

Town of Pincher Creek

Municipal District of Pincher Creek No. 9

Intermunicipal Development Plan

September 2010



Town of Pincher Creek Bylaw No. 2010-11

MD of Pincher Creek Bylaw No. 1200-10



**Prepared by Oldman River Regional Services Commission for the Town of Pincher Creek
and the Municipal District of Pincher Creek No.9**



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**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1200-10**

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to adopt Bylaw No. 1200-10, being the Municipal District of Pincher Creek No. 9 and Town of Pincher Creek Intermunicipal Development Plan.

WHEREAS Section 631 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality may pass an Intermunicipal Development Plan Bylaw; and

WHEREAS the municipality has been encouraged by the province to create and adopt an Intermunicipal Development Plan on land use in the fringe of urban areas and to work co-operatively in order to pursue joint approaches to common planning issues;

WHEREAS the municipal council wishes to adopt a comprehensive plan which encourages the orderly and economical development of land use in the designated fringe area in consultation with the Town of Pincher Creek;

WHEREAS the purpose of proposed Bylaw No. 1200-10 is to adopt a land use plan that provides a framework and guidelines for dealing with future subdivision and development of lands within the designated intermunicipal plan boundary and promotes the ongoing cooperation, consultation, and coordination the Municipal District of Pincher Creek No. 9 and Town of Pincher Creek have established;

WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

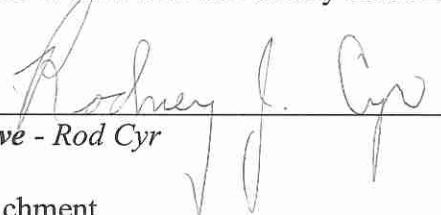
1. This bylaw shall be cited as “the Municipal District of Pincher Creek No. 9 and Town of Pincher Creek Intermunicipal Development Plan Bylaw 1200-10”.
2. Intermunicipal Development Plan Bylaw 1200-10 as per “Schedule A” attached.
3. This bylaw shall come into force and effect upon third and final passing thereof.
4. Bylaw No. 1076-03 is hereby repealed.

READ a first time this 24 day of August, 2010.


A PUBLIC HEARING was held this 9 day of September, 2010.

READ a second time this 14 day of September, 2010.

READ a third time and finally PASSED this 14 day of September, 2010.



Reeve - Rod Cyr



Chief Administrative Officer - Wendy Kay

Attachment
- “Schedule A”

**TOWN OF PINCHER CREEK
BYLAW NO. 2010-11**

Being a bylaw of the Town of Pincher Creek in the Province of Alberta, to adopt Bylaw No. 2010-11, being the Municipal District of Pincher Creek No. 9 and Town of Pincher Creek Intermunicipal Development Plan.

WHEREAS Section 631 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality may pass an Intermunicipal Development Plan Bylaw; and

WHEREAS the municipality has been encouraged by the province to create and adopt an Intermunicipal Development Plan on land use in the fringe of urban areas and to work co-operatively in order to pursue joint approaches to common planning issues;

WHEREAS the town council wishes to adopt a comprehensive plan which encourages the orderly and economical development of land use in the designated fringe area in consultation with the Municipal District of Pincher Creek;

WHEREAS the purpose of proposed Bylaw No. 2010-11 is to adopt a land use plan that provides a framework and guidelines for dealing with future subdivision and development of lands within the designated intermunicipal plan boundary and promotes the ongoing cooperation, consultation, and coordination the Municipal District of Pincher Creek No. 9 and Town of Pincher Creek have established;

WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw shall be cited as “The Municipal District of Pincher Creek No. 9 and Town of Pincher Creek Intermunicipal Development Plan Bylaw No. 2010-11”.
2. Intermunicipal Development Plan Bylaw No. 2010-11 as per “Schedule A” attached.
3. This bylaw shall come into force and effect upon third and final passing thereof.

4. Bylaw No. 1526 is hereby repealed.

READ a first time this

23 day of August, 2010.

A PUBLIC HEARING was held this

9 day of September, 2010.

READ a second time this

13 day of September, 2010.

READ a third time and finally PASSED this

13 day of September, 2010.



Deputy Mayor
Doug Thornton



Chief Administrative Officer
Laurie Wilgosh

Attachment
- "Schedule A"

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Municipal District of Pincher Creek No. 9 and Town of Pincher Creek
INTERMUNICIPAL DEVELOPMENT PLAN

PART A: INTRODUCTION

1. BACKGROUND

An Intermunicipal Development Plan is a statutory document prepared for and adopted by two or more municipalities, which deals with land use planning matters of mutual interest.

The adoptions of this plan are the result of a collaborative effort by the Town of Pincher Creek and the Municipal District of Pincher Creek in addressing sensitive land use issues in close proximity to the Town.

This Intermunicipal Development Plan supersedes the original joint plan prepared and adopted by both municipalities in August of 2003. Upon adoption, the 2003 plan will be rescinded.

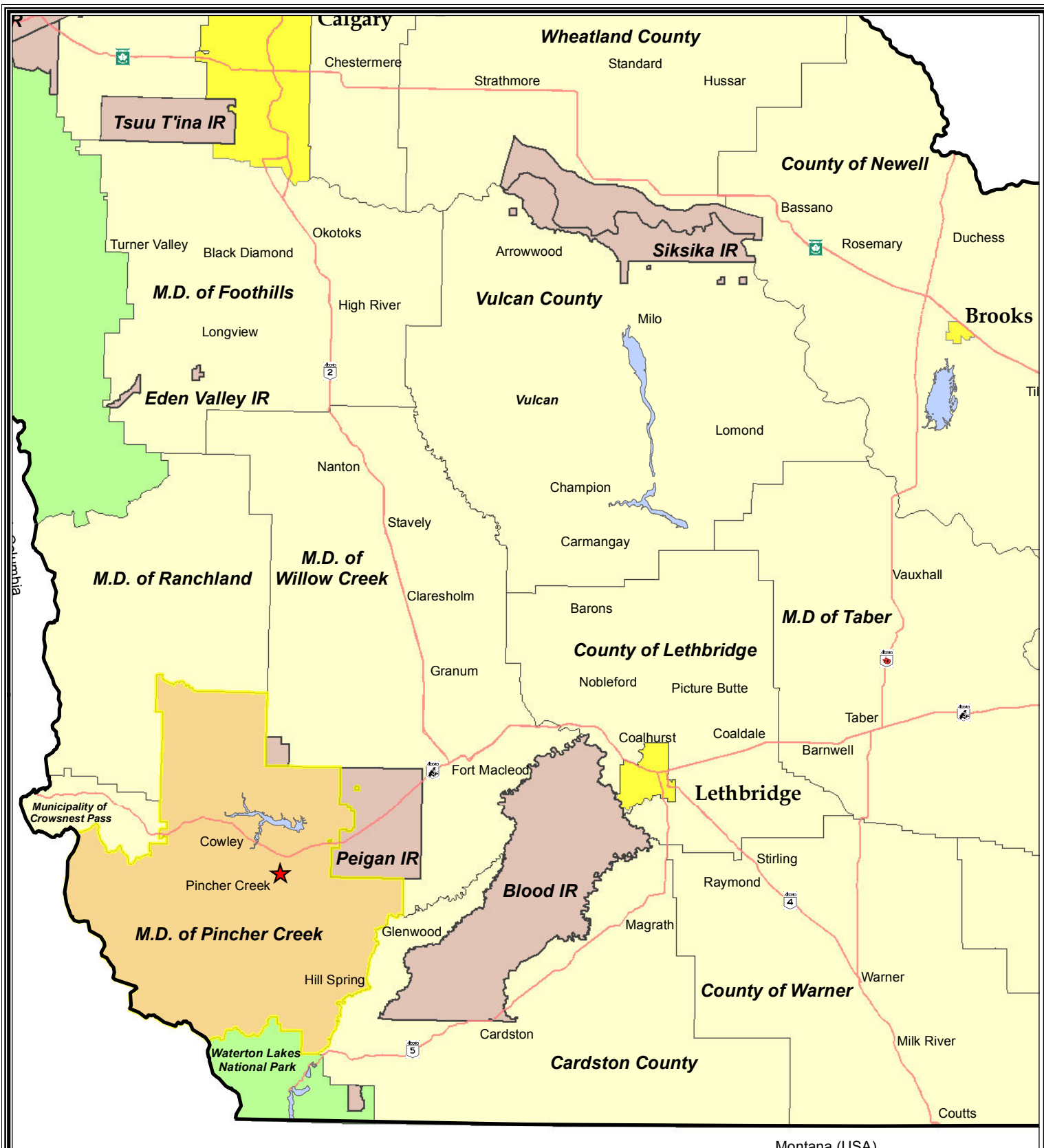
Discussions between both municipalities have taken place for several years regarding fringe land (see Map 2) use and future growth expectations. It is recognized that both municipalities' Municipal Development Plans (MDP) are due for updates which may be integral to this plan. It is proposed that this plan be adopted with the intent to work towards and adopt new MDPs. These plans and associated studies will form the basis for a comprehensive IMDP review and plan to be completed after the adoption of new MDPs.

