

MUNICIPAL DISTRICT OF BIGHORN NO.8

BYLAW 20/19

A BYLAW OF THE MUNICIPAL DISTRICT OF BIGHORN NO.8, IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO ADOPT THE INTERMUNICIPAL DEVELOPMENT PLAN FOR THE TOWN OF CANMORE AND THE MUNICIPAL DISTRICT OF BIGHORN NO.8. IN ACCORDANCE WITH THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, RSA 2000 AS AMENDED.

WHEREAS pursuant to the authority granted by the Municipal Government Act, two or more Councils may, by each passing a Bylaw, adopt an Intermunicipal Development Plan;

AND WHEREAS Council deems it desirable to adopt an Intermunicipal Development Plan with the Town of Canmore;

AND WHEREAS a notice of the proposed Bylaw and Public Hearing was given pursuant to Section 606(2) of the Municipal Government Act;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act, the Council of the Corporation of the Municipal District of Bighorn No. 8 in the Province of Alberta, duly assembled in Council, enacts as follows:

1. Bylaw 20/19 with attached Schedule 'A' being the Intermunicipal Development Plan for the Town of Canmore and Municipal District of Bighorn No. 8, is hereby adopted.

READ A FIRST TIME THIS 19TH DAY OF NOVEMBER, 2019.

READ A SECOND TIME THIS 11TH DAY OF FEBRUARY, 2020.

READ A THIRD TIME THIS 11TH DAY OF FEBRUARY, 2020.

REEVE

CHIEF ADMINISTRATIVE OFFICER

INTERMUNICIPAL DEVELOPMENT PLAN



- and -



Town of Canmore Council

Adopted March 10, 2020

Municipal District of Bighorn Council

Adopted February 11, 2020

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1.0 INTRODUCTION

1.1 PURPOSE

The purpose of the Intermunicipal Development Plan (IDP) between the Town of Canmore (Town) and the Municipal District of Bighorn (M.D.) is to address land use planning on lands bordering both municipalities.

1. The IDP sets the policy framework for planning matters of mutual interest including future land use, utility servicing, environmental matters, and transportation corridors as it applies to lands in proximity to the shared boundary defined in the IDP Area.
2. The IDP policies define how communication, cooperation, decision-making and dispute resolution occurs for lands within the IDP Area.
3. Notwithstanding the above and anything else contained within this IDP, each municipality maintains local autonomy and responsibility with respect to decision making within their municipal jurisdiction.

1.2 LEGISLATIVE REQUIREMENTS

This IDP was prepared to meet the requirements of Section 631, 636 and 638 of the Municipal Government Act (MGA) that mandates IDPs between municipalities. The IDP was also prepared in a manner that adheres to the vision and strategic direction of the South Saskatchewan Regional Plan, which states, as one of its purposes, that the SSRP "...provides guidance to provincial and local decision-makers regarding land-use management in the region". The SSRP applies to both municipalities and the Regulatory Details are binding on decision makers and local governments.

The definitions for many of the planning-related words used in this IDP (for example "development", "conceptual schemes", etc.) are found primarily, but not exclusively, within Part 17 of the Municipal Government Act.

1.3 RELATIONSHIP TO OTHER PLANS

The relationship between this IDP and other plans or policies adopted by the Town or the M.D. are as follows:

1. Both municipalities have Municipal Development Plans (MDP) to guide future growth and development. This IDP is consistent with their respective MDPs.
2. Following the adoption of this IDP, both municipalities may adopt or amend statutory or non-statutory plans and policies that apply to lands within this IDP area. The plans will be created and adopted in accordance with the administrative processes identified in this IDP. These plans and policies will provide a greater level of detail to guide future redistricting, subdivision and development applications. They must be generally consistent with the broader policy statements in this IDP.

1.4 PLAN GOALS

Future Land Use Planning

1. To ensure long-term compatibility of future land use within both municipalities that includes the consideration of transportation corridors, steep creeks and other waterways, resource extraction activities, utility corridors, historic resources, and environmental matters within the area.

Communication and Consultation for IDP Implementation

2. To ensure meaningful engagement of landowners located within the IDP area.

Joint Projects

3. To identify, examine the feasibility of, prioritize, and create policies that support intermunicipal projects of mutual interest or need:
 - a. Identify areas impacted by the provincial transportation network in order to develop a common and inclusive approach when engaging with provincial regulatory agencies;
 - b. Identify areas or circumstances where mutual planning for utilities, regional and local transportation infrastructure, steep creeks/flood mitigation, trails and pathways, and/or recreation may be beneficial in conjunction with the Intermunicipal Collaboration Framework (ICF).

