

## **Public Hearing - Bylaw 1426-22:**

### **A G E N D A:** Public Hearing to be held on

Thursday, April 13, 2023 at 9:15 A.M.

Virtual

<https://video.businessconnect.telus.com/join/644461594?pw=bfd72e070cd24cd3982006482fa6443>

Meeting ID: 644461594 Password: caJ9UbjLPY

And with Council physically present in the County Council Chambers, Smoky Lake.

#### **1. Opening:**

- Public Hearing is called to order.
- Public wishing to be heard sign in on the sign-in sheet.
- Confirmation is provided that the Public Hearing was advertised and notice was provided in accordance with the applicable legislation.
- Purpose of the hearing is summarized:  
**To obtain public input in regard to Bylaw No. 1426-22: a bylaw for Town of Smoky Lake and Smoky Lake County Intermunicipal Development Plan (IDP).**
- Ground rules of the hearing and order of speaking are reviewed.

#### **2. Staff Presentation:**

- Smoky Lake County Planning Staff make their presentation(s).  
**Bylaw 1426-22: was given first reading on December 14, 2022.**
- Council asks questions and/or request points of clarity.

#### **3. Public Presentations via Written Submissions:**

- Written submissions are read.
- Council asks questions and/or request points of clarity.

#### **4. Public Presentations at the Public Hearing:**

- Persons signed in whom are **in opposition** to the proposed bylaw are called upon to speak.
- Council asks questions and/or request points of clarity.
- Persons signed in whom are **in support** of the proposed bylaw are called upon to speak.
- Council asks questions and/or request points of clarity.
- Anyone else who has not spoken and wishes to speak is called upon to speak.
- Council asks questions and/or request points of clarity.

#### **5. Questions and Answers:**

- Any Council member having any additional questions of any speaker or of the staff or those who have spoken may speak.

#### **6. Closing Remarks:**

- Declare the Public Hearing closed.



**Public Hearing Bylaw No. 1426-22**  
**Public Hearing Date: April 13, 2023**  
**Public Hearing Time: 9:15 a.m.**  
**Held in the Smoky Lake County Council Chambers & virtually via Telus Business Connect**  
**<https://video.businessconnect.telus.com/join/644461594?pw=bfd72e070cd24cd3982006482fa6443>**

## **PUBLIC HEARING BACKGROUND**

**PROPOSED BYLAW NAME & NO.:** Bylaw 1426-22: Smoky Lake County and Town of Smoky Lake Intermunicipal Development Plan (IDP)

**APPLICANT:** Smoky Lake County and Town of Smoky Lake

**PROPOSAL:** A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of entering into an Intermunicipal Development Plan with the Town of Smoky Lake, for the purposes of guiding future land use and development within the Plan Area.

## **BACKGROUND:**

- Proposed Bylaw No. 1426-22 serves to replace the existing Intermunicipal Development Plan (Bylaw No. 1289-16) between Smoky Lake County and the Town of Smoky Lake.
- Bylaw No. 1289-16 included a “sunset clause” which caused said Bylaw to lapse after 5-years from the date of its adoption.
- Both Councils renewed their respective versions of the Bylaw by Resolution in September, 2021, and decided at the time to replace said Bylaw with a new IDP.
- Slight changes have been made, such as removing the sunset clause, updating historical context, and goals so that they align with current strategic plans, and some maps.
- Proposed Bylaw No. 1426-22 was presented for 1<sup>st</sup> Reading on **December 14, 2022**.
- Notice of the proposed Bylaw has been posted on the County's website since **March 14, 2023** and appeared on the County's social media platforms on **March 20, March 30, and April 6, 2023**.
- The Public Hearing Notices were advertised in the Redwater Review the week of **March 27, 2023** and the week of **April 3, 2023**. The Hearing on the proposed Bylaw No. 1426-22 was advertised and Notice was given in accordance with Section 606 of the *Municipal Government Act*.
- This Hearing has been scheduled to obtain public input on proposed Bylaw No. 1426-22 in accordance with Section 216.4 of the *Municipal Government Act*.

## **ATTACHMENTS:**

1. Draft Bylaw 1426-22
2. Relevant Legislation
3. Notice of Public Hearing

Bylaw No. 1426-22

SMOKY LAKE COUNTY  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1426-22

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of adopting an Intermunicipal Development Plan for Smoky Lake County & the Town of Smoky Lake.

\*\*\*\*\*

**WHEREAS** an Intermunicipal Development Plan has been prepared for the Town of Smoky Lake and Smoky Lake County based on public input and studies of land use, development and other relevant data; and

**WHEREAS** the foresaid Intermunicipal Development Plan describes the way in which the future development within the Plan area may be carried out in an orderly and economic manner;

**NOW THEREFORE** the Council of Smoky Lake County, duly assembled, and pursuant to the authority conferred upon it by the Municipal Government Act R.S.A. 2000, c. M-26 as amended, enacts as follows:

1. This Bylaw takes effect upon Third Reading by both Councils.
2. Previous Bylaw 1289-16 is rescinded upon adoption of this Bylaw.
3. Smoky Lake County & the Town of Smoky Lake Intermunicipal Development Plan is attached hereto as **Schedule "A"** to this Bylaw is hereby adopted.
4. This Bylaw may be cited as "Smoky Lake County & the Town of Smoky Lake Intermunicipal Development Plan".
5. If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.
6. This Bylaw may be amended by Bylaw in accordance with the Municipal Government Act R.S.A. 2000, c. M-26, as amended.

This Bylaw comes into effect upon the date of the final reading thereof.

READ a First Time this **14<sup>th</sup>** day of **December, AD 2022**.

REEVE  
S E A L  
CHIEF ADMINISTRATIVE OFFICER

READ a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, **AD 2023**.

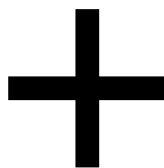
READ a Third and Final Time this \_\_\_\_\_ day of \_\_\_\_\_, **AD 2023** and finally passed by Council.

