

**TOWN OF BLACK DIAMOND
BYLAW NO. 02-05**

**BEING A BYLAW OF THE TOWN OF BLACK DIAMOND TO ADOPT THE
MUNCIPAL DISTRICT OF FOOTHILLS/TOWN OF BLACK DIAMOND/ TOWN
OF TURNER VALLEY INTERMUNCIPAL DEVELOPMENT PLAN**

WHEREAS Pursuant to the provisions of the **Municipal Government Act, RSA 2000** as amended, two or more Councils, may, by each passing a bylaw, adopt an **Intermunicipal Development Plan**; and


WHEREAS The M.D. of Foothills/Town of Black Diamond/Town of Turner Valley wish to adopt an **Intermunicipal Development Plan** as hereinafter provided; and


WHEREAS A public hearing has been held in accordance with the **Municipal Government Act**;

NOW, THEREFORE, The Town of Black Diamond enacts as follows:

1. This Bylaw may be cited as the "**M.D. of Foothills/Town of Black Diamond/Town of Turner Valley Intermunicipal Development Plan Bylaw**".
2. "**M.D. of Foothills/Town of Black Diamond /Town of Turner Valley Intermunicipal Development Plan**", which is attached hereto and forms part of this Bylaw, is hereby adopted as an **Intermunicipal Development Plan** pursuant to the **Municipal Government Act**, as amended.
3. This Bylaw, subject to Section 631(1) of the **Municipal Government Act**, comes into force and effect upon **third and final reading**.


READ A FIRST TIME THIS 17th **DAY OF** April, 2002 **A.D.**




Mayor


Town Manager

READ A SECOND AND THIRD TIME THIS 5th **DAY OF** June, 2002 **A.D.**



Mayor


Town Manager

**Municipal District of Foothills No. 31
Town of Black Diamond
Town of Turner Valley**

Intermunicipal Development Plan



March 2002

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**M.D. OF FOOTHILLS /
TOWN OF BLACK DIAMOND / TOWN OF TURNER VALLEY**

INTERMUNICIPAL DEVELOPMENT PLAN

PART 1 STATUTORY PLAN POLICIES

1.0 INTRODUCTION

1.1 PREAMBLE

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

The Provincial Land Use Policies support the preparation and adoption of Intermunicipal Development Plans. Section 3.0 of those Policies, which encourage municipalities to expand Intermunicipal planning efforts to address common planning issues, is quoted in **PART II - BACKGROUND** to this Plan.

Terms of Reference for the M.D. of Foothills / Town of Black Diamond / Town of Turner Valley / M.D. of Foothills Intermunicipal Development Plan were jointly prepared and were approved by the three municipalities in 1996. The three municipalities agreed that a negotiated Intermunicipal Development Plan is the preferred means of addressing Intermunicipal issues within the Plan area and that it represents the best opportunity for a continuing cooperative working relationship.

1.2 GEOGRAPHICAL CONTEXT

The M.D. of Foothills / Town of Black Diamond / Town of Turner Valley Intermunicipal Development Plan encompasses lands on both sides of the boundary separating the three municipalities (see Map 1).

Major natural features within the Plan area include the Sheep River valley running through the Town of Turner Valley and the west side of the Town of Black Diamond, the Lineham Creek valley which lies west of the Town of Turner Valley. The rest of the Plan area contains lands, which range from flat to undulating in nature.

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The primary transportation routes through the Plan area include Highway 22, which provides a route north-south as it enters Turner Valley and exits through Black Diamond. Highway 7 provides access from the east to Black Diamond and Turner Valley. Alternate access to Turner Valley is from 418th and 434th Avenue (16th Avenue within the Town of Turner Valley), standard dust controlled roads, connecting to the south side of the Town.

The Intermunicipal Development Plan covers a transitional area that contains a range of development types commonly found within the three municipalities. The land surrounding the Towns in the M.D. consist of larger agricultural holdings, but also support other rural uses such as country residential development and natural resource extraction. The land contained within the Towns consists of larger urban reserve parcels and lagoons for sewage treatment.

1.3 PLAN AREA

The Intermunicipal Development Plan boundary includes those lands inside the Town of Turner Valley Corporate Limits and the Town of Black Diamond Corporate Limits which are contiguous to the shared boundary with the M.D. of Foothills and do not already contain established residential subdivisions (as of May 1, 1996); and the following lands within the M.D. of Foothills (all West of the Fifth Meridian):

Section	Township	Range
N ½ 31	19	2
NW ¼ 32		
N ½ 36	19	3
N ½ 4	20	2
N ½ 5		
SW ¼ 5		
SE ¼ 7		
N ½ 7		
W ½ 8		
Pt. E ½ 8		
E ½ 9		
SW ¼ 9		
S ½ 17		
NE ¼ 17		
S ½ 21		
NW ¼ 16		
E ½ 16		
W ½ 1	20	3
W ½ 12		
NE ¼ 12		

The Plan area encompasses approximately 6,880 acres or 278.4 square kilometres.

1.4 GOALS OF THE PLAN

1. To provide an Intermunicipal policy framework to guide future land use decisions within the plan boundaries which will take into consideration issues such as incompatible uses and manner of proposals for future development (see section 631(2)(a) of the Municipal Government Act).
2. To address requirements of the Municipal Government Act with respect to Intermunicipal conflict resolution procedures, plan administration and plan amendment or repeal procedures (refer to section 631(2)(b) of the Act).
3. To resolve issues related to circulation and referral procedures, including equality of municipal status with respect to referrals, degree of intervention and dispute resolution procedures.
4. To establish principles whereby all municipalities may consistently apply planning policies and land use bylaws within their respective jurisdictions.
5. To protect future servicing and transportation corridors and infrastructure facilities (e.g. Town of Turner Valley and Town of Black Diamond water supplies, the Westend Regional Sewage Services Commission sewage lagoon, utility right-of-ways, Hwy 22, Hwy 7 & SR 546) in the municipalities.
6. To establish principles addressing existing and dominant land uses in the plan area (e.g. Lilyfer Poultry (Black Diamond) Ltd., Sheep Creek Pit, Chase Hoffman Pit, Regional Commission Industrial Lands).
7. To recognize the historical designation of the Turner Valley Gas Plant.
8. To establish principles guiding future uses and development in the Sheep River watershed.
9. To address the relationship of the Intermunicipal Development Plan to any future annexation.
10. To address any significant issues that may be identified through the public participation process.



**M.D. OF FOOTHILLS /
TOWN OF BLACK DIAMOND / TOWN OF TURNER VALLEY**

INTERMUNICIPAL DEVELOPMENT PLAN

2.0 THE PLAN

2.1 AGRICULTURE

2.1.1 CONTEXT

Extensive areas of agricultural land are contained within the boundaries of the Intermunicipal Development Plan. Agricultural land should be protected from premature development and from inappropriate development which may negatively affect agricultural operations.

The agricultural policies contained in this Plan are consistent with the Provincial Land Use Policies, which support the protection of agricultural lands from premature conversions to other uses. Section 6.1 of those policies is quoted in PART II - BACKGROUND to this plan.

It is anticipated that lands within the Towns of Black Diamond and Turner Valley contained within the Intermunicipal Development Plan and having an agricultural use will eventually be converted to urban residential, commercial and industrial properties as the Towns grow and develop in an orderly fashion.

Within the M.D. of Foothills are extensive areas of agricultural land which the M.D. intends to conserve for a broad range of agricultural uses. Provision is also made within the M.D. of Foothills for intensive or specialized agricultural uses and for small-scale agricultural pursuits requiring separate parcels of land that are smaller in area than a full quarter section. For the purposes of this Intermunicipal Development Plan, the definition of higher capability agricultural land as contained in the M.D. of Foothills Municipal Development Plan and Land Use Bylaw will be used to evaluate agricultural land within the M.D. of Foothills.

2.1.2 AGRICULTURAL POLICIES

The following policies apply to agricultural policy areas within those portions of the Intermunicipal Development Plan located within the M.D. of Foothills.

1. Premature development of existing agricultural lands within the M.D. of Foothills should be avoided and such land should continue to be used for agricultural purposes.
2. Non-intensive agricultural uses may continue to be approved at the discretion of the M.D. in accordance with the agricultural districts of the M.D. of Foothills Land Use Bylaw.
3. Existing intensive agricultural uses may continue at the discretion of the M.D. of Foothills. Approval of any new intensive agricultural operations should only be considered subject to appropriate Intermunicipal referral and consultation.
4. The following shall continue to be permitted at the discretion of the M.D. in accordance with the agricultural districts of the M.D. of Foothills Land Use Bylaw and Municipal Development Plan policies:
 - a. subdivision of the first parcel out of an unsubdivided quarter section; and
 - b. subdivision of a single agricultural parcel from a parent parcel of 21 acres or more which existed in title as of 1988 September 27; or
 - c. on parent parcels of 80 acres or more, subdivision of no less than 40 acres for agricultural purposes only as an exemption to the M.D. of Foothills Land Use Bylaw.
5. Notwithstanding the general intention of these Agricultural Policies, applications for other land uses will be considered in agricultural policy areas subject to meeting the evaluation criteria established in the following sections of this Plan:
 - a. Country Residential Development Policies; and
 - b. Rural Commercial, Industrial and Institutional Development Policies.

2.1.3 AGRICULTURAL / FUTURE URBAN DEVELOPMENT POLICIES

The following policies apply to agricultural/future urban development policy areas within those portions of the Intermunicipal Development Plan located within the Towns of Turner Valley and Black Diamond.

