

Intermunicipal Development Plan

between

Town of Okotoks

and

Municipal District of Foothills No. 31



Bylaw 12-16

Approved by the Town of Okotoks Council
June 27, 2016



Bylaw 38/2016

Approved by the M.D. of Foothills Council
July 6, 2016

**TOWN OF OKOTOKS / M.D. OF FOOTHILLS
INTERMUNICIPAL DEVELOPMENT PLAN**

TABLE OF CONTENTS

1.0	Introduction.....	1
1.1	Purpose of the Plan	1
1.2	Enabling Legislation.....	1
1.3	Regional Planning Framework.....	1
1.4	Enactment.....	2
1.5	Mutual Goals of the Plan.....	2
1.6	Interpretation.....	2
2.0	Plan Context.....	4
2.1	Geographical Context	4
2.2	Plan Area Boundary.....	4
3.0	Plan Policy.....	6
3.1	Okotoks Growth Corridors	6
3.2	Gateway Areas	7
4.0	Plan Implementation.....	12
4.1	Circulation and Referral Processes	12
4.2	Plan Administration, Repeal and Amendment Processes.....	15
5.0	Intermunicipal Dispute Resolution	17
5.1	Land Use and Statutory Plan Applications.....	17
5.2	Development Permit Applications	21
5.3	Subdivision Applications	22

LIST OF MAPS

Map 1:	Plan Area	5
Map 2:	Gateway Areas.....	9
Map 3:	Referral Areas	14

1.0 INTRODUCTION

1.1 PURPOSE OF THE PLAN

The purpose of this Plan is to identify municipal interests relative to lands within the Plan area and to develop policies and decision-making processes that respect the interests of both municipalities. The Plan is intended to provide guidance on land use decisions within the Plan area while respecting the autonomy of each municipality. The fundamental purpose of the Intermunicipal Development Plan (IDP) is to provide opportunities for collaboration and communication between the two municipalities and to establish policy direction and processes to address intermunicipal issues that may arise from time to time.

1.2 ENABLING LEGISLATION

The Alberta Municipal Government Act (MGA), Section 631 provides the legislative framework for the preparation and adoption of Intermunicipal Development Plans. Such Plans may address future land use, development and other matters of intermunicipal concern affecting lands within the Plan boundaries as agreed to by the participating municipalities. In addition, each Intermunicipal Development Plan must include procedures for the resolution of intermunicipal conflicts and provisions for the administration, amendment and repeal of the Plan.

In accordance with the MGA, Section 638, all statutory plans passed by a municipality must be consistent with each other. The procedure for adopting an IDP is described in Section 692 of the MGA. This Plan was undertaken and adopted pursuant to the MGA. All terms shall be as defined in the MGA unless otherwise defined herein. The Provincial Government is currently undertaking a review of the MGA and amendments to the Act are anticipated. Any matters in this Plan that are in conflict with the MGA shall be amended in accordance with the MGA.

1.3 REGIONAL PLANNING FRAMEWORK

All statutory plans are required to be in alignment with the regional planning framework.

The South Saskatchewan Regional Plan (SSRP) came into effect on September 1st, 2014. The SSRP replaces the Provincial Land Use Policies developed pursuant to Section 622 of the MGA. Municipalities have until September 1st, 2019 to submit the statutory declaration affirming that all plans are in compliance with the SSRP.

The Provincial Government is proposing an amendment to the MGA to create a Growth Management Board in the Calgary Region. When the Growth Management Plan for the Calgary Region is adopted, any matters in this Intermunicipal Development Plan that are in conflict with it shall be amended in accordance with the MGA.

1.4 ENACTMENT

The policies contained within the IDP come into force once the Councils of the Town of Okotoks and the M.D. of Foothills have repealed the bylaws that adopted the existing IDP (Town Bylaw 15-98 and MD Bylaw 138/98) and have each given three readings to a bylaw for the IDP 2016. The intent is not that any policies in the IDP bylaw be applied retroactively to any applications for re-zoning, subdivision or development that are in process prior to the IDP bylaw adoption.

1.5 MUTUAL GOALS OF THE PLAN

- 1.5.1 To provide an intermunicipal policy framework to guide future land use decisions within the Plan boundaries.
- 1.5.1 To establish procedures to be used to resolve intermunicipal conflict, Plan administration and Plan amendment or repeal procedures.
- 1.5.2 To provide a referral procedure for land use, subdivision, development and statutory plan amendments within the Plan area.
- 1.5.3 To establish growth corridors for The Town of Okotoks.
- 1.5.4 To address the relationship of the Intermunicipal Development Plan to any future annexation requirements of The Town of Okotoks and the M.D. of Foothills.
- 1.5.5 To achieve a greater degree of coordination in the Gateway Areas with particular attention to interface planning, common highway entranceways, and integration of land use policies.
- 1.5.6 To facilitate compatible land use transitions across the municipal boundary.
- 1.5.7 To address any significant issues that may be identified through the public participation process.

1.6 INTERPRETATION

In this Intermunicipal Development Plan, and particularly within the policy sections, key operative terms, 'shall', 'should', and 'may' are used for consistency and clarity. The interpretation of these terms are outlined as follows:

Shall – is a directive term that indicates that the actions outlined are mandatory, therefore must be complied with, without discretion.