IDP Administration

4. To define each municipality's responsibility and commitment to circulate and take into consideration the comments received when making land use, subdivision, and development decisions.
5. To establish the administrative process to coordinate and communicate regarding projects and initiatives that may influence the IDP area.
6. To address the MGA requirements with respect to intermunicipal conflict resolution, amendment and repeal procedures, and plan administration.
7. To establish a communication process that ensures ongoing dialogue and allows for future amendments to the IDP.

1.5 PLAN PREPARATION PROCESS

The IDP was jointly prepared by the Town and the M.D. with oversight from the Intermunicipal Collaboration Committee (ICC) consisting of two Councillors and Senior Administration of both municipalities. Opportunity for public and stakeholder input and involvement was provided through open houses, dedicated web pages and communication in the local newspapers. The ICC reviewed the draft IDP prior notifying all affected landowners by mail and scheduling a Public Hearing.

2.0 THE PLAN

2.1 PLAN AREA AND NOTIFICATION AREA

Due to the significant amount of provincially protected lands along the shared Town and M.D. municipal boundary, the IDP Area is limited to those areas in which the communities share a boundary where development exists or is proposed to occur. The IDP Area consists of two types of areas, Plan Areas and Notification Areas (Figure 1 and Figure 2).

The IDP Plan Area is established to provide policies for the future development of lands that are of mutual interest. These policies are not intended to replace more detailed policy plans such as Area Structure Plans, and are broad in scope. They are aimed at facilitating the future planning and development of lands that consider impacts in both jurisdictions. The policies within the Plan Area support on-going intermunicipal communication in the development of future Area Structure Plans, Conceptual Schemes, amendments to the land use bylaw, subdivision and development permits.

The IDP Notification Area is established to provide direction for the facilitation of notification and information sharing between the Town and the M.D. Notification Areas do not contain specific policies as in the IDP Plan Area, but rather serve to facilitate on-going intermunicipal communication regarding high-level land use planning at the statutory plan level.

IDP policies are limited to the IDP Plan Area except when specific statements or policies explicitly cover the entire IDP Area.