1. Premature development of agricultural land within the Town of Black Diamond and the Town of Turner Valley should be avoided and such land should continue to be used for agricultural purposes until urbanization occurs.
2. Non-intensive agricultural uses may continue to be approved at the discretion of the Towns of Turner Valley and Black Diamond in accordance with the Urban Reserve District of the Towns separate Land Use Bylaws.
3. Any existing intensive agricultural uses may continue at the discretion of the Towns of Black Diamond and Turner Valley. Any proposals for additional intensive agricultural operations should only be considered subject to appropriate Intermunicipal referral and consultation.
4. The following shall continue to be permitted at the discretion of the Towns in accordance with the Agricultural Transition zone of the Town of Turner Valley Land use Bylaw and Municipal Development Plan and the Town of Black Diamond Land Use Bylaw and Municipal Development Plan policies:
 - a. subdivision of the first parcel out, of not more than 80 acres and not less than 20 acres, from an unsubdivided quarter section; and
 - b. subdivision for extensive agricultural purposes only, which would create parcels of not less than 80 acres.
5. Notwithstanding the general intention of these Agricultural/Future Urban Development Policies, applications for other land uses will be considered in Agricultural/Future Urban Development Policy areas subject to meeting the evaluation criteria established in the following sections of this Plan:
 - a. Urban Residential Development Policies; and
 - b. Urban Commercial, Industrial and Institutional Development Policies.

2.2 RESIDENTIAL DEVELOPMENT

2.2.1 CONTEXT

In the M.D. of Foothills, country residential development generally occurs in a relatively dispersed form, where single-detached dwellings are built on large, privately serviced lots.

In the Towns of Turner Valley and Black Diamond, urban residential development occurs in a more compact form, where a variety of dwelling types are built on smaller lots that are serviced by the municipality.

The residential policies contained in this Intermunicipal Development Plan are intended to:

1. accommodate the forms of Residential Development within the Intermunicipal Development plan boundaries which have been agreed to by the respective municipalities; and
2. protect long-term land use and growth options for the municipalities.

2.2.2 COUNTRY RESIDENTIAL DEVELOPMENT POLICIES

1. Areas of country residential development are recognized within the M.D. of Foothills (see map 2). These areas may further develop for country residential use according to the country residential policies of the M.D. of Foothills and this Intermunicipal Development Plan.

Country residential areas within the Intermunicipal Development Plan may ultimately be incorporated into urban development. Subdivision applications within designated areas of existing country residential development should address this potential.

Urban Overlay of Subdivision Design Principles

Each country residential plan of subdivision should take into consideration.

- a. conformity to country residential subdivision standards within the M.D. of Foothills and the potential for future subdivision and redevelopment to urban standards and densities;
- b. protection and provision for future servicing and transportation rights-of-way;
- c. wherever possible, creation of clustered country residential development;

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- d. wherever possible, provision for direct access to municipal roads without the creation of panhandle lots; and
- e. where necessary, the possible preparation of a conceptual scheme relating the proposed subdivision to the future subdivision and development of the subject lands, balance lands and adjacent areas to urban standards and densities.

2. Municipal Reserve Principles

Municipal and/or school reserve should only be taken by direct dedication of land or registration on title of deferred reserve caveat. Cash shall only be taken in lieu of reserve after consultation with and agreement by the Town most directly affected by proximity. There shall be no disposition of reserve land without appropriate Intermunicipal referral and consultation as provided for under section 3.1 of this Intermunicipal Development Plan.

In the event that two or more acres can be dedicated as municipal and/or school reserve, neither deferred reserve nor cash in lieu of reserve may be taken; such reserve must be taken by direct dedication of land.

3. Environmental Reserve Principles

Land that qualifies as environmental reserve under section 664(1) of the Municipal Government Act should be dedicated at the time of subdivision approval as either environmental reserve or environmental reserve easement in favour of the M.D. of Foothills.

4. Country residential development outside of designated country residential policy areas is discouraged. Nevertheless, land use redesignation applications to permit further country residential development within the M.D. of Foothills should be evaluated according to the following criteria:

- a. conservation of good agricultural land;
- b. impacts of development of future urban growth corridors;
- c. impacts on future servicing and transportation corridors and facilities;
- d. impacts on adjacent land uses within the three municipalities;
- e. effects of development in environmentally sensitive or hazardous areas;

- f. adequate access to municipal roads, water supply and septic systems;
 - g. urban overlay principles, as listed under policy 1 above; and
 - h. appropriate Intermunicipal referral and consultation as provided for under section 3.1 of this Intermunicipal Development Plan.
5. On lands adjacent to Natural Areas as defined under Section 2.5.4 of this, each plan of subdivision should:
- a. conform to the subdivision standards of the M.D. of Foothills and give due consideration to the potential for future dedication of a continuous open space system, the focus of which is to be the valley of the Sheep River;
 - b. address any effects of development on Natural Areas; and
 - c. include, where necessary, a conceptual scheme relating the proposed subdivision to any significant Natural Areas, wildlife habitat and corridors or bodies of water.
6. Any subdivision which would create more than eight country residential lots may require the preparation of an area structure plan or concept plan.

2.2.3 URBAN RESIDENTIAL DEVELOPMENT POLICIES

1. The “Kaiser” and “Willow Ridge” Area Structure Plans (Black Diamond) and “The Gateways of Turner Valley”, “Okalta” and the “Dunham” Area Structure Plans (Turner Valley) are recognized as adopted by the Town of Black Diamond and the Town of Turner Valley. Development of these communities shall proceed according to the policies and densities contained in their respective plans. In addition to the area structure plans, the existing built up areas of the Towns are recognized as community plans.
2. Urban residential development within the Intermunicipal Development Plan area under the jurisdiction of the Town of Black Diamond and the Town of Turner Valley shall be approved subject to the following:
 - a. conformity to Town policies affecting residential development;
 - b. prior approval of an area structure plan or community plan;
 - c. consideration of impacts on adjacent land uses within the M.D. of Foothills

(i.e.: applicants may be required to address impacts on lands within the M.D. of Foothills);

- d. consideration of impacts on regional and Intermunicipal transportation systems (i.e.: the traffic impacts that development may have within the M.D. of Foothills)
 - e. consideration of environmental impacts (i.e.: water quality, soil stability and natural areas); and
 - f. appropriate Intermunicipal referral and consultation as provided for under section 3.1 of this Intermunicipal Development Plan.
3. On lands adjacent to Natural Areas as defined under Section 2.5.4 of this, each plan of subdivision should:
- a. conform to the subdivision standards of the Towns and give due consideration to the potential for future dedication of a continuous open space system, the focus of which is to be the valley of the Sheep River;
 - b. address and effects of development on Natural Areas; and
 - c. include, where necessary, a conceptual scheme relating the proposed subdivision to any significant Natural Areas, wildlife habitat and corridors or bodies of water.
4. For those areas having an Agricultural/Future Urban Development land use policy, the Towns of Turner Valley and Black Diamond may approve an area structure plan or community plan for urban residential purposes. Area structure plans and community plans providing for further urban residential development should be evaluated according to the following criteria:
- a. conversion of good agricultural land in the most prudent and efficient manner possible;
 - b. efficient and cost-effective development of servicing and transportation systems and facilities;
 - c. impacts of development on existing adjacent land uses within the Town adopting the plan and the M.D of Foothills ;
 - d. impacts caused by incompatible rural and urban uses;

- e. traffic impacts within the Town adopting the plan and the M.D of Foothills ;
- f. adequate access through developing areas for residents of the Town adopting the plan and the M.D of Foothills ;
- g. proper protection of natural areas and continuous open space systems;
- h. effects of development in environmentally sensitive or hazardous areas; and
- i. appropriate Intermunicipal referral and consultation as provided for under section 3.1 of this Intermunicipal Development Plan.



2.3 SPECIAL AREAS

2.3.1 CONTEXT

Within the plan boundaries, special policy areas have been identified and policies developed to recognize significant existing land uses which are expected to continue.

2.3.2 SAND AND GRAVEL MINING OPERATIONS

1. Sand and Gravel operations are located within the plan area of this Intermunicipal Development Plan. These operations should continue as interim uses, subject to compliance with all development permit conditions and reclamation requirements of Alberta Environmental Protection.
2. Certain lands within the Intermunicipal Development Plan are designated within the land use districts where gravel extraction is a discretionary use. Gravel extraction may be permitted on such lands as an interim use, subject to development permit approval and compliance with any operating or reclamation requirements of Alberta Environmental Protection.
3. When reviewing applications for land use redesignation, subdivision or development in the vicinity of existing sand and gravel operations, the three municipalities will consider the possible impacts that approval of such applications may have on both the current operations and the future viability of the mining operations.
4. In the event that existing sand and gravel operations create negative impacts such as noise, dust and truck traffic on adjacent developments the three municipalities will cooperate in negotiating conditions of approval that address the proper mitigation to be required of any such developments and, if necessary, the existing sand and gravel operations.
5. Known sand and gravel deposits within the Intermunicipal Development Plan are shown on Map 2. These deposits may be mined subject to any land use redesignation, subdivision or development permit requirements of the approving municipality and appropriate Intermunicipal referral and consultation as provided for under section 3.1 of this Intermunicipal Development Plan.
6. When reviewing applications for new sand and gravel mining operations, the three municipalities will consider the possible impacts that approval of such applications may have on existing uses in the vicinity.

7. The three municipalities will cooperate with Alberta Environmental Protection to ensure the proper reclamation of any sand and gravel mining operations within this Intermunicipal Development Plan area.

2.3.3 THE TURNER VALLEY GAS PLANT

1. This Intermunicipal Development Plan recognizes the designation of the Turner Valley Gas Plant as a Historic Site (see Map 2). The site of the Turner Valley Gas Plant has potential for tourism and economic development, which would benefit the region. The Towns of Black Diamond and Turner Valley and the M.D. will cooperate to encourage the continuation of the Gas Plant as a historic site.
2. When reviewing applications for land use redesignation, subdivision or development in the vicinity of the Turner Valley Gas Plant the Town of Turner Valley will consider the possible impacts that approval of such applications may have on the future operations and viability of the Turner Valley Gas Plant as a historic site.