Should – is a directive term that provides direction to strive to achieve the outlined action, but is not mandatory.

May – is a discretionary term, providing notification that the policy in question can be enforced if the municipalities choose to do so, and is usually dependent on the particular circumstances of the specific site and application.

2.0 PLAN CONTEXT

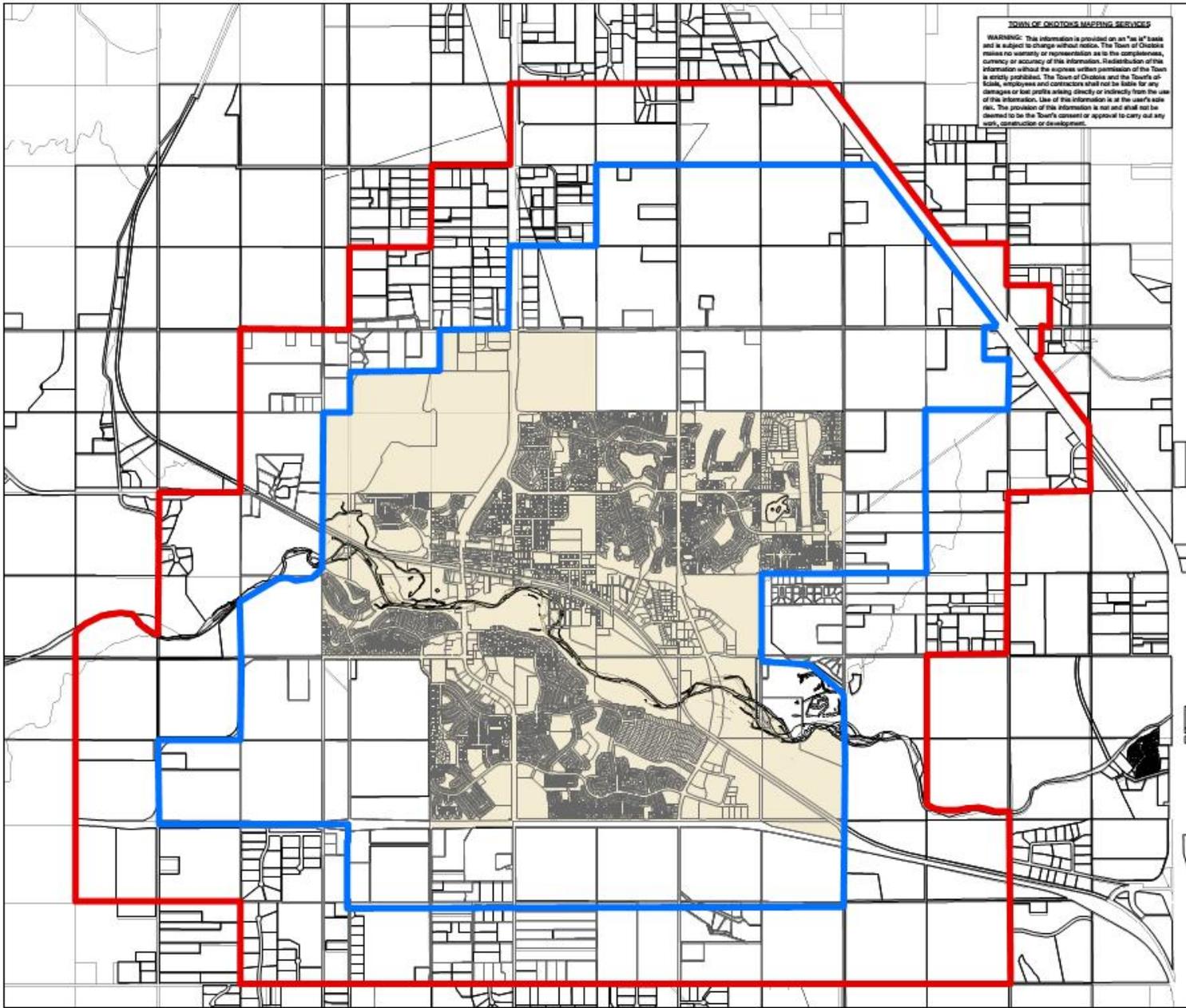
2.1 GEOGRAPHICAL CONTEXT

The Town of Okotoks is surrounded by the Municipal District of Foothills. The City of Calgary, located on the north boundary of the M.D. of Foothills is currently 7 miles north of the Town of Okotoks. The primary transportation routes through the Plan area include the North-South Highways 2 and 2A and the East-West Highway 7.

The Sheep River valley cuts through both municipalities and joins with the Highwood River to the East of the Plan area. Portions of both the Sheep River the Highwood River Watershed are within the Plan area boundary.

2.2 PLAN AREA BOUNDARY

The Town of Okotoks / Municipal District of Foothills Intermunicipal Development Plan area encompasses lands on both sides of the shared boundary as shown on Map 1. Lands contained within the boundaries of an adopted Intermunicipal Development Plan shall be subject to the goals, objectives and policies contained within the Intermunicipal Development Plan as well as those in the Municipal Development Plan, the Land Use Bylaw and any other applicable statutory plans approved by the municipality where they are located.

