

## **TOWN OF DRUMHELLER**

### **BYLAW NO. 05.20**

A Bylaw of the Town of Drumheller in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000 and amendments thereto, to adopt the Town of Drumheller-Special Areas Intermunicipal Development Plan (2020).

WHEREAS Section 631(1) of the Municipal Government Act authorizes two or more Councils to adopt an Intermunicipal Development Plan;

WHEREAS the Town of Drumheller and Wheatland County have agreed to the joint preparation of the Town of Drumheller-Special Areas Intermunicipal Development Plan;

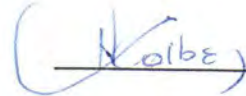
AND WHEREAS all parties required to be included in the Plan preparation have been properly notified in accordance with Section 636 of the Municipal Government Act;

AND WHEREAS the Councils of the Town of Drumheller and the Special Areas have held public hearings pursuant to Section 692 of the Municipal Government Act after giving notice of it in accordance with Section 606 of the Municipal Government act;

NOW THEREFORE the Municipal Council of the Town of Drumheller, duly assembled, enacts as follows:

1. That this Bylaw shall be known as the "Town of Drumheller-Special Areas Intermunicipal Development Plan" (as shown in attached Schedule "A") which is part of this document.
2. That the Town of Drumheller-Special Areas Intermunicipal Development Plan shall provide the policy framework for future subdivision and development of the lands describe therein.
3. That Town of Drumheller Bylaw No. 05.20 shall have force and take effect from the final reading thereof.

READ A FIRST TIME this 3<sup>rd</sup> day of February, 2020.

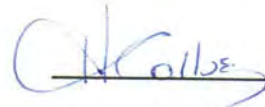
A handwritten signature in blue ink, appearing to read "H Colberg", written over a horizontal line.

Mayor Heather Colberg

A handwritten signature in blue ink, appearing to read "D Drohomerski", written over a horizontal line.

Darryl Drohomerski, CAO

READ A SECOND TIME this 16<sup>th</sup> day of March, 2020.


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Mayor Heather Colberg

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Darryl Drohomerski, CAO

READ A THIRD AND FINAL TIME this 16<sup>th</sup> day of March, 2020.

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Mayor Heather Colberg

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Darryl Drohomerski, CAO



ALBERTA  
MUNICIPAL AFFAIRS

*Office of the Minister*  
*MLA, Edmonton - South West*

MINISTERIAL ORDER NO. MSD:049/20

I, Kelechi Madu, QC, Minister of Municipal Affairs, pursuant to Section 6(1) of the *Special Areas Act* and Sections 587 and 631(1) of the *Municipal Government Act*, make the following order:

1. This Order shall be known as the Intermunicipal Development Plan between the Special Areas Board and the Town of Drumheller.
2. The plan attached hereto is deemed to be part of this Order.

Dated at Edmonton, Alberta, this 26th day of June, 2020.

  
\_\_\_\_\_  
Kelechi Madu, QC  
Minister of Municipal Affairs

**BOARD ORDER NO. 11/20**

**WHEREAS**, pursuant to Section 708.28(1) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended (hereinafter referred to as "the *Act*"), provides that municipalities that have common boundaries must create a framework with each other by April 1, 2020.

**AND WHEREAS**, Section 708.33(1) of the *Act* states that in order to create a framework, the municipalities that are to be parties to the framework must each adopt a bylaw or resolution that contains the framework.

**AND WHEREAS**, the Special Areas Board wishes to adopt an intermunicipal collaboration framework with Town of Drumheller.

**NOW THEREFORE**, the Special Areas Board duly assembled, enacts the following:

1. That the Intermunicipal Collaboration Framework between the Special Areas Board and Town of Drumheller, attached as Schedule A and forming part of this Order, be hereby adopted.

This Order shall be effective immediately.

DATED at Hanna, Alberta  
this 10<sup>th</sup> day of March,  
A.D., 2020.

**SPECIAL AREAS BOARD**

  
**CHAIR**



# IDP

## Intermunicipal Development Plan



### **Special Areas Board**

Ministerial Order No. MSD: 049/20  
Adopted June 26, 2020

### **Town of Drumheller**

Bylaw No. 05.20  
Adopted March 16, 2020

Prepared By: Palliser Regional Municipal Services



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# 1 | INTRODUCTION

## 1.1. Purpose of an Intermunicipal Development Plan

The purpose of intermunicipal planning is to establish a long-range collaborative approach for future land use along municipal borders. The Town of Drumheller's southeastern boundary borders Special Area No. 2, which is administered by the Special Areas Board jointly with Special Areas No. 3 and No. 4 and referred to collectively as the Special Areas. Land use decisions made by either municipality within the vicinity of the shared border may affect and influence the other. This Intermunicipal Development Plan (IDP) is a cooperative planning initiative that ensures development along this border and land use decision-making occurs in a manner that respects the interests of each municipality. The overall objectives of this IDP are to:

- Ensure development and growth occurs in a sustainable and responsible manner;
- Establish a coordinated approach to development and land use decisions along the common border;
- Encourage continued communication between the municipalities;
- Minimize future land use conflicts;
- Outline processes for resolving disputes; and
- Provide landowners with greater certainty of potential land use and future development within the IDP Area.

## 1.1 Hierarchy of Plans in Alberta

In accordance with the Municipal Government Act (MGA) IDPs are the highest order of municipal statutory plan. All lower order statutory plans for a municipality, including a Municipal Development Plan (MDP) and Area Structure Plans (ASPs) must be in alignment with any and all IDPs a municipality has adopted (see Figure 1)



Figure 1: Provincial Planning Hierarchy



## 1.2. Provincial and Regional Plans in Alberta

The two main pieces of provincial legislation that mandate planning and development in Alberta are the Alberta Land Stewardship Act (ALSA), and the Municipal Government Act (MGA). The ALSA mandates the legislative authority for Regional Plans, while the MGA provides the legislative authority of municipal planning documents including Intermunicipal Development Plans (IDPs), Municipal Development Plans (MDPs) and Land Use Bylaws/Orders (LUBs/LUOs). Additionally, the MGA mandates a hierarchy of the legal authority of these planning documents (see *Figure 1 Hierarchy of Plans*).

The ALSA Regional Plans are developed under the direction of the Land-use Framework (LUF). The LUF divides the entire province into seven watersheds and will oversee the creation of a Regional Plan for each of these watersheds (see *Figure 2: Regional Plans*). There are currently two Regional Plans that have been completed and adopted (Lower Athabasca Regional Plan and South Saskatchewan Regional Plan). The Red Deer Regional Plan will encompass Special Areas and the Town of Drumheller. However, this plan has not been drafted. The overall objective of the Regional Plans is to set a collaborative approach to managing our province's land and natural resources to achieve economic, environmental and social goals. All municipal bylaws, including planning documents, are now required to be in compliance with ALSA Regional Plans (Regional plans have the highest legislated authority in the hierarchy of planning documents).