2.3.4 POULTRY FARM AND COMPOSTING OPERATION

1. The Lilyfer Poultry (Black Diamond) Limited Poultry farm and Composting Operation is located within the Intermunicipal Development Plan area in S.W. 09-20-02-W5, S726' / N 1518' (10.30 acres) (see Map 2). This poultry operation has been in existence for at least 20 years and has been a permitted use under the Land Use Bylaw of the Municipal District of Foothills. A Development Permit (95D 7297) was issued for poultry composting operation as accessory to the raising of broilers on the site. There is no option for renewal of the Development Permit as it is issued, it does not expire. The municipalities agree that this use may continue subject to compliance with all development permit conditions, operating permits granted by the appropriate authorities, requirements of the Headwaters Health Authority and Alberta Agriculture Food and Rural Development.

2.3.5 SEWAGE LAGOON

1. The sewage lagoon located within the northeastern sector of the Town of Black Diamond serves both the Towns of Black Diamond and Turner Valley. It is owned and operated by the Westend Regional Sewage Services Commission. It has capacity to meet the needs of both Towns for the immediate time frame. At the time of construction, the capacity of the system was designed to accommodate growth in both towns until 2011. Land is available on the existing site to provide for expansion.

2. Because of its location, adjacent to the eastern boundary of Black Diamond, residential lots and other forms of country residential development should be discouraged from being developed within the quarter section to the east or at least within 300 metres of the working area of the treatment facility.

2.3.6 HISTORIC SITES

1. Turner Valley Discovery Well – Development of Royalite # 1, also known as the Turner Valley Discovery Well, is recognized in this Plan as an important event in the history of the area. This well is situated on the Turner Valley Gas Plant site located in the Town of Turner Valley (see Map 2). The Towns of Black Diamond and Turner Valley and the M.D. of Foothills will cooperate to recognize this site.
2. Hells Half Acre – Hells Half Acre, located in the SW ¼ 7-20-2-W5M, is considered an important historic site in the region (see Map 2). The Towns of Black Diamond and Turner Valley and the M.D. of Foothills will cooperate to recognize and preserve this site.
3. Black Diamond Coal Mines – An abandoned coal mine which operated between 1899 and 1925 is located between the Town's of Turner Valley and Black Diamond and extends on either side of Highway 22, in a north-westerly /south-easterly direction (see Map 2). Although this area has not been identified as a growth area for either Town, any development within the IDP area should be cognizant of this feature. A search of the Natural Resources Archive in 1987 did not produce any maps of the mine workings. The site should be recognized and maintained as a significant historical feature of the Town's.

2.3.7 INTERMUNICIPAL GATEWAYS

1. Within this Intermunicipal Development Plan, Highways 22, 7 and 546 serve as present and future gateways connecting the M.D. of Foothills and the Towns. The municipalities agree to the principle that standards, which recognize the importance of the appearance of development (e.g., landscaping, signage, architectural treatment, screening of outside storage, etc.), should apply to lands near these intermunicipal gateways.
2. The municipalities agree to circulate for comment all land use redesignation, subdivision and development permit applications along the intermunicipal gateways in accordance with the intermunicipal referral and consultation processes provided for under Section 3.1 of this Intermunicipal Development Plan. The circulation area shall be agreed upon by the administrations of the three municipalities.

2.3.8 FRIENDSHIP TRAIL

1. The Friendship Trail, which is located in the Highway 22 right of way connecting between the Towns of **Black Diamond** and **Turner Valley**, is recognized as an important pedestrian link for all area residents. The Towns of **Black Diamond** and **Turner Valley** and M.D. of **Foothills** will cooperate to retain this important pedestrian facility.

2.3.9 TURNER VALLEY GOLF AND COUNTRY CLUB

1. The Turner Valley Golf and Country Club is recognized as an important tourist and recreation facility for all area residents (see Map 2). The Town's of **Black Diamond** and **Turner Valley** and M.D. of **Foothills** will cooperate to promote this important facility.



2.4 COMMERCIAL AND INDUSTRIAL DEVELOPMENT

2.4.1 CONTEXT

In the M.D. of Foothills, rural commercial development occurs in two basic forms; rural local commercial and rural highway commercial.

Also included within the M.D. of Foothills are rural industrial uses, which are identified in the M.D. of Foothills Land Use Bylaw.

Commercial development within the Towns of Turner Valley and Black Diamond occur in a variety of forms, including retail, service and office uses. The majority of commercial uses within the Towns are concentrated along the Highway 22 and Highway 7 corridor. The Town of Turner Valley has industrial land uses within the vicinity of the Turner Valley Gas Plant. The Town of Black Diamond has identified an area adjacent to and on the north side of Highway 7 in the north east sector which will accommodate future industrial uses. In the longer term, Black Diamond desired industrial growth direction would be to the east of the lagoon. In addition the Town has planned for a major commercial development adjacent to and on the west side of Highway 22 on its southern limits.

Institutional uses include developments of a public character such as governmental, religious, charitable, educational, health and welfare activities having a close affinity to public service. Institutional development may occur in either municipality and, within the Intermunicipal Development Plan area, is to be considered subject to the evaluation criteria contained in this Section.

2.4.2 RURAL COMMERCIAL AND INDUSTRIAL POLICIES

1. Land use redesignation applications to permit rural commercial, industrial or institutional development within the Intermunicipal Development Plan area and under the jurisdiction of the M.D. of Foothills should be evaluated according to the following criteria:
 - a. conservation of good agricultural land;
 - b. impacts of development on future urban growth corridors;
 - c. impacts on future servicing and transportation corridors and facilities;
 - d. any potential traffic impacts within either municipality;
 - e. impacts on adjacent land uses within the three municipalities;

- f. effects of development in environmentally sensitive or hazardous areas;
 - g. adequate access to municipal roads, water supply and septic systems; and
 - h. appropriate Intermunicipal referral and consultation as provided for under section 3.1 of this Intermunicipal Development Plan.
2. Any subdivision which would create more than five rural commercial or industrial lots may require the preparation of an area structure plan or concept plan, subject to negotiation between the Town(s) of Black Diamond and Turner Valley and the M.D. of Foothills.

2.4.3 URBAN COMMERCIAL AND INDUSTRIAL POLICIES

1. Commercial, industrial or institutional development within the Intermunicipal Development Plan area and under the jurisdiction of either Town should be evaluated according to the following criteria:
- a. conformity to the respective Town's policies affecting commercial and industrial development;
 - b. prior approval of an area structure plan or community plan;
 - c. impacts on adjacent land uses within the M.D. of Foothills (i.e.: applicants may be required to address impacts on lands within the M.D. of Foothills);
 - d. impacts on regional and Intermunicipal transportation systems (i.e.; the traffic impacts that development may have within the M.D. of Foothills);
 - e. appropriate Intermunicipal referral and consultation as provided for under section 3.1 of the Intermunicipal Development Plan.

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2.5 OPEN SPACE

2.5.1 CONTEXT

Extensive natural areas are contained within the Intermunicipal Development Plan boundaries. The ecological value and recreational potential of such natural areas may be negatively affected by inappropriate development. Certain of these areas, particularly those found within the river and creek valleys, contain wildlife habitat and natural amenities of such significance that they warrant eventual protection as part of a continuous open space system.

The Intermunicipal Development Plan includes portions of the Sheep River watershed including, the Hells Half Acre Valley in the SW ¼ 7-20-2-W5M and the drainage ravine in the SW ¼ 9-20-2-W5M (see Map 1). These valleys and drainage channels and their surrounding uplands are all contained within the same watershed. The municipalities are committed to the protection of this watershed, which comprises a major water resource for the Province of Alberta.

The open space policies contained in this Plan are consistent with the Provincial Land Use Policies, which support the protection of the natural environment, water resources and historical resources. Sections 5.0, 6.3 and 6.4 of those Policies are quoted in **Part II - BACKGROUND** to this Plan.

2.5.2 OBJECTIVES

The three municipalities will cooperate to achieve the following open space objectives:

1. To preserve and enhance the natural and aesthetic quality of river and creek valleys, significant natural habitat, historical resources and scenic views.
2. To facilitate the eventual establishment of continuous open space systems in the river and creek valleys and other natural areas for the benefit and enjoyment of all Albertans.
3. To promote awareness of the river and creek valleys, other natural areas and historical resources as they relate to the overall development of the municipalities.
4. To minimize loss of life, threat to health and economic loss from flooding, unstable lands and hazardous slopes. Implementing the Canada-Alberta Flood Damage Reduction Programs designated and identified Flood Risk Area along the Sheep River in the Intermunicipal Development Plan area.

2.5.3 RIVER AND CREEK VALLEY OPEN SPACE SYSTEMS

1. The valleys surrounding escarpments of the Sheep River watershed including Lineham Creek and the drainage channel in SW ¼ 9-20-2-W5M as identified on Map 1, contain wildlife habitat and natural amenities of significant ecological value. The Towns and the M.D. will cooperate to protect these areas for eventual incorporation into an open space system. The following describes the four major components that will eventually comprise this system.

- a. Sheep River Valley

The Headwaters of the Sheep River originate in the Misty Mountain Range on the eastern flank of the Rocky Mountains. The river flows eastward through the Highwood range in the M.D. of Foothills. It runs through the middle of the Town of Turner Valley as it moves in a northeasterly direction and forms the western boundary of the Town of Black Diamond. The Sheep River joins the Highwood River some 30 km downstream of Black Diamond. Floods usually occur in the months of mid-May to the end of June. The Flood risk area for the Towns of Turner Valley and Black Diamond have been designated by the Minister for the Environment for Canada and the Minister of Alberta Environmental Protection on September 18, 1996 in the Canada-Alberta Flood Damage Reduction Program, Black Diamond-Turner Valley Flood Risk Mapping Study.