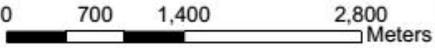


Intermunicipal Development Plan

Map 1- Plan Area

Information Management Services
 April 2016 Scale 1:37000

-  **Plan Area Boundary**
-  **Okotoks Growth Corridors (O.G.C.)**
-  **Current Town of Okotoks**



3.0 PLAN POLICY

3.1 OKOTOKS GROWTH CORRIDORS

The purpose of identifying urban growth corridors for the Town of Okotoks is to ensure the long term viability of the lands for future development in an urban context.

The following policies are to provide direction on planning matters related to those lands identified as Okotoks Growth Corridors on Map 1 of this IDP.

- 3.1.1 Lands identified as Town of Okotoks Growth Corridors shall continue to be governed in accordance with existing M.D. of Foothills policy documents, including this IDP, which may be updated. Should the lands be annexed by The Town of Okotoks, the lands will be governed in accordance with Town of Okotoks policy documents, including this IDP, which may be updated.
- 3.1.2 M.D. of Foothills Council and Administration shall evaluate all planning applications, including Area Structure Plans, land use bylaw amendments, subdivisions, and development within the identified Town of Okotoks Growth Corridors using the policies in this Plan, the M.D. of Foothills Municipal Development Plan and the M.D. of Foothills Land Use Bylaw.
- 3.1.3 While the lands remain within the M.D. of Foothills, applications for land use bylaw amendment and subdivision which create a first parcel out of an unsubdivided quarter section within the identified Town of Okotoks Growth Corridors may be permitted at the discretion of the M.D. Council. Applications proposing subdivision beyond those creating a first parcel out of an unsubdivided quarter section shall generally not be supported, unless agreement can be reached to support the proposal by both Municipalities.
- 3.1.4 Applications for development permit for either permitted or discretionary uses on lands within the identified Town of Okotoks Growth Corridors may be supported at the discretion of the development authority of the M.D. of Foothills.
- 3.1.5 All planning applications within the Okotoks Growth Corridors shall be referred to the Town of Okotoks in alignment with the Circulation and Referral processes outlined within this Plan.
- 3.1.6 Should the Town of Okotoks wish to identify additional Growth Corridors beyond those identified in Map 1, the following sequence of steps shall be pursued to allow for mutually beneficial discussions:
 - a. Preliminary administrative discussions;
 - b. Intermunicipal Committee discussions and recommendations to both Municipal Councils;
 - c. Intermunicipal Development Plan amendment, if necessary;
 - d. Direction from both Municipal Councils to begin negotiations;

- e. Best efforts towards mutually beneficial negotiation process;
- f. Negotiated recommendation brought forward to both Municipal Councils for consideration.

3.1.7 Future annexation proposals shall proceed in accordance with the process for annexation in the Municipal Government Act

3.2 GATEWAY AREAS

Within the Plan Area, Highway 2A and Highway 7 serve as the present and future gateways connecting the M.D. of Foothills and the Town of Okotoks. The Gateway Areas are of particular interest to both municipalities where each has expressed a desire to achieve an increased level of collaboration and engagement. Each area has site-specific characteristics that make them unique. These areas are identified as Gateway Areas within this Plan and are shown on Map 2. Engagement and communication between the M.D. of Foothills and the Town of Okotoks will be of key importance as these areas develop. This will ensure that all opportunities and constraints are identified at an early stage. It will also contribute to the high level of coordination that both municipalities desire in these areas. The need for additional joint planning areas may arise in future and may be identified in the IDP through amendment to the IDP.

