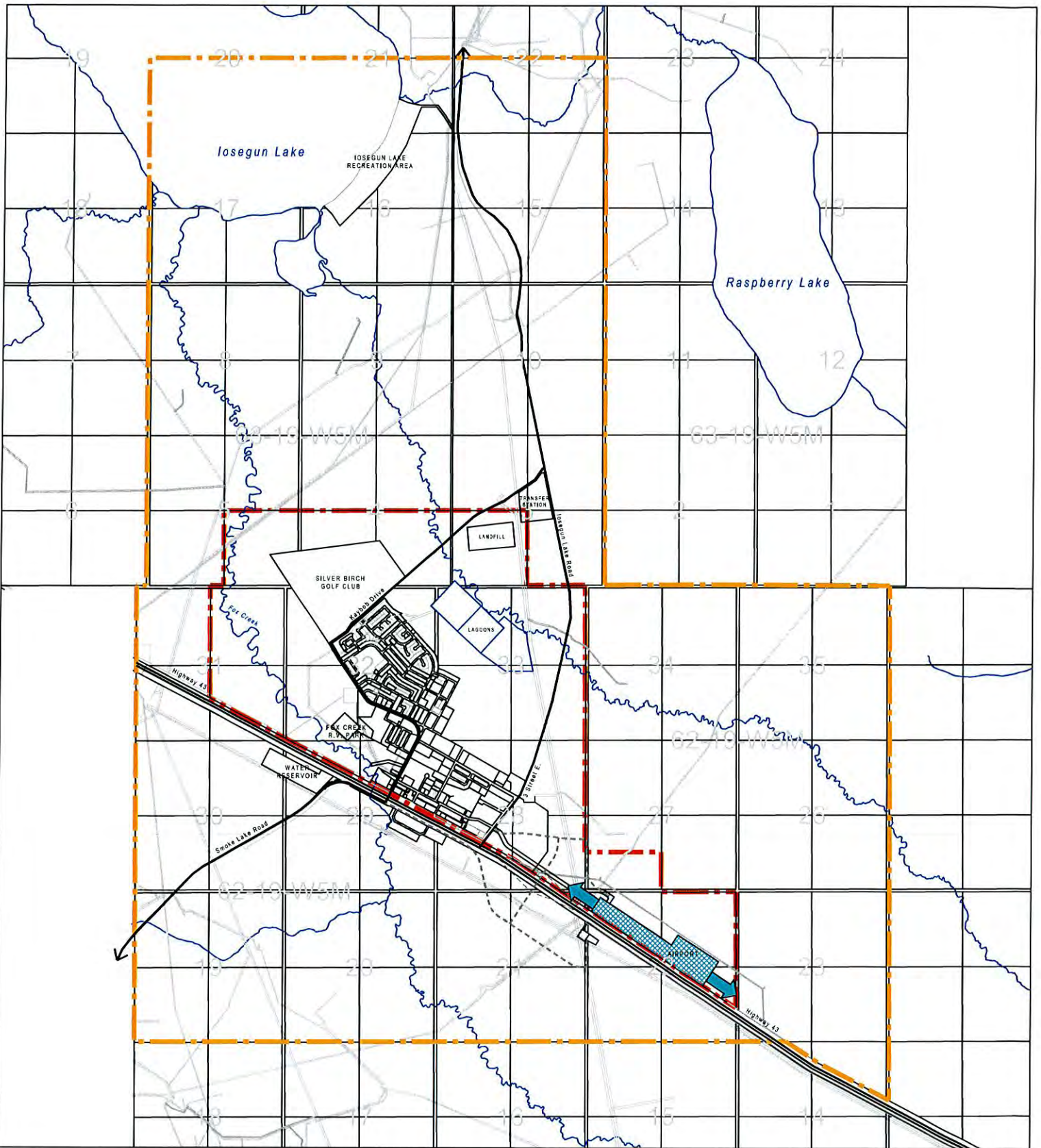
4.5 Transportation

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 recently expired and as a result the Town now has full ownership and responsibility over

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.



FOX CREEK INTERMUNICIPAL DEVELOPMENT PLAN

Scale: NTS

- Future Major Road*
- Future Interchange Ramp*
-  Airport
-  Airstrip Expansion Area

* The future major roads and interchange ramps are generally in accordance with the draft "Highway 43 Interchange at Fox Creek" Functional Plan that is currently being considered for approval by Alberta Transportation. As such, the roads and ramps may be subject to some changes prior to the formal approval of the Functional Plan.