- b. The Lineham Creek Valley

The Lineham Creek Valley is not contained within the Plan area boundary for this Intermunicipal Development Plan, however, uses within the valley affect the upstream water quality of the Sheep River which directly affects the Towns. When evaluating applications for development, redesignation or subdivision the M.D. will consider the upstream effects of development within the Lineham Creek Valley and its potential for impact on the Towns.

- c. SW ¼ 9-20-2-W5M Drainage Channel

This drainage channel traverses agricultural lands to the south of Black Diamond. During spring thaw and seasonal rainstorm events this channel conveys runoff waters through the Town of Black Diamond. Within the Town boundaries the channel has been rehabilitated, defined and designated Environmental Reserve. It has become an important, drainage, open space and pathway feature within the Town. When evaluating individual land use, development and subdivision applications the M.D. will consider the downstream effects or impacts on water quality,

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natural areas and potential wildlife habitat that may eventually be linked to the town's open space system.

d. Hells Half Acre Valley in the SW ¼ 7-20-2-W5M

This valley is considered an important feature in that it contains the Hells Half Acre Historic site and also represents a significant natural feature connecting to the Sheep River Valley. When evaluating individual land use, development and subdivision applications the M.D. and Town of Turner Valley will consider the effects or impacts on water quality, natural areas and potential wildlife habitat.

2. Within the valleys of the Sheep River and Lineham Creek watersheds individual land use and subdivision applications should be evaluated according to impacts on natural areas and potential wildlife corridors that may eventually be linked to an open space system.
3. Land Use and development within the designated Flood Risk Area shall be regulated by the policies of the Canada-Alberta Flood Damage Reduction Program and guidelines, requirements, policies or controls adopted by each respective municipality.
4. Each respective municipality will cooperate, within the scope of municipal jurisdiction in Alberta, to protect water quality within the Sheep River watershed.

2.5.4 NATURAL AREAS

1. A Natural Area is defined as open space containing unusual or representative biological, physical or historical components, which, although it need not be completely undisturbed, either retains or has re-established a natural character.
2. The respective municipalities will give due consideration to any impacts that development may have on the Natural Areas within the Intermunicipal Development Plan boundaries.
3. Where appropriate, certain natural Areas outside of the valleys of the Sheep River and Lineham Creek watersheds, including wetlands, may eventually be linked to a continuous open space system as identified under policy 2.5.3 above.

4. Within Natural Areas, each plan of subdivision should:
- a. conform to the subdivision standards of the respective municipalities and take into consideration the potential for future dedication of a continuous open space system;
 - b. address any effects of development in environmentally sensitive or hazardous areas; and
 - c. include, where necessary, a conceptual scheme relating to proposed subdivision to any significant natural areas, wildlife habitat or bodies of water.

2.6 TRANSPORTATION

2.6.1 CONTEXT

The Intermunicipal Development Plan contains several key transportation links that connect the M.D. of Foothills, the Town of Black Diamond and the Town of Turner Valley. Proper planning is required to protect these links and future improvements that may be made to them. For the development of the area it is important to provide efficient and reasonable access between the Municipalities.

2.6.2 EXISTING MAJOR TRANSPORTATION SYSTEM

1. Highway 22

Highway 22 serves as a major north-south highway within the plan area. It provides access for residents of the area to Calgary, the Crowsnest Pass and Banff. Second only to Highway 2 as a north-south corridor, Highway 22 will continue to provide for both regional and provincial traffic distributions.

2. Highway 7

Highway 7 links the area east-west to Highway 2 and to the Town of Okotoks.

3. Secondary Highway 546

Secondary Highway 546 connects the area to Kananaskis County. Although local use is low, tourist traffic is high during the camping season.

4. 418 Avenue

418 Ave connects Highway 22 with the Turner Valley Golf and Country Club as well as access to the southern limits of Turner Valley. Although vehicle trips are low during the winter months, traffic volumes increase during the golfing season. As more residential development occurs within the southern sectors of both Black Diamond and Turner Valley, this road will become a primary linkage and primary collector road.

5. 434 Avenue (M.D.) / 16 Avenue (Turner Valley)

434 Ave is part of the MD road network providing access to areas lying SW of the Plan Area and also as a connector road between Highways 22 and 40. It also connects Highway 22 to the south portion of the Town of Turner Valley.

2.6.3 LONG TERM TRANSPORTATION NETWORK

1. Long term land use and transportation planning envisaged that a portion of Highway #7 as it enters Black Diamond from the east would be rerouted south and west to link with Highway 22 south. Any development along this corridor should be referred to Alberta Transportation and the Town of Black Diamond for review and comment.
2. Development and subdivision proposals adjacent to Highways 7 and 22 will be evaluated to ensure that traffic movements are not impeded and entrances designed in accordance with urban arterial/highway standards.
3. In order to provide for efficient development and reasonable access between the municipalities, the Towns of Black Diamond and Turner Valley and the M.D. of Foothills will endeavor to co-ordinate the planning and construction of major transportation links within the intermunicipal Development Plan area.
4. Intermunicipal notification and coordination of transportation improvements shall be undertaken in accordance with the intermunicipal referral and consultation processes provided for under Section 3.1 of this Intermunicipal Development Plan.

2.7 UTILITIES AND SERVICING

2.7.1 CONTEXT

The lands contained within this Intermunicipal Development Plan eventually drain into the Sheep River. The drainage patterns are shown on Map in PART II - BACKGROUND to this Plan.

Future urban development within the Intermunicipal Development Plan will require the provision of both sanitary and storm sewer servicing. It is generally most efficient and economical to begin construction of sewer infrastructure at lower elevations and to extend sewer lines uphill into higher catchment areas as urban development warrants. Storm sewer lines should be considered as radiating back upstream from the point of discharge, which in this area will be along the Sheep River watershed.

Although a significant period of time will pass before urban development occurs within much of the Intermunicipal Development Plan, it will be important to allow for future extensions of major storm and sanitary sewer trunks. In instances where large developments are proposed, it may be necessary to provide for such extensions through the execution of utility right-of-way easement agreements.

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2.7.2 PROJECTED STORM SEWER SYSTEM

Most of the lands within the Intermunicipal Development Plan are located within the Sheep River drainage basin, although some lands do drain either directly into the Sheep River or into the Lineham Creek or the drainage channel. In rural areas within the Intermunicipal Development Plan, stormwater runoff flows through predominantly natural systems of draws, sloughs, gullies and creeks.

Urban development in this area will increase both the volume and rate of surface runoff. Increased stormwater discharge from future urban development within the Intermunicipal Development Plan will affect both river channel stability and 1:100-year flood elevations.

Storm sewer trunks will be required to carry additional stormwater away from urban areas and eventually into the River. Such trunks will generally follow the natural drainage systems and topography of the area. Existing drainage channels will be used in areas where natural drainage features are to be preserved. Stormwater management facilities such as dry ponds, wet ponds and wetlands may be used to reduce the rate of runoff and improve water quality discharge into the River. Additional studies will be required to determine the number, location and detailed design of such facilities.

2.7.3 PROJECTED SANITARY SEWER SYSTEM

Sanitary sewer catchment areas and projected sanitary sewer trunks are yet to be determined. Proposed sanitary sewer trunks are to be located to reduce potential disturbance of Natural Areas.

2.7.4 FLOOD MITIGATION

The Town of Black Diamond has adopted dyking as a method to mitigate against flooding from the Sheep River. The 1 in 100 year flood plain of the Sheep River and the chosen alignment can be reviewed in the Canada-Alberta Flood Damage Reduction Program Black Diamond-Turner Valley Flood Risk Mapping Study.

3.0 PLAN IMPLEMENTATION

3.1 CIRCULATION AND REFERRAL PROCESSES

3.1.1 CONTEXT

The Towns of Turner Valley and Black Diamond and the M.D. of Foothills agree that the mutual referral of planning applications, policy plans, studies and other information is essential to the proper administration of the Intermunicipal Development Plan. Continual communication between the three municipalities is one of the most effective means of averting or minimizing intermunicipal conflict.

Certain planning applications, policy plans, studies and other information within the MD of Foothills located generally between the Town of Black Diamond and Turner Valley are of interest to both the Town of Turner Valley and the Town of Black Diamond. Other planning applications, policy plans, studies and other information are of interest to only one of the Towns. As such referrals from the MD of Foothills to the Towns shall be in accordance with Table 1:

Table 1

Referral Area	M.D. of Foothills Referrals To:
A *(N half of 5, E half of 7 and W half of 8 located in MD)	Turner Valley and Black Diamond
B	Turner Valley
C	Black Diamond

3.1.2 REFERRALS FROM THE M.D. OF FOOTHILLS TO THE TOWNS

The M.D. of Foothills will refer the following from within the Intermunicipal Development Plan area to the Towns in accordance with Table 1:

1. all proposed area structure plans and concept plans, including proposed amendments to such plans;
2. for lands not subject to an approved area structure plan or concept plan, all applications for land use redesignation, subdivision and dedication or disposition of environmental, municipal and/or school reserves, public utility lots or road allowances and other roads; and

3. all applications for development permits, including renewals, for any of the following:
 - a. intensive agricultural operations;
 - b. natural resource extraction;
 - c. landfills; and
 - d. any development for a discretionary use along the intermunicipal gateways defined in Section 2.3.7 of the Intermunicipal Development Plan (circulation area to be agreed upon by the administrations of the three municipalities).