3.2.1 General Policies

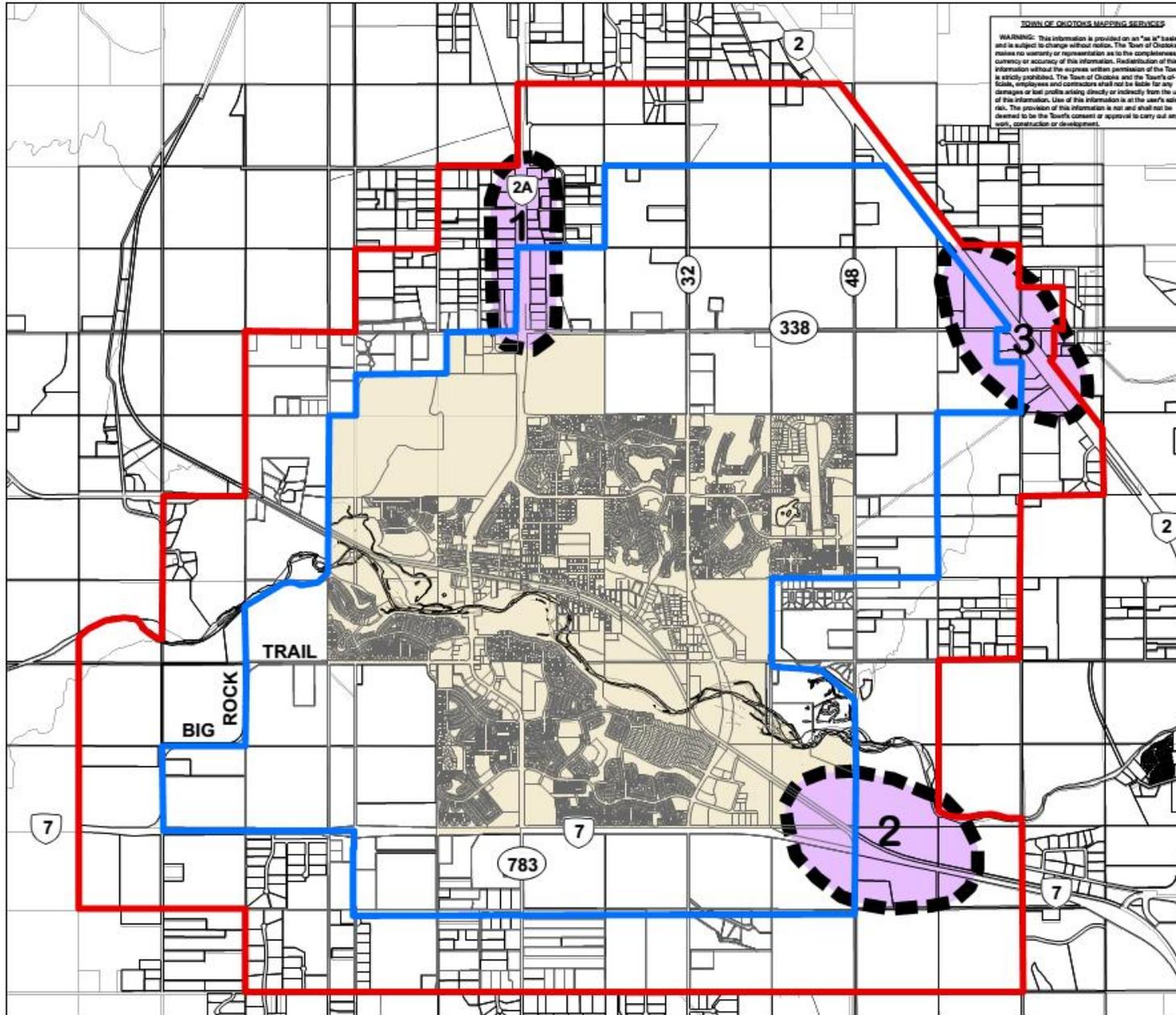
3.2.1.1 Intermunicipal entranceways or gateways are important features for both municipalities. Special consideration should be given to the interface in these areas. Development should be aligned with the entranceway guidelines of each respective municipality.

3.2.1.2 The Intermunicipal Committee (IMC) should be utilized for intermunicipal coordination and communication relating to all infrastructure and land use planning initiatives within Gateway Redevelopment Areas, including subsequent amendments to planning documents.

3.2.1.3 When considering initiatives within Gateway Redevelopment Areas, the IMC should:

- a) Determine if any joint studies may be beneficial;
- b) Meet at the following points in the planning process:
 - i) Formation of a Terms of Reference, or equivalent, to ensure that:
 - an intermunicipal engagement strategy that considers both the adjacent municipality and their residents is established and agreed upon by both municipalities,
 - opportunities and constraints of an intermunicipal nature are identified at an early stage, and
 - opportunities for intermunicipal partnership and support are explored;

- ii) Land use and transportation concept formation to demonstrate and discuss ways in which items outlined in (i) have been considered and incorporated as appropriate; and
 - iii) Draft plan stage to ensure that any remaining intermunicipal matters are addressed, and the policies of this Plan are reflected in the draft document;
- c) Discuss the following topics:
- i) Transportation issues, such as:
 - interchange planning,
 - road connections across municipal boundaries,
 - appropriate road standards to allow for ease of movement,
 - transportation studies, which should be exchanged for information or conducted jointly to inform the planning process, and
 - lands for future road right-of-way to facilitate agreed upon highway and roadway upgrades;
 - d) Explore the integration of land use policy, which should include:
 - references to this document for circulation procedures,
 - appropriate textual and visual (e.g. maps) references to lands in the neighbouring jurisdiction,
 - text that conveys the importance of intermunicipal cooperation in the Gateway Areas, and
 - direction that further work that should be completed at subsequent stages of development in order to achieve the desired coordination; and
 - e) Discuss any other topics relevant to the Gateway Areas including recreation, culture and community development.



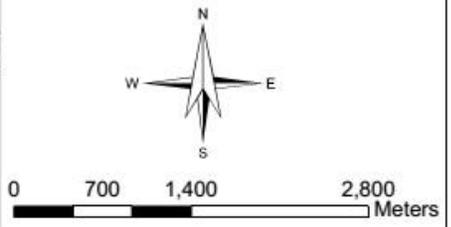
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Intermunicipal Development Plan

Map 2- Gateway Areas

Information Management Services
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-  **Plan Area Boundary**
-  **Okotoks Growth Corridors (O.G.C.)**
-  **Current Town of Okotoks**
-  **1 Highway 2A Gateway Area**
-  **2 Foothills-Okotoks Industrial Initiative, Infrastructure Sharing and Gateway Area**
-  **3 338th-Highway Interchange and Gateway Area**



3.2.2 Highway 2A Gateway Policies

The Highway 2A Gateway is an important gateway for both municipalities. Planning of this gateway is essential to ensure that reasonable access can continually be provided between the two municipalities and that changes to the transportation system in one municipality do not negatively impact the other.

3.2.2.1 The M.D. of Foothills and the Town of Okotoks should cooperate in preparing design guidelines to ensure public and private development within the Gateway Area identified on Map 2 is of a high quality. These design guidelines may address architectural treatments, setbacks, berming, screening of parking and yard storage, access management, landscaping, and signage.