REEVE  
S E A L  
CHIEF ADMINISTRATIVE OFFICER



# Town of Smoky Lake + Smoky Lake County

## Intermunicipal Development Plan (IDP) Bylaw #1426-22





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# 1 Interpretation

## 1.1 Definitions

1. **Area Structure Plan** is a statutory plan that establishes the general planning framework for future subdivision and development of an area of undeveloped land.
2. **Building** includes anything, whether temporary or permanent, constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
3. **Confined Feeding Operation** means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks or exhibition grounds. Confined Feeding Operations are regulated under the Agricultural Operation Practices Act (AOPA) in Alberta.
4. **Country Residential** means any development located in a rural area which is situated on a lot used solely for private residential purposes and accessory uses and is not connected to municipal sewer and water services. The dwelling unit may be occupied permanently or seasonally;
5. **Development** means:
  - a. an excavation or stockpile and the creation of either of them, or
  - b. a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
  - 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 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 intensity of use of the land or building;





6. **Development Authority** means the Development Authority established by the Town of Smoky Lake and the Smoky Lake County Development Authority Bylaws;
7. **Environmental Reserve** means land considered undevelopable because of its natural features or location (e.g., unstable slopes, shoreline areas, etc.) that is dedicated to the municipality at the time of subdivision by the landowner, as provided for in the Municipal Government Act;
8. **Environmental Reserve Easement** is an easement that is registered on the title of a parcel of land in favour of the municipality for the purpose of the protection and enhancement of the environment;
9. **Extensive Agriculture** means the use of land or buildings, including the first dwelling or manufactured home, an agricultural operation which require large tracts of land (usually in the order of 80 ac. (32.4 ha.) or more). This use may include the outdoor cultivation of industrial hemp, but does not include intensive agriculture, cannabis production and distribution, or a confined feeding operation which requires either a registration or an approval under Part 2 of the *Agricultural Operations Practices Act*, R.S.A. 2000, c. A-7, as amended or replaced;
10. **Farmstead** means the currently inhabited or formerly inhabited residence or other improvements connected with a farm or an intensive agricultural use. Farmstead also includes a currently vacant site, which is intended to be used as a country residence;
11. **Fragmented Parcel** means a parcel of land or a part of a parcel of land that is separated from the balance of the parcel of land by a natural barrier such as a river or coulee, or by a physical barrier such as a road, railroad, or highway;
12. **Intensive Agriculture** means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes, greenhouses, silviculture and sod farms, but does not include confined feeding operations cannabis production and distribution or industrial hemp production and distribution facilities;
13. **Multi-lot Country Residential Development** means any subdivision, which will create five (5) or more country residential or farmstead lots on a quarter section.





14. **Municipal Reserve** is land (or cash-in-lieu of land, or both) dedicated by a landowner to the municipality at the time of subdivision for the purpose of providing parks, recreation facilities and school sites as provided for in the Municipal Government Act;
15. **Public Utility** means a public utility, as defined in the Act. More specifically, a public utility means:
  - a. a system, works, plant, equipment or service for the production, transmission, delivery or furnishing of water, heat, light or power supplied by means other than electricity, either directly or indirectly to or for the public;
  - b. an oil pipeline the proprietor of which is declared by the Energy Resources Conservation Commission to be a common carrier; and
  - c. an electric utility; (Section 1(i) Public Utilities Act 2010 as Consolidated).



## 2 Introduction

### 2.1 Purpose

The purpose of this intermunicipal development plan is to identify and communicate a plan for improving regional collaboration in the areas of intermunicipal growth, land use, infrastructure, recreation, social, and emergency services planning, and joint service provision.

These documents were structured so that to further their implementation they could be approved by the respective Councils of the partner municipalities as Intermunicipal Development Plans.

The adoption of this Intermunicipal Development Plan provides the Town and the County with a joint future land use plan to help guide growth and development within the Plan Area.

### 2.2 Approach

This plan utilizes a comprehensive approach to land-use planning. In practice, this means that local information, specialized viewpoints and environmental stewardship practices are used in the decision-making process for land use and development.

This approach considers both the past and present human and physical environments. Considering where the community has been, where it is presently and where it wants to go enables both municipalities to set in place a plan for how to reach their desired destination. This approach to planning assumes that the plan's policies and subsequent decisions will be based on careful consideration of environmental information, stakeholder interests and municipal goals and objectives. This approach offers communities the opportunity to provide widely-accepted and lasting solutions to development and land use management issues.

### 2.3 Goals

The goals of this plan are to assist the Town and County achieve the following short and long term benefits:

#### Short Term Benefits



- Provide all municipalities within the Town and County with a service delivery tool or strategy to assist with determining the viability of regional municipal service delivery;
- Better facilitate inter-municipal and intra-regional cooperation relating to economic and community development issues, opportunities, and challenges.
- 
- Increase overall community and economic development capacity building essential for both short term and longer-term community viability, sustainability, and quality of life; and
- Develop a more effective process and planning strategy for coordinating intermunicipal growth, land use, infrastructure, recreation, social services, and emergency services.

#### Long Term Benefits

- The development and implementation of a regional framework that strengthens regional collaboration and integrated regional service delivery models to increase efficiencies and provide a stronger, more unified approach to addressing the issues identified as important to community members within the Smoky Lake Region;
- Increased business/investment attraction “presence” throughout the Smoky Lake Region;
- Improved business retention, growth, and business attraction throughout the region;
- Improved regional fiscal and financial sustainability; and
- Increased opportunities for leveraging regional strengths into regional competitive advantages.

## 2.4 Enactment

The policies contained within this plan come into force once the Councils of the Town of Smoky Lake and Smoky Lake County have each given Third Reading to the



bylaws adopting the Town of Smoky Lake + Smoky Lake County Intermunicipal Development Plan.

## 2.5 Duration

This plan will establish, in general terms, the general land use patterns, together with the conditions upon which the provision of municipal services may occur in the subject area, and mutually agreed policy directions for the next 25 years following the adoption of the plan. While this plan is meant to be a long range planning document, it is intended that regular monitoring, review, and periodic amendments may be required for policies in the plan to remain current with changing development trends and growth within the region.

A process for amending the plan has been established as a part of this plan.

This plan should be reviewed every five years from the date on which the plan comes into effect to ensure that it is still current and meets the needs of the Town of Smoky Lake, Smoky Lake County, and the entire Smoky Lake Region.

## 2.6 Enabling Legislation

The provincial legislation that allows one or more municipalities to adopt an Intermunicipal Development Plan is the *Municipal Government Act*.

Section 631 of the Municipal Government Act states, in part:

(1) Subject to subsections (2) and (3), 2 or more councils of municipalities that have common boundaries ...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).

(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, and

(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.

The procedure for adopting an Intermunicipal Development Plan is described in Section 692 of the Municipal Government Act.

## 2.7 Subject Area Boundary

The lands within the Town of Smoky Lake and Smoky Lake County to which this plan applies are identified on **Map 5.1 – Future Land Use Concept**.

## 2.8 Subject Area Profile

### Location and History

The Town of Smoky Lake is located approximately 115 km north-east of the City of Edmonton, approximately 80 km north-east of the Alberta's Industrial Heartland area, and approximately 175 km west of Cold Lake. Historically, the Town has



served as an agricultural service centre for the surrounding area. It continues to provide important social, educational, health, and business services to neighbouring rural and agricultural communities.

With the removal of the rail line through Smoky Lake and the demolition of the grain elevators, an important element of the Town's agricultural services ended. The transformation of the rail line into the Iron Horse Trail, a multi-use trail system managed and maintained by a not-for-profit organization representing the ten municipalities through which the trail passes, provides the Town of Smoky Lake the opportunity to act as a tourist service centre for trail users.