MAP 5 - FUTURE TRANSPORTATION

the airport. The primary purpose of the airport is to provide an opportunity for medivac services. Other users of the airport include the local oil and gas companies, recreational users and the forestry industry during forest fires.

Future transportation improvements in the Plan area are limited to those areas conceptually identified for the future highway interchange and airstrip expansion on Map 5.

Policies

4.5.1 The Town and Municipal District shall work cooperatively with Alberta Transportation to address safety and access concerns on Highway 43.

4.5.2 All proposed developments that require access to Highway 43 shall be reviewed with Alberta Transportation with respect to operational safety. Depending on the nature of the development, a Traffic Impact Assessment and resulting highway improvements may be required by Alberta Transportation.

4.5.3 The capital cost of the installation of any infrastructure required to serve a proposed development including related highway improvements shall be the responsibility of the developer.

4.5.4 Where applicable, all proposed developments shall be reviewed with the operators of industrial facilities and private roads within the Plan area with respect to potential impacts.

4.5.5 Opportunities should be explored to accommodate further development on or near the airport lands that do not jeopardize the functionality of the facility.

4.5.6 Future development in proximity to the airport shall not compromise the operation and safe use of the airport. Decisions for development applications in proximity to the airport shall reflect federal requirements. In addition to these federal requirements, the former Fox Creek Airport Vicinity Protection Area Regulation may be used as a guide for processing development applications in proximity to the airport.

4.6 Infrastructure

The Town maintains a solid waste landfill in the Plan area. The landfill is generally located between the Town's northern boundary and the wastewater lagoons north of an unnamed creek. The Town is in the process of acquiring approval for a lease to operate a new transfer station northeast of the landfill. The majority of the site is located outside the Town's boundary.

The Town operates a water well, water treatment plant, and reservoir to the south of Highway 43 near its intersection with Kaybob Drive. Four additional water wells serve Fox Creek including two centrally located within the Town and two to the west of the Town along Highway 43.

Fox Creek's wastewater lagoons are located in the northeast portion of the Town between the existing residential area and an unnamed creek. Once the existing lagoons reach capacity as a result of future growth, either the lagoons will have to expand to the north or the east or the Town will have to consider converting to a mechanical treatment 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.

5.0 Plan Implementation

Two key components to the success of the Fox Creek Intermunicipal Development Plan are a clear understanding of the administrative processes associated with its implementation and a spirit of mutual trust and cooperation between the respective municipalities. The purpose of this section is to establish the processes by which this Plan is to be administered.

5.1 Adoption Process

This section relates to the process required to adopt the Fox Creek Intermunicipal Development Plan.

Policies

5.1.1 This Plan shall be adopted by each municipality by passing a bylaw in accordance with the Act.

5.1.2 Although the Town adopts the policies of the Plan, it has no jurisdiction over lands in the Plan area that are outside the boundaries of the Town. Similarly, the Municipal District has no jurisdiction over lands that are outside the boundaries of the Municipal District.

5.1.3 Any amendments to the respective Municipal Development Plans or Land Use Bylaws of either municipality that may be required to implement the policies of this Plan, or to ensure consistency with this Plan, should occur simultaneously with the adoption of this Plan.

5.2 Administrative Agencies

Responsibility for implementation of the provisions of the Plan is vested with each municipality respecting lands contained within its own boundaries. All authority respecting the disposition of Crown lands is vested with Alberta Sustainable Resource Development.

Policies

5.2.1 Responsibility for implementation of the provisions of this Plan is vested with the Approving Authorities of each municipality respecting lands contained within its own boundaries in accordance with their own policies and Land Use Bylaw standards.

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

5.2.3 Alberta Sustainable Resource Development maintains responsibility for the disposition of Crown lands. In addition, the Department shall review all development proposals located on Crown lands with regard to potential impacts on existing leaseholders.

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.