3.2.2.2 The M.D. of Foothills and the Town of Okotoks should cooperate in the preparation of a transportation strategy in order to plan for access throughout the Highway 2A Gateway Area in a fair and equitable manner.

3.2.3 Highway 7 (Foothills/Okotoks Industrial Initiative) Gateway Policies

This area is an important gateway between the M.D. of Foothills and the Town of Okotoks, as well as a critical East/West regional transportation route. Within this area, the dominant existing land uses are planned to be commercial and light industrial.

3.2.3.1 Intermunicipal coordination regarding the interface between employment uses within M.D. of Foothills and residential uses within the Town of Okotoks should be pursued to establish a suitable transition.

3.2.3.2 Other stakeholders should be involved in joint planning processes as necessary. Stakeholders may include but not be limited to Alberta Environment, Alberta Transportation and Canadian Pacific Railway.

3.2.3.3 The M.D. of Foothills and the Town of Okotoks should cooperate in the preparation of a transportation strategy in order to plan for access throughout the Highway 7 Gateway Area in a fair and equitable manner.

3.2.3.4 The M.D. of Foothills and the Town of Okotoks shall negotiate in good faith the preparation of an agreement regarding that portion of 48th Street located within half a mile south of Highway 7 to address jurisdiction, capital and operational cost sharing and construction standards.

3.2.3.5 The M.D. of Foothills and the Town of Okotoks should work cooperatively on common capital projects, the obtaining of grants and increased services to their mutual benefit. The agreement will include provisions to address the following items:

- a. Financing of capital projects;
- b. Construction standards for the term of the agreement;
- c. Termination of the agreement;
- d. Administration, including provisions for amendment of the agreement;
- e. Dispute resolution; and
- f. Such further and other terms as the parties negotiate.

3.2.3.6 Cooperative planning should be undertaken to ensure connectivity of open space networks and recreation pathways.

3.2.4 338th Highway 2 Interchange Gateway Area

This gateway is anticipated to be the location of a new interchange on Highway 2, a critical North/South regional transportation route.

Cooperation and coordination should be undertaken in order to ensure this gateway develops to the highest standards and to plan for the development of the transportation infrastructure to serve the area.

3.2.4.1 Consideration should be given for future road right-of-way requirements when evaluating planning applications in this area.

4.0 PLAN IMPLEMENTATION

The purpose of this section is to establish the methods by which this Plan is to be implemented. The Plan's implementation will be an ongoing responsibility of both Councils and Administration whose actions must reflect the Plan.

4.1 CIRCULATION AND REFERRAL PROCESSES

The Town of Okotoks and the M.D. of Foothills recognize the importance of working together and agree that the mutual referral of planning applications, policy plans, studies and other information is essential to the proper administration of the Intermunicipal Development Plan. Continual collaboration and communication between the two municipalities is one of the most effective means of averting or minimizing intermunicipal conflict.

In 2010, a Strategy for Effective Communication and Conflict Resolution was developed and agreed to by both municipal Councils. The purpose of this strategy was to formalize a mutual commitment to improved communication, a collaborative relationship and effective conflict resolution on intermunicipal matters between the M.D. and the Town. Key elements from the first part of this strategy, which focused on a commitment to effective communication and relations have been incorporated throughout this section of this Intermunicipal Development Plan, as this Plan shall guide the process for circulation and referrals between the two municipalities.

4.1.1 Referrals from the M.D. of Foothills to the Town of Okotoks

The planning proposals that will be referred by the M.D. to the Town are as follows:

1. All planning proposals, including adoption, amendment or repeal of Area Structure Plans (ASP), Area Redevelopment Plans (ARPs), Area Concept Plans (ACPs), Outline Plans, land use bylaw amendments, subdivision applications and development permit applications for discretionary uses that are located within the referral area shown on Map 3 outside of the Town boundary.
2. The M.D. of Foothills shall also refer to the Town of Okotoks any available planning information with respect to lands within the Plan Area that might be requested by the Town of Okotoks. In addition, the M.D. may refer any other planning proposal to the Town, including proposals in the pre-application stages that relates to lands outside the referral area, if the M.D. considers that the Town may be affected.

4.1.2 Referrals from the Town of Okotoks to the M.D. of Foothills

The planning proposals that will be referred by the Town to the M.D. are as follows:

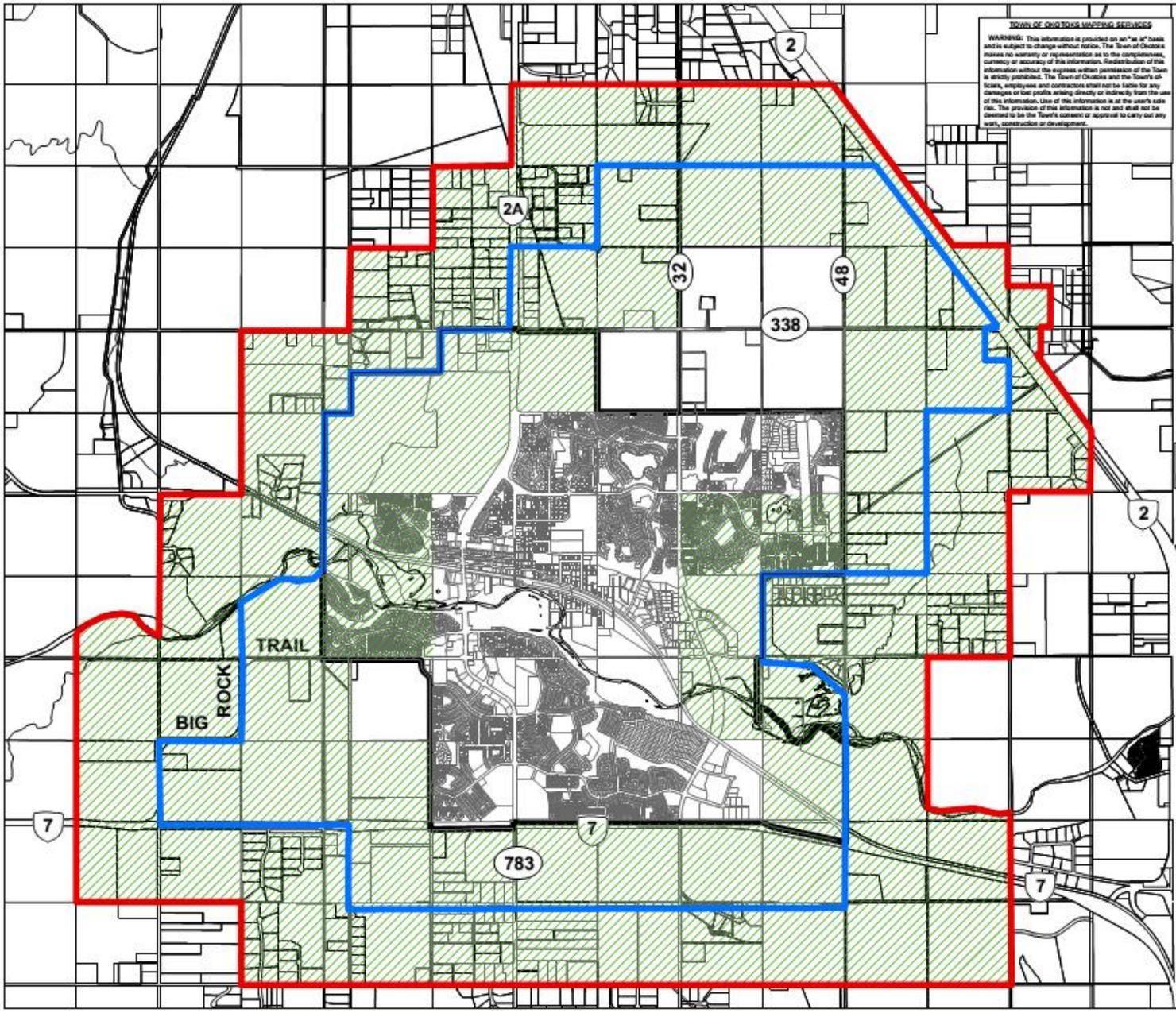
1. All planning proposals, including adoption, amendment or repeal of ASPs, ARPs, ACPs, Outline Plans, land use bylaw amendments, subdivision applications and development permit applications for discretionary uses that are located within the referral area shown on Map 3 inside the Town boundary.
2. The Town shall also refer to the M.D. any available planning information with respect to lands within the Plan Area that might be requested by the M.D. In addition, the Town may refer any other planning proposal to the M.D., including proposals in the pre-application stages that relates to lands outside the referral area, if the Town considers that the M.D. may be affected.

4.1.3 Circulation Response Times

Unless otherwise agreed to by the administrations of both municipalities, the responding municipality shall have thirty (30) days to reply to any intermunicipal circulation provided for under Sections 4.1.1 and 4.1.2 of this Intermunicipal Development Plan. Should more time to respond be required, a request should be made in writing requesting additional time to respond to the circulation.

4.1.4 Declining to Respond to Referrals

In the event that either municipality does not reply within or request an extension to the maximum response period of thirty (30) days for any intermunicipal circulation, it may be assumed that the responding municipality has no comment or objection to the referred planning proposal.



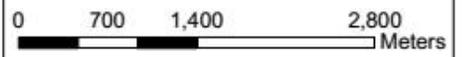
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Intermunicipal Development Plan

Map 3-Referral Area

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-  **Plan Area Boundary**
-  **Okotoks Growth Corridor Area**
-  **Referral Area (R.A.)**
-  **Current Town Boundary**



4.2 PLAN ADMINISTRATION, REPEAL AND AMENDMENT PROCESSES

4.2.1 Administration of the Intermunicipal Development Plan

Each municipality will administer provisions of the Intermunicipal Development Plan for lands within its municipal jurisdiction using its own staff resources and will determine what decision-making authority should be delegated to the Intermunicipal Committee and to staff. The creation of intermunicipal subdivision and development authorities and intermunicipal subdivision and development appeal boards is not anticipated.

4.2.2 Public Hearing and Plan Adoption

The adoption of the Intermunicipal Development Plan is governed by the Municipal Government Act, Section 692. Following the completion of the Public Hearings requirements of each municipal Council, the IDP may be adopted by individual bylaws by the Town and the M.D. and in accordance with the MGA.