Major resource extraction and industrial development in Alberta has had a significant impact on the Town of Smoky Lake. While the Town does not currently include major resource extraction or industrial developments, many Town residents work in natural resource extraction industries, or for industries outside of the Town. Although indirect, regional resource extraction and industrial developments are important factors in the Town's social and economic viability.

### Environmental Characteristics

The Town of Smoky Lake is in a shallow valley draining into White Earth Creek, located approximately one kilometre north of the Town boundaries. A tributary creek runs through the northern portion of the community, providing wildlife habitat and low-impact recreational opportunities. Small stands of mixed boreal forest are located along the creek.

Information about the soil capability and local features within the plan area is included in Appendix A for information. This information was analyzed to determine the suitability of future land uses within the plan area.

Most undeveloped lands within the plan area are used for agriculture, with some low-lying wet areas and small mixed tree stands.

### Transportation

- The IDP area encompasses two Provincial Highways: 855 which travels north/south, and 28, which travels east/west. The Town straddles 855 (which becomes 50<sup>th</sup> Street) and is nestled south and east of Highway 28.
- County-managed roads are managed to a gravel rural standard, and/or in accordance with County Road management policies.



- The multi-use Iron Horse Trail transects the Town, following the former CN Rail lands.
- In the southeast of the IDP area, there is a privately owned and operated grass airstrip, which is governed by Transportation and NAV Canada regulations.
- There is not presently a municipal public transit service in-place within the policy area, though third-party groups such as the Lions Club do operate a bus.

### Existing Land Uses

Within the Town are a variety of planned land uses. Residential development in the Town of Smoky Lake primarily consists of low-density, single-family dwellings, although several medium density multi-family developments exist in the Town. Residential development adjacent to the town consists of country residential style housing, on acreage-style lots and in association with agricultural operations.

Commercial developments within the Town include downtown shops and services, highway-oriented businesses, and large lot developments.

Recreational and community use developments in the Town and the subject area include a wide range of parks (small neighbourhood-oriented parks and large multi-purpose sport facilities), trail networks (community pathways and the Iron Horse Trail), campgrounds, golf course, schools and churches.





## Municipal Services

The Town of Smoky Lake provides full infrastructure services to most of the community including storm and sanitary sewer, potable water and garbage collection. Most roadways within the Town are developed to an urban standard (paved with sidewalks). Town residents can recycle waste materials at the County transfer stations.

A wide variety of 'soft' services exist within the Town and the subject area, including:

- Provincial government buildings,
- a hospital (with heli-pad),
- an auxiliary hospital and lodge,
- a regional volunteer fire department,
- multiple recreational facilities,
- an extensive trail network,
- schools,
- churches,
- a regional library,
- campgrounds,
- a golf course,
- a museum, and
- a regional agricultural society.

### 3 Intermunicipal Growth

#### 3.1 General Land Use Policies

1. Future subdivision and development shall be in accordance with this plan. Major deviations shall require an amendment to this plan. Minor relaxations may be considered without an amendment to this plan where the proponent can demonstrate to the satisfaction of the approving body and the Intermunicipal Planning Committee that the subdivision or development would maintain the intent of the policies contained within this plan.

However, if the Intermunicipal Planning Committee makes a recommendation on a relaxation to this plan to a Council or an approving authority, that Council or authority shall strongly consider such recommendation.

2. The partner municipalities agree to work with development proponents and Alberta Transportation and Alberta Environment & Parks to encourage the preparation of area structure plans and/or development concept plans where required by this plan to assure certainty of land use and development standards.
3. New applications for confined feeding operations in subject area, or applications for the expansion of any existing confined feeding operations in the subject area, shall not be discouraged due to the proximity of residential areas of the Town.
4. The Town and County will work together to provide an adequate inventory of suitable lands to attract a broad range of business and appropriate industry and will encourage industries that generate large volumes of traffic or substantial traffic loads (in terms of either bulk or weight or potential hazard) to locate in such a manner as to minimize any traffic impact, such as the need for traffic to travel through the Town.
5. Subdivision applicants shall dedicate a minimum of 30 metres of environmental reserve, in accordance with the provisions of the Municipal Government Act, adjacent to major bodies of water. At the sole discretion of the Subdivision Authority for the affected municipality the amount of environmental reserve required may be varied to accommodate unique site

conditions such as steep slopes, bank instability, or pre-existing development.

6. Subdivision applicants will be required to dedicate the full amount of Municipal Reserve owing in the forms provided for in the Municipal Government Act. The Town and County will consider establishing jointly administered cash-in-lieu of municipal reserve fund into which reserve proceeds in the subject area would be placed for the purposes of undertaking capital works on regional recreational facilities.
7. The Smoky Lake County shall require a Development Concept Plan be prepared and approved prior to the approval of any major development within that portion of the plan area. That Development Concept Plan may be in the form of an Area Structure Plan considered and adopted pursuant to the Municipal Government Act.
8. For the purposes of implementing this policy, the definition of the term “major” shall be as agreed upon by the consensus of Town and County staffs, but shall not include development which had been appropriately classified in the municipality’s Land Use Bylaw as of the date of the approval of this plan. If they cannot agree, the definition of the term shall be considered and determined by the Intermunicipal Planning Committee.

### 3.2 Agricultural Land Use

The **Agricultural Land Use Area** identifies portions of the plan area that are currently used for agricultural or country residential purposes and lands that may be suitable for future agricultural developments.

The following policies apply to land within the **Agricultural Land Use Area**:

1. The Agricultural Land Use Area shall be those lands within the IDP area identified as Agricultural on **Map 5.1 – Future Land Use Concept**.
2. Agricultural operations in the Plan area are to be protected from encroachment by either competing or conflicting developments resulting from the premature conversion or agricultural land to other land uses.
3. Extensive Agriculture will be allowed within the plan area. Intensive agriculture (excluding confined feeding operations) will be allowed, where provided for in the County’s Land Use Bylaw. Subdivision and development applications for new intensive agriculture developments and the expansion

of existing intensive agricultural developments will be circulated to the IPC for comments prior to the issuance of a decision by the County's approving (subdivision or development) authority. The IPC will review the application in relation to potential environmental and infrastructure impacts such as: siting of the proposed development in relation to prevailing winds, adjacent land uses, and the impacts on the transportation network.

4. Country Residential development may occur within the Agricultural Land Use Area at the discretion of the Subdivision Authority where provided for in the County's Land Use Bylaw.
5. Multi-lot Country residential development (more than 5 (five) country residential parcels per quarter section) will only be allowed in the areas designated Serviced and Un-serviced Residential on **Map 5.1 – Future Land Use Concept**.

### 3.3 Residential Land Use

The **Future Serviced and Un-Serviced Residential Use Area** has been applied to that portion of the plan area that is currently developed or identified for future urban residential and/or country residential development.