The M.D. of Foothills shall also refer to the Towns any available planning information with respect to lands within the Intermunicipal Development Plan area that might be requested by the Towns.

3.1.3 REFERRALS FROM THE TOWNS TO THE M.D. OF FOOTHILLS

The Towns will refer the following from within the Intermunicipal Development Plan area to the M.D. of Foothills:

1. all proposed area structure plans and community plans, including proposed amendments to such plans;
2. for lands not subject to an approved area structure plan or community plan, all applications for land use redesignation, subdivision and dedication or disposition of environmental, municipal and/or school reserves, public utility lots or road allowances and other roads; and
3. all applications for development permits, including renewals, for any of the following:
 - a. intensive agricultural operations;
 - b. natural resource extraction;
 - c. landfills; and
 - d. any development for a discretionary use along the intermunicipal gateways defined in Section 2.3.7 of the Intermunicipal Development Plan (circulation area to be agreed upon by the administrations of the three municipalities).

The Towns shall also refer to the M.D. of Foothills any available planning information with respect to lands within the Intermunicipal Development Plan area that might be requested by the M.D. of Foothills.

3.1.4 CIRCULATION TIME PERIODS

Unless otherwise agreed to by the administrations of the municipalities, the responding municipality shall have thirty days to reply to any intermunicipal circulation provided for under Sections 3.1.2 and 3.1.3 of this Intermunicipal Development Plan.

3.1.5 DECLINING TO RESPOND TO REFERRALS

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

3.2 ADMINISTRATION, REPEAL AND AMENDMENT PROCESSES

3.2.1 PLAN ADMINISTRATION, IMPLEMENTATION AND REPEAL

1. Administration of the Intermunicipal Development Plan

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

2. Implementation of the Intermunicipal Development Plan

The Towns and the M.D. of Foothills agree to a five-year period from the date of final approval of this Intermunicipal Development Plan within which the policies will be implemented. During the five-year period, the Intermunicipal Development Plan may be amended as mutually agreed to by the municipalities.

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3. Mandatory Review of the Intermunicipal Development Plan

At the end of four years from the date of final approval, both Towns and the M.D. of Foothills agree to a mandatory review of the content of the Intermunicipal Development Plan.

4. Repeal of the Intermunicipal Development Plan

After the expiration of five years from the date of final approval of this Intermunicipal Development Plan, a municipality may serve notice of termination and, on year after the service of such notice of termination, this Intermunicipal Development Plan shall no longer continue to be in force or effect and each Council shall be at liberty to repeal its bylaw adopting this Plan.

3.2.2 PLAN AMENDMENT

The Intermunicipal Development Plan may be amended from time to time subject to the agreement of the municipal Councils. The types of amendments that could be anticipated include the following:

1. Changes to Policies (Textual Amendments)

Any changes to the ext of the Intermunicipal Development Plan will require an amendment.

2. Boundary Adjustments

Any changes to the boundaries of the Intermunicipal Development Plan will require an amendment.

3. Other

Subject to the agreement of the three municipalities, this Intermunicipal Development Plan may be amended for any other purpose not listed in this Section.

3.3 INTERMUNICIPAL DISPUTE RESOLUTION

Matters affecting lands within the boundaries of the Intermunicipal Development Plan will be addressed and may be resolved at any of the following five stages:

- Stage 1: Administrative Review
- Stage 2: Intermunicipal Committee Review
- Stage 3: Municipal Councils
- Stage 4: Mediation Process
- Stage 5: Appeal Process

In this Section, "initiating municipality" means the municipality in which the land that is the subject of a proposal is located. "Proposal" means a land use redesignation application, an area structure plan, an area structure plan amendment or an Intermunicipal Development Plan amendment. "Responding municipality" means the other municipality. Section 3.1 above outlines the circulation and referral processes that would apply for such proposals.

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

Stage 1: Administrative Review

1. **The initiating municipality will ensure that complete information** addressing the **relevant** criteria as outlined in the Intermunicipal Development Plan is provided **in support of all site-specific applications or that all statutory plan processes are sufficiently documents.**
2. **Upon circulation of a proposal, the administration of the responding municipality will undertake a technical evaluation** of the proposal and will **provide** any necessary comments back to the administration of the initiating municipality.



3. The municipalities will determine whether a proposal can be processed without being referred to the Intermunicipal Committee.
4. In the event that a proposal cannot be processed at the administrative level, a municipality may refer that proposal to the Intermunicipal Committee for review.

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

Stage 2: Intermunicipal Committee Review

1. In the event that a proposal is referred to the Intermunicipal Committee, a Committee meeting will be scheduled and the administrations of the municipalities will present their positions on the proposal to the Committee.
2. After consideration of a proposal, the Intermunicipal Committee may:
 - a. provide suggestions back to the administrations with respect to revisions to the proposal which should be considered to make it more acceptable to the municipalities;
 - b. if possible, agree on a consensus position of the Intermunicipal Committee, either in support of or in opposition to the proposal, to be presented to the Councils; or
 - c. conclude that no initial agreement can be reached and that a consensus position of the Intermunicipal Committee will not be presented to the respective Councils.
3. If agreed to by the municipalities, a facilitator may be employed to help the Intermunicipal Committee work toward a consensus position.
4. If a proposal cannot be satisfactorily processed following Intermunicipal Committee review, then that proposal will be referred to the Municipal Councils.

Stage 3: Municipal Councils

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

2. If the Municipal Councils support a proposal, then the approval and, if agreed to, Intermunicipal Development Plan amendment processes can be completed. If a Council does not support the proposal, then no further action will be required.
3. If the Councils cannot agree on a proposal, then the matter may be referred to a mediation process.
4. In the event that the municipalities resort to mediation, the initiating municipality will not give approval in the form of second or third readings to appropriate bylaws until mediation has been pursued.

Stage 4: Mediation Process

1. The following will be required before a mediation process can be established:
 - a. agreement by the Councils that mediation is necessary;
 - b. appointment by the Councils of an equal number of Councillors to participate in a mediation process;
 - c. engagement, at equal cost to the municipalities, of an impartial and independent mediator agreed to by the municipalities; and
 - d. approval by the municipalities of a mediation schedule, including the times and locations of meetings and a deadline by which the mediation process is to be completed.
2. If agreed to by the municipalities, any members of the Intermunicipal Committee or administrative staff from the municipalities who are not participating directly in the mediation process may act as information resources either inside or outside the mediation room.
3. All participants in the mediation process will be required to keep the details of the mediation confidential until the conclusion of the mediation.
4. At the conclusion of the mediation, the mediator will submit a mediator's report to the municipalities.

5. If a mediated agreement is reached, then that agreement will be recommended back to the Municipal Councils for action. The Councils will also consider the mediator's report and the respective positions of the municipal administrations with respect to the mediated agreement. Any mediated agreement will not be binding on the municipalities and will be subject to the approval of the Municipal Councils.
6. If no mediated agreement can be reached or if a mediated agreement is not approved by the Councils, then the appeal process may be initiated.

Stage 5: Appeal Process

1. In the event that the mediation process fails, the initiating municipality may pass a bylaw to implement the proposal (i.e., a land use bylaw amendment, an area structure plan or an area structure plan amendment).
2. If the initiating municipality passes a bylaw to implement the proposal, then the responding municipality may appeal that action to the Municipal Government Board under the provisions of Section 690 of the Municipal Government Act.

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

3.4 FUTURE GROWTH AND ANNEXATION

3.4.1 URBAN GROWTH AREAS

All three municipalities agree that eventual urban development within the Plan Area should proceed in the most orderly, economical and beneficial manner possible. In order to provide for continued and efficient urban development, expected growth corridors should be identified beyond current urban boundaries and special consideration given to these areas by the MD of Foothills. In reviewing land use redesignation, subdivision or development proposals in expected growth corridors, the MD of Foothills will consult with the relevant urban municipality in order to address the immediate and long-term impacts that such proposals may have on the logical growth sequence for affected municipalities.

Turner Valley

The Town of Turner Valley anticipates its long-term growth corridors to be generally towards the northwesterly and southeasterly direction. As such, the Town of Turner Valley considers the N.E. 12-20-03W5 and N 1/2 31-19-02-W5 to have greater potential to be considered for long-term annexation into the Town than other lands abutting its Town boundaries (see Map 2).

Black Diamond

The long-term growth corridors for Black Diamond are projected to be towards the southeasterly and southerly direction. The NE ¼ and SW ¼ of Section 9 are the preferred choice for growth options because of the proximity of infrastructure to service the lands. It is recognized that the intensive agricultural operation on the SW ¼ 9 does pose a short to medium term impediment to residential development. The development that is occurring in the SE ¼ Section 8, and because servicing extensions could accommodate some southward expansion into the NE ¼ 5, there is a potential for growth in this direction (see Map 2).

The time frame for development is unknown and is totally market driven. These abutting lands are recognized as having the most potential development possibilities given that the Sheep River and its flood plain and the proximity of the wastewater treatment plant pose as major impediments to residential growth in either the north or northeast directions.

3.4.2 RURAL LANDS BEYOND CURRENT URBAN BOUNDARIES

Rural land beyond current urban boundaries have been included in the Intermunicipal Development Plan in order to address such issues as expected long term urban growth corridors, incompatible uses, buffer zones and transitional areas between urban and rural development. As part of the mandatory review outline in Section 3.2.1 above, all municipalities will consider current growth trends and other factors that may affect suitability and timing of development for all lands within the Intermunicipal Development Plan.