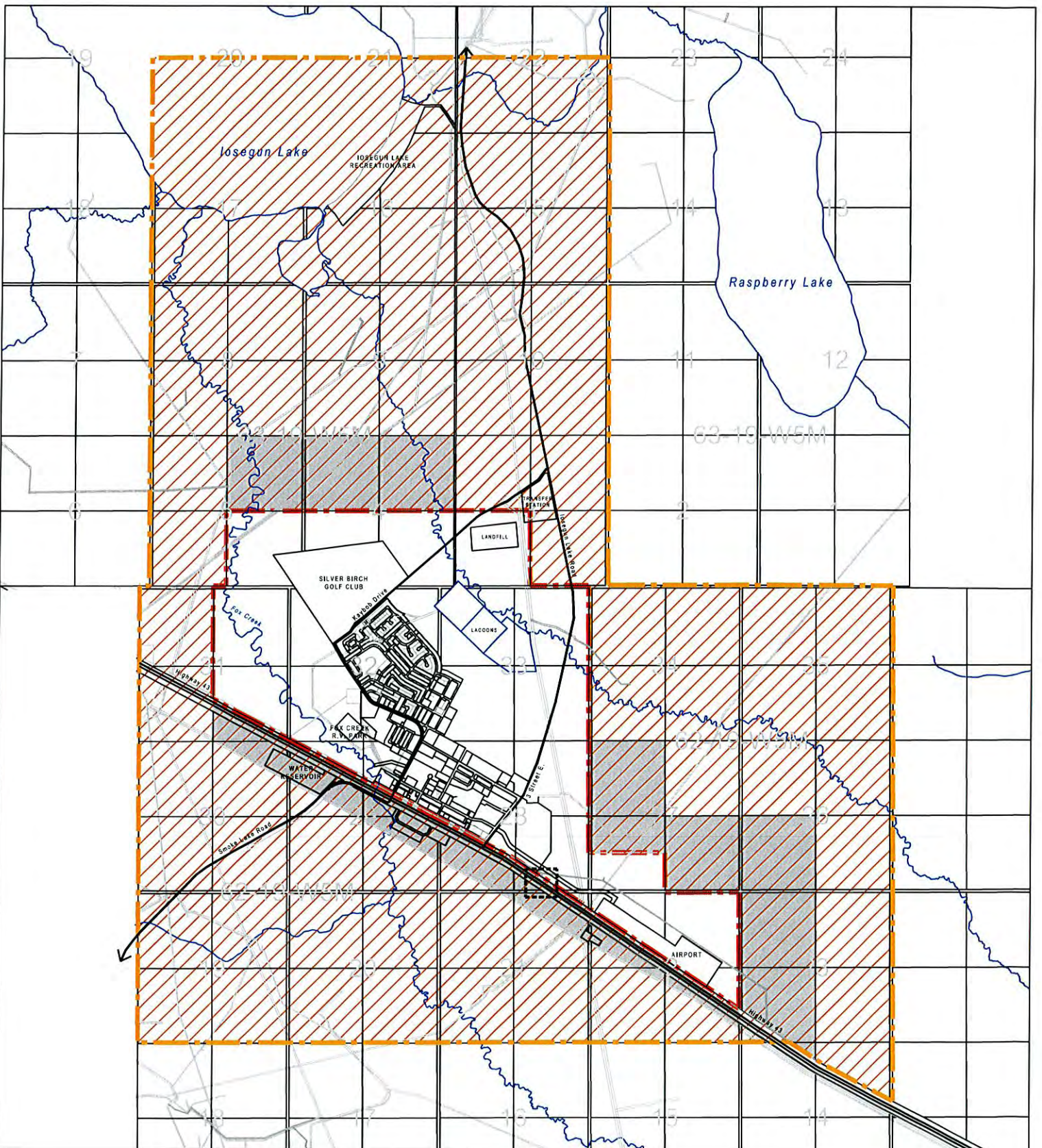
5.3.3 Referrals made under 5.3.1 and 5.3.2 shall be processed in accordance with the following:

- 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.



FOX CREEK INTERMUNICIPAL DEVELOPMENT PLAN

Scale: NTS

- Municipal District's Referral Area
- Potential Future Annexation Area
- Town Boundary
- IDP Boundary
- Future Highway Interchange

MAP 6 - REFERRAL & FUTURE ANNEXATION AREAS

5.3.6 All agencies will be provided with thirty (30) days to review and comment on referrals, unless applicable legislation mandates a different time period.

5.3.7 The Municipal District shall notify the Town of all development proposals within a 50 kilometer radius outside the Plan Area that may generate employment for 25 or more permanent workers if and once developed, which may result in an influx of new residents and/or support industries to the Town.

5.4 Dispute Resolution Mechanism

The implementation of a dispute resolution mechanism is a mandatory requirement of the Plan under the 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 provided.

The intent of the proposed process is to maximize opportunities for discussion and review with the intent of resolving areas of disagreement early in the approval process, and minimizing delays in the approval process as much as possible.