Land within the **Future Serviced and Un-Serviced Residential Use Area** is generally intended for future residential development. For the purposes of this plan urban residential development is generally considered municipally serviced residential development while country residential development is considered residential development that is not serviced by municipal service; specifically, municipal sewer, water, and storm water management systems.

The following policies apply to land within the Future Serviced and Un-Serviced Residential Use area indicated on **Map 5.1 – Future Land Use Concept**.

1. The Future Serviced and Un-Serviced Residential Use areas shall be those lands within the Town of Smoky Lake and Smoky Lake County identified as Future Serviced or Un-Serviced Residential Use on **Map 5.1 - Future Land Use Concept**.
2. Undeveloped land designated for **Serviced or Un-Serviced Residential Use** development shall be buffered from uses that may have negative effects on future urban development by virtue of odour, heat, vibration, visual impact,

noise or light. This does not apply to such effects that arise in the course of normal, non-intensive farm operations.

3. Multi-lot residential developments are to be predominantly residential in nature. No developments will be approved either within the residential area or adjacent to the residential which would, in the opinion of the Town or County, negatively impact the Future Serviced or Un-Serviced Residential Area.
4. New multi-lot country residential development within the subject area, for the purposes of this plan shall be considered the development of more than 5 (five) lots without municipal piped sewage collection and water supply services within any quarter section, subject to the policies in **Section 3.2** of this plan.
5. Multi-lot country residential development to create more than (5) five parcels per quarter section shall be allowed only after amendment to the County's Land Use Bylaw, placing the lands where such development may occur into an appropriate Residential District.
6. The regulations for residential and accessory development in multi-lot residential and country residential developments shall be provided for in the Smoky Lake County Land Use Bylaw.
7. The following policies shall apply to multi-lot residential and country residential development applications and designs:
  - a. internal road access shall be provided to each lot;
  - b. the minimum parcel size for serviced residential lots shall be the minimum lot size indicated in the Town's Land Use Bylaw for residential lots; and
  - c. the minimum parcel size for un-serviced country residential lots shall be 0.4 ha (1.0 acre), and the normal maximum parcel size shall be 1.21 ha (3.0 acres); and subdivision proposals shall indicate the location of development areas within lots as well as the natural areas on the lots.
8. Multi-lot country residential redistricting and subdivision proposals shall address potential conflicts with existing agricultural operations and proposed industrial and commercial operations that may occur on lands

designated for industrial or commercial development, and shall indicate how these potential conflicts will be resolved or mitigated.

9. Within the rest of the subject area, the Town and/or County may require a Development Concept Plan or Area Structure Plan be prepared and approved prior to the approval of any amendment to the Land Use Bylaw to allow a multi-lot residential subdivision of more than 5 (five) residential lots within any residential area without municipal piped sewage collection and water supply services within any quarter section.

### 3.4 Commercial Land Use

The **Serviced and Un-Serviced Commercial Use Areas** identify portions of the subject area that are currently developed or identified for future commercial development. The following policies apply to land within Future Serviced and Un-Serviced Commercial Use areas identified on **Map 5.1 – Future Land Use Concept**.

1. The **Serviced and Un-Serviced Commercial Use Areas** shall be those lands within the Town and County identified as Serviced Commercial and Serviced & Un-Serviced Commercial Use on **Map 5.1 - Future Land Use Concept**.
2. Lands designated Serviced Commercial Use may develop in a range of uses which serve local and regional customers, and connects to piped municipal water and sanitary services. These uses include but are not limited to:
  - a. hotels and motels
  - b. food/beverage establishments
  - c. gas bars/service stations
  - d. travel information centres
  - e. car washes
  - f. souvenir shops
  - g. personal service establishments within a hotel/motel
  - h. retail stores with no more than approximately 200 sq. m of retail floor space
  - i. vehicle or recreational equipment sales and service

- j. recreational establishments
  - k. drive-through businesses
  - l. bus depots
  - m. bulk fuel storage and distribution
  - n. equipment sales, service and rentals
  - o. manufactured and modular home sales and service
  - p. public or quasi-public uses
  - q. surveillance suites
  - r. accessory uses or buildings
3. Lands designated **Serviced & Un-Serviced Commercial Use** may develop in a range of large lot highway-oriented commercial uses which serve local and regional customers.
  4. Smoky Lake County may require that a Development Concept Plan or Area Structure Plan be prepared and approved prior to the approval of any amendment to the Land Use Bylaw to allow a substantial commercial development within 1.6 km (1.0 mile) of the boundary of the Town of Smoky Lake.

### 3.5 Industrial Land Use

The **Serviced Industrial Use Area** and the **Un-Serviced Industrial Use Area** identifies portions of the subject area that are currently developed or identified for future industrial development. The following policies apply to land within the **Serviced Industrial Use Area** and the **Un-Serviced Industrial Use Area** on MAP 5.1 – Future Land Use Concept.

1. The **Serviced Industrial Use Area** and the **Un-Serviced Industrial Use Area** shall be those lands within the County identified as **Serviced Industrial Use Area** or **Un-Serviced Industrial Use Area** on Map 5.1 - Future Land Use Concept.
2. Land designated **Serviced Industrial Use** may develop in a wide range of light industrial uses, and will be connected to piped municipal water and sanitary



services. Land uses that may be suitable for the area may include but are not limited to:

- a. natural resource processing industries,
- b. grain elevators,
- c. manufacturing, processing, storage, packaging, or assembly of goods or materials, including petroleum products, chemical and associated products, pulp and paper products, fertilizer, or animal by-products,
- d. warehousing, storage, receiving, or distributing facilities,
- e. metal processing or fabrication operation or storage,
- f. agricultural services,
- g. auctioneering,
- h. bulk fuel storage and distribution,
- i. accessory offices,
- j. commercial greenhouses,
- k. transportation and public utility facilities/buildings,
- l. accessory surveillance suites,
- m. public utilities,
- n. public or quasi-public uses (e.g., municipal equipment and maintenance yards), and
- o. accessory uses or buildings,

provided that any nuisance such as odour, noise, glare, vibration, heat, smoke, or effluent is confined to the site of the establishment or within the applicable **Serviced Industrial Use**, or substantially mitigated in accordance with the policies and/or regulations and/or design of a Development Concept Plan or Area Structure Plan, especially in those areas in proximity to existing or proposed residential areas or in proximity to the Town.

In this respect, individual developments will not necessarily be precluded; however, extra precautions shall be required such as requiring a warning system or so-called “disaster plan” should the need arise.

3. Land designated **Un-Serviced Industrial Use** may develop in a wide range of light industrial or rural industrial uses, and will utilize onsite water and sanitary systems.
4. Smoky Lake County may require a Development Concept Plan or Area Structure Plan be prepared and approved prior to the approval of any amendment to the Land Use Bylaw to allow a substantial rural industrial development within 1.6 km (1.0 mile) of the boundary of the Town of Smoky Lake.
5. For the purposes of implementing this policy, the definition of the term “substantial” shall be as agreed upon by the consensus of Town and County staffs. If they cannot agree, the definition of the term shall be considered and determined by the Intermunicipal Planning Committee.