Figure 1 – Overview Map

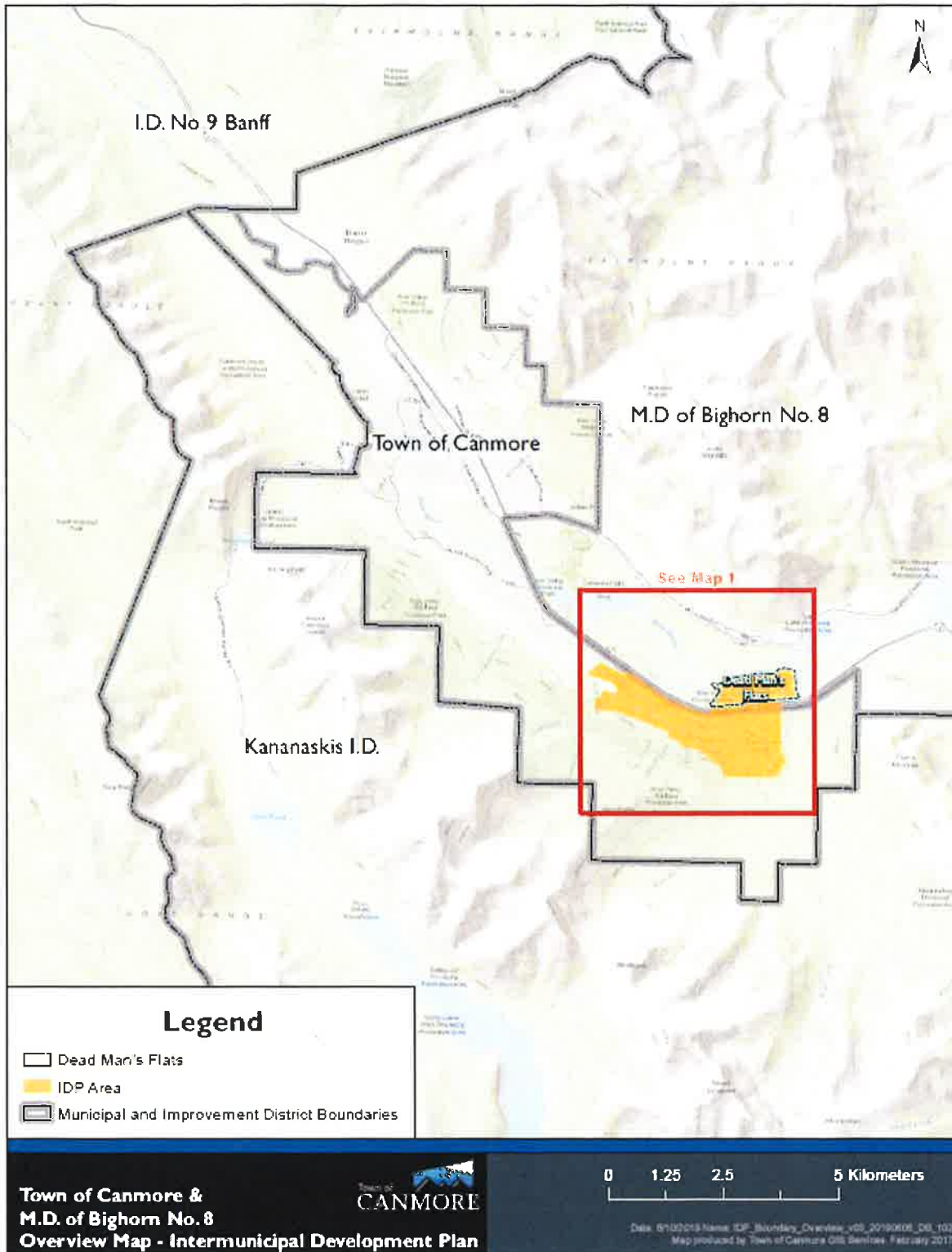
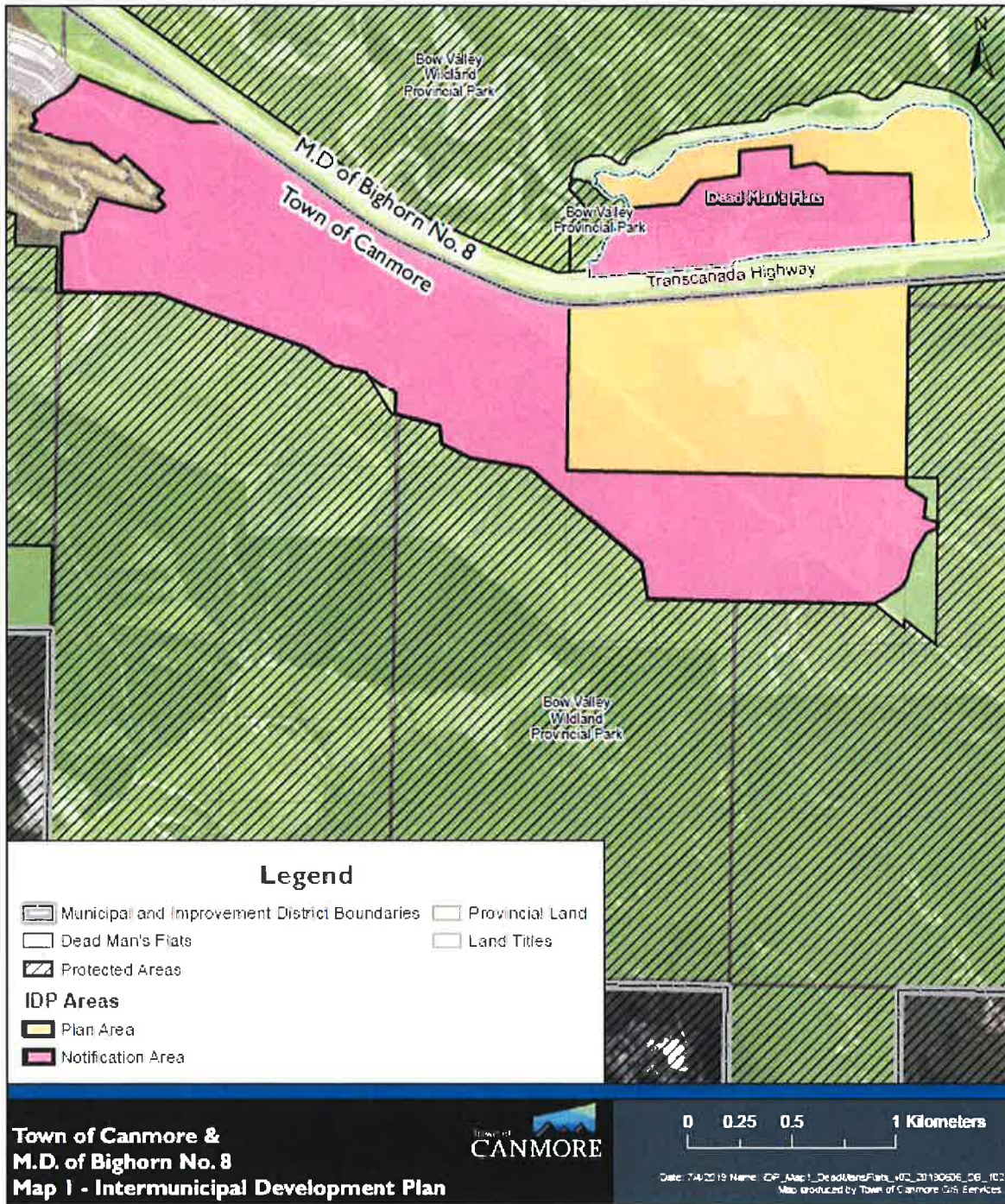