3.4.3 ANNEXATION

The Town of Turner Valley and the Town of Black Diamond anticipate the eventual annexation of additional land. The timing of annexation will depend, among other considerations, on the pace of growth and unique land use requirements within the Towns. In addition, the relative merits of phased versus comprehensive annexation will be considered by affected municipalities. Any annexation will be based on further technical analysis and public consultation. The M.D. of Foothills and the Town's of



Turner Valley and Black Diamond will endeavour to reach an intermunicipal agreement on annexation before any application for annexation is submitted to the Municipal Government Board.

**M.D. OF FOOTHILLS /
TOWN OF BLACK DIAMOND / TOWN OF TURNER VALLEY**

INTERMUNICIPAL DEVELOPMENT PLAN

PART II - BACKGROUND

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APPENDIX

LAND USE POLICIES

Alberta Municipal Affairs

Land Use Policies

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Land Use Policies

1.0 INTRODUCTION

Land use planning is both a municipal and provincial activity. Municipalities are given responsibilities under Part 17 of the Municipal Government Act. A number of provincial departments and agencies are also involved as a result of their particular mandates. The Province's responsibility, with certain exceptions, extends to managing air, water, and renewable and non-renewable natural resources. Provincial legislation, policies, and programs for land use planning and resource management can affect municipal interests. Conversely, municipal decisions and actions affecting land use and development can impact on the success of provincial objectives designed for the benefit of all Albertans.

It is therefore important that municipal and provincial planning efforts utilize consistent approaches and pursue a high level of cooperation and coordination. It is also important that municipal planning efforts complement provincial policies and initiatives, especially as municipalities adjust to the changing planning structure and their additional responsibilities in keeping with the new planning legislation. The *Land Use Policies* are therefore being established pursuant to section 622 of the Municipal Government Act. The *Land Use Policies* supplement the planning provisions of the Municipal Government Act and the Subdivision and Development Regulation. It is expected that all municipalities will implement these policies in the course of carrying out their planning responsibilities.

There are eight sections to the *Land Use Policies*. Section 1 sets out the purpose of the *Land Use Policies* and clarifies the implementation role of municipalities. Sections 2 and 3 contain policies which are operational in nature and which relate to a municipality's general approach to planning and to municipal interaction with residents, applicants, neighbouring municipalities, provincial and federal departments and other jurisdictions. Sections 4 to 8 contain policies which address specific land use planning issues in which the Province and municipalities share a common interest.

1.1 Implementation

Each municipality is expected to incorporate the *Land Use Policies* into its planning documents and planning practices. Section 622(3) of the Municipal Government Act requires that municipal statutory plans, land use bylaws, and planning decisions and actions be consistent with the *Land Use Policies*. Section 680(2)(c) requires a subdivision and development appeal board and the Municipal Government Board¹ to be consistent with the *Land Use Policies* in determining a subdivision appeal. Section 687(3)(a) requires a subdivision and development appeal board to comply with the *Land Use Policies* in determining a development appeal.

The policies in sections 2 and 3 are particularly relevant to the design of planning programs, the formulation of statutory plans and land use bylaws, and the planning decision-making process. The policies in sections 4 to 8 have particular application to the content of statutory plans and land use bylaws, as well as to the nature of planning decisions.

The Municipal Government Act (Part 17) requires many municipalities to prepare a new municipal development plan or to review and revise an existing general municipal plan to bring it into conformance with the new legislation.² It also requires that all land use bylaws be reviewed and most revised.³ Municipalities may also be embarking on the preparation of other statutory plans such as intermunicipal development plans. As existing planning documents are being reviewed and revised, and as new ones are being prepared, municipalities are required to ensure that their plans and bylaws are consistent with the *Land Use Policies*.

The Municipal Government Act (Part 17) also establishes a relationship between the *Land Use Policies* and planning decisions by municipalities.⁴ The Province recognizes that not all policies are relevant to all planning decisions.

¹ The wording of the *Land Use Policies* is oriented towards municipalities. Municipal Government Board decisions pursuant to Part 17 of the Municipal Government Act are also required to be consistent with their spirit, intent, and direction.

² See sections 632 and 707 of the Municipal Government Act.

³ See sections 639 and 708 of the Municipal Government Act.

⁴ The term is used in the broad sense and includes council, administration, designated officers, commissions, committees, boards, and authorities.

The Province also recognizes that once statutory plans and land use bylaws are consistent with the *Land Use Policies* sections 5 to 8 of the policies will have largely been implemented. Municipalities are expected to design a decision-making system which ensures that the required attention is given to all sections of the *Land Use Policies*.

1.2 Interpretation

The Province is entrusting to each municipality the responsibility to interpret and apply the *Land Use Policies* and to further elaborate on the policy initiatives in its statutory plans and land use bylaws. The policies are presented in a general manner which allows municipal interpretation and application in a locally meaningful and appropriate fashion. Municipalities and provincial departments and agencies are encouraged to consult with one another where questions on the spirit and intent of these policies arise during implementation.

The *Land Use Policies* focus on matters of public policy, not matters of law. They provide a framework for statutory plans, land use bylaws, and planning decisions. The *Land Use Policies* should be interpreted as a guide to more specific municipal policy and action, and are not intended to be the basis of legal challenges. In applying the *Land Use Policies* municipalities must assess the importance of each policy in relation to the others in light of local and intermunicipal priorities. Municipalities must have regard to the cumulative effect of all of the policies as well as to the specific effect of each policy.

2.0 THE PLANNING PROCESS

Goal

Planning activities are to be carried out in a fair, open, considerate, and equitable manner.

Policies

1. Municipalities are expected to take steps to inform both interested and potentially affected parties of municipal planning activities and to provide appropriate opportunities and sufficient information to allow meaningful participation in the planning process by residents, landowners, community groups, interest groups, municipal service providers, and other stakeholders.

2. Municipalities are expected to ensure that each proposed plan amendment, reclassification, development application, and subdivision application is processed in a thorough, timely, and diligent manner.
3. When considering a planning application, ~~municipalities are expected to~~ have regard to both ~~site specific and immediate~~ implications and to long term and cumulative benefits and impacts.
4. In carrying out their planning responsibilities, municipalities are expected to ~~respect the rights of individual citizens and landowners and to consider the impact of any policy or decision within the context of the overall public interest.~~

3.0 PLANNING COOPERATION

Goal

To foster cooperation and coordination between neighbouring municipalities and between municipalities and provincial departments and other jurisdictions in addressing planning issues and in implementing plans and strategies.

Policies

1. Municipalities are encouraged to expand intermunicipal planning efforts to address common planning issues, especially where valued natural features are of interest to more than one municipality and where the possible effect of development transcends municipal boundaries.
2. In particular, adjoining municipalities are encouraged to cooperate in the planning of future land uses in the vicinity of their adjoining municipal boundaries (fringe areas) respecting the interests of both municipalities and in a manner which does not inhibit or preclude appropriate long term use nor unduly interfere with the continuation of existing uses. Adjoining municipalities are encouraged to jointly prepare and adopt intermunicipal development plans for critical fringe areas; these plans may involve lands which are in both of the adjoining municipalities.
3. Municipalities are also encouraged to pursue joint use agreements, regional service commissions and any other joint cooperative arrangements which can contribute to such intermunicipal land use planning.

4. Where two or more municipalities are affected by the operation of an airport, those municipalities are encouraged to prepare, adopt, and implement an intermunicipal development plan to jointly address airport vicinity planning issues.
5. Where two or more municipalities are located on the shores of the same lake, and development is anticipated, the municipalities are encouraged to prepare, adopt, and implement an intermunicipal development plan to jointly address lake planning issues.
6. Municipalities are encouraged to coordinate their planning activities and development approval processes with provincial resource and land management policies, such as integrated resource plans, and with provincial leasing mechanisms, such as the Alberta Tourism Recreational Lease Process.
7. Municipalities are encouraged to work directly with provincial land and resource management agencies in the development of plans and policies on issues of mutual interest. Decisions and approvals affecting land use and development on, near, or with potential to impact provincial resources⁵ should be coordinated between these levels of government.
8. Municipalities are encouraged to coordinate their planning activities with those of the local school authorities to ensure that school sites are available when required.
9. Municipalities are encouraged to coordinate their planning activities with those of the regional health authorities to facilitate the development of appropriately located new health care facilities.
10. Municipalities are encouraged to coordinate their planning activities with those of First Nation Reserves, Metis Settlements, Irrigation Districts, and appropriate federal departments and agencies where issues are of mutual interest.

⁵ • Provincial Resources include water, air, provincially-owned mineral resources, fish and wildlife, beds and shores of provincially-owned water bodies and watercourses (pursuant to section 3 of the Public Lands Act), provincially-owned lands, and timber resources on provincial lands.

4.0 LAND USE PATTERNS

Goal

To foster the establishment of land use patterns which make efficient use of land, infrastructure, public services, and public facilities; which promote resource conservation; which enhance economic development activities; which minimize environmental impact; which protect significant natural environments; and which contribute to the development of healthy, safe, and viable communities.

Policies

1. Municipalities are encouraged to establish, on a municipal and on an intermunicipal basis, land use patterns which provide an appropriate mix of agricultural, residential, commercial, industrial, institutional, public and recreational land uses developed in an orderly, efficient, compatible, safe and economical manner in keeping with the general policies of this section and the more specific policies found in sections 5.0 to 8.0.
2. Municipalities are encouraged to establish land use patterns which embody the principles of sustainable development, thereby contributing to a healthy environment, a healthy economy and a high quality of life.⁶
3. Municipalities are encouraged to establish land use patterns which contribute to the provision of a wide range of economic development opportunities, thereby enhancing local employment possibilities and promoting a healthy and stable economy. In carrying out land use planning, municipalities are encouraged to complement and support provincial economic development initiatives.⁷

⁶ The Alberta Vision of Sustainable Development was endorsed by the Alberta Legislature in June 1992. A summary is found in Appendix 1. Municipalities should refer to the publications:

1. Alberta Round Table on Environment and Economy 1991 (#P5-E1).

2. Report of Alberta Round Table on Environment and Economy 1992 (#P5-E2).

3. Ensuring Prosperity, Implementing Sustainable Development 1995 (#592-E-1).

Publications are available from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079.