### 3.6 Community Land Use Area

The **Community Use Area** identifies that portion of the subject area that is currently developed for community or recreational uses. It is the intent of this plan that this area continue to be used for community and recreational purposes to provide benefit to both the Town and County. The following policies apply to land within the **Community Use Area on Map 5.1 – Future Land Use Concept**.

1. The **Community Use Area** shall be those lands within the Town identified as Future Community Use area on **Map 5.1 - Future Land Use Concept**.
2. Land designated Future Community Use may develop in a wide range of community uses. Land uses that may be suitable for the area are limited to the permitted and discretionary uses listed in the appropriate land use districts of the Town of Smoky Lake and Smoky Lake County Land Use Bylaws.
3. Some residential development may also be permitted in the Community Use Area if the proposed development is consistent with applicable provisions in the Smoky Lake County Land Use Bylaw, federal regulations and provincial regulations.

### 3.7 Municipal Services and Road Policies

1. The Town of Smoky Lake and Smoky Lake County shall establish strategies and standards for the orderly, efficient and economical extension of wastewater collection, water distribution systems, storm water management, and roads within the subject area.
2. Some of the development strategies within the subject area are closely connected to the ability and need for municipal piped services.
3. Future servicing with municipal piped services may be required within the Future Residential Use area. If such services are not available due to cost or capacity limitations or other reasons, the area shall not be developed for serviced residential purposes unless it meets a minimum agreed residential development standard.
4. Where it is deemed appropriate, necessary and/or desirable, further to this plan, the Town and County will endeavor to enter into agreements respecting municipal piped services in the subject area.
5. Where proposed developments may impact intersections between Provincial highways and municipal roads, as shown on **Map 5.2 – Major Intersections**, additional consultation with Alberta Transportation will be required prior to approval by the Town and/or County. This consultation may include the preparation of a Traffic Impact Assessment satisfactory to Alberta Transportation. All costs of the TIA and any corresponding intersection improvements will be the responsibility of the developer/proponent.
6. The Town and the County will continue to work cooperatively with Alberta Transportation to identify and mitigate traffic impacts and identify the scheduling of necessary improvements at the intersections of highways and municipal roads as shown on **Map 5.2 – Major Intersections**.

### 3.8 Social Services

Social services within the Plan area are provided by provincial agencies, not-for-profit and volunteer organizations and by the Town, the County and in some instances the Town and the County collaboratively. Currently the following social services are joint Town/County initiatives:

- The Foundation
- Recreation
- Emergency Services
- Ag Society

1. The Town and the County will continue to work cooperatively to provide social services to community members within the Smoky Lake region.
2. The Town and the County will endeavor to explore opportunities for expanding joint service provisions.

### 3.9 Emergency Services

Emergency Services within the plan area are provided by the following agencies and organizations:

- Police Service
- Lakeland Regional Health
- Smoky Lake Volunteer Fire Department (with fire halls in the Village of Vilna, the Town of Smoky Lake & the Village of Waskatenau)

1. The Town and the County will continue to work collaboratively to provide fire and rescue services to the region.

### 3.10 Development Concept Plans & Area Structure Plans

1. A Development Concept Plan or Area Structure Plan may describe, outline, or provide, among other matters, in text and map form:
  - a. a definition of the affected area and a description of the relationship between the affected area and surrounding lands;
  - b. an indication of the proposed land uses and the area of each land use;
  - c. an indication of the total number of dwelling units proposed on the quarter section (if applicable);

- d. policies and plans addressing buffering from adjacent land uses which may be affected by or which may affect a residential community (if applicable);
- e. policies respecting phasing, if any, including an indication of which lots will be developed first and how the development of these lots will be designed specifically to allow for further development of the subject quarter section into residential lots;
- f. policies respecting environmental protection, habitat, ecological conservation, effect on the adjacent agricultural community, including any existing or potential confined feeding operations;
- g. policies and plans addressing natural and man-made limitations to development such as flood susceptibility, bank subsidence, erosion, railway lines, oil and gas wells, pipelines, and other facilities (including active, inactive, abandoned, and decommissioned facilities, sour gas, etc.), gravel operations or resources, airports, agricultural operations, historical resources, other nearby land uses, etc.;
- h. policies respecting built form, amenities, aesthetics, landscaping, architecture, buffering from potential limiting factors, dealing with the potential for land use conflict, etc.;
- i. policies and plans for necessary water supply, sanitary sewage disposal, and storm water management;
- j. as required, policies relating to:
  - i. the impact on adjacent land uses;
  - ii. the impact on community services, such as fire protection;
  - iii. the municipal servicing costs associated with the development, and landscaping; and
  - iv. wetland mitigation.
- k. a Phase I Environmental Assessment, describing the possibility of contamination within the subject area and, if the Phase I indicates, a Phase II Environmental Assessment, describing the extent of any contamination within the subject area and the means of mitigation;

- l. engineering information in sufficient detail to show how that is to be done;
- m. if the development is to provide water by a municipal piped water supply system, engineering information showing how that is to be done;
- n. if the development is to be supplied with water by means other than a municipal piped water supply system, a report which would satisfy the requirements of Section 23(3)(a) of the Water Act;
- o. an assessment of the general suitability of the Plan area for sewage disposal by tile field (percolation tests);
- p. a determination of any flood plains relating to any water bodies within or adjacent to the subject site, including a description as to how any flood plain lands will be made suitable for development without transferring the flood hazard to other lands;
- q. an assessment of the stability of any banks (either steep slopes or watercourse valleys) within or adjacent to the subject site, including a description as to how any bank stability hazards will be mitigated without transferring the stability hazard to other lands;
- r. A wetland assessment (prepared by a certified wetland professional) that delineates and classifies wetlands (onsite and offsite) that will be impacted by the proposed development.
- s. if within 0.8 km of a Highway, a Traffic Impact Assessment, indicating the vehicular generation from the development at various stages of development, and any roadway improvements that may be necessary on adjacent and nearby roads and Highways (and on their intersections) resulting from that vehicular generation;
- t. an assessment of the site, indicating
  - i. how Environmental Reserves, Environmental Reserve Easements, Municipal Reserves, and other land management tools are to be used to protect significant biophysical sites;

- ii. how all Provincial and Federal legislation and regulations are to be adhered to respecting wetlands, habitat, and environmentally sensitive lands;
  - u. an assessment of all other limitations to development, including potential and actual land use conflicts, which have been identified, indicating how the limitations and conflicts are to be accommodated, dealt with, and/or overcome; and
  - v. other policies and plans as may be indicated by the proponent or the municipality to address any unique circumstances of the Development Concept or Area Structure Plan area.
- 2. The level of detail required in a Development Concept Plan or Area Structure Plan shall be as agreed upon by the consensus of Town and County staffs. If they cannot agree, the definition of the term shall be considered and determined by the Intermunicipal Planning Committee.
- 3. The process for considering a Development Concept Plan or Area Structure Plan for approval will be the same as for a major development proposal. The approving authority shall be the Council of the municipality in which the site of the Development Concept Plan or Area Structure Plan is located.