An IDP falls under the legislative authority of the MGA and is prepared cooperatively and adopted by Bylaw by each participating municipality. The policy direction outlined in these statutory plans informs the regulations and rules regarding appropriate land uses, subdivision and development criteria detailed in the Land Use Bylaw (LUB) or Land Use Order (LUO) of each municipality.



Figure 2: Regional Plans

### 1.3. IDP Legislative Requirements

The Municipal Government Act (MGA) mandates the legislative requirements for IDPs. Section 631 of the MGA (as amended January 1, 2020) outlines the requirements for an IDP:

#### **Intermunicipal Development Plans**

*631(1) Subject to subsections (2) and (3), 2 or more councils of municipalities that have common boundaries and that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.*

*(2) Subsection (1) does not require municipalities to adopt an intermunicipal development plan with each other if they agree that they do not require one, but any of the municipalities may revoke its agreement at any time by giving written notice to the other or others, and where that notice is given the municipalities must comply with subsection (1) within one year from the date of the notice unless an exemption is ordered under subsection (3).*

*(3) The Minister may, by order, exempt one or more councils from the requirement to adopt an intermunicipal development plan, and the order may contain any terms and conditions that the Minister considers necessary.*

*(4) Municipalities that are required under subsection (1) to adopt an intermunicipal development plan must have an intermunicipal development plan providing for all of the matters referred to in subsection (8) in place by April 1, 2020.*

*[...]*

**(8)** *An intermunicipal development plan*

*(a) must address*

- (i) the future land use within the area,*
- (ii) the manner of and the proposals for future development in the area,*
- (iii) the provision of transportation systems for the area, either generally or specifically,*
- (iv) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,*
- (v) environmental matters within the area, either generally or specifically, and*
- (vi) any other matter related to the physical, social or economic development of the area that the councils consider necessary,*

*(b) must include*

- (i) A procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,*
- (ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan,*
- and*
- (iii) provisions relating to the administration of the plan.*

## 1.4. Municipal Profiles

### Town of Drumheller

The Town of Drumheller is located in the Red Deer River valley in south-central Alberta spanning an area of 10,803 hectares (26,694 acres), situated between Starland County to the north, Kneehill County to the west, Special Areas 2 to the east, and Wheatland County to the south. It is the largest urbanized centre between Calgary and Saskatchewan even though the majority of land is zoned for agricultural use, offering a diversity of residential options, employment opportunities, and way of life for the Town's population of 7,982 (Statistics Canada, 2016 Census). The Town of Drumheller is greatly influenced by its unique landscape made up of rolling fields, steep, dry coulees, and the Red Deer River. The Town's goal is to preserve and enhance the natural environment while accommodating growth responsibly and strategically. The Town is well-known for its tourism industry. In the heart of the Canadian Badlands, Drumheller's unique scenery and fascinating dinosaur-oriented history attracts thousands of people to the community each year.

### Special Areas

Together Special Areas comprise one of the largest rural municipalities in the province; broken into three areas (Special Areas No. 2, 3, and 4), with the entire land base being over 20,000 square kilometers. Special Area No. 2 borders the Town of Drumheller on its southwest. Special Area No. 2 alone is over one million hectares in size, with a population of 1,905 (2016). While agriculture is the fundamental economic activity in the Special Areas, oil and gas production, along with linear properties (electric generation and transmission lines, and pipelines) contribute significantly to the economic prosperity of the area.



## 2 | IDP AREA

### 2.1 Plan Boundary

The shared border between the municipalities is located on the Town of Drumheller's most south eastern border, which is east of both the Red Deer River and Highway 10. The mutually agreed upon IDP Area extends approximately 1.6 km (1 mile) on either side of the shared border (see **Map 1: IDP Area**) and is rural in character.

Within the IDP Area, the following economic, environmental and social considerations were examined:

- Land use and zoning
- Residences and urban areas
- Confined Feeding Operations (CFOs)
- Resource Extraction and Energy development
- Transportation Corridors
- Environmentally Significant Areas (ESAs)
- Historic Resource Value (HRV) Sites

### 2.2 Key Characteristics of the IDP Area

The IDP Area is characterized by its rural nature that is a mixture of river valley and hoodoos landscape with relatively flat prairie land above the Red Deer River valley. The IDP Area is the farthest removed part of the Town from its central business and residential areas, being located approximately 15 km from the Town's main urban areas. For Special Areas the IDP Area is located within its most western border and located at the north-south midway point for the municipality.

#### LAND USE DESIGNATIONS (ZONING)

The existing land use designations are determined by each municipality's Land Use Bylaw or Land Use Order and are all designated agricultural within the Agricultural (A) land use district of both municipalities as shown on **Map 2: Land Use Designations (Zoning)**.