Dialogue between the Town and the Municipal District through a committee of both elected officials and administration has reviewed the existing plan and addressed land use issues within the IMDP plan boundary.

2. PLAN PREPARATION PROCESS




The Intermunicipal Development Plan Committee members undertook a review of the present plan and came up with 11 key topic areas to be addressed in this plan. These topic areas are meant to augment the existing plan until such time as a full review can be completed. The topic areas include the following:

- Recommendation to study a potential land exchange: De-annexation of lands beyond proposed Highway 6 alignment in Section 24 6-30 W4M and the annexation of lands south of proposed Highway 3 alignment in Section 35 6-30 W4M (See Map 4)



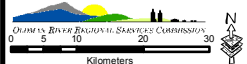
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TOWN OF PINCHER CREEK
 BYLAW # 1200 - 10
 M.D. OF PINCHER CREEK
 BYLAW # 2010 - 11
 INTERMUNICIPAL DEVELOPMENT PLAN

-  Town of Pincher Creek
-  M.D. of Pincher Creek
-  Major Highway

REGIONAL LOCATION MAP
 AUGUST 19, 2010

MAP 1



- Recommendation policy statement to study the planning issues of the Hamlet of Lowland Heights
- Recommendation to conduct Pincher Station land use review and future planning through the MD of Pincher Creek MDP update
- Review of Grouped Country Residential continuance southwest of Town along the Creeks.
- Adjustment of the Urban Fringe district mapping
- Process outline and diagram of roles IMDP Committee
- Review of CFO policy and mapping
- Recommendation for MDP updates for both municipalities
- Inclusion of a general growth direction for the Town with clarification to come through town planning processes including Municipal Development Plan and Infrastructure Master Plan
- Inclusion of Transportation policies
- Recommendation that following adoption of this amendment the a comprehensive plan rewrite begin upon completion of both Municipalities' MDPs updates

Committee members discussed the outstanding matters with their own respective councils looking for guidance and agreement. An initial draft was prepared by planning staff and resubmitted to the Committee for its review, which resulted in a refined document being prepared, complete with maps and revised text for the Committee's final perusal.

Meetings took place with directly affected landowners and Committee members to discuss the proposed contents of the plan prior to any formal meetings or hearing. Open houses were scheduled in advance of a mandatory public hearing required by the Municipal Government Act. At the discretion of both councils, the document was then adopted by individual bylaws.

3. INTENT AND APPLICATION

The purpose of this Intermunicipal Development Plan, in accordance with the Act, is to prescribe policy for future land use and development, and any other matter relating to the physical, social or economic development of an area that the councils of the Town and Municipal District consider necessary. As well, it plans for orderly and properly controlled development surrounding the urban area which allows for timely expansion with minimal land use conflicts.

This Intermunicipal Development Plan applies to the lands as shown on the Land Use Guide Map, Map 2.

4. GOALS AND OBJECTIVES

GOALS

It is the intent of the councils of the Town and Municipal District of Pincher Creek that the objectives and policies of this plan be governed by the goals stated below:

- To facilitate orderly and efficient development in the designated Urban Fringe district while identifying each municipality's opportunities and concerns.
- To identify the land uses each municipality envisages for the IMDP plan boundary.
- When practical, to harmonize both municipalities' development and subdivision standards and requirements.
- To identify possible joint ventures, such as the provision of municipal services.
- To provide for a continuous and transparent planning process that facilitates ongoing consultation and cooperation among the two municipalities and affected ratepayers.
- To provide methods to implement and amend the various policies of the plan which are mutually agreed to by both municipalities.

OBJECTIVES

The following objectives shall be used as a framework for the policies of this plan and its implementation:

- To identify the growth strategies of the Town of Pincher Creek and ensure that these growth strategies are compatible with the development and land use policies of the Municipal District of Pincher Creek.
- To discourage the fragmentation of agricultural land and to prevent the premature conversion of agricultural lands in the IMDP plan boundary or area adjacent to it to non-agricultural uses.
- To recognize the continued viability of both communities by providing development in the urban fringe that:
 - (a) fosters a healthy environment, and
 - (b) seeks to minimize conflict when expansion becomes necessary.
- To direct country residential and other non-agricultural development to locations which are least disruptive to the agricultural community and to orderly urban expansion.
- To assist appropriate approval authorities to exercise control over confined feeding operations and industrial or other development which may have a potentially adverse impact on existing and / or future land use.
- To discourage development on flood-prone areas, potentially unstable slopes, undermined areas and other hazard lands and to ensure that public health and safety

issues are given adequate consideration when land use and related decisions are being made.

- To maintain and promote a safe and efficient roadway network.
- To ensure development is serviced to standards appropriate to the location and type of development.

5. DEFINITIONS

Act means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, with amendments there to.

Adjacent means the same as in the Municipal Government Act.

Area structure plan means a framework defined, prepared and adopted by bylaw in accordance with the Act for the subsequent subdivision and development of an area of land.

Commercial means the use of land and/or buildings for the purpose of public sale, display and/or storage of goods and/or services on the premises. Any on-premise manufacturing, processing or refining of material shall be incidental to the sales operation.

Conceptual scheme as referred to in the Subdivision and Development Regulation, means a detailed plan that relates a development or subdivision proposal to future subdivision and development of adjacent areas.

Confined feeding operation (CFO) has the same meaning as in the regulations of the Agricultural Operations Practices Act.

Confined feeding operation exclusion district means the area of rural land identified in this plan where it is recommended to the Natural Resources Conservation Board that no confined feeding operations are to be approved.

Country residential means a residence and associated developments related to an un-subdivided quarter section or first parcel out of a quarter section.

Designate "redesignate", "redistrict", or "rezone" means changing the existing land use district on the official Land Use District Map in the land use bylaw.

Development means development as defined in the Act.

Development authority means the development authority of the Municipal District of Pincher Creek No. 9 or the development authority of the Town of Pincher Creek, whichever development authority applies.

Extensive agriculture means the productions of crops or livestock or both by expansive cultivation or open grazing. "Intensive horticultural facility" is a separate use.

Fragmented parcel means a parcel or lot which contains one or more areas which are separated from the remainder of the parcel or lot by a registered public roadway.

Grouped country residential means an existing or proposed residential use on two or more adjoining parcels each of less than 70 acres in size.

Industrial means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices, warehousing and wholesale distribution uses which are accessory to the above provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site upon which it is situated. "hazardous or offensive industries" and Specialty manufacturing / Cottage industry" are separate uses.

Intensive agriculture means the raising of livestock above certain threshold numbers in confined areas or the growing of produce, crops, plants or vegetables through a concentrated utilization of land or buildings.

Land use bylaw has the same meaning as in the Municipal Government Act.

May means, within the context of a policy, that the action described in the policy is discretionary.

Minimum Distance Separation (MDS) is the distance measured from outside walls of neighbouring residences to the point closest to the applicant's livestock facility, manure storage facility, catch basin, feeding pen or barn, or milking facility.

MDS Category 3 reflects the sensitivity of neighbouring land uses and applies to land zoned as large scale country residential, high use recreational or commercial purposes, as well as from the urban fringe boundary of land zoned as rural hamlet, village or town which has an urban fringe.

Hazardous or Offensive Industry means development used for manufacturing, fabricating, processing, assembly, storage, production or packaging of goods, materials, or products where:

- (a) the use may be detrimental to public health, safety or welfare beyond the boundaries of the site or parcel upon which it is situated; or
- (b) the use may be incompatible with residential or other development because of toxic gases, smells, wastes, noise, dust or smoke emission which are not confined to the site or parcel upon which the use is situated. This use includes but is not limited to:
 - (i) abattoirs, slaughterhouses and rendering plants; or
 - (ii) processed forage processing plants; or
 - (iii) anhydrous ammonia storage facilities; or
 - (iv) explosives storage or manufacturing facilities; or
 - (v) fertilizer manufacturing plants; or
 - (vi) gas processing plants; or
 - (vii) petrochemical industries or refineries; or

- (viii) metal industries, which are involved in the refining, smelting, or re-smelting of ores or metals; or
- (ix) administrative offices, warehousing, storage and wholesale distribution facilities associated with the above shall be treated as part of this use. “Waste disposal facility” and “Wastewater treatment plants” are separate uses.