## 4 Plan Implementation

### 4.1 Implementation Policies

The Councils of the Town of Smoky Lake and Smoky Lake County have agreed to the following implementation policies which will be used in implementing the policies contained in this plan.

### 4.2 Plan Amendments

1. An amendment to this plan may be proposed by either municipality. An amendment to the plan proposed by a landowner shall be made to the municipality in which the subject land is located.
2. An amendment to this plan has no effect unless it is adopted by both municipalities by bylaw.

### 4.3 Annexation

1. There will continue to be a boundary between the Town of Smoky Lake and Smoky Lake County for administration of services such as maintenance of infrastructure, waste management, development control, weed control, etc.
2. There is a need for periodic expansion of the urban area, and thus the Town of Smoky Lake, by annexation. Annexations will occur from time to time in a positive, orderly, and timely manner with an agreed-upon process where there is a clear need for Town annexation to provide more land for urban development.
3. The Town of Smoky Lake shall demonstrate reasonable need for annexation through appropriate growth studies to support annexation applications.
4. Each municipality shall protect lands identified in the plan suitable for municipal piped services from land uses and developments that might unduly interfere with and create conflict with future urbanization.
5. Both municipalities shall follow the annexation process as outlined in the Municipal Government Act current at the time an annexation application is made.



#### 4.4 Cost/Revenue Sharing Schemes

1. Any agreements for cost and revenue sharing shall be to benefit the future development of land within the plan's subject area.
2. The Town and County will explore cost and revenue sharing opportunities as development occurs and through the review and approval process of each Development Concept Plan or Area Structure Plan.

#### 4.5 Framework

1. This plan is conceptual. Its policies do not delve into the fine details of land use, servicing, or implementation but instead set out a framework of guidelines for municipal planning policies.
2. The Town of Smoky Lake and Smoky Lake County will co-operate in pursuing mutually beneficial economic development initiatives that would attract investment and create employment opportunities in the Smoky Lake Region.
3. **Map 5.1 – Future Land Use Concept** of this plan will be the primary land use document supplemented by implementation tools such as Development Concept Plans and Area Structure Plans. The Town of Smoky Lake and Smoky Lake County shall amend their respective Municipal Development Plans and Land Use Bylaws as necessary to be consistent with the policies and provisions of this plan.

#### 4.6 Establishment of the Intermunicipal Planning Committee

1. The Intermunicipal Planning Committee (IPC) will be established upon Third Reading of the Bylaws adopting this plan.
2. The Intermunicipal Planning Committee will not be a decision-making body, but will submit recommendations to the approving bodies of the respective municipalities, striving for consensus as much as possible.
3. The Intermunicipal Planning Committee will be comprised of two (2) members each of the Councils of the Town of Smoky Lake and Smoky Lake County. The ICP will select its own chairman and vice-chairman. The Councils may appoint alternative members, should any member not be able to attend Committee meetings. Additionally, the Chief Administrative Officer or the Development Officer of each municipality shall be ex-officio members of the Committee.



4. The Intermunicipal Planning Committee shall establish its own rules of procedure, including its own schedule of meetings, with meetings being held as required.

#### 4.7 Intermunicipal Planning Committee

1. Upon the referral of a matter, the Intermunicipal Planning Committee will schedule a meeting and the administrations of the County and the Town will present their positions on the matter to the Committee.
2. After consideration of a matter, the Committee may:
  - a. provide suggestions to both administrations with respect to revisions to the matter that should be considered to make it more acceptable to both municipalities;
  - b. if possible, agree on a consensus position of the Committee in support of or in opposition to the matter, to be presented to both Councils;
  - c. conclude that no initial agreement can be reached and that a consensus position of the Committee will not be presented to both Councils;
  - d. if agreed to by both Municipalities, employ a facilitator to help the Committee work toward a consensus position;
  - e. if a matter cannot be satisfactorily processed following a Committee review, refer the matter to both Councils; or undertake any other action it deems reasonable.
3. The Intermunicipal Planning Committee shall not deal with all development matters within the Town of Smoky Lake + Smoky Lake County Intermunicipal Development Plan subject area. Rather, it will deal with all matters referred to it in the manner described in **Section 4.7** of this plan.
4. The Intermunicipal Planning Committee has the following functions:
  - a. to clarify the intent and interpretation of the plan;
  - b. to develop specific strategies related to the provision of infrastructure, service provision, cost sharing, etc. for proposed subdivision and development in the subject area that reflect the policies and guidelines set out in this plan;



- c. to review and comment on applications to amend this plan;
  - d. to review and comment on development matters referred to it in accordance with this plan; and
  - e. to undertake such other matters as it deems reasonable and as are referred to it by either Council or municipal administration.
5. The Town of Smoky Lake and Smoky Lake County agree that the County's Subdivision Authority and Development Authority will notify the Intermunicipal Planning Committee of applications received within subject area and that the Town's Subdivision Authority and Development Authority will notify the Intermunicipal Planning Committee of applications within the subject area.
  6. Each municipality's Subdivision Authority and Development Authority will deal with an application within their own boundaries in accordance with the policies of this plan.
  7. Depending on the nature of the proposed subdivision or development, the Intermunicipal Planning Committee may provide recommendations related to the proposed development or subdivision.

#### 4.8 Dispute Resolution/Mediation Procedures

1. The dispute resolution process for matters related to this plan is outlined in this section. The emphasis of the dispute resolution process is mediation at the municipal level prior to an appeal to the Land and Property Rights Tribunal. This process assumes that the two parties may have significant differences of opinion on any matter and that third-party assistance may be necessary to help resolve the disputes.
2. For the purposes of this plan, a dispute is defined as a disagreement between the Town of Smoky Lake and Smoky Lake County on any statutory plan, any Land Use Bylaw, or any amendment to any statutory plan or Land Use Bylaw which is given First Reading by a Council, or any subdivision or development permit application, or any scheme for the provision of municipal services, which the other municipality deems may be inconsistent with the goals, objectives, and policies of this plan.
3. Decisions on all disputes will be made by the respective municipalities in accordance with the provisions of this plan and the Municipal Government Act, but with review as indicated in **Section 4.7.5** of this plan.