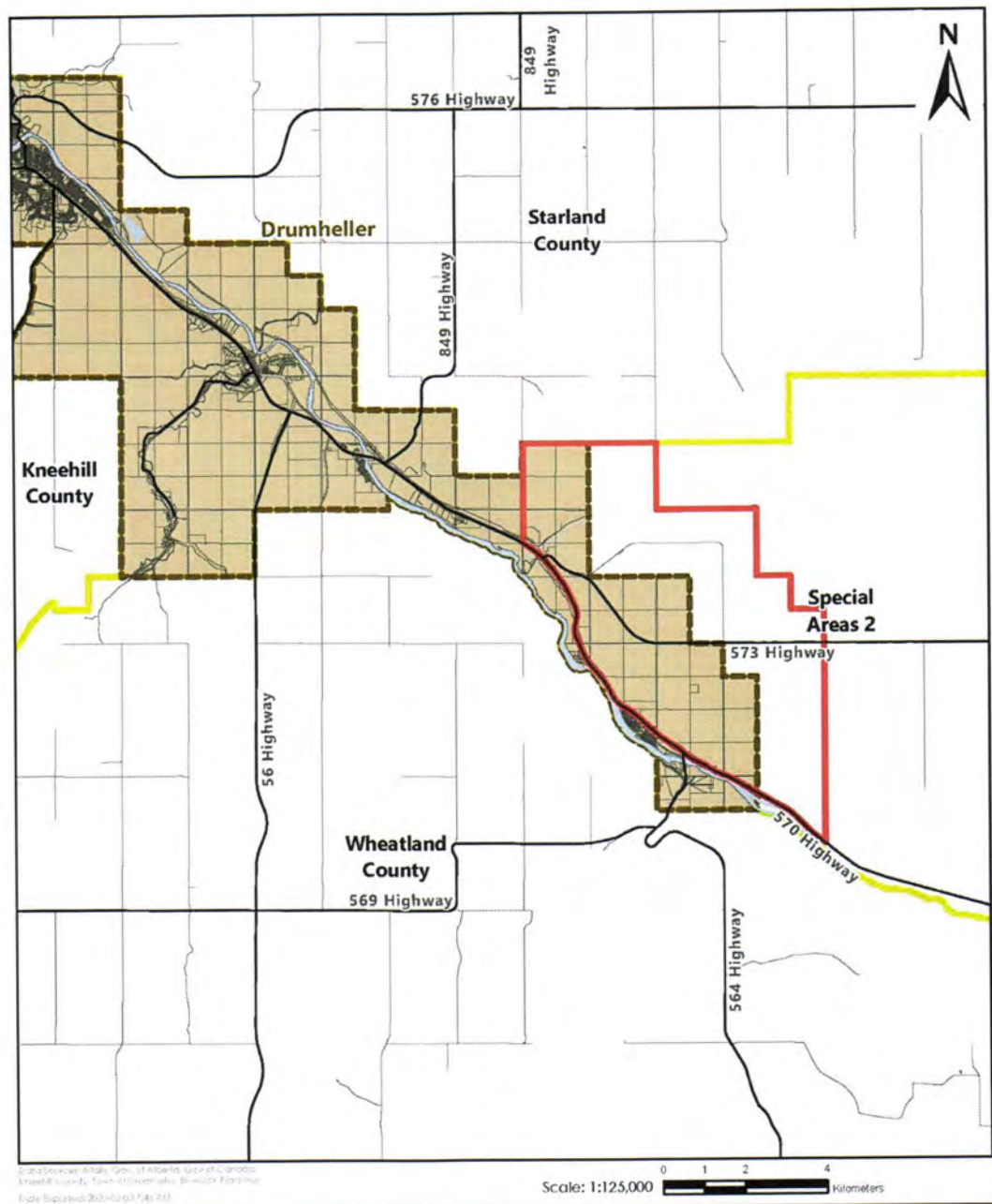
#### AGRICULTURAL LAND USES

The majority of land within the IDP Area consists of Class 3 through 7 soils. Class 4 through 7 soils are mainly uncultivated and used for grazing purposes (see **Map 3**). Class 3 soils in the Plan Area has some cultivation and related agricultural activities.

#### RESIDENTIAL LAND USES

Residential land use within the IDP Area is very limited; however two small settlement areas, Lehigh and East Coulee, are located just outside the IDP Area. East Coulee is the largest containing approximately 100 dwellings.

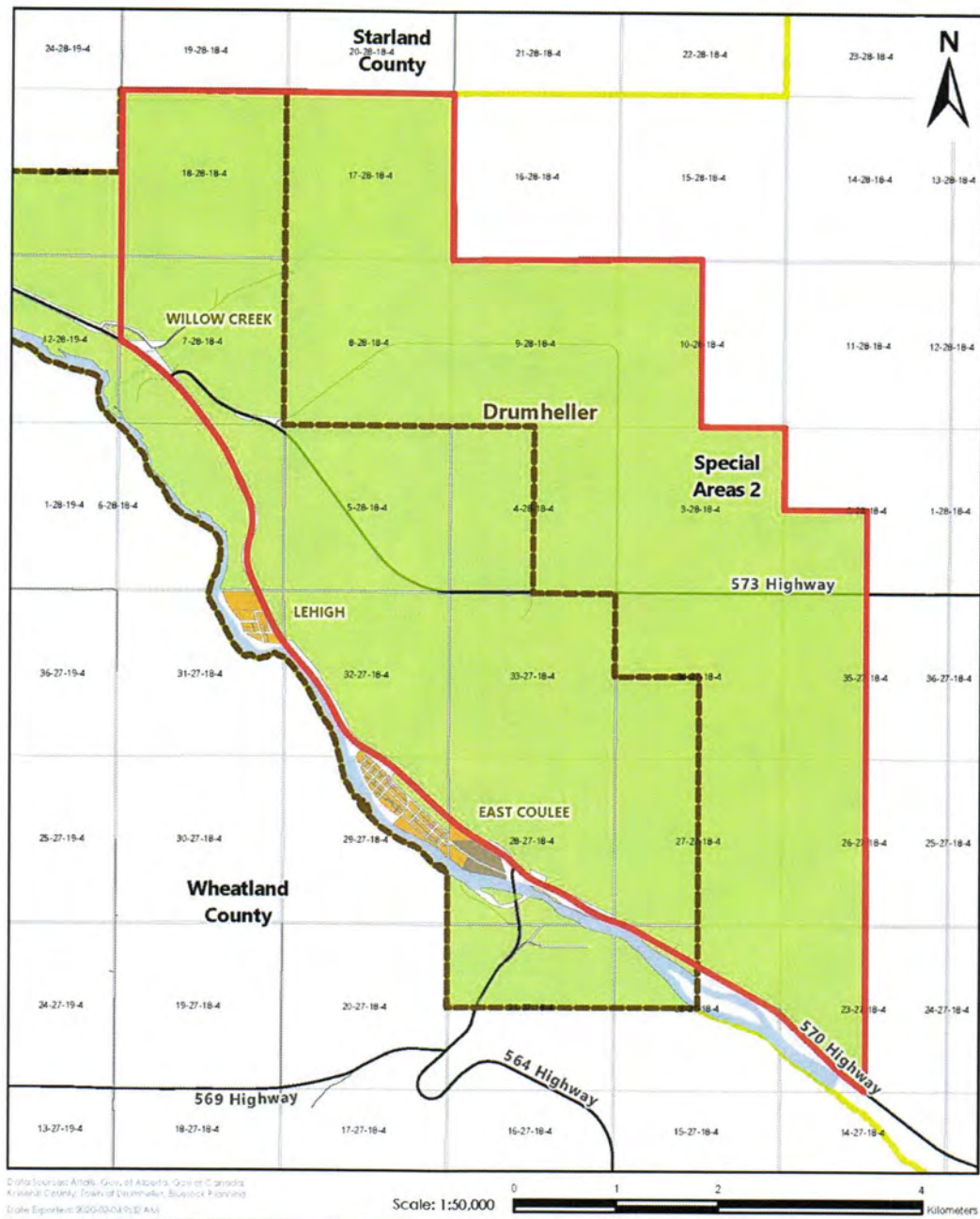




- Legend**
- IDP Area
  - Rural Municipality
  - Town Boundary
  - Highway
  - Roadway

**Map 1: IDP Plan Area**  
**Special Areas 2 and Town of Drumheller**  
**Intermunicipal Development Plan**  
 January 2020  
Map and Data for informational and planning purposes only