Figure 2 – IDP Area



2.2 PLAN POLICIES

General

2.2.1 Annexation

Annexation refers to the transfer of jurisdiction over lands from one municipality to another. In 1991 the Town annexed approximately 5,390 hectares of land from the M.D. to accommodate the Town's future growth requirements.

Due to the mutually-agreed upon 1991 Town annexation for a 30-40 year supply of land for growth, the MD of Bighorn will oppose any further annexation proposals from the Town of Canmore.

IDP Area Policies

2.2.2 Transportation and Utilities

Context

The Town and the M.D. recognize the importance of transportation and utility systems as an essential function in providing services to residents and businesses. This Plan supports the provision of integrated road and utility systems that meet the needs of residents and promotes regional cooperation. The Town and the M.D. have a history of cooperating for the provision of and maintenance of roads, multi-use trails and utilities.

Within the IDP Area, the boundary on the south side of the TransCanada Highway separates the Town and the M.D. and provides the only transportation connection between the two municipalities at the Dead Man's Flats overpass. Alberta Transportation has been conducting a review of the design of this overpass to accommodate future growth and development. Within the IDP Area, the M.D. has a dedicated portion of the Trans-Canada Trail, and the Town is party to the negotiations for the continuation of the Trans-Canada Trail through the Town. Outside of the IDP Area, the Town and the M.D. share responsibility for the maintenance of Palliser Trail/Harvie Heights Road and the Legacy Trail.

Water and wastewater services are provided by the Town to the hamlets of Harvie Heights and Dead Man's Flats. With the exception of the east Dead Man's Flats' industrial park expansion (under the Area Structure Plan approved by M.D. Bylaw 12/15) and the proposed development of the Municipal Reserve parcel, it is not anticipated that new or expanded utility services will be required by the M.D. in the near future. The provision of and maintenance of these utility services are managed through service agreements between the Town and the M.D.

Policies

1. The existing road and identified trail networks in the IDP Area shall be maintained by the municipality having jurisdiction, in accordance with their policies, unless a separate agreement specifies joint maintenance, maintenance swap or any other terms acceptable to both municipalities.
2. To facilitate possible safe pedestrian and cyclist connections between Dead Man's Flats and the Town within the IDP Area, the municipalities will encourage Alberta Transportation to design

the proposed new overpass at Dead Man's Flats with safe and adequate pedestrian and cyclist facilities.

3. Applications within the M.D. that require Town utility servicing will be referred to the Town for comment and will be evaluated based on the terms of an existing utility servicing agreement.

2.2.3 Natural Environment and Historic Resources

Context

The Town and the M.D. encourage the conservation of the natural environment. The IDP Area contains or is adjacent to a variety of natural features, including waterbodies, riparian areas, and the Wind Valley and Bow Flats habitat patches. The G-8 Wildlife Underpass, located at the east side of the IDP Area, facilitates an across valley connection for wildlife movement.

Historic resources also contribute to the quality of life for current and future residents of the Town and the M.D. Identification and protection of significant historic resources, is a planning consideration for development in the IDP Area.