Policies

5.4.1 The following matters will activate the dispute resolution process:

- a) if an agreement has not been reached on any proposed amendment to this Plan; or
- b) if an agreement has not been reached on any proposed statutory plan (or amendment thereto), non-statutory plan (or amendment thereto), or proposed Land Use Bylaw (or amendment thereto) located within or affecting the Plan area.

5.4.2 A dispute is defined as any statutory plan (in whole or in part), non-statutory plan (in whole or in part), Land Use Bylaw (in whole or in part) or amendment to any of these documents that is given First Reading by a council, in which the other council deems to be inconsistent with the goals, objectives and policies of this Plan.

5.4.3 The dispute resolution process, the details of which are provided in Appendix 1, shall not apply to issues respecting subdivision or development permits appeals, or to matters under the jurisdiction of the Municipal Government Board.

5.4.4 In the event that a council not follow a mediated decision, or should the mediation process fail, the matter may be appealed 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.

5.5 Annexation

According to the Town, Fox Creek has some sufficient developable lands within its borders to accommodate growth. However, the Town has some need for annexation in the short-term future and has identified three Potential Future Annexation Areas, which are presented on Map 6. As a result, it is the intent of this Plan to provide a policy framework for future annexation.

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.

5.6.2 Either municipality or a stakeholder in the Plan area may initiate an amendment to this Plan.

5.7 Plan Review

In order to ensure that the Plan's policies remain current and relevant, it is important that it contain provisions for periodic review.

Policies

5.7.1 This Plan should be reviewed once every five years in order to confirm or amend any particular policy direction contained herein.

5.7.2 The two councils should agree to have a joint meeting in the Town at least once a year to review issues of mutual concern.

5.8 Plan Termination

In the event that the Plan fails to meet the expectations of one or both municipalities, it is necessary that it contain a procedure for rescinding the Plan, 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 parties to continue to meet the requirements of the Act respecting intermunicipal cooperation and the coordination of planning efforts.

Policies

5.8.1 The procedure for repealing the Plan is provided for in the Act. Prior to repealing the Bylaw, the two municipalities shall follow the process below:

- a) a municipality will give six (6) months written notice, along with reasons, to the other municipality of the intention to repeal its bylaw adopting the Plan;
- b) within sixty (60) days of the date of the notice provided under subsection (a), a meeting of the two councils shall be held to review the concerns raised;
- c) following the joint council meeting, 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; and
- 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 Act.

5.8.2 In the event that the Plan is terminated, the two municipalities shall amend their Municipal Development Plans to address intermunicipal issues in accordance with the Act. Provisions are required to ensure that the municipalities are protected from any demonstrable detrimental impacts that may result from development in close proximity to municipal boundaries. In the event that the required amendments do not satisfy the neighbouring municipality, the matter may be appealed to the Municipal Government Board.

Appendix
Dispute Resolution Process

1. Staff Review and Discussion

Upon receipt of a proposed statutory plan, non-statutory plan, Land Use Bylaw, or amendment, staff will undertake a review of the proposal and provide comments to the approving municipality. Issues of concern, 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.

2. Senior Administrative Review

If an issue of concern cannot be resolved at the staff level, it shall be referred to the Chief Administrative Officers of the Town and Municipal District for discussion and resolution. They will determine whether or not the proposal could be processed without being referred to the two councils.

This review process shall occur after First Reading is granted, but before the Public Hearing is conducted. The Act requires that any concerns or objections be provided in writing prior to Second Reading in order for the issue to be eligible for appeal to the Board.

3. Council Review

In the event that agreement cannot be reached at the Administrative level, the approving municipality shall proceed with the Public Hearing followed by the bylaw given Second Reading. Prior to Third Reading, the issue would be referred to the two councils for further review and decision.

In order for this proposed dispute resolution process to work properly, it is important to ensure that the administrative and political components of the process be clearly separated. It will likely not work effectively if council members were involved in the process prior to Step #3.

4. Mediation

Assuming that an agreement is not reached between the two councils, a mediation process shall be employed as a means of resolving the matter.

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

- appoint an equal number of representatives to participate in the mediation process;
- engage a mediator agreed to by the municipalities at equal cost to each municipality; and
- approve a mediation process and schedule.

Further, the municipalities should also seek an opportunity to request assistance from the Minister of Municipal Affairs under the provisions of the Act in terms of the mediation process.

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

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.