Map 1: IDP Area



© Data Sources: Aerial, Govt of Alberta, Govt of Canada  
 Kinsmen County, Town of Drumheller, Business Planning  
 Scale: Significant 3000:100000 NAD 83



Legend

- IDP Area
- Rural Municipality
- Town boundary
- Land Use
- Agricultural
- Commercial
- Residential
- Urban Transition

**Map 2: Land Use Designations**  
**Special Areas 2 and Town of Drumheller**  
**Intermunicipal Development Plan**  
 January 2020  
Map and Data for informational and planning purposes only

Map 2: Land Use Designations (Zoning)





#### Legend

- DP Area
- Rural Municipality

- Town Boundary
- Soil Classifications**
- Class 3
- Class 4
- Class 5
- Class 6
- Class 7

**Map 3: Soil Classification**  
**Special Areas 2 and Town of Drumheller**  
**Intermunicipal Development Plan**  
 January 2020  
Map and Data for informational and planning purposes only

Map 3: Soil Classification

## **NATURAL ENVIRONMENT & THE RED DEER RIVER VALLEY**

The Red Deer River and its dramatic river valley, complete with fascinating hoodoo formations, is the IDP Area's major natural feature. The Red Deer River Valley portion of the IDP Area includes lands classified by Alberta Environment and Parks as environmentally significant, including important riparian areas that provide a wide range of ecological functions and services that are vital to a healthy functioning landscape for flora, fauna and human use (see **Map 4**). The presence of water from the Red Deer River and its tributaries exist as a fairly rare commodity in an otherwise arid region and requires thoughtful land use planning. Special considerations should be taken for developments that may impact the river's water quality and bank stability.

Both municipalities are committed to protecting and preserving the environmental aspects of the IDP Area and agree to conservation efforts for environmentally significant natural areas that are necessary to maintain natural processes and healthy physical landscapes long-term.

## **HISTORIC RESOURCES**

The IDP Area and region is a unique landscape that is rich in cultural, archaeological and palaeological history and artifacts and contains sites identified by Alberta Culture and Tourism as having Historic Resource Value (see **Map 3**). Such sites are subject to the Historical Resources Act and development in and around these sites requires clearance or approval from Alberta Culture and Tourism. The area is well-known as a destination for scientists and tourists interested in the science of palaeontology and especially dinosaurs.

The area's rich history also extends to human habitation of the region. This area has been inhabited by Indigenous peoples for thousands of years. The IDP Area is located within Treaty 7, which was signed by the Government of Canada and five First Nations: the Siksika (Blackfoot), Kainai (Blood), Piikani (Peigan), Stoney-Nakoda, and Tsuut'ina (Sarcee).

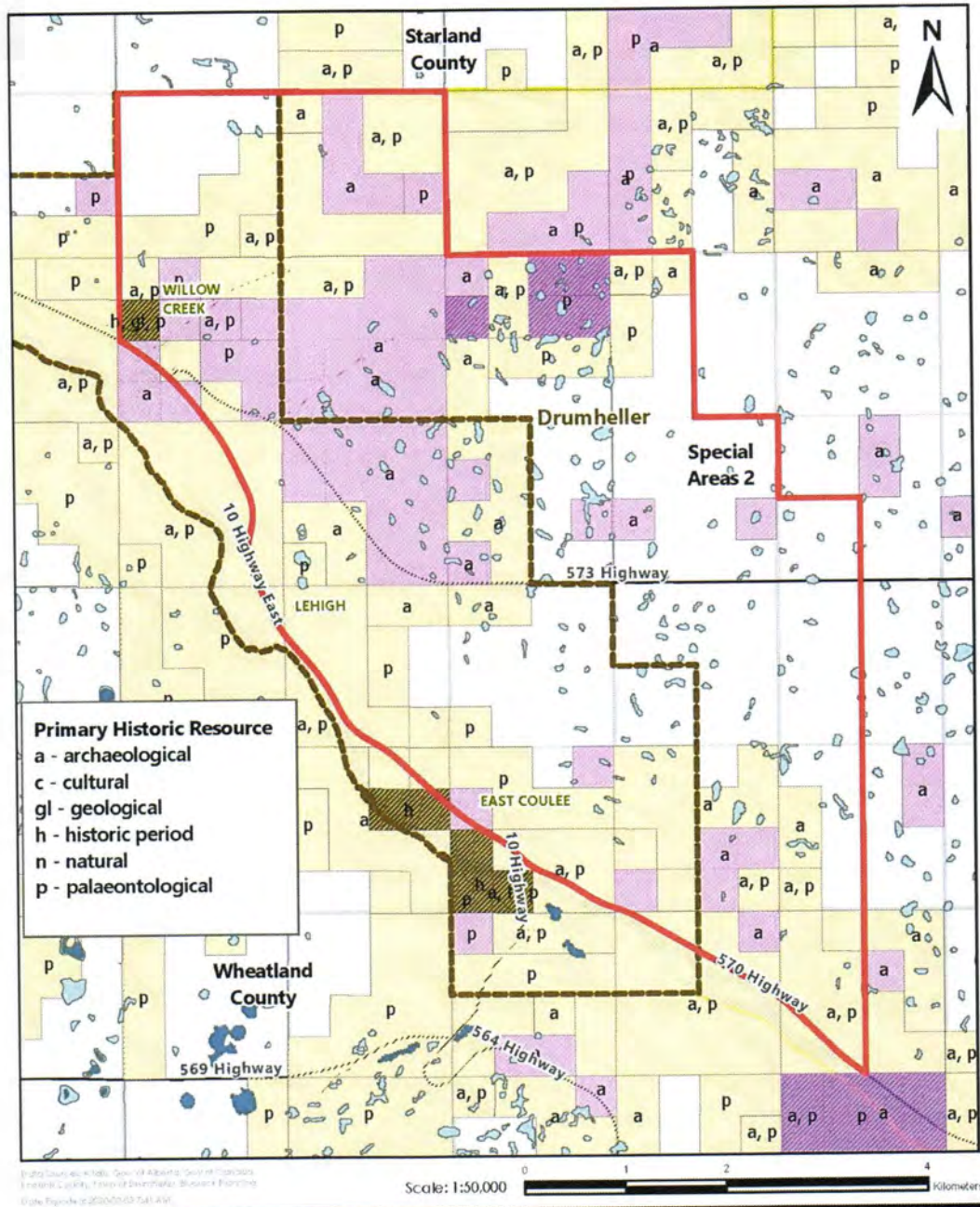
## **TRANSPORTATION INFRASTRUCTURE**

The IDP Area's western border roughly follows Highway 10, the main north-south highway through the Town of Drumheller. Secondary highways 573 and 570 are also in the area. Highway 573 is located in the north portion of the IDP Area while Highway 570 is the southeastern continuation of Highway 10 after Highway 10 heads directly south just east of East Coulee.