Policies

1. Environmental protection measures may be implemented, when appropriate, by the municipality having jurisdiction.
2. Both municipalities shall take steps to protect the watershed within the Plan Area, and effectively manage development impacts on surface and groundwater quality and quantity.
3. The Town and the M.D. shall consider wildlife corridor and habitat patch guidelines for the Bow Valley as adopted respectively by each Council in their planning and development approvals process.
4. Statutory plan amendments or land use re-districting in the IDP Plan Area may be considered for approval with the appropriate environmental impact studies and mitigation strategies to reduce identified impacts.
5. Applications for subdivision or development on lands identified as having any potential historic sites will be referred to Alberta Community Development in accordance with Provincial Regulation.

2.2.4 Steep Creek Hazards and Risk Mitigation

Context

The extreme rainfall event in 2013 initiated debris floods and flows in many watersheds within Canmore and the M.D. and resulted in extensive damage to buildings and infrastructure. The Pigeon Creek alluvial fan is within the IDP Area in both jurisdictions. Buildings and infrastructure on this fan experienced significant damage in both municipalities, as well as the TransCanada highway. The Town and the M.D. have collaborated in joint studies to identify the hazard and risk that Pigeon Creek poses. Steep creek risk mitigation will require continued collaboration between the Town, the M.D., the Province and private landowners. Preliminary designs indicate a debris-basin be located within

the Town's boundaries, which primary purpose is to protect existing infrastructure and development in Dead Man's Flats and the TransCanada Highway.

Policies

1. Development on lands identified within a steep creek hazard area will be subject to the policies and regulations of the municipality having jurisdiction.
2. The Town and the M.D. will work together with the Province and affected landowners in the design, construction, financing and long-term maintenance of debris flood hazard mitigation to protect infrastructure and existing development in the IDP Area.
3. The acceptable level of risk that long-term mitigation solutions should be designed to protect against is a 1:300 year event.

2.2.5 Future Land Use

Context

Land use and development in the hamlet of Dead Man's Flats is guided by the M.D.'s Area Redevelopment Plan (ARP) Bylaw 09/13 and Area Structure Plan (Bylaw 12/15). Although the hamlet is primarily built out, there are some parcels for new or redevelopment of residential, commercial and light industrial uses, including the extension of a light industrial area beyond the existing Limestone Valley subdivision on the eastern side of the hamlet.

Within the Town, lands in the IDP Area are guided by MDP policies for a 'Future Planning Area'. There is an existing rock quarry, a multi-unit residential complex (Banff Gate Mountain Resort), a major utility transmission corridor, and on provincial lease lands, a shooting range. The remainder of the lands are undeveloped. Future land use and development will be determined through the process of preparing an Area Structure Plan (ASP) and adoption of the ASP by the Town. The lands may contain a mixture of residential, commercial and industrial, recreation uses and wildlife habitat/corridor.

Policies

1. Future changes in land use and development through the processes of redistricting, subdivision and development within the IDP Plan Area of each municipality may proceed in accordance with the statutory plan policies of the Municipal Development Plan (MDP), Area Structure/Redevelopment Plan(s) (ASP/ARP), Conceptual Schemes and the Land Use Bylaw of the municipality having jurisdiction, as amended from time to time.
2. Crown land as described in Section 618 of the Municipal Government Act is exempt from Part 17 Planning and Development. Each municipality shall encourage the Crown to apply the municipality's statutory plan and Land Use Bylaw requirements to the development of leased Crown land in the IDP Area.

3.0 COMMUNICATION, CIRCULATION AND DISPUTE RESOLUTION

3.1 COMMUNICATION

Communication between the Town and the M.D. will ensure continued effectiveness and success in the implementation of this IDP. The Intermunicipal Collaboration Committee (ICC) will oversee the implementation and monitoring of the Plan.

Policies

1. The Intermunicipal Collaboration Committee shall consist of four members, being two Councillors from the M.D. and two Councillors from the Town. The Chief Administrative Officers or chosen designate will be advisory staff to the Committee.

3.2 APPLICATION REFERRALS

To effectively circulate and provide comments on redistricting, new or amending MDP or ASPs or LUB that may affect the IDP Plan Area or Notification Area, the following policies shall apply.

The initiating municipality is the municipality that has jurisdiction over the lands for which an application has been made.

The responding municipality is the municipality that shares the boundary with the initiating municipality.