⁷ Municipalities should refer to the publication Seizing Opportunity, Alberta's New Economic Development Strategy, available from Alberta Economic Development and Tourism, 6th Floor, 10155 - 102 Street, Edmonton, AB T5J 4L6 and to any subsequent economic development policy documents. Municipalities should discuss provincial economic development initiatives with representatives of Alberta Economic Development and Tourism, Alberta Agriculture, Food and Rural Development, Alberta Energy, and Alberta Environmental Protection.

4. Municipalities are encouraged to establish land use patterns which accommodate natural resource extraction or harvesting and processing, manufacturing and other industrial development while, at the same time, minimizing potential conflict with nearby land uses and any negative environmental impact.
 5. Municipalities are encouraged to establish land use patterns which provide the opportunity for a variety of residential environments which feature innovative designs and densities, and which make efficient use of existing facilities, infrastructure and public transportation.
 6. Municipalities are encouraged to establish land use patterns commensurate with the level of infrastructure and services which can be provided, regardless of whether the infrastructure and services are provided municipally, communally, individually, or by a utility company. Municipalities are encouraged to coordinate the provision of infrastructure and services with neighbouring municipalities.
 7. Municipalities, within legislative limits, are encouraged to establish land use patterns which complement their municipal financial management strategies, thereby contributing to the financial health and viability of the municipality.
-

5.0 THE NATURAL ENVIRONMENT

Goal

To contribute to the maintenance and enhancement of a healthy natural environment.⁸

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection,⁹ significant ravines, valleys, stream

⁸ Municipalities should refer to Alberta Environmental Protection's Vision Statement, which promotes shared stewardship of the natural environment and of renewable natural resources. Copies may be obtained from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton AB T5K 2M4. Telephone: (403) 422-2079.

⁹ Pursuant to section 3 of the Public Lands Act, the ownership of public lands including permanent and naturally occurring water bodies and water features rests with the Minister of Environmental Protection (AEP). Public Lands of Alberta Agriculture, Food and Rural Development is responsible for the management of these resources in the White Area. In the Green Area, the Land and Forest Service (AEP) is the management authority. Please note that throughout this document Alberta government departments are referred to by the name in common usage rather than the legal name (e.g., Alberta Environmental Protection not Department of Environmental Protection).

corridors, lakeshores, wetlands¹⁰ and any other unique landscape area, and to establish land use patterns in the vicinity of these features, having regard to their value to the municipality and to the Province.

2. If subdivision and development is to be approved in the areas identified in accordance with policy #1 municipalities are encouraged to, within the scope of their jurisdiction, utilize mitigative measures designed to minimize possible negative impacts.¹¹
3. Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection, areas which are prone to flooding, erosion, landslides, subsidence, or wildfire and to establish appropriate land use patterns within and adjacent to these areas.
4. If subdivision and development is to be approved in the areas identified in accordance with policy #3 municipalities are encouraged to, within the scope of their jurisdiction, utilize mitigative measures to minimize the risk to health, to safety, and to loss due to property damage.¹²
5. Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection, areas of significant fish, wildlife and plant habitat and to establish appropriate land use patterns designed to minimize the loss of valued habitat within and adjacent to these areas.¹³
6. If subdivision and development is to be approved in the areas identified in accordance with policy #5 municipalities are encouraged to, within the scope of their jurisdiction, utilize mitigative measures to minimize the loss of habitat.

¹⁰ Wetland areas are valued for water storage, groundwater replenishment, flow regulation, water quality control, and wildlife habitat. Municipalities should refer to Wetland Management for Alberta, an Interim Policy, 1993, available from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079.

¹¹ Municipalities should refer to the Environmental Reference Manual for the Review of Proposed Subdivisions In Alberta, available from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079.

¹² Municipalities should refer to the Environmental Reference Manual for the Review of Proposed Subdivisions In Alberta, available from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079.

¹³ Municipalities should refer to the Guidelines for the Review of Proposed Subdivisions In Alberta, available from the Environmental Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079. The Government of Alberta endorsed the strategy in January 1996.

6.0 RESOURCE CONSERVATION

6.1 Agriculture

Goal

To contribute to the maintenance and diversification of Alberta's agricultural industry.

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Agriculture, Food and Rural Development, areas where agricultural activities, including extensive and intensive agricultural and associated activities, should be a primary land use.
2. Municipalities are encouraged to limit the fragmentation of agricultural lands and their premature conversion to other uses, especially within the agricultural areas identified in accordance with policy #1.
3. Where possible, municipalities are encouraged to direct non-agricultural development to areas where such development will not constrain agricultural activities.
4. Municipalities are encouraged to minimize conflicts between intensive agricultural operations and incompatible land uses through the use of reciprocal setback distances¹⁴ and other mitigative measures.

6.2 Non-renewable Resources

Goal

To contribute to the efficient use of Alberta's non-renewable resources.

Policies

1. Municipalities are encouraged to identify, in consultation with the appropriate provincial land management agency and the Alberta Geological Survey, areas where the extraction of surface materials (e.g., sand and gravel) should be a primary land use.

¹⁴ Municipalities are encouraged to utilize, in consultation with Alberta Agriculture, Food and Rural Development, the Minimum Distance Separation (MDS) method. The MDS method is applied in conjunction with the Intensive Livestock definition provided in the Code of Practice for the Safe and Economic Handling of Animal Manures.

2. Municipalities are encouraged to identify, in consultation with Alberta Energy, areas where the extraction of mineral resources should be a primary land use.¹⁵
3. Municipalities are encouraged to direct subdivision and development activity so as not to constrain or conflict with non-renewable resource development, particularly with respect to the areas identified in accordance with policies #1 and #2.
4. In addressing resource development municipalities are expected to, within the scope of their jurisdiction, utilize mitigative measures to minimize possible negative impacts on surrounding areas and land uses.

6.3 Water Resources

Goal

To contribute to the protection and sustainable utilization of Alberta's water resources, including lakes, rivers, and streams, their beds and shores, wetlands, groundwater, reservoirs, and canals.

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection, significant water resources within their boundaries.
2. Municipalities are encouraged to determine appropriate land use patterns in the vicinity of the resources identified in accordance with policy #1, having regard to impacts on an entire watershed as well as local impacts.
3. If subdivision and development is to be approved in the vicinity of the resources identified in accordance with policy #1, municipalities are encouraged to, within the scope of their jurisdiction, incorporate measures which minimize or mitigate any negative impacts on water quality, flow and supply deterioration, soil erosion, and ground water quality and availability. Municipalities are also encouraged to facilitate public access and enjoyment of these water features, and to protect sensitive fisheries habitat and other aquatic resources.

¹⁵ In the case of public land, municipalities should also consult Alberta Environmental Protection in the Green Areas and Alberta Agriculture, Food and Rural Development in the White Areas. (See also footnote #8).

6.4 Historical Resources

Goal

To contribute to the preservation, rehabilitation and reuse of historical resources, including archeological and palaeontological resources.¹⁶

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Community Development, significant historical resources within their boundaries.
2. Within the scope of their jurisdiction, municipalities are encouraged to contribute to the preservation and enhancement the historical resources identified in accordance with policy #1 so that those resources may be used and enjoyed by present and future generations.¹⁷

7.0 TRANSPORTATION

Goal

To contribute to a safe, efficient, and cost effective provincial transportation network.

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Transportation and Utilities, the location, nature and purpose of key transportation corridors and facilities.¹⁸
2. Municipalities are encouraged to minimize negative interactions between the transportation corridors and facilities identified in accordance with policy #1 and the surrounding areas and land uses through the establishment of compatible land use patterns.

¹⁶ Subject to section 28(2) and (3) of the Historical Resources Act, all archeological and palaeontological resources are owned by the Province.

¹⁷ Municipalities may wish to utilize sections 22 and 23 of the Historic Resources Act.

¹⁸ This includes highway corridors, railway lines, airports, and major pipelines and electrical transmission lines.

3. If subdivision and development is to be approved in the vicinity of the areas identified in accordance with policy #1, municipalities are encouraged to employ appropriate setback distances and other mitigative measures relating to noise, air pollution, and safety, to limit access, and to enter into highway vicinity agreements with Alberta Transportation and Utilities.

8.0 RESIDENTIAL DEVELOPMENT

Goal

To contribute to the development of well-planned residential communities, a high quality residential environment and to the provision of adequate and affordable housing for all Albertans.

Policies

1. Municipalities are encouraged to identify, in consultation with the local housing industry and local housing associations, the magnitude and scope of the housing need within their communities and to establish land use patterns in response to that need.
2. In establishing land use patterns municipalities are encouraged to accommodate and facilitate a wide range of housing types.
3. In responding to policies #1 and #2, municipalities are encouraged to provide intensification opportunities within developed areas where existing infrastructure and facilities have adequate capacity.
4. In responding to policies #1 and #2, municipalities are encouraged to accommodate barrier free residences for persons with disabilities and residences in which the provision of care and support for the occupants is possible.
5. In responding to policies #1 and #2, municipalities are encouraged to eliminate any barriers which inhibit the use of housing constructed off site and to accommodate manufactured and modular housing in a fashion which is in harmony with existing or proposed neighbourhood design and architectural development.
6. In responding to policy #1 and the other themes of this section, municipalities are encouraged to review, in cooperation with the land development industry, their current standards and practices with regard to neighbourhood design and residential servicing.