4.2.3 Intermunicipal Development Plan Review Period and Amendments

While the IDP is meant to be a long range planning document, it is intended that regular monitoring, review and periodic amendments occur that policies in the IDP remain current and reflect changing trends and growth in the region. In order to adapt to changing circumstances there is a process that allows for the amendment of this document when it is in the mutual interests of the M.D. and the Town to do so. Amendments may occur as a result of a regularly scheduled review or when deemed necessary by both municipalities.

This Plan may require an amendment from time to time for a variety of reasons. Amendments are subject to agreement by both Municipalities and must be adopted by both Councils using the procedures established in the MGA.

A full review of the IDP should be initiated by the Intermunicipal Committee within ten (10) years of the date of adoption and will result in a report on the success of the Plan and a recommendation regarding the full scale review of the Plan.

In addition to the established scheduled review processes, the municipalities may agree to amend this Plan at any other time as may be required.

4.2.4 Repeal of the Intermunicipal Development Plan

Either municipality may initiate the process to repeal and terminate the Plan. The following procedure to repeal the Plan shall be followed subject to the Municipal Government Act:

- The Town or MD shall give the other municipality written notice of its intention to repeal the Plan.

- Within thirty (30) days of the written notice, an Intermunicipal Committee meeting shall be convened.
- 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 in accordance with the MGA to repeal the Plan.
- Should the Plan be repealed all other agreements between the two municipalities will continue to be in force, unless otherwise stipulated in the Agreements themselves.

5.0 INTERMUNICIPAL DISPUTE RESOLUTION

The following outline provides a framework for dispute resolution that is generally in keeping with part two of the Strategy for Effective Communication and Conflict Resolution document. Key elements from the second part of this strategy, which focused on prevention and resolution of conflict on matters of mutual interest have been included throughout this section of the Intermunicipal Development Plan, as this Plan shall guide the process for dispute resolution between the two municipalities.

In this Section, "initiating municipality" means the municipality in which the land that is the subject of a proposal is located. "Proposal" means a development permit, subdivision application, land use redesignation application, land use amendment application, an area structure plan, an area structure plan amendment or an Intermunicipal Development Plan amendment. "Responding municipality" means the other municipality. Section 4.1 above outlines the circulation and referral processes that would apply for such proposals.

NOTE: Certain time limitations (e.g., the need to respond to a circulation request within thirty (30) days or be deemed to have no comments) and certain legislative requirements (e.g., the need for a municipality to make a decision on application within a specific timeframe or give written notice of its concerns to another municipality prior to second reading of certain bylaws) have to be respected. It is the responsibility of each municipality to ensure that its procedures account for these requirements.

5.1 LAND USE AND STATUTORY PLAN APPLICATIONS

Land Use and Statutory Plan proposals affecting lands within the Plan Area boundaries of the Intermunicipal Development Plan will be addressed and may be resolved at any one of the following four stages for communication and conflict resolution:

Stage 1: Formal Application Review

1. Application Circulation as Required Under the MGA

When a formal application is received by the initiating municipality, the application is to be circulated to the responding municipality, allowing a thirty (30) day response time from the date of circulation.

2. Formal Letter of Concern or Support

Upon circulation of a proposal, the administration of the responding municipality will undertake a technical evaluation of the proposal and may provide a formal letter of concern or support for the application back to the initiating municipality within thirty (30) days of circulation.

In the case of a letter of concern, it is imperative that the responding municipality clearly identify the specific issues as well as provide suggestions on how these issues may be addressed.

3. Public Hearing

Upon completion of the required circulation time, the initiating municipality may schedule the Public Hearing for the proposal, or bring the matter before Council for consideration of first reading.

A staff report outlining the details of the proposal, including the responding municipality's notice of support or concern will be submitted to Council as part of the application.

In addition to other information submitted, Council will give serious consideration to the responding municipality's letter of concern or support and will take into account the conflict resolution process that is in place when imposing conditions regarding next steps to proceed with the application.

4. Council Decision on Application

Should the Council of the initiating municipality grant the application first reading where a letter of concern was submitted by the responding municipality, the conflict resolution process identified under this framework shall be initiated.

Stage 2: Conflict Resolution

1. Administration Committee Negotiations

It is strongly encouraged that the majority of the concerns be resolved at the administration level. An informally appointed committee comprised of administration from both municipalities will meet and work towards negotiations and resolving any concerns.

The committee will exchange information on the proposal as required and will undertake the following process:

- a. Identifying interests of each side (not positions);
- b. Prioritize issues and interests;
- c. Gather data required to make objective decisions;
- d. Create alternative solutions;
- e. Pick preferred option.

If the issues are resolved, then the proposal may proceed with the internal review and municipal approval process.

If no resolution can be reached on concerns at the administration committee level, a Notice of Concern shall be submitted to the Intermunicipal Committee for review. The Notice of Concern should include pertinent information about the proposal in addition to a report that should outline all issues identified, all alternate solutions explored in an attempt to resolve the issues and any outstanding issues and unresolved requirements.

NOTE: Each municipality will be responsible for determining the degree of discretion to be delegated to each respective administration in the review of proposals.

2. Intermunicipal Committee (IMC) Negotiations

In the event that a proposal is referred to the Intermunicipal Committee (IMC), a Committee meeting will be scheduled.