Hazardous or Offensive industry exclusion district means the area of rural land identified in this plan where it is recommended that no hazardous or offensive industry be approved.

Redesignate – see designate.

Residential means the use of land or buildings for the purpose of domestic habitation on a continual, periodic or seasonal basis.

Shall means, within the context of a policy, that the action described in the policy is mandatory.

Single lot residential means one lot for the use of a country residence.

Urban fringe means a specified rural district immediately adjacent to the corporate limits of a city, town, village or hamlet where certain land uses are either allowed or prohibited to protect the interests of both jurisdictions.

PART B: INTERMUNICIPAL LAND USE POLICIES

1. GENERAL POLICIES

This section of policy is intended to provide guidance to decision makers when considering land use approvals in the IMDP plan boundary. Approvals may be given to uses that are complementary to uses located in the adjacent jurisdiction. Other sections of this plan may also apply, for example, the requirements for referrals.

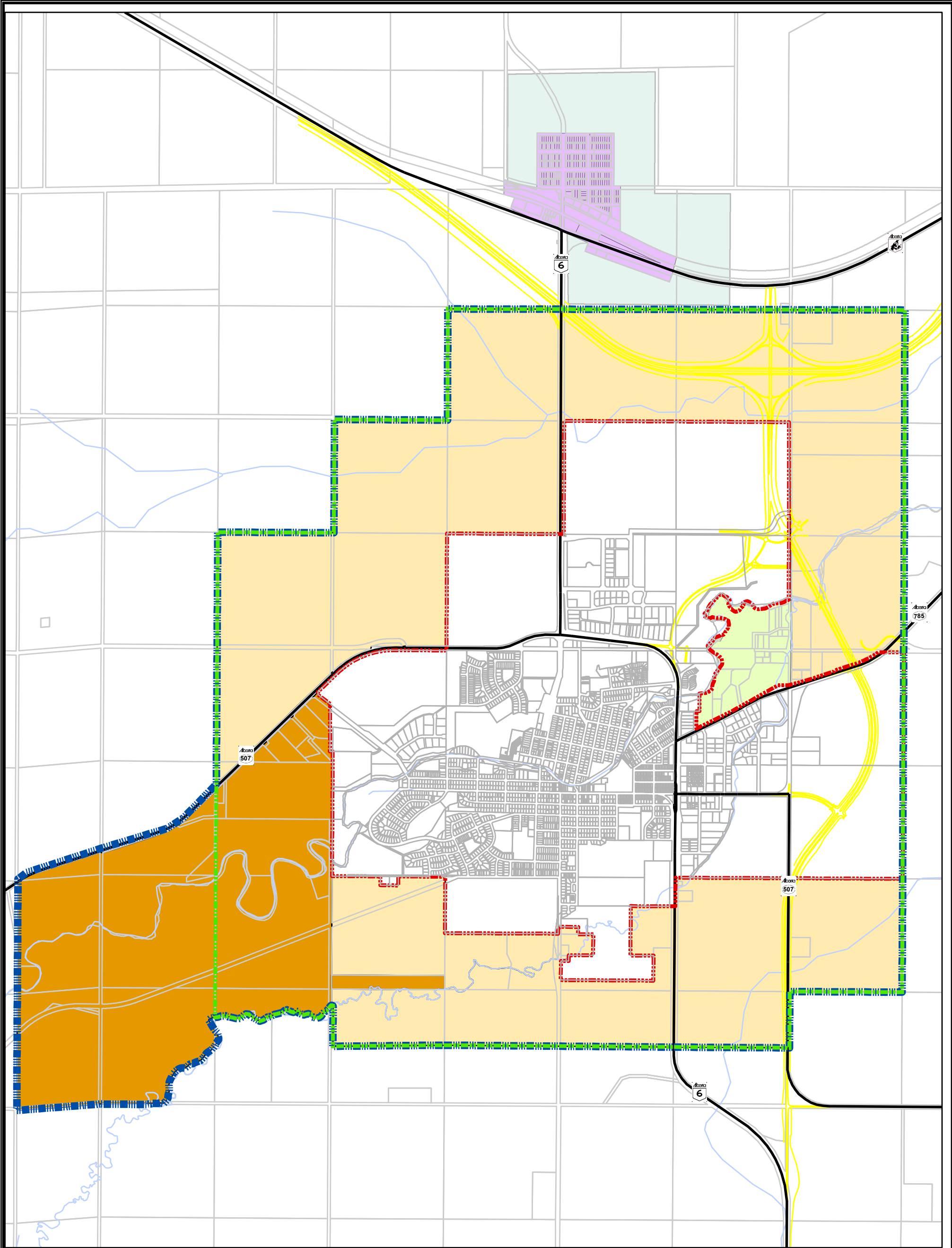
- 1.1 For the purpose of managing land use in the IMDP plan boundary, the area is divided into the following areas as shown on the Land Use Guide Map, Map 2:
 - (a) Agriculture,
 - (b) Designated Hamlet of Lowland Heights, and
 - (c) Potential Country Residential.
- 1.2 Land use in the designated Hamlet of Lowland Heights will be generally limited to residential, open space and recreation, and land uses which are compatible with the preceding. Existing uses which may be viewed as incompatible with the existing districts may remain as legal non-conforming uses.
- 1.3 The four land use districts shown in Appendix A currently apply to the Hamlet of Lowland Heights. These districts with their attendant development standards shall continue to apply following adoption of this plan.
- 1.4 Extensive agriculture will be the primary land use of the lands designated on the Land Use Guide Map, until these lands are redesignated in a land use bylaw in accordance with this plan. Land uses will be allowed in accordance with the Urban Fringe District contained in the Municipal District of Pincher Creek Land Use Bylaw.

2. CONFINED FEEDING OPERATIONS

Confined Feeding Operations (CFOs) are a land use that may have an adverse effect on the urban area; however the approval authority for these operations is the Natural Resources Conservation Board. Policies regarding CFOs are intended to state the position of the two participating municipalities for the lands that are subject to this plan. Further, these policies must be reflected in the MD of Pincher Creek No.9's MDP, because the NRCB is legislated to review MDPs for reciprocal planning and not IMDPs.

Minimum Distance Separation is defined and provided as information on the Growth Constraints Map (Map 3). Further information regarding MDS can be found in the 2010 IMDP Background Report.

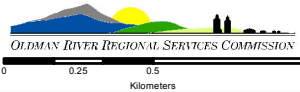
These policies recognize that it is important for both jurisdictions to maintain a good quality of life and high quality environment and support all types of agriculture, as both are fundamental to growth and development within each of their municipality's. An urban fringe district is the area where these positions can conflict and must be balanced. The balance is achieved through the following policies:



M.D. OF PINCHER CREEK
 BYLAW # 1200 - 10
 TOWN OF PINCHER CREEK
 BYLAW # 2010 - 11
 INTERMUNICIPAL DEVELOPMENT PLAN

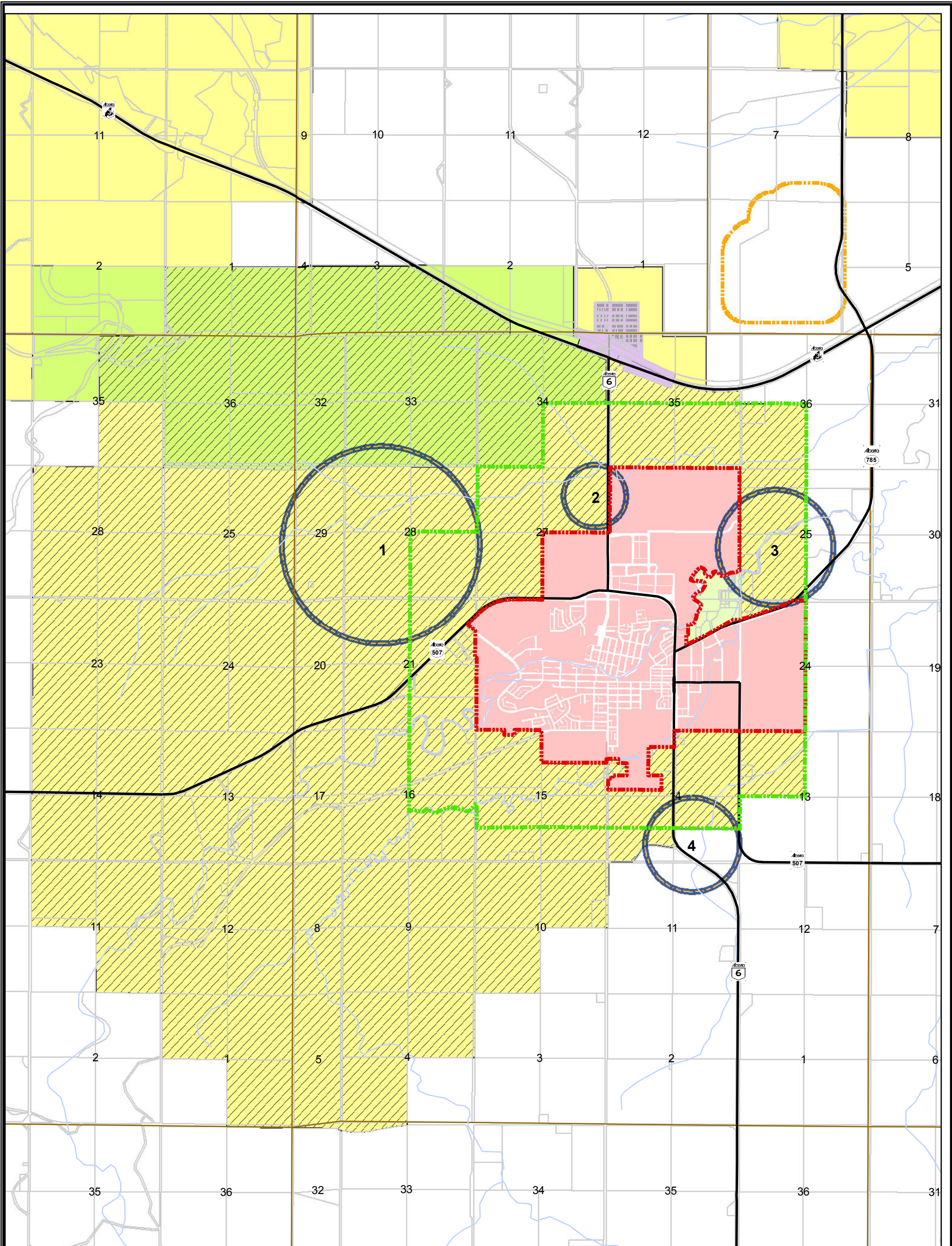
LAND USE GUIDE MAP
 AUGUST 19, 2010

MAP 2



- 2010 IMDP Urban Fringe District Boundary
 - 2010 IMDP Plan Boundary
 - Town of Pincher Creek Municipal Boundary
 - Highways (Existing)
 - Highway 3 / 6 Bypass (Proposed)
- Land Use Guide**
- Agriculture
 - Potential Grouped Country Residential
- Hamlets**
- Hamlet of Lowland Heights
 - Hamlet of Pincher Station
 - Hamlet of Pincher Station - Urban Fringe District Boundary





M.D. OF PINCHER CREEK
 BYLAW # 1200 - 10
 TOWN OF PINCHER CREEK
 BYLAW # 2010 - 11
 INTERMUNICIPAL DEVELOPMENT PLAN

GROWTH CONSTRAINTS MAP
 AUGUST 19, 2010

MAP 3

- - - - 2010 IMDP Urban Fringe District Boundary
- - - - Town of Pincher Creek Municipal Boundary
- Highways (Existing)
- Township Line
- Town of Pincher Creek
- Hamlets**
- Hamlet of Lowland Heights
- Hamlet of Pincher Station
- Growth Constraints**
- Confined Feeding Operation Prohibited Area
- Airport Vicinity Protection Area
- Hazardous or Offensive Industry Exclusion District
- Waste Water Treatment - 300m Buffer

Minimum Distance Separation (MDS): Category 3

- 1 Pincher Creek Colony - 1
- 2 Robbins Dairy - 2
- 3 Vogelaar Feedlot - 3
- 4 Windyhollow Farms - 4

MDS Category 3 applies to land zoned as large scale country residential, high use recreational or commercial purposes, as well as from the urban fringe boundary of land zoned as rural hamlet, village or town which has an urban fringe.



- 2.1 The CFO Prohibited Areas is established and shown on Map 3. This area is established to allow the Town of Pincher Creek to maintain for its residents both a high quality of life and a quality environment. The area is established using the following criteria:
- (a) the area is greater on the west side of the community than on the east, recognizing the very significant westerly wind pattern in the Pincher Creek area;
 - (b) toward the northwest, the exclusion district includes a large area that is currently designated as Airport Vicinity Protection — this is an area surrounding the Pincher Creek Airport;
 - (c) much of the land to the west of the Town slopes into Pincher Creek which flows through the Town and forms part of a significant linear park — water quality is an important consideration in the valley and park system;
 - (d) future urban residential development is proposed as shown on Map 2, necessitating the protection for potential future growth pattern of the Town;
 - (e) experience has shown that the topography west of Town acts to funnel odours into the Pincher Creek valley causing air quality concerns.
- 2.2 Within the CFO Prohibited Areas, both jurisdictions oppose the granting of approvals for any new CFOs or expansions.
- 2.3 Within the Prohibited Areas, an existing CFO may be upgraded if the development:
- (a) does not increase the total number of animal units or the amount of manure produced;
 - (b) the entire CFO is evaluated and the newest environmental standards of monitoring and operation are implemented; and
 - (c) any previous problems or concerns with odour, manure management or maintenance are addressed.
- 2.4 A minimum distance separation calculation is still intended to be taken from the urban fringe district, but not applied to the CFO Prohibited Areas.
- 2.5 All applications regarding CFOs in the CFO Prohibited Areas shall be forwarded to the Town for comment by staff and Planning Advisor.
- 2.6 The Municipal District and the Town encourage operators to practice a “good neighbour” policy by:
- (a) protecting established drainage and watercourses from runoff,
 - (b) avoiding the spreading or storage of manure within a specified distance of a watercourse,
 - (c) controlling flies,
 - (d) controlling odours from manure by avoiding the disturbance or spreading of manure on sensitive days such as weekends, and
 - (e) complying with appropriate regulatory authorities’ standards and guidelines.
- 2.7 The Municipal District shall incorporate these policies into their Municipal Development Plan and adjust the CFO Prohibited Areas map accordingly.

3. GROUPED COUNTRY RESIDENTIAL DEVELOPMENT

The Municipal District of Pincher Creek has had a strong policy of protecting agricultural land with respect to the approval of grouped country residential development.

- 3.1 Lands shown as potential grouped country residential on the Land Use Guide Map (Map 2) may be considered for redesignation to grouped country residential in the Municipal District of Pincher Creek Land Use Bylaw.
- 3.2 A parcel or a lot that is used or intended to be used for grouped country residential development shall be designated grouped country residential in the Municipal District of Pincher Creek Land Use Bylaw as currently this is a prohibited use in the Urban Fringe and Agriculture districts.
- 3.3 The density of residential development will be limited to one dwelling unit per lot, except as provided in section 38 of the Municipal District of Pincher Creek Land Use Bylaw with respect to parcels of land of 80 acres or greater.
- 3.4 Prior to giving consideration to a redesignation request to grouped country residential in the Municipal District of Pincher Creek Land Use Bylaw, the Municipal District shall require the applicant to submit an area structure plan pursuant to the MD of Pincher Creek Municipal Development Plan policies.
- 3.5 Town servicing to proposed grouped country residential development in the IMDP plan boundary will not be encouraged without serious consideration being given to annexation of the development.
- 3.6 Clustered multi-lot country residential development is the preferred pattern of development, and applications for subdivision will be encouraged to concentrate proposed lots to reduce parcel size and retain the balance of the parcel for agricultural use.

4. COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Commercial and industrial development applications can be expected and the following policies will ensure coordination with existing and future developments in the Town. The Municipal District may also benefit from development in specific locations.

- 4.1 The Municipal District will encourage commercial and industrial development proposed in the urban fringe district to areas designated for such uses in their Land Use Bylaw, or the Town's Municipal Development Plan.
- 4.2 Home occupations shall continue to be a discretionary use within the Urban Fringe district as defined in the Municipal District of Pincher Creek Land Use Bylaw.
- 4.3 The redesignation in a land use bylaw for highway commercial or industrial use is a prerequisite to the subdivision of urban fringe lands.
- 4.4 Within the Hazardous or Offensive industry exclusion district, no approvals shall be given to new Hazardous or Offensive industries (see Map 3).