APPENDIX 1

Excerpt from Alberta's Vision of Sustainable Development*

Alberta, a member of the global community, is a leader in sustainable development, ensuring a healthy environment, a healthy economy, and a high quality of life in the present and the future.

Our vision encompasses all of the following elements:

The quality of air, water, and land is assured.

Alberta's biological diversity is preserved.

We live within Alberta's natural carrying capacity.

The economy is healthy.

Market forces and regulatory systems work for sustainable development.

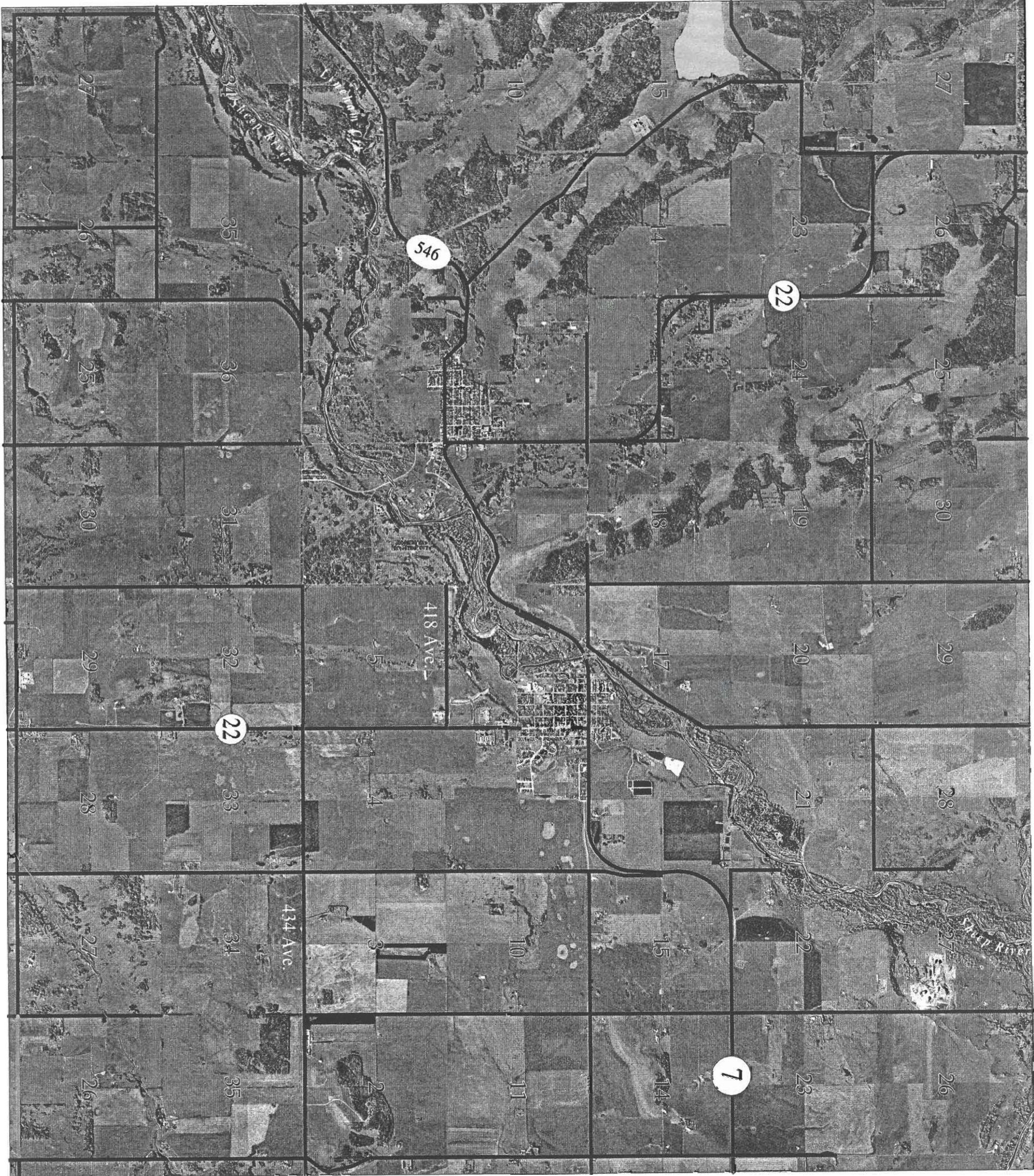
Urban and rural communities offer a healthy environment for living.

Albertans are educated and informed about the economy and the environment.

Albertans are responsible global citizens.

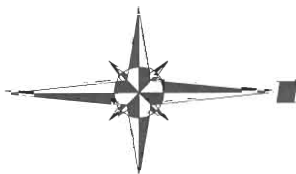
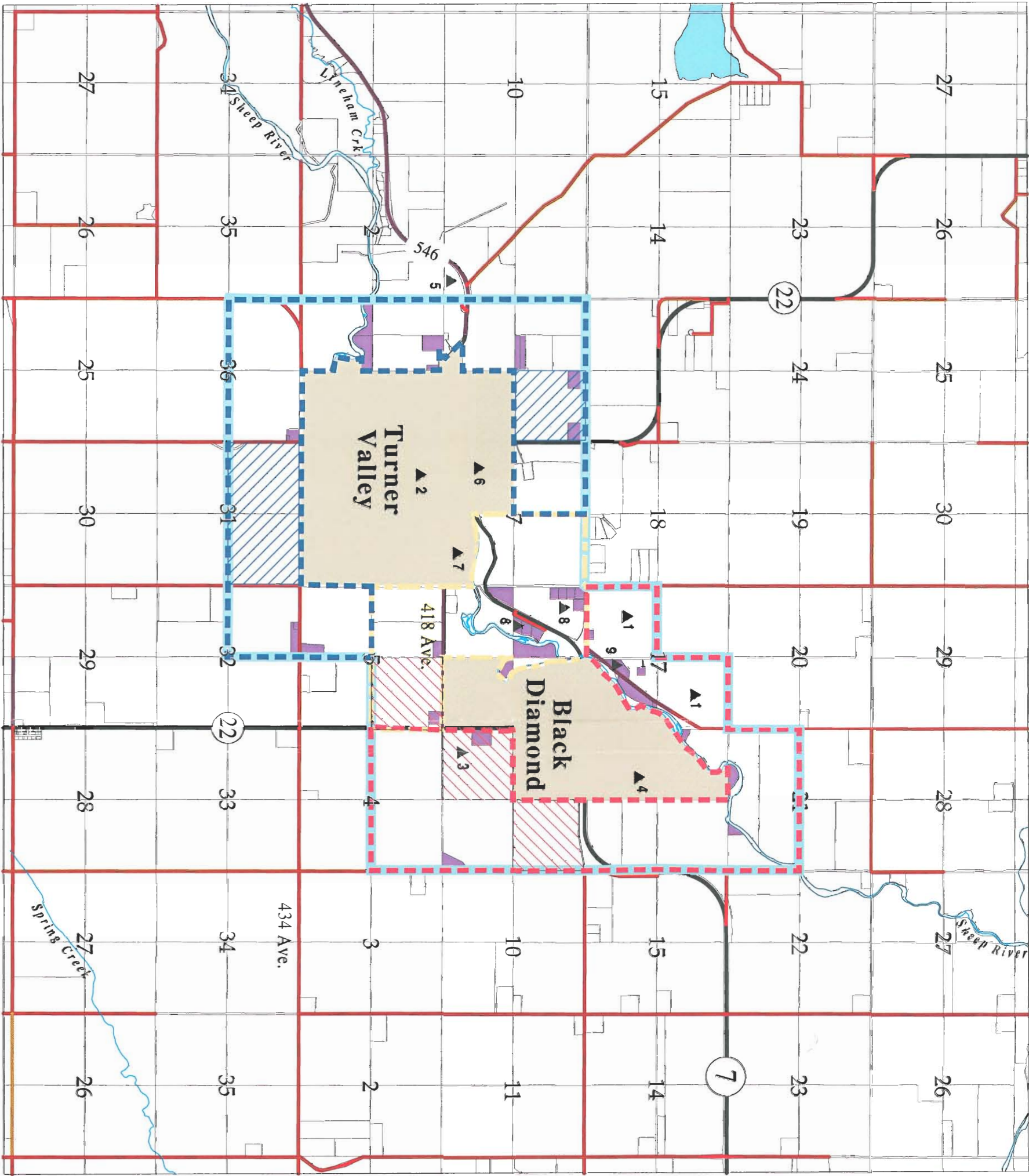
Albertans are stewards of the environment and the economy.

* See Section 4.0 Land Use Patterns, Policy #2.



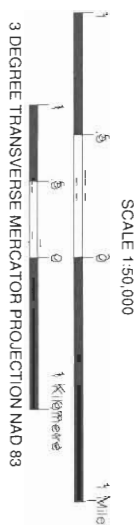
Map 1 Geographical Context





Municipal District of Foothills No.31
Town of Black Diamond
Town of Turner Valley
Intermunicipal Plan

Map 2
Plan and Policy Areas



- Legend**
- Urban Municipality
 - Agricultural Policy Area
 - Country Residential Policy Area
 - Black Diamond Future Urban Growth
 - Turner Valley Future Urban Growth
 - Intermunicipal Development Plan Area
 - Black Diamond/Turner Valley Joint Referral Area
 - Turner Valley Referral Area
 - Black Diamond Referral Area
 - Existing Sand and Gravel Operations
 - Turner Valley Gas Plant & Discovery Well
 - Existing Poultry Operation
 - Westend Regional Sewage Facility
 - Abandoned Turner Valley Landfill
 - Hell's Half Acre
 - Turner Valley Golf Course
 - Black Diamond Coal Mines
 - Municipal Transfer Station

MDF GIS/Mapping Department
Map No: mddotiv002
Date: February 25, 2002

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