## **OIL & GAS FACILITIES**

Oil and gas facilities are present throughout the region and also within the IDP Area (see **Map 5**).





Map 4: Historical & Environmental Areas



- Legend**
- IDP Area
  - Rural Municipality
  - Town Boundary
  - Gas Pipeline
  - Oil Pipeline
  - Water Pipeline

Map 5: Energy Facilities



## 2.3 Town of Drumheller Population & Vacant Land Analysis

Town of Drumheller amalgamated with the M.D. of Badlands No. 7 in 1988 thereby including additional hamlets and rural areas into its municipal boundaries. This provided the municipality with a healthy land base for any anticipated future growth. Between 1996 and 2011 the municipality grew in population from 7,833 to a high of 8,029 before dropping in 2016 to 7,982 (see **Figure 3**).

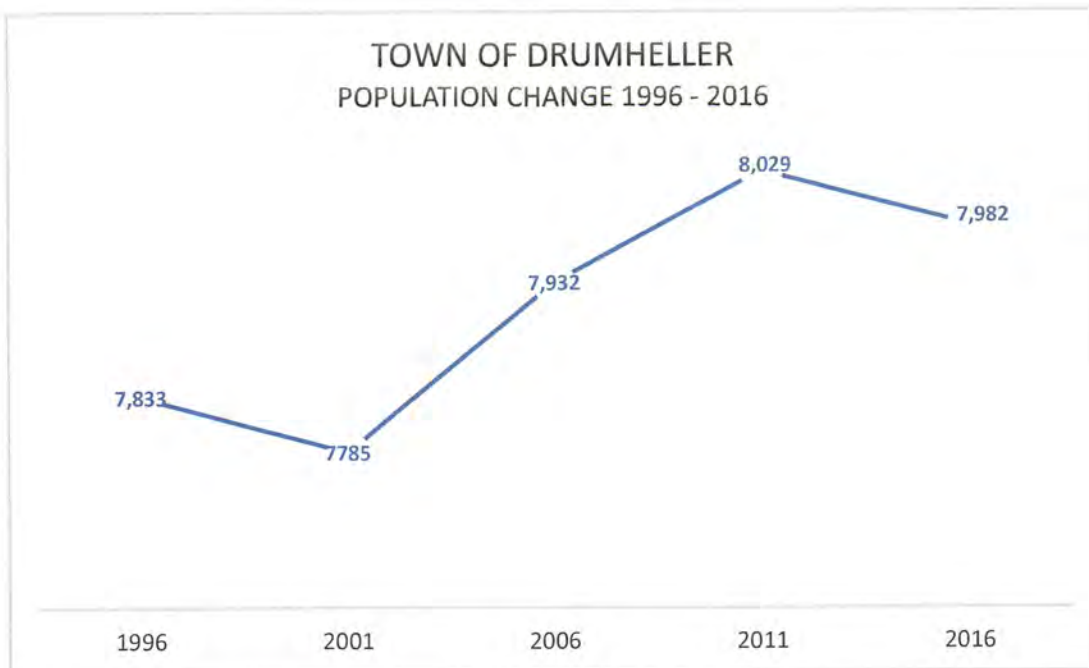


Figure 3: Town of Drumheller Population Change

## 2.4 Town of Drumheller Vacant Land Analysis

An IDP provides the opportunity to gain an understanding of any future growth requirements of the urban municipality. The Town of Drumheller's relatively flat population growth combined with a desktop analysis of vacant lands suggests there is sufficient residential and non-residential land available for the Town. Thus, the need for annexation is not expected in the foreseeable future.

### 3 | IDP DIRECTION & FRAMEWORK

The following sections take into consideration the key characteristics of the IDP Area and establish the overall direction for both municipalities to manage the planning and development of land.

#### 3.1 Interpretation

The following words are to be interpreted throughout the plan as follows:

##### General Agreement

- 3.1.1 **Board:** refers to the Special Areas Board.
- 3.1.2 **Council:** refers to the Town of Drumheller Council.
- 3.1.3 **Shall, require, must, or will:** mean that the policy is mandatory; exceptions would require an amendment to the Plan.
- 3.1.4 **Should:** always applies to the situation unless it can clearly be identified to the agreement of Council and/or the Board or the Approving Authority that in the given situation, the policy is not reasonable, practical or feasible.
- 3.1.5 **May:** acknowledges support in principle and indicates that Council and/or the Board or the Approving Authority has the discretion to determine the level of compliance that is required.
- 3.1.6 Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. Unless otherwise stipulated, the Interpretation Act, Chapter I-8, RSA 2000 as amended, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.
- 3.1.7 All references to a specific agency, body, or department were accurate at the time of writing. It is understood that agency, body and department names change from time to time. All references throughout the Plan shall therefore be considered to be applicable to the current relevant agency, body or department.
- 3.1.8 The geographical or relative boundaries or any variable presented on the maps contained in this Plan, with the exception of the boundaries of the IDP Area, shall be interpreted as a rough approximation and not an accurate depiction of its actual or full extension.



## **3.2 Land Use**

Identifying long term future land uses goals is a legislative requirement of an IDP and forms one of the key areas of agreement and coordination in this plan. Currently, land within the IDP Area is designated (zoned) entirely agricultural and primarily used for extensive agricultural operations. This dominant agricultural land use for the IDP area is not anticipated to change within a short- or medium- term planning time frame. The following land use intentions seek to preserve the overall agricultural character of the IDP Area and encourage development at a scale and location where it will not negatively impact nor change the predominant rural character of the area where appropriate.

**The municipalities agree that:**

- 3.2.1                    The predominant land use in the IDP area shall be agriculture and grazing. Non-agricultural land uses shall be limited in size and scale and only considered in such areas where they will not result in significant negative impacts to agricultural lands or environmentally / historically sensitive areas.
- 3.2.2                    Future land use within the IDP Area shall be aligned with the Municipal Development Plan from the respective municipal jurisdiction that the lands fall within.
- 3.2.3                    The municipalities shall strive to engage in open communication when considering land use and development decision-making in the IDP Area and should discuss any proposed Statutory Plans, Land Use Bylaws, Land Use Orders or amendments that may impact the adjacent municipality
- 3.2.4                    Land owned by either municipality within the other municipality's jurisdiction shall follow any bylaw, statutory planning document, land use bylaw or land use order of the municipality that the land is located in.