5. INTERMUNICIPAL AGREEMENTS AND SERVICES

A high degree of cooperation currently exists between the two jurisdictions and further opportunities for joint activities on a wide variety of issues may become available in the future.

- 5.1 Both municipalities shall ensure that land development and servicing is coordinated, recognizing that:
 - (a) land use redesignation in the land use bylaw and subdivision to facilitate development are the first step in land development,
 - (b) development shall be provided with suitable levels of service depending on its requirements and location,
 - (c) the actions of regulatory authorities shall be coordinated with those of both municipalities, whenever possible.
- 5.2 To ensure that sewage disposal is given full consideration well in advance of development approval, the Town and the Municipal District agree that this shall be addressed as early as possible whenever land use decisions are being made. All appropriate standards are to be met.
- 5.3 It is recognized by the two municipalities that benefits can occur through cooperation and both may explore the option of sharing future services and/or revenues through a special agreement.

6. SUBDIVISION CRITERIA

Although subdivision criteria for the Urban Fringe district is the same criteria applied to the other areas of the Municipal District, more evaluation may be necessary to minimize the potential for conflicts with uses, existing or proposed, outlined in this plan.

7. HAMLET OF LOWLAND HEIGHTS

The Hamlet of Lowland Heights is subject to some constraints therefore, coordination of development is important.

- 7.1 Further residential subdivision and residential development within the Hamlet is discouraged given the lack of servicing and other constraints which affect the Hamlet. The Municipal District Council is investigating solutions to the issues of subdivision and development in Lowland Heights. The Town of Pincher Creek will participate in the planning processes as a referral agency as outlined in Part C of this document.
- 7.2 As far as possible, land use, development and subdivision decisions in the Hamlet shall be harmonized with those of the Town recognizing that this area borders the Town's built-up area and may eventually be incorporated into the Town.
- 7.3 If a decision is made to service Lowland Heights with Town water and sewer, consideration shall be given to preparing either an area structure plan or a conceptual scheme for the Hamlet.

- 7.4 Both municipalities agree that the opportunity for extending the Town's creek bank park/walkway network into the Hamlet of Lowland Heights shall be pursued through the dedication of Municipal Reserve, Environmental Reserve or an Environmental Easement at the time of subdivision, recognizing that lands along the creek are flood prone and are subject to a high water table.

8. HAMLET OF PINCHER STATION

The Hamlet of Pincher Station is subject to some constraints and is adjacent to the Town of Pincher Creek's proposed growth directions; therefore, coordination of development is important.

- 8.1 The adjacency of the Town and Hamlet urban fringe district, coupled with the proposed highway 3/6 realignment requires a land use review and planning recommendation to be completed through an MD of Pincher Creek MDP update process.

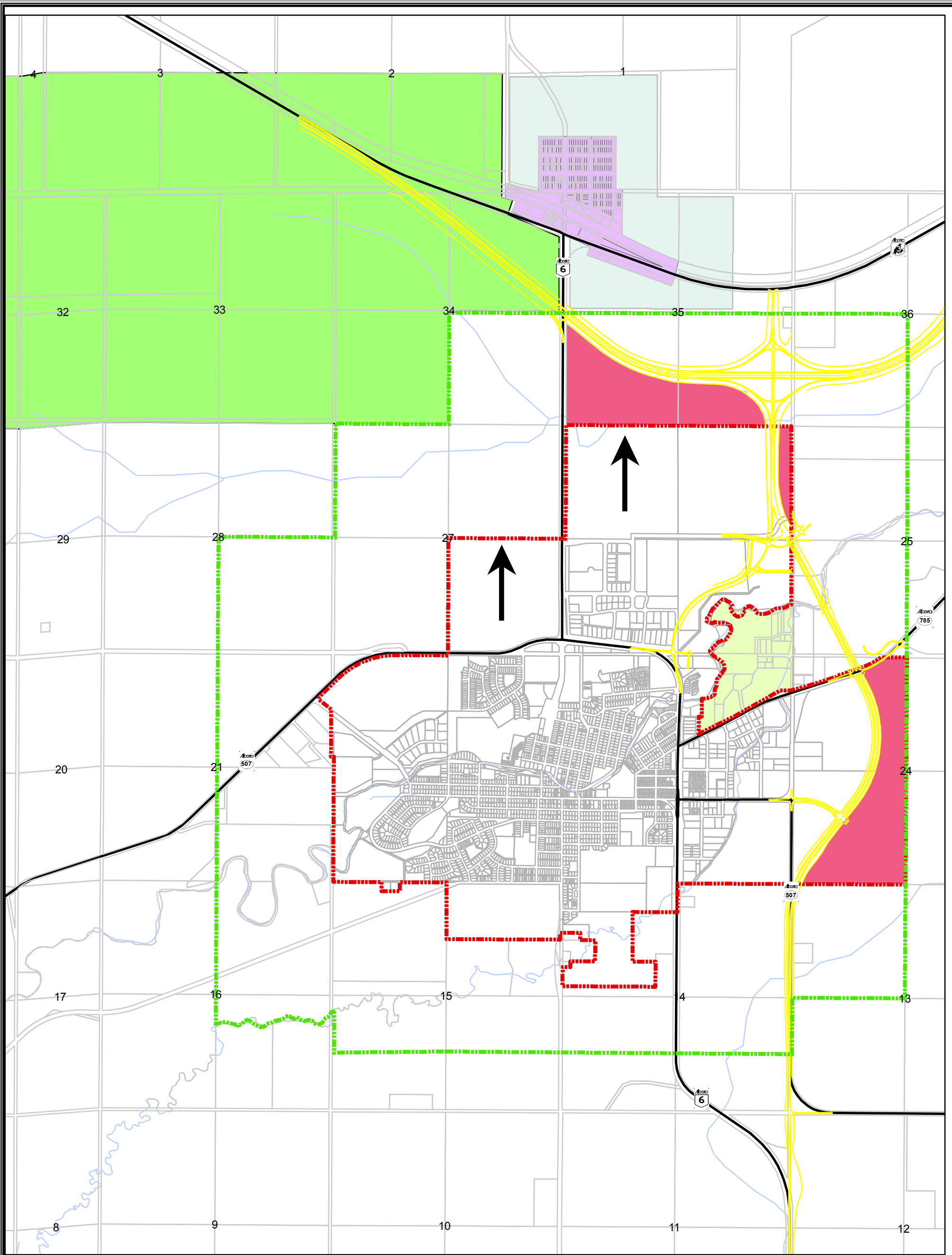
9. URBAN EXPANSION NEEDS

The Town of Pincher Creek with its 2009 approval for annexation obtained enough land for the foreseeable future. However, identification of potential expansion areas acknowledges that certain lands need to have special planning considerations. If annexation comes forward, provincial policies are in place to hear the opinion of all stakeholders as part of the expansion process.

- 9.1 In order to allow for the planning and installing of infrastructure, the town has identified in the Intermunicipal Development Plan and Municipal Development Plan general and long-term directions of growth. These general growth directions are identified on Map 4 with arrows.

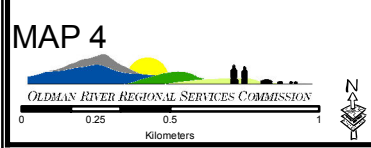
The potential for annexation, although dependant on Alberta Transportation moving forward with the plans for the Highway 3/6 interchange and bypass, needs to be identified in this document. Lands shown in Map 4 have been identified as areas which may be needed to accommodate future urban development as well as areas that may be returned to the MD:

- (a) that portion of the S½ 35 6-30 W4M lying south of the proposed Highway 3 bypass may be considered for annexation for urban uses;
 - (b) those portions of Town property lying east of the proposed Highway 6 realignment may be considered for de-annexation and returned to agricultural uses within the urban fringe.
- 9.2 Annexation involves a number of stakeholders that need to be involved in the process including:
- land owners directly affected by the application must be part of the negotiation process;
 - Town of Pincher Creek, who must make the detailed case for annexation and be a major participant in any negotiations;



M.D. OF PINCHER CREEK
 BYLAW # 1200 -10
 TOWN OF PINCHER CREEK
 BYLAW # 2010 - 11
 INTERMUNICIPAL DEVELOPMENT PLAN

GENERAL GROWTH DIRECTIONS
 AND POTENTIAL ANNEXATION
 AUGUST 19, 2010



- - - 2010 IMDP Urban Fringe District Boundary
- - - Town of Pincher Creek Municipal Boundary
- Highways (Existing)
- Highway 3 / 6 Bypass (Proposed)
- Airport Vicinity Protection Area
- Annexation Areas**
- Potential Change in Annexation Status
- Hamlets**
- Hamlet of Lowland Heights
- Hamlet of Pincher Station
- Hamlet of Pincher Station - Urban Fringe District Boundary
- ↑ General Urban Growth Direction



- MD of Pincher Creek, who must evaluate the annexation application and supporting documentation for the impact on its financial status and land base as well as ratepayer issues. The MD will, as part of the negotiation with ratepayers, wish to see arrangements regarding, but not limited to:
 - property taxes,
 - use of land continuing as agriculture until needed for development,
 - ability to keep certain animals on site;
 - local authorities such as the Alberta Health Services and Alberta Environment;
 - Municipal Government Board, who will evaluate the application and responses from the stakeholders.
- 9.3 Upon a Municipal Board Order approving an annexation, the Urban Fringe district boundary should be reviewed to reflect the municipal boundary change.
- 9.4 General Urban Growth Directions are also indicated on Map 4. The urban expansion potential of these areas shall be defined through the processing of a new Town of Pincher Creek Municipal Development Plan and Infrastructure Master Plan.