4. The Town of Smoky Lake and Smoky Lake County agree to consider the establishment of an Intermunicipal Subdivision and Development Appeal Board to deal with appeals arising from subdivision or development permit decisions within the subject area.
5. Disputes shall be addressed and shall be resolved through any of the following mechanisms either singularly or in combination with each other:
  - a. Administrative Review
  - b. Intermunicipal Planning Committee
  - c. Municipal Councils
  - d. Mediation
  - e. Non-binding Arbitration
  - f. Appeal Process – Intermunicipal Dispute or Subdivision and Development Appeal Board
  - g. Court Option
6. In the event of a dispute, the applicant municipality will not give approval to the matter in any way (e.g., development permit or subdivision approval, or Second or Third Reading of a bylaw) until the dispute is past the mediation stage.
7. The time limitations and legislative requirements as may be specified from time to time in the Municipal Government Act will be respected in relation to the administration of this dispute resolution procedure and may supersede the time processes provided for in this plan.

#### 4.9 Administrative Review

1. The municipality within which any development, subdivision, land use bylaw amendment, servicing scheme, or other matter is proposed (hereinafter referred to as “the applicant municipality”) will provide complete information concerning the matter to both the other municipality and to the Intermunicipal Planning Committee. The other municipality (hereinafter referred to as “the responding municipality”) will undertake an evaluation of the matter and provide comments to the administration of the applicant municipality.



2. If there is any concern, the two administrations shall discuss the issue and attempt to resolve the matter.
3. If the administrations resolve the concern, the responding municipality will formally notify the applicant municipality and the Intermunicipal Planning Committee, and the applicant municipality will take the appropriate actions to consider approving the matter.
4. If the issue is not resolved at the administrative level, the applicant municipality's administration shall refer the matter to the Intermunicipal Planning Committee.
5. Upon the referral of a matter, the Intermunicipal Planning Committee will schedule a meeting and the administrations of the Town and County will present their positions on the matter to the Committee.
6. After consideration of a matter, the Committee may:
  - a. provide suggestions to both administrations with respect to revisions to the matter that should be considered to make it more acceptable to both municipalities;
  - b. if possible, agree on a consensus position of the Committee in support of or in opposition to the matter, to be presented to both Councils;
  - c. conclude that no initial agreement can be reached and that a consensus position of the Committee will not be presented to both Councils;
  - d. if agreed to by both Municipalities, employ a facilitator to help the Committee work toward a consensus position;
  - e. if a matter cannot be satisfactorily processed following a Committee review, refer the matter to both Councils; or
  - f. undertake any other action it deems reasonable.

#### 4.10 Municipal Councils

1. After receiving the recommendations of the Intermunicipal Planning Committee with respect to a particular matter, each Council will establish a position on the matter.



2. If both municipal Councils agree on a matter, then the consideration of approval (including, if necessary, an amendment process) can be completed. If neither Council supports the matter, then no further action will be undertaken.
3. If the Councils cannot agree on a matter, then the matter may be referred to a mediation process.
4. If the matter goes to mediation, the applicant municipality will not give any approval to the matter until mediation has been pursued.

#### 4.11 Mediation

1. The following will be required before a mediation process can proceed:
  - a. agreement by both Councils that mediation is necessary;
  - b. appointment by both Councils of an equal number of elected officials to participate in a mediation process;
  - c. engagement, at equal cost to both municipalities, of an impartial and independent mediator agreed to by both municipalities; and
  - d. approval by both municipalities of a mediation schedule, including the time and location of meetings and a deadline for the completion of the mediation process.
2. If agreed to by both municipalities, any members of the Intermunicipal Planning Committee or administrative staff from either municipality who are not participating directly in the mediation process may act as information resources either directly or indirectly to the mediation process.
3. All participants in the mediation process will be required to keep 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 both Councils.
5. If a mediated agreement is reached, then that agreement will be referred to both Councils for action. Both Councils will consider the mediator's report and the respective positions of the municipal administrations with respect to the mediated agreement. Any mediated agreement will not be binding on either municipality and will be subject to the formal approval of both Councils.





6. If no mediated agreement can be reached or if both Councils do not approve a mediated agreement, then a non-binding arbitration process as described below may be initiated.

#### 4.12 Non-Binding Arbitration

1. The following will be required before a non-binding arbitration process can proceed:
  - a. agreement by both Councils that non-binding arbitration is necessary;
  - b. appointment by both Councils of officials to participate in the non-binding arbitration process;
  - c. engagement, at equal cost to both municipalities, of an impartial and independent arbitrator agreed to by both municipalities; and
  - d. approval by both municipalities of an arbitration schedule, including the time and location of meetings and a deadline for the completion of the process.
2. At the conclusion of the non-binding arbitration, the arbitrator will submit a report to both Councils.
3. If both Councils agree, then the arbitrator's recommendations will be implemented by the Council or Councils as necessary. Any arbitrator's decision will not be binding on either municipality unless both municipalities concur, and will be subject to the formal approval of both Councils.
4. If no agreement can be reached to abide by the arbitrator's decision or if both Councils do not approve the arbitrator's recommendation, then an appeal process may be initiated if provided for under the provisions of the Municipal Government Act. If there is no appeal process available, then the applicant municipality may proceed with any approvals as are allowed.

#### 4.13 Appeal Process – Intermunicipal Dispute or Subdivision and Development Appeal Board

1. If the mediation process fails, the applicant municipality may approve the matter (e.g., a Land Use Bylaw amendment, a development permit approval, etc.).



2. If the applicant municipality passes a bylaw to implement the matter, then the responding municipality may appeal that action to the Land and Property Rights Tribunal under the provisions of Section 690 of the Municipal Government Act in accordance with that Act.
3. If the appeal of the matter is to the applicant municipality's Subdivision and Development Appeal Board, the responding municipality may appeal that action to the Subdivision and Development Appeal Board as it sees fit.
4. If there is no appeal available pursuant to the Act, then the responding municipality may wish to pursue a Court option.

#### 4.14 Court Option

1. After any action by the Land and Property Rights Tribunal, or the applicant municipality's Council or Subdivision and Development Appeal Board from which there is no further appeal, the responding municipality will have the option, should it so choose, of undertaking a court challenge of the matter.

## 5 Maps

5.1 – Future Land Use Concept

5.2 – Major Intersections

Implementation



## 5.1 Future Land Use Concept

Implementation



## 5.2 Major Intersections



## 6 Appendix A – Information Maps

6.1 – CLI Agriculture

6.2 – Local Features

Implementation



## 6.1 CLI Agriculture

Implementation



## 6.2 Local Features

# Implementation







Public Hearing Date: April 13, 2023

Public Hearing Time: 9:15 a.m.

## RELEVANT LEGISLATION

### INTERMUNICIPAL DEVELOPMENT PLANS

*Municipal Government Act, R.S.A. 2000*

**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.

**(5)** If 2 or more councils that are required to adopt an intermunicipal development plan under subsection (1) do not have an intermunicipal development plan in place by April 1, 2020 because they have been unable to agree on a plan, they must immediately notify the Minister and the Minister must, by order, refer the matter to the Land and Property Rights Tribunal for its recommendations in accordance with Part 12.

**(6)** Where the Minister refers a matter to the Land and Property Rights Tribunal under this section, Part 12 applies as if the matter had been referred to the Tribunal under section 514(2).