## **3.3 Growth Management & Annexation**

This IDP provides the opportunity to identify any lands that may be required for annexation and ensure the Town of Drumheller has an adequate land supply to support future growth. However, through the population and vacant land analysis it was identified that the Town currently contains an adequate land supply to meet short and mid-term future development demands.

## **3.4 Agriculture**

Agricultural land represents the largest land use in the IDP Area, consisting predominately of activities associated with extensive agriculture. Extensive agriculture shall continue to be the primary use of the land.

The municipalities agree that:

- 3.4.1 In making decisions on development issues within the IDP Area, both municipalities shall respect the right of agricultural operators to pursue normal activities associated with extensive agriculture without interference or restriction based on their impact on adjacent uses.
- 3.4.2 Both municipalities will strive to work cooperatively to encourage good neighbour farming practices, such as dust, weed and insect control, adjacent to developed areas through best management practices and Alberta Agriculture guidelines.

### **Confined Feeding Operations**

The municipalities agree that:

- 3.4.3 It is recognized that approval of Confined Feeding Operations (CFOs) ultimately lies with the Natural Resources Conservation Board (NRCB). Prior to approvals being given within the IDP Area, both municipalities shall request that the staff of the NRCB review local plans and policies and consider these in their decision making.

## **3.5 Servicing and Infrastructure**

Proper servicing of development is critical to maintain and improve quality of life of residents. Further, coordinating the delivery of infrastructure and services between both municipalities can lead to greater efficiency and cost savings.

The municipalities agree that:

- 3.5.1 Efforts to identify and implement cost effective ways of delivering shared services that benefit both municipalities and residents are encouraged.
- 3.5.2 Where potential opportunities to connect to regional services are identified, joint planning should be pursued.
- 3.5.3 To jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are mutually beneficial.
- 3.5.4 Where municipal servicing is not available, the provision of potable water and the treatment and disposal of wastewater on all parcels in the IDP Area shall be the responsibility of individual landowners or developers, in accordance with provincial standards.

### 3.6 Natural Environment & Historic Resources

The lands within the IDP Area contain Environmentally Significant Areas (ESAs) as defined by Alberta Environment and Parks. Additionally, lands within the IDP Area may contain important Historical Resources. This IDP should ensure that development occurs in a manner that does not negatively impact important historical and natural landscapes.

#### Natural Environment

The municipalities agree that:

- 3.6.1 If an application for development (including recreational) is located within an Environmentally Significant Area as defined by Alberta Environment and Parks, a biophysical or wetland impact assessment may be required to comply with provincial policy.
- 3.6.2 All applications for development located within an ESA in the IDP Area shall be circulated to the other municipality for review and to provide comment.

#### Red Deer River Basin

The municipalities agree that:

- 3.6.3 Subdivision and development in or adjacent to the river valley shall take into consideration slope stability and soil characteristics in order to minimize negative impacts to bank stability and the river's water quality. Within flood plains development should minimize potential flood damage.
- 3.6.4 Where the Province of Alberta flood mapping identifies land as either floodway or flood fringe as defined by the Municipal Government Act the relevant provincial and municipal regulations and policies shall be followed to mitigate potential impacts from development within flood prone areas.

#### Historic Resources

The municipalities agree that:

- 3.6.5 All development must comply with *the Historical Resources Act* and Alberta Culture and Tourism.
- 3.6.6 Where development is proposed on lands listed as having a Historical Resource Value (HRV), a Historical Resource Impact Assessment (HRIA) may be required to be completed by the developer to the satisfaction of Alberta Culture and Tourism.



### **3.7 Resource Extraction & Energy Development**

Resource extraction and energy development are important to the local economy. It is important that resource extraction and energy development operations occur in a manner that is compatible with adjacent land uses and minimizes offsite impacts to ensure sustainable economic, environmental and social outcomes. Where a subdivision or development application is under the jurisdiction of the municipality (and not the province) the municipalities agree to the following:

- 3.7.1 When making decisions regarding a natural resource extraction or energy development proposal, both municipalities shall take into consideration impacts on existing land use, residents, landowners, and future land use in both municipalities.
- 3.7.2 Each municipality must be notified of any resource extraction or energy development proposal in the other municipality that will result in access being required from a road under its control or management.
- 3.7.3 Either municipality may require an agreement regarding the construction, repair, or maintenance of any municipal roads which may be impacted by resource extraction or energy development, when the development requires access to come from the other municipality's road.
- 3.7.4 The municipalities shall consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for new or expanded resource extraction activities including pits, or other extractive activities, where they maintain jurisdiction.

### **3.8 Transportation**

Efficient and functional transportation networks are critical to long-range growth and development within the IDP Area. Further, the communication and coordination between both municipalities as well as provincial transportation jurisdictions are necessary to ensure efficiency and functionality.

**The municipalities agree that:**

- 3.8.1 Municipalities shall jointly consult with Alberta Transportation to coordinate planning and development along major roadways and provincial highways/jurisdictions within the IDP Area.
- 3.8.2 Road closures that may affect both municipalities shall be jointly coordinated.
- 3.8.3 Information sharing regarding appropriate practices for road design, maintenance, classification, permitting and road bans is encouraged between



municipalities to promote an efficient and cost effective regional transportation network.

3.8.4 Each municipality shall be notified of any subdivision or development proposal in the other municipality that will result in access being required from a road under its control or management.

3.8.5 Either municipality may require a developer to enter into a Road Use Management Agreement to control traffic, manage dust control or maintenance issues if access to the development is required from a road under its control or jurisdiction.

### **3.9 Telecommunication Towers & Utilities**

It is recognized that the jurisdiction for telecommunication towers and utility approvals is outside of the control of municipalities. However, as the demand for this infrastructure grows there is potential for these developments to have land use impacts. The following policies seek to guide both municipalities when providing comments to applicants or relevant agencies in regard to applications for telecommunication infrastructure within the IDP Area.

**The municipalities agree that:**

3.9.1 When providing comments for a new, expanded or retrofitted telecommunications tower, municipalities shall request telecommunications companies to co-locate within the IDP Area where technically feasible.

3.9.2 Where there is an application for a new, expanded or retrofitted telecommunications tower within the IDP Area, the municipality within which the application is located shall refer the application to the other municipality for comment.

## 4 | IDP IMPLEMENTATION & ADMINISTRATION

Continuous collaboration and communication between both municipalities is essential for effective coordination of land use planning at a regional level and the successful implementation and administration of the IDP. The following policies are established with the goal of ensuring effective and clear processes for communication and collaboration are established between the municipalities.

### 4.1 Circulation and Referral Process

The following section establishes a clear process for referring subdivision and development applications, statutory and non-statutory planning documents and amendments, and land use related studies with the objective of achieving a coordinated approach to planning and development within the IDP Area.