Administrations of both municipalities shall present the Notice of Concern to the IMC and answer any additional questions on the matter.

After consideration of the Notice of Concern, the Intermunicipal Committee may:

- a. Provide suggestions back to both municipalities with respect to revisions to the proposal, which should be considered to make it more acceptable to both municipalities;
- b. If possible, agree on a consensus position of the Intermunicipal Committee, either in support of or in opposition to the proposal, to be presented to both Councils; or
- c. Conclude that no initial agreement can be reached and that a consensus position of the Intermunicipal Committee will not be presented to the respective Councils.

Where considered necessary and if agreed to by both municipalities, a facilitator may be engaged to help the Intermunicipal Committee work toward a consensus position.

If the issues can be resolved, then the proposal may proceed with the internal review and approval process further to compliance of the necessary requirements as agreed to by the IMC.

If a consensus cannot be reached following Intermunicipal Committee negotiations, the IMC will refer the proposal to both municipal Councils for review and further action.

3. Municipal Council Negotiations

After receiving the recommendations of the Intermunicipal Committee and the respective municipal administrations with respect to a particular proposal, each municipal Council will establish its position on the proposal.

If both municipal Councils support the proposal; then the approval may proceed and if agreed to, any amendments to the Intermunicipal Development Plan that may be required to allow the proposal to go forward can be completed.

If the two Councils cannot agree on a proposal, a formal notice of intent to mediate may be filed, and a resolution passed by both Councils agreeing to commence mediation.

If the two municipalities agree to mediation, the initiating municipality should not give approval in the form of second or third readings to appropriate bylaws or any other approvals until mediation has been concluded.

In the event that the two municipalities cannot agree to mediation, the initiating municipality may pass a bylaw in accordance with the Municipal Government Act (MGA) to implement the proposal, then the appeal process may be initiated.

Stage 3: Mediation Process

The following will be required before a mediation process can be established:

- a. Agreement by both Councils that mediation is necessary;
- b. Appointment by both Councils of a mediation committee comprised of administration from both municipalities, and where deemed appropriate an equal number of Town Councillors and M.D. Councillors;
- c. Engagement, at equal cost to both municipalities, of an impartial and independent mediator agreed to by both municipalities; and
- d. Approval by both municipalities of a mediation schedule, including the times and locations of meetings and a deadline by which the mediation process is to be completed.

If agreed to by both municipalities, any members of the Intermunicipal Committee or administrative staff from either municipality who are not participating directly in the mediation process may act as information resources either inside or outside the mediation room.

All participants in the mediation process will be required to keep the details of the mediation confidential until the conclusion of the mediation.

At the conclusion of the mediation, the mediator will submit a mediator's report to both municipalities.

If a mediated agreement is reached, then that agreement will be recommended to both municipal Councils for action. In addition, both Councils will also consider the mediator's report and the respective positions of the municipal administrations with respect to the mediated agreement. Any mediated agreement will not be binding on either municipality and will be subject to the approval of both municipal Councils.

If no mediated agreement can be reached or if a mediated agreement is not approved by both Councils, then the appeal process may be initiated.

Stage 4: Appeal Process

In the event that no resolution can be reached through the mediation process, the initiating municipality may pass a bylaw in accordance with the Municipal Government Act (MGA) to implement the proposal (i.e., a land use bylaw amendment, an area structure plan or an area structure plan amendment).

If the initiating municipality passes a bylaw to implement the proposal, then the responding municipality may appeal that action to the Municipal Government Board under the provisions of Section 690 of the Municipal Government Act.

The responding municipality must file a notice of appeal with the Municipal Government Board and give a copy of the notice of appeal to the initiating municipality within thirty (30) days of the passage of the disputed bylaw.

5.2 DEVELOPMENT PERMIT APPLICATIONS

When a formal application for a Development Permit for a discretionary use is received by the initiating municipality, the application is to be circulated to the responding municipality, allowing a thirty (30) day response time from the date of circulation.

Upon circulation of an application for a Development Permit, the administration of the responding municipality will review the proposal and provide a formal letter of concern or support for the application back to the initiating municipality within thirty (30) days of circulation. In the case of a letter of concern, it is important that the responding municipality clearly identify the specific issues as well as provide suggestions on how these issues may be addressed.

In addition to other pertinent information submitted with the Development Permit application, the Development Authority of the initiating municipality will give serious consideration to the responding municipality's letter of concern or support when making a decision on the proposal.

Once the Development Authority issues a decision on the application then the responding municipality may appeal the issuance of the decision within fourteen days to the

Subdivision and Development Appeal Board under the provisions of Sections 685, 686 and 687 of the Municipal Government Act.

5.3 SUBDIVISION APPLICATIONS

When a formal application for a Subdivision Proposal is received by the initiating municipality, the application is to be circulated to the responding municipality, allowing a thirty (30) day response time from the date of circulation.

Upon circulation of an application for a Subdivision Proposal, the administration of the responding municipality will review the application and provide a formal letter of concern or support for the application back to the initiating municipality within thirty (30) days of circulation.

A staff report outlining the details of the proposal, including the responding municipality's notice of support or concern will be submitted to the Subdivision Approving Authority (SAA) for review. In addition to other pertinent information provided, the SAA will give serious consideration to the responding municipality's letter of concern or support when making a decision on the proposal.