**(7)** Two or more councils of municipalities that are not otherwise required to adopt an intermunicipal development plan under subsection (1) may, 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.

**(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,

and

(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.

(9) Despite subsection (8), to the extent that a matter is dealt with in a framework under Part 17.2, the matter does not need to be included in an intermunicipal development plan.

(10) In creating an intermunicipal development plan, municipalities must negotiate in good faith.

RSA 2000 cM-26 s631;2016 c24 s97;2019 c22 s10(20);  
2020 cL-2.3 s24(30)

## **PUBLIC HEARINGS**

*Municipal Government Act, R.S.A. 2000*

### **When to hold public hearing**

**216.4(1)** When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,

- (a) before second reading of the bylaw, or
- (b) before council votes on the resolution.

**(2)** When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must

- (a) give notice of the public hearing in accordance with section 606, and
  - (b) conduct the public hearing during a regular or special council meeting.
- (3) A council may, by bylaw, establish procedures for public hearings.
- (4) In the public hearing, council
  - (a) must hear any person, group of persons or person representing them who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and
  - (b) may hear any other person who wishes to make representations and who the council agrees to hear.
- (5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council
  - (a) pass the bylaw or resolution,
  - (b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or
  - (c) defeat the bylaw or resolution.
- (6) The minutes of the council meeting during which a public hearing is held must record the public hearing to the extent directed by council.

## **REQUIREMENTS FOR ADVERTISING**

*Municipal Government Act, R.S.A. 2000*

**Section 606(1)** The requirements of this section apply when this or another enactment requires a bylaw, resolution, meeting, public hearing or something else to be advertised by a municipality, unless this or another enactment specifies otherwise.

- (2) Notice of the bylaw, resolution, meeting, public hearing or other thing must be
  - (a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held, or
  - (b) mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held.
- (3) A notice of a proposed bylaw must be advertised under subsection (2) before second reading.
- (4) A notice of a proposed resolution must be advertised under subsection (2) before it is voted on by council.

(5) A notice of a meeting, public hearing or other thing must be advertised under subsection (2) at least 5 days before the meeting, public hearing or thing occurs.

(6) A notice must contain

- (a) a statement of the general purpose of the proposed bylaw, resolution, meeting, public hearing or other thing,
- (b) the address where a copy of the proposed bylaw resolution or other thing, and any document relating to it or to the meeting or public hearing may be inspected,
- (c) in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and
- (d) in the case of a meeting or public hearing, the date, time and place where it will be held.

(7) A certificate of a designated officer certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in that certificate.

(8) The certificate is admissible as evidence without proof of the appointment or signature of the person who signed the certificate.

## NOTICE – PUBLIC HEARING

### on Proposed Smoky Lake County and Town of Smoky Lake Intermunicipal Development Plan (County Bylaw 1426-22)



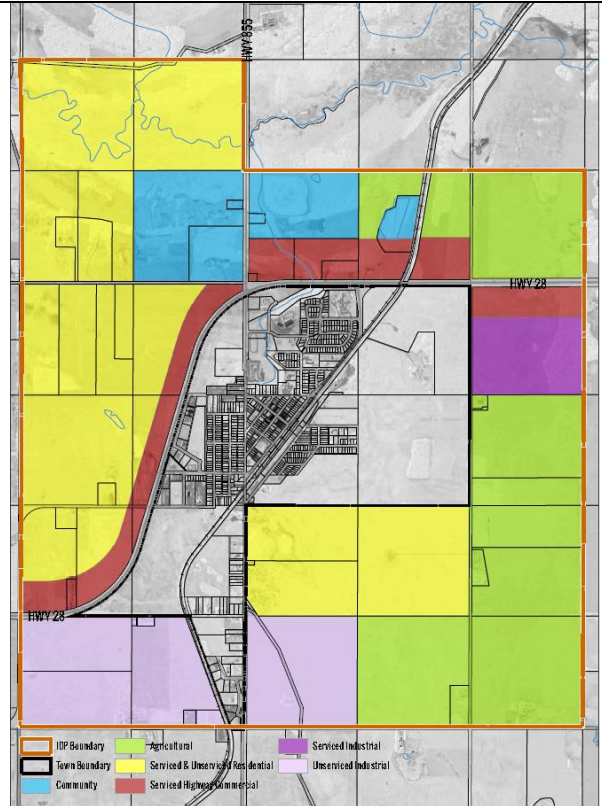
**TAKE NOTICE THAT** in accordance with sections 606 of the Municipal Government Act, the Council of Smoky Lake County is giving consideration of an Intermunicipal Development Plan (IDP) Bylaw. An *Intermunicipal Development Plan* contemplates and guides the future land uses within the policy area.

**The Public Hearing will be held both in-person and via Zoom videoconference on Thursday, April 13, 2023, at 9:15 a.m. (or as soon as practical thereafter)** at: Smoky Lake County Council Chambers, 4612 McDougall Drive, Smoky Lake, AB T0A 3C0 or online:

<https://video.businessconnect.telus.com/join/644461594?pw=bfdf72e070cd24cd3982006482fa6443>; Meeting ID: 644461594; Password: caJ9UbjLPY

#### In-person Speakers:

If you intend on participating in person, you are encouraged to pre-register for the Public Hearing by contacting Legislative Services at 780-656-3730.



#### Speakers participating through Zoom videoconference:

If you wish to speak at the Public Hearing via videoconference, you are asked to register 24 hours prior to the opening of the Public Hearing by contacting Legislative Services at 780-656-3730. This is to ensure that virtual participants receive instructions to access the videoconference.

#### Requirements for all Speakers:

All speakers will be given a 5-minute time limit and are encouraged to provide a written copy of their submission in advance of the Public Hearing.

#### Written Submissions:

All interested parties are encouraged to express their views by providing a written submission to Legislative Services by email at [patti.priest@smokylakecounty.ab.ca](mailto:patti.priest@smokylakecounty.ab.ca).

Persons wishing to view the Bylaw and/or the Public Hearing are invited to attend in person or view the Meeting at the County website at <http://www.smokylakecounty.ab.ca>.

#### Questions? Contact:

Jordan Ruegg or Kyle Schole, of Planning & Development Services, Smoky Lake County at 780-656-3730 / [pd@smokylakecounty.ab.ca](mailto:pd@smokylakecounty.ab.ca)

Freedom of Information and Protection of Privacy Act: By submitting comments on this bylaw, either orally or in writing, the personal information you provide may be recorded in the minutes of the Public Hearing, or otherwise made public. This information is collected in line with section 33(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions, please contact the Smoky Lake County Access and Privacy Officer at 4612 McDougall Drive Box 310, Smoky Lake, AB T0A 3C0, 780-656-3730, or [county@smokylakecounty.ab.ca](mailto:county@smokylakecounty.ab.ca).