10. CREEKS AND HAZARD LANDS

The creeks are the main geographical feature within the Town and the IMDP plan boundary and they provide opportunities as well as some challenges.

- 10.1 Recognizing that works along and modifications to Pincher Creek and Kettles Creek can impact downstream lands (and in some cases upstream lands), both municipalities agree that they will consider potential effects and discuss proposed works with each other before either undertakes works or modifications to either creek within the Town or the lands subject to this plan.
- 10.2 Flood risk maps have been completed along Pincher Creek from the Town's western boundary to a point just east of the bridge on Secondary Road 785 pursuant to the Canada-Alberta Flood Damage Reduction Program. This program endorses non-structural solutions such as land use planning, "zoning", flood proofing and related measures to reduce the risk of flooding. In order to implement this program, the Town and Municipal District should cooperate and actively pursue the preparation of the necessary amendments to their respective land use bylaws, and other planning documents as appropriate. (Appendix A – Flood Damage Reduction Map)
- 10.3 Both municipalities endorse the dedication of Environmental Reserve or an Environmental Reserve Easement within the Town or the lands subject to this plan along creeks and any other major natural drainage course, recognizing that the Act authorizes:
- (a) the dedication of a minimum 6-metre strip; and
 - (b) the dedication of any lands that are unstable or subject to flooding; and
 - (c) the dedication of lands which consist of a swamp, gully, ravine, coulee or a natural drainage course.

- 10.4 Where either municipality identifies that a development, subdivision or redesignation application may occur on or in potentially hazardous land, the developer shall provide an analysis prepared by a qualified professional showing the approval is appropriate and safe at that location.
- 10.5 With the potential for runoff damage along the courses of Kettles and Pincher Creek (and their tributaries), both municipalities agree to circulate all storm drainage plans to the other municipality.
- 10.6 Both municipalities agree to support low impact development practises as a sustainable means of storm water management.

11. TRANSPORTATION

Transportation corridors and entranceways are key components to any land use planning document. Land use and transportation cannot be planned separately nor can two municipalities plan these components in isolation.

- 11.1 The Town and MD will cooperate on the development and approvals of all future Transportation Master Plans.
- 11.2 All subdivision proposals within the IMDP plan boundary shall secure all right-of-way requirements for future road expansion. Particular attention should be given to major intersections requirements.
- 11.3 Standards for a hierarchy of roadways should be identified and established between the two jurisdictions. Access control regulations should also be established to ensure major collectors and arterials are protected.
- 11.4 If required by Alberta Transportation or the municipality, at the time of subdivision or development, the developer shall conduct traffic studies with respect to impact and access onto Highways 3, 6, 507 and 785. Any upgrading identified by such studies shall be implemented by the developer at its sole cost and to the satisfaction of the municipality and Alberta Transportation.
- 11.5 Each municipality shall identify the important entranceways into the Town and establish common standards for development adjacent to these points. Standards should include but are not limited to landscaping, signage, screening and fencing. Architectural elements should enhance the visual appeal of intermunicipal entranceways.
- 11.6 Freestanding signage along entranceways is discouraged.
- 11.7 Both municipalities agree to inform and invite the other municipality for all discussions with Alberta Transportation.

PART C: IMPLEMENTATION OF THE PLAN

Following the adoption of this plan by bylaw, there are a number of ways to ensure that the Town's and Municipal District's objectives and policies can be achieved. The plan's implementation will be the ongoing responsibility of both councils whose actions must reflect the plan. But the support and cooperation of the Intermunicipal Development Plan Committee, public and private organizations and the public will be needed for implementation.

Guiding Principles:

1. *The Town and Municipal District agree that they shall ensure that the policies of this plan are properly, fairly and reasonably implemented.*
2. *The Town and Municipal District shall monitor and review the policies of this plan on a regular basis or as circumstances warrant.*
3. *The Municipal District's and the Town's Land Use Bylaws and Municipal Development Plans shall be amended to reflect the policies of this plan.*

1. INTERMUNICIPAL DEVELOPMENT PLAN COMMITTEE

This plan is intended to be an ongoing process to ensure the plan is maintained and remains applicable. A representative committee will ensure continued cooperation on providing comments and applying the policies of the plan.

- 1.1 The Terms of Reference for the Intermunicipal Development Plan Committee (IMDPC) are as follows:
 - (a) An Intermunicipal Development Plan Committee shall be a working committee consisting of two members from each council.
 - (b) Alternate members from each council must be available to ensure the committee meets its 3 week deadline for comment.
 - (c) At least one member of the Town's and the Municipal District's administrative staff should attend all meetings of the Committee.
 - (d) The IMDPC shall elect a Chairperson and Vice-Chairperson from its members to preside for a term of one year from the date of election.
 - (e) Where the Chairperson and Vice-Chairperson are both absent from a meeting of the IMDPC, one of the other members shall be elected by a simple majority to preside over that meeting.
 - (f) One member of the Town's or the Municipal District's administrative staff shall be appointed as recording secretary of the Committee for each meeting.
- 1.2 The Town and the Municipal District agree that the main duties and functions of the Committee are:
 - (a) to address concerns regarding the policies of the plan;

- (b) to address proposed amendments to the plan;
 - (c) to provide comment and recommendations on all policies provided in Section 2 below;
 - (d) to advise the councils and the development authorities of the two municipalities;
 - (e) to engage in resolving any conflicts or disputes which arise from this plan — both municipalities will share costs associated with using outside assistance to resolve a dispute;
 - (f) any other land use issues deemed appropriate not explicitly identified in the plan.
- 1.3 Meetings of the Committee shall be held at least annually, at the request of either municipality, and with the circulation of all referrals listed in section 2 below. Committee meetings should be held as quickly as possible if any conflict arises, or if any matter is brought before it.
- 1.4 If a matter has been referred to the Committee for comment, the Committee shall issue written comments within 3 weeks. Both councils agree that the Committee shall issue its comments in the form of recommendations.
- 1.5 The Committee shall strive to make consensus decisions wherever possible.
- 1.6 A matter may be brought before the Committee by the administrative staff of either the Town or the Municipal District, or by any other person.
- 1.7 Where a matter involving the two municipalities cannot be resolved to the satisfaction of the Committee, the Committee is authorized to initiate the conflict resolution system in this plan, Part C, section 3 as follows.

2. REFERRALS

Land use issues are addressed at five main points in the approval system including:

- municipal development plans and amendments,
- all other statutory plans and amendments,
- land use bylaws and amendments,
- subdivision of a parcel and any appeal,
- development approval and any appeal.

Each referral shall contain all available information for review and a municipality may request further information to be provided. In the case of all referrals, a timely written response is expected.

The referral system will include:

- 2.1 As the first step in the referral process, all applications within the IMDP plan boundary or proposed documents affecting the IMDP plan boundary shall be submitted to the Town or MD for comment. The full referral process is outlined in Figure 1 – Referral Flow Chart.

2.2 When referrals are made, the municipality with approval authority is required to consider the comments made by the responding municipality.

2.3 Municipal Development Plan Amendments

- (a) A newly proposed Municipal District of Pincher Creek's Municipal Development Plan or amendment that will have an impact on this plan shall be referred to the Town for comment.
- (b) A newly proposed Town of Pincher Creek's Municipal Development Plan or amendment affecting the municipal expansion policies shall be referred to the Municipal District for comment.
- (c) The above referrals shall be made and considered prior to a public hearing.