The municipalities agree that:

- 4.1.1 The following shall be referred by each municipality prior to a public hearing, meeting or decision:
- i. A proposed Municipal Development Plan (MDP);
  - ii. A proposed Area Structure Plan (ASP) or Area Redevelopment Plan (ARP) within the IDP Area; or a proposed ASP or ARP that may have an impact within the IDP Area;
  - iii. A proposed new Land Use Bylaw (LUB) or Land Use Order (LUO);
  - iv. An amendment to a statutory planning document or Land Use Bylaw/Order within the IDP Area or which may affect the IDP Area;
  - v. A proposed *multi lot* subdivision within the IDP Area;
  - vi. A development application for a *Discretionary Use* within the IDP Area;
  - vii. Any other development that may be deemed by one or both municipalities to have an impact on land within the IDP Area.
- 4.1.2 Applications received from the Natural Resources Conservation Board (NRCB) for Confined Feeding Operation approvals located within the IDP Area shall be referred by each municipality.
- 4.1.3 If either municipality is in receipt of a notice of application for a new or expanded pit within the IDP Area, they shall forward a copy of the notice to the other municipality.
- 4.1.4 Where there is an application for a new, expanded or retrofitted telecommunications tower within the IDP Area, the municipality receiving the application shall notify the other municipality to seek their comments.

## Timelines

The municipalities agree that:

- 4.1.5 From the date that a municipality receives a referral, the municipality will have the following timelines to review and provide comments:
  - i. 15 calendar days for development applications;
  - ii. 30 calendar days for subdivision applications and all other intermunicipal referrals.
- 4.1.6 A municipality that has received a referral may request an extension of the initial review period. If an extension of the review period is granted, it shall be communicated in writing.
- 4.1.7 If the municipality receiving the referral has not replied within the stipulated timeline, it will be determined that the municipality has no comments or concerns regarding the application.
- 4.1.8 Should any concerns arise through the referral process that cannot be resolved between the two administrations, the dispute resolution process (Section 4.3 of this bylaw) shall be initiated.

## 4.2 Reviewing, Repealing and Amending the Plan

Regular review of the IDP is important to ensure the principles and directions agreed upon remain current and are responsive to local change. For this plan to remain relevant and function effectively, amendments to the Plan may be necessary from time to time. The following agreements outline the process for reviewing, amending and repealing the Plan.

### Reviewing the Plan

The municipalities agree that:

- 4.2.1 The IDP should be reviewed every 10 years from the date the Plan was adopted by both municipalities. The review shall be completed in conjunction with administration from both municipalities and may include Palliser Regional Municipal Services.
- 4.2.2 When a new MDP for either municipality is adopted, a review of the IDP should be undertaken to ensure consistency with the MDP policies.



## Amending the Plan

The municipalities agree that:

- 4.2.3 The Plan may be amended as seen fit and mutually agreed upon by both Municipalities. Any amendments to the plan must be adopted by Council and the Board/Minister.
- 4.2.4 Should any disagreements arise with an amendment to the Plan, the dispute resolution process (Section 4.3 of this bylaw) shall be initiated.
- 4.2.5 Proposed amendments to this Plan by parties other than the Town of Drumheller or Special Areas shall be accompanied by the following:
  - a) An application to amend the Special Areas IDP Ministerial Order submitted to municipality or their representative agency (e.g. Palliser Regional Municipal Services) along with the applicable fee for processing amendments to a statutory document; and
  - b) An application to amend the Town of Drumheller IDP bylaw submitted to the municipality or their representative agency (e.g. Palliser Regional Municipal Services) along with the applicable fee for processing amendments to a statutory document.

## Repealing the Plan

In the event that one or both municipalities deem the IDP no longer relevant, the bylaws adopting the IDP will need to be repealed by both municipalities. However, an IDP is a mandatory requirement under the MGA unless the municipalities mutually agree that an IDP is not required (MGA s. 631 as amended January 1, 2020).

The municipalities agree that:

- 4.2.6 The Plan shall only be repealed if mutually agreed upon by both municipalities.
- 4.2.7 Should only one municipality wish to repeal the Plan, 60 days' notice will need to be given to the other municipality stating the intent and reasons for repealing the Plan. Both Council and the Board must pass the bylaw repealing the Plan and either adopt a new IDP or mutually agree that an IDP is not required for the repeal to take effect.
- 4.2.8 Should only one municipality wish to repeal the plan, the dispute resolution process (Section 4.3 of this bylaw) shall be initiated.

### 4.3 Dispute Resolution Process

Adopting a dispute resolution process is a requirement under Part 17 of the MGA. The intent of a dispute resolution process is to resolve, or attempt to resolve, any conflicts between municipalities. By following the process below disputes can be avoided, or where necessary, resolved through facilitated mediation. The process provides the two municipalities the opportunity to come to a resolution at the municipal level. If a resolution cannot be achieved, the matter could be resolved through arbitration and/or brought before the Municipal Government Board.

#### The municipalities agree that:

- 4.3.1 Both municipalities shall be responsible for documenting and maintaining records of all meetings and exchanges throughout the dispute resolution process.
- 4.3.2 Administration from each municipality shall ensure the facts of the issue have been thoroughly investigated and information is made available and transparent to both parties.
- 4.3.3 Costs incurred through the dispute resolution process shall be shared equally by both municipalities.
- 4.3.4 Notifying and engaging any affected parties or members of the public will be at the discretion of each municipality. Each municipality shall ensure they are meeting requirements and processes outlined in relevant public participation policies for notifying and engaging members of the public or affected parties.
- 4.3.5 Should mediation be required through the dispute resolution process; the powers and responsibilities of the mediator will be limited to providing recommendations to both municipalities.
- 4.3.6 Should arbitration be required through the dispute resolution process; every order of an arbitrator is final and binding on all parties.
- 4.3.7 In the case of a dispute involving the adoption of a statutory plan, Land Use Bylaw/Order or amendment to such, an appeal may be filled without prejudice, within 30 days of adoption to the *Municipal Government Board*, in accordance with *Section 690 (1) of the MGA* so the provincial statutory right and timeframe to appeal is not lost.
- 4.3.8 An appeal may be withdrawn if an agreement is reached between the two municipalities prior to the *Municipal Government Board* meeting.