Policies

1. All new Area Structure Plans, amendments to the MDP, ASPs of the initiating municipality that may affect lands within the IDP Plan Area or Notification Area shall be circulated for comment by the initiating municipality to the landowners and responding municipality's Administration as required in the Municipal Government Act and as identified in the initiating municipality's statutory plan policies.
2. All new Conceptual Schemes or amendments to Conceptual Schemes, redistricting and subdivision applications within the IDP Plan Area of the initiating municipality shall be circulated for comment to landowners and the responding municipality's Administration.
3. Where an application for a development permit for a discretionary use is received within the Plan Area and an Area Structure or Redevelopment Plan has not been approved, the application shall be circulated by the initiating municipality for comment to the responding municipality's administration.
4. The responding municipality's Administrative response on a circulation shall focus on the impact on the municipality's infrastructure, including roads, utilities and drainage, as well as offsite impacts on land uses unless broader consideration is provided for in specific land use policies.
5. A response from a municipality can be drafted and submitted by that municipality's Administration, without requiring consideration by Council, in order to ensure a timely and effective response.

6. The initiating municipality's Administration shall provide the receiving municipality's Administration with twenty-one (21) days to respond to planning application circulations, unless additional time is requested by the receiving municipality's Administration and the initiating municipality agrees to provide the additional time required.
7. If the municipality does not respond within the noted time, or request an extension, it may be assumed that the responding municipality has no objections or comments regarding the referral.

3.3 DISPUTE RESOLUTION

To effectively deal with concerns, disagreements or objections that arise in the circulation process the following policies shall apply. The following dispute resolution process will be employed.

Step 1

1. Administration of a responding municipality that identifies concerns that may result in an objection to new Area Structure/Redevelopment Plans and Conceptual Schemes, amendments to the MDP or ASP's/ARP's, or Land Use Bylaw amendments that may affect lands within the IDP Area shall, within the circulation time line, request in writing, an Administrative meeting with the initiating municipality to discuss the objection.
2. No decision shall be made by the initiating municipality until dispute resolution steps 2 – 4 conclude in an attempt to resolve the concerns.

Step 2

3. If the concerns are not resolved through the Administrative meeting, the responding municipality must provide an objection notice in writing within seven (7) days after the conclusion of the Administrative meeting to the initiating municipality. The ICC shall then be asked to convene a meeting to discuss the concerns and resolve same.
4. The ICC shall meet within fourteen (14) days of the request to convene, and shall have seven (7) days following that meeting to reach a resolution or other timeline mutually agreed to.

Step 3

5. If the ICC cannot resolve the concerns within this timeline, a mediation process shall commence in accordance with the Dispute Resolution Provisions in the Town of Canmore and M.D of Bighorn Intermunicipal Collaboration Framework. Mediation shall not apply to subdivision applications.

Step 4

6. If the mediation does not resolve the objection, the initiating municipality may proceed with a decision and the reviewing municipality will have the opportunity to appeal the decision to the Municipal Government Board in accordance with the Municipal Government Act.

4.0 PLAN ADMINISTRATION

4.1 PLAN AMENDMENT, REPEAL AND REPLACEMENT

It is anticipated that the land use and development and intermunicipal planning context within the IDP Area may change over time as statutory plans are prepared for lands within the IDP Area. To guide the administration of the IDP, the following policies shall apply.

4.1.1 Plan Amendments

Policies

1. A joint Administrative review of the IDP shall be scheduled no later than four (4) years from the date of adoption which shall be initiated by the two Administrations. The Administrations shall jointly review the IDP, and forward recommendations to the ICC. The ICC shall consider the joint recommendations, and provide their recommendations to the Councils.
2. If an IDP amendment is recommended by the ICC, the recommendation shall be considered by both Councils to direct Administration to initiate the IDP amendment.
3. An Administrative initiated IDP amendment shall receive direction from both Councils to proceed and shall be jointly prepared by Administrations.
4. Requests for amendments to this Plan other than by the Town or the M.D. shall be made to the municipality in which the request originated.
5. In the event that either municipality identifies concerns with the amendment, the dispute resolution process as outlined in Section 3.3 shall be followed.
6. An IDP amendment shall only be enacted if approved by both municipalities.

4.1.2 Plan Repeal and Replacement

Policies

1. A Bylaw to repeal this IDP may be considered by both Councils if the repealing Bylaw at the same time considers a new IDP; or if the repealing Bylaw complies with Provincial legislation.

ENACTMENT

This IDP is adopted separately, by the respective Councils, by bylaw in accordance with Section 631 of the Municipal Government Act, Chapter M-26, RSA 2000.