2.4 All Other Statutory Plans and Amendments

- (a) A newly proposed MD of Pincher Creek statutory plan or amendment that will have an impact on this plan shall be referred to the Town for comment.
- (b) A newly proposed Town of Pincher Creek statutory plan or amendment affecting the municipal expansion policies shall be referred to the MD for comment.
- (c) The above referrals shall be made and considered prior to a public hearing.

2.5 Land Use Bylaws and Amendments (redesignation and text amendments)

- (a) A newly proposed Land Use Bylaw or amendment in the Municipal District of Pincher Creek which change a land use district or a part of the Land Use Bylaw which would affect the policies of this plan shall be referred to the Town.
- (b) The Town shall refer all redesignation applications that are located adjacent to the Municipal District boundary and all applications for industrial or commercial uses.
- (c) The above referrals shall be made and considered prior to a public hearing.

2.6 Subdivision Applications

- (a) The Municipal District shall refer all subdivision applications within the boundaries of this plan to the Town for comment.
- (b) The Town shall refer all subdivision applications located on lands adjacent to the Municipal District boundary or those that have been proposed under an Area Structure Plan to the Municipal District for comment. The above referrals shall be made and considered prior to a decision being made.

2.7 Development applications

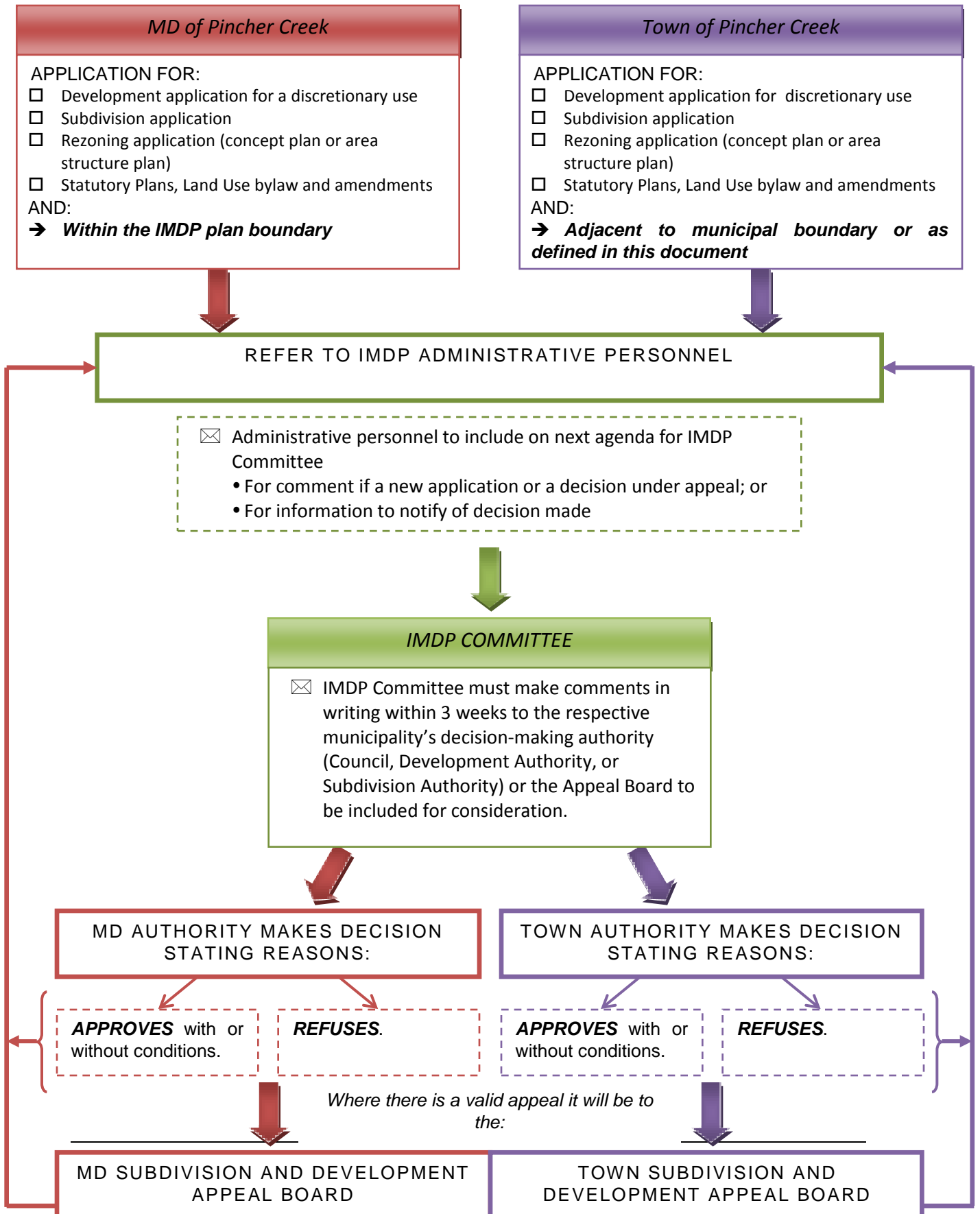
- (a) The Municipal District shall refer all discretionary use applications located in the IMDP plan boundary to the Town for comment and may refer permitted use applications if there are some conditions that may alleviate a perceived conflict with a Town property.
- (b) The Town shall refer to the Municipal District all discretionary use applications, if the application is adjacent to lands in the Municipal District and any application involving a use of land or buildings which may have a hazardous or otherwise detrimental impact on land within the Municipal District.

(c) The above referrals shall be made and considered prior to a decision being made.

2.8 The Town of Pincher Creek agrees to refer all storm water drainage plans and transportation plans to the Municipal District for comment.

2.9 Municipalities are encouraged to refer any requests for approval to each other in areas not contained in this plan if some impact may occur in the other jurisdiction.

Figure 1: Intermunicipal Development Plan Referral Flowchart



3. DISPUTE SETTLEMENT

By its nature, the policies of this plan are general and make each municipality responsible for decisions made in their own jurisdiction. This suggests that disputes may arise from time to time. Using the following system, it is hoped the dispute can firstly be avoided, and secondly, settled locally. Only after a series of steps would the dispute go beyond the local level.

In the case of a dispute, the following process will be followed to arrive at a solution:

- Step 1** It is important to avoid any dispute by ensuring the plan is adhered to as adopted, including full circulation of any permit or application that may affect a municipality or as required in this plan and prompt enforcement of the policies of the plan and Land Use Bylaw.
- Step 2** Should either municipality identify an issue related to this plan that may result in a more serious dispute, that municipality should approach the Intermunicipal Development Plan Committee to call a meeting of the Committee to discuss the issue.
- Step 3** Prior to the meeting of the Committee, each municipality through its administration, must ensure the facts of the issue have been investigated and clarified. Staff meetings may occur at this point to discuss possible solutions.
- Step 4** The Committee should discuss the issue with the intent to seek a solution by consensus.
- Step 5** Should the Intermunicipal Development Plan Committee be unable to arrive at a consensus, then either municipality will contact the appropriate chief elected officer to arrange a joint meeting of the two councils who will discuss possible solutions.
- Step 6** Should the councils be unable to reach a solution, either municipality may contact Alberta Municipal Affairs to commence a mediation process under the department's guidance.
- Step 7** In a case where further action under the Act is unavailable, the results of the mediation report will be binding on each municipality.
- Step 8** In the case of a dispute regarding:
 - a statutory plan or amendment, or
 - a land use bylaw or amendment,a dispute under section 690(1) of the Municipal Government Act may be initiated.