## Dispute Resolution Process

- 4.3.9 When the administration of a municipality identifies a potential issue, either party may give written notice to the other identifying the areas of conflict, initiating the dispute resolution process.
- 4.3.10 Once notice of the conflict has been received, both municipalities shall discontinue any actions pertaining to the matter in disagreement until a resolution has been determined.
- 4.3.11 Within 15 days of receiving written notice of an identified conflict, a meeting shall be convened between the respective administrations directly involved in the matter to attempt to come to a solution. This will generally include a member of planning staff and the CAOs of each municipality. If a solution to the disagreement is reached, then staff from each municipality shall take the necessary steps to implement the resolution.
- 4.3.12 Within 15 days of Administrations being unable to resolve the disagreement, a meeting shall be convened between administrations from both municipalities, the Board and Council to discuss possible resolutions and attempt to reach consensus on the issue.
- 4.3.13 Should the Board and Council be unable to resolve the matter within 30 days, a formal mediation process to facilitate resolution of the issue shall be initiated. The facilitated mediation process will involve two Council members, two Advisory Council members and a member of administration from each municipality, as well as a mediator mutually agreed upon by both municipalities. The representatives from the municipalities will be decided at the time of mediation.
- 4.3.14 If the dispute resolution process is not completed within one year from the date the notice of the dispute is given, either municipality may request the Minister to appoint an arbitrator pursuant to the regulations outlined in the *Municipal Government Act*.

## Dispute Resolution Flow Chart



Figure 4: Dispute Resolution Flow Chart



## APPENDIX A | DEFINITIONS

**Adjacent Land(s):** Land that abuts or is contiguous to the parcel of land that is being described and includes land that would be contiguous if not for a highway, road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway or similar feature and any other land identified in a land use bylaw as adjacent for the purpose of notifications under the Municipal Government Act, Revised Statutes of Alberta 2000, M26 with amendments.

**Agricultural Operation:** If not defined in the municipality's Land Use Bylaw, it is an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and can include, but is not limited to:

- a) the cultivation of land;
- b) the raising of livestock, including game-production animals within the meaning of the "Livestock Industry Diversification Act" and poultry;
- c) the raising of fur-bearing animals, pheasants or fish;
- d) the production of agricultural field crops;
- e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- f) the production of eggs and milk;
- g) the production of honey (apiaries);
- h) the operation of agricultural machinery and equipment, including irrigation pumps on site;
- i) the application of fertilizers, insecticides, pesticides, fungicides, and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- j) the collection, transportation, storage, application, use transfer and disposal of manure;
- k) the abandonment and reclamation of confined feeding operations and manure storage facilities.

**Alberta Land Stewardship Act (ALSA):** The Alberta Land Stewardship Act Statutes of Alberta, 2009 Chapter A-26.8, as amended.

**Area Structure Plan (ASP):** A statutory plan in accordance with the Municipal Government Act (MGA) for the purpose of providing a framework for subsequent subdivision and development of an area of land in a municipality. The Plan typically provides a design that integrates land uses with the requirements for suitable parcel densities, transportation patterns (roads), stormwater drainage, fire protection and other utilities across the entire Plan Area.

**Confined Feeding Operations (CFO):** An activity on land that is fenced or enclosed or within buildings where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the Agricultural Operation Practices Act (AOPA), Revised Statutes of Alberta 2000, Chapter A-7, as amended from time to time, but does not include residences, seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks or exhibition grounds.

**Development:** As defined by the Municipal Government Act in Part 17, section 616, means

- a) an excavation or stockpile and the creation of either of them;
- b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land;
- c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- d) a change in the intensity of the land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**Discretionary Use:** The use of land or a building in a land use district for which a development permit may be approved at the discretion of the Development Authority with or without conditions.

**Environmentally Significant Area (ESA)** means an area defined by Alberta Environment and Parks as being environmentally significant.

**Extensive Agriculture:** means systems of tillage and grazing on large areas of land by the raising of crops or the rearing of livestock but does not include confined feeding or intensive livestock operations and may be either separately or in conjunction with one another and includes buildings and other structures incidental to the operation but does not include residential buildings.

**Resource extraction:** Use of lands that are governed by the location of a natural resource such as, but not limited to, sand and gravel, oil and gas, or logging which involves the extraction or onsite processing and/or storage of a natural resource

**Historical Resource Value (HRV):** Lands that contain or are believed to contain “historic resources” as defined in the *Historical Resources Act*, including primarily archeological and paleontological sites, Aboriginal traditional use sites of a historic resource nature, and historic structures.

**Intermunicipal Development Plan (IDP):** A statutory document, adopted by bylaw in accordance with section 631 of the Municipal Government Act, which is used by municipalities as a long-range planning tool.

**Multi-lot Subdivision:** A subdivision of land that will create two (2) or more *new* lots.

**Municipal Development Plan (MDP):** A statutory plan, adopted by bylaw in accordance with section 632 of the Municipal Government Act and used by municipalities as a long-range planning tool.

**Natural Resource Conservation Board (NRCB):** The Natural Resources Conservation Board is responsible for reviews of proposed major natural resource projects, and for the regulation of confined feeding operations in Alberta.



**Permitted Use:** The use of land or a building in a land use district for which a Development Authority shall issue a development permit with or without conditions providing all other provisions of the Bylaw are conformed with.

**Plan:** The Town of Drumheller and Special Areas Intermunicipal Development Plan.

**IDP Area:** The lands defined in this document on Map 1: IDP Area noted as "IDP Area".

**Pit(s):** means any opening in, excavation in or working of the surface or subsurface made for the purpose of removing sand, gravel, clay or marl and includes any associated infrastructure, but does not include a mine or quarry. Alberta Environment and Parks categorizes and regulates pits as follows:

Large (Class I) Pits – Class I pits are 5 hectares or more in area

Small (Class II) Pits – Class II pits are less than 5 hectares in size on private land

**Provincial Highway:** A road development as such by Ministerial Order pursuant to the Highway Development and Protection Act, Alberta Regulation 326/2009.

**Soil Classifications:** The classification of soils in accordance with the Canadian Land Inventory on the basis of soil survey information, and are based on intensity, rather than kind, of their limitations for agriculture.

Class 1 – Soils in this class have no significant limitations in use for crops.

Class 2 – Soils in this class have moderate limitations that restrict the range of crops or require moderate conservation practices.

Class 3 – Soils in this class have moderately severe limitations that restrict the range of crops or require special conservation practices.

Class 4 – Soils in this class have severe limitations that restrict the range of crops or require special conservation practices.

Class 5 – Soils in this class have very severe limitations that restrict their capability in producing perennial forage crops, and improvement practices are feasible. Class 6 – Soils in this class are capable only of producing perennial forage crops, and improvement practices are not feasible. Class 7 – Soils in this class have no capacity for arable culture or permanent pasture land

**Statutory Plan:** As per Part 17 of the Municipal Government Act, is an intermunicipal development plan, a municipal development plan, an area structure plan, or an area redevelopment plan adopted by a municipality under Division 4 of the Municipal Government Act.

**Telecommunications Tower:** means a structure designed to support antennas for telecommunications and broadcasting and may include television, cellular phone, or wireless internet or radio signals.