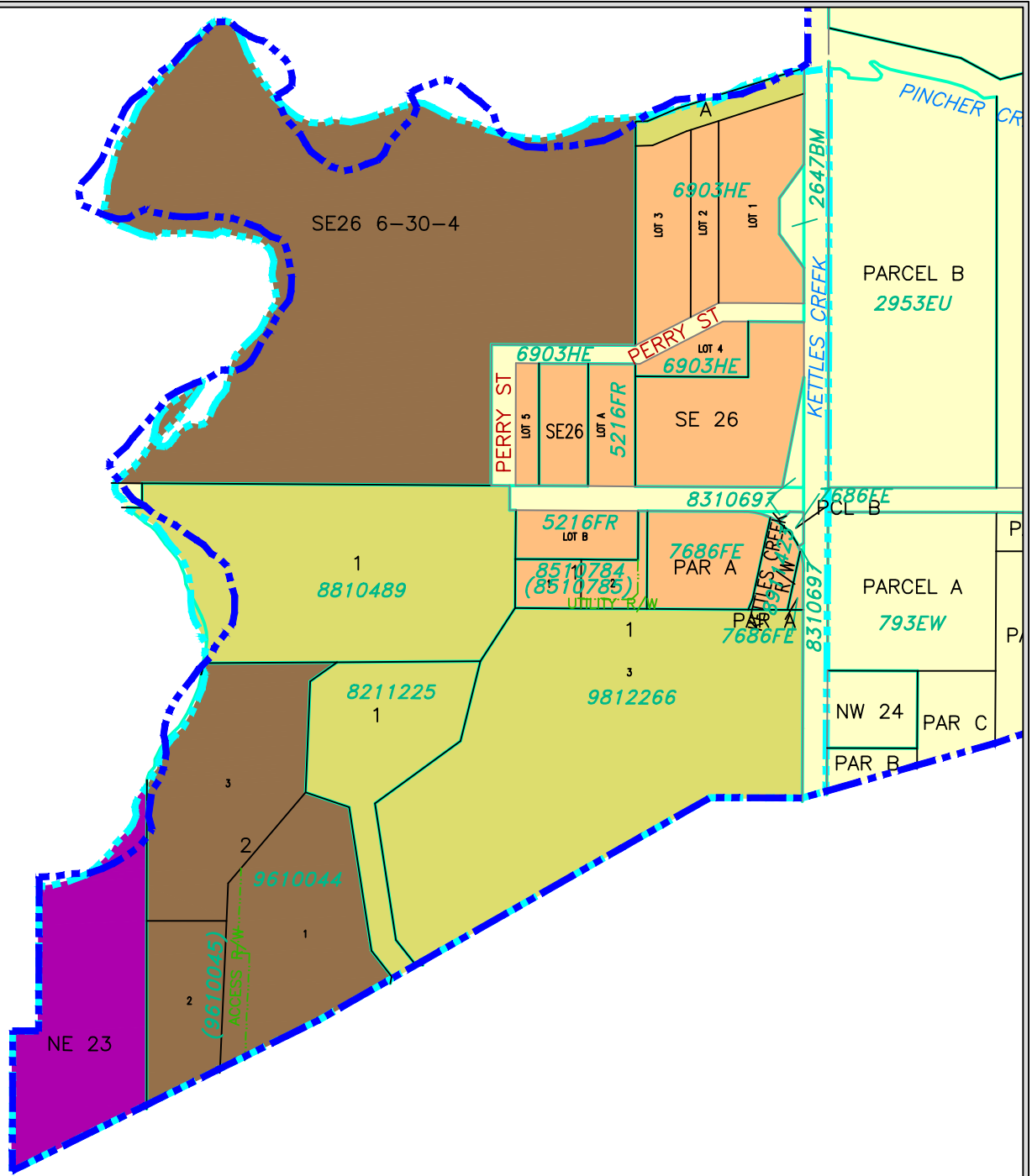
4. PLAN VALIDITY AND AMENDMENT

This plan will not contain a “sunset” clause, but rather, a method of continuous updating as required.

- 4.1 This plan comes into effect on the date it is adopted by both the Town and Municipal District of Pincher Creek. It remains in effect until either council rescinds the plan by bylaw after giving 3 years notice, or by mutual agreement.
- 4.2 Recognizing that this plan may require an amendment from time to time to accommodate an unforeseen situation, such an amendment must be adopted by both councils using the procedures established in the Municipal Government Act.
- 4.3 Third party applications for an amendment to this plan shall be made to either municipality and be accompanied by the appropriate fees to each municipality.
- 4.4 That the Intermunicipal Development Plan Committee reviews the plan every three years from the date of adoption and report to the respective councils.

APPENDIX A

Land Use District Map of Lowland Heights Flood Damage Reduction Area Map



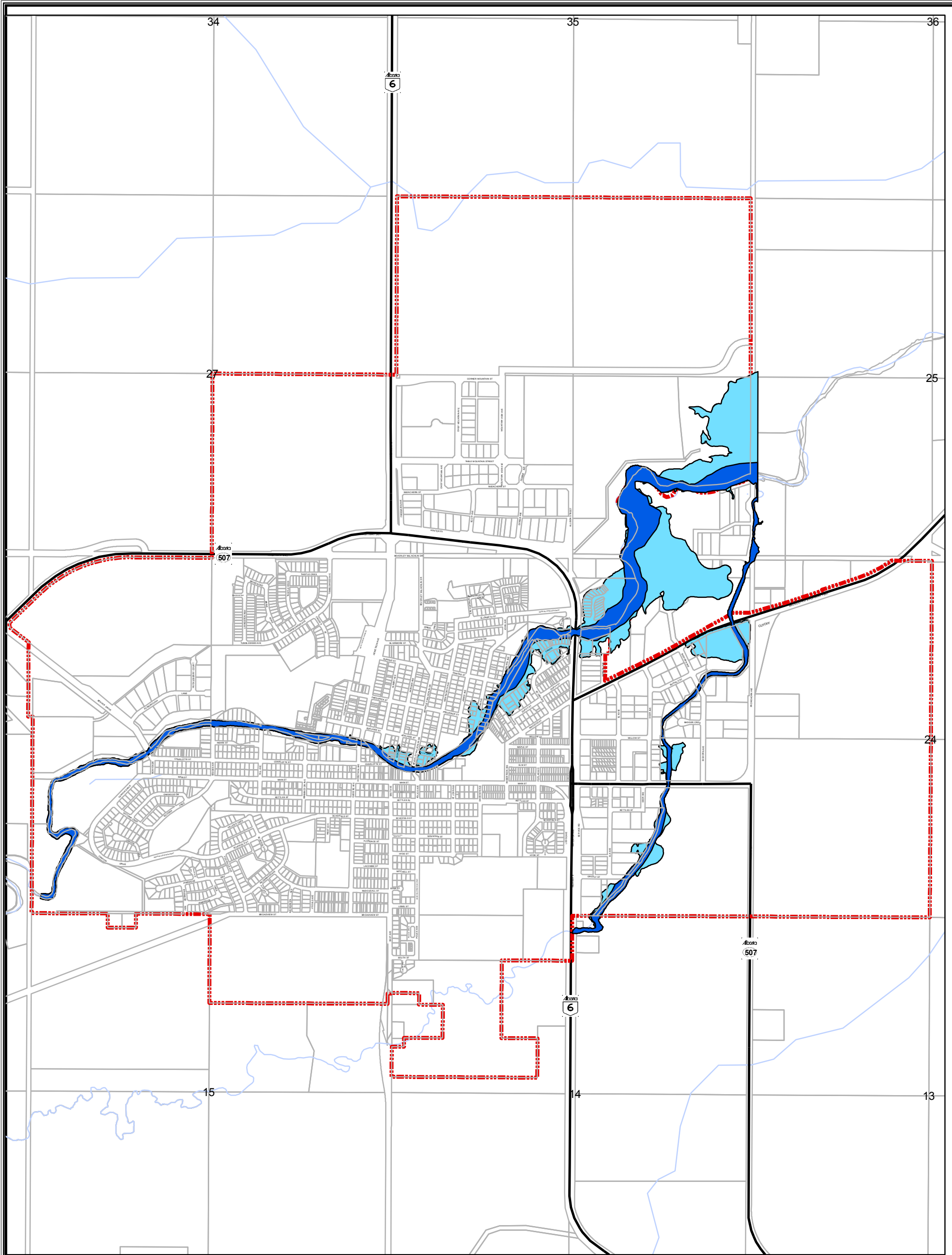
M.D OF PINCHER CREEK No. 9
 LAND USE DISTRICT MAP
 Bylaw No. 1140-08, March 11, 2008
 HAMLET OF LOWLAND HEIGHTS

- Urban Fringe
- Parks And Open Space
- Hamlet General Industrial And Warehousing
- Hamlet Residential 2
- Hamlet Transitional / Agricultural
- Hamlet Boundary
- Town Of Pincher Creek Boundary

- 'UF'
- 'POS'
- 'HGIW'
- 'HR-2'
- 'HTA'

MAP A-6





M.D. OF PINCHER CREEK
 BYLAW # 1200 - 10
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FLOOD DAMAGE REDUCTION MAP
 AUGUST 19, 2010

- Flood Damage Reduction - Designated Floodway
- Flood Damage Reduction - Designated Flood Fringe
- Town of Pincher Creek Municipal Boundary
- Highways (Existing)

APPENDIX A

