

BY-LAW NO. 1420-98
OF THE
CITY OF WETASKIWIN
IN THE PROVINCE OF ALBERTA

THIS BY-LAW SHALL BE CITED AS THE CITY OF WETASKIWIN INTERMUNICIPAL DEVELOPMENT PLAN BYLAW.

BY-LAW 1420-98 is a by-law of the City of Wetaskiwin in the Province of Alberta, to authorize the adoption of an Intermunicipal Development Plan in accordance with Section 631 of the Municipal Government Act, 1994, being Chapter M-26-1 of the Statutes of Alberta and amendments thereto.

WHEREAS Section 631 of the Municipal Government Act allows two Councils to adopt an Intermunicipal Development Plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary;

AND WHEREAS the City of Wetaskiwin and County of Wetaskiwin have jointly prepared an Intermunicipal Development Plan as outlined in Section 631 of the Municipal Government Act;

AND WHEREAS in accordance with Section 636 of the Municipal Government Act, which outlines that while preparing a Statutory Plan the municipalities must provide for public input by any persons who may be affected by the Intermunicipal Development Plan, an Open House forum was held Wednesday, September 23rd, 1998, at the County of Wetaskiwin Administration Office;

AND WHEREAS notification and procedural requirements outlined in Sections 606 and 230 requires a by-law or public hearing must be published in a local newspaper for two consecutive weeks and the by-law and Public Hearing were advertised in the Wetaskiwin Times-Advertiser on September 14th and September 21st, 1998, and a Joint Public Hearing was held on October 6th, 1998, at the County of Wetaskiwin Council Chambers prior to the second reading of the by-law.

NOW THEREFORE pursuant to Section 631 of the Municipal Government Act, **the Council of the City of Wetaskiwin** duly assembled, hereby enacts as follows:

1. The document attached to this by-law as Appendix "A" is adopted as an Intermunicipal Development Plan between the City of Wetaskiwin and County of Wetaskiwin No. 10.
2. This by-law comes into effect on the date **of signing or the date on which the County of Wetaskiwin enacts a similar Bylaw, whichever is later.**

READ a first time this 28 day of September, 1998.

READ a second time this 13th day of October, 1998.

READ a third time and passed this 13th day of October, 1998.

Original Signed
MAYOR

Original Signed
CITY CLERK

City and County of Wetaskiwin Intermunicipal Development Plan

Purpose

The purpose of this plan is to ensure that development in the County does not unreasonably interfere with the long term growth of the City. The plan will ease the transition from agricultural to urban land uses.

Legal Authority

This Is an Intermunicipal Development Plan under section 631 of the Municipal Government Act (MGA). As a statutory plan it has extensive powers:

- Municipal Development Plans and Area Structure Plans must be consistent with it (MGA s.638);
- any decision of a Subdivision Authority or a Development Authority must conform with it (MGA s.654(l)(b));
- when hearing a development appeal, a Subdivision and Development Appeal Board must comply with it (MGA s. 687(3)(a)); and
- when hearing a subdivision appeal, a Subdivision and Development Appeal Board must have regard to it (MGA s.680(2)(a).

However, section 637 of the MGA provides that

- the adoption by a council of a statutory plan does not require the municipality to undertake any of the projects referred to in it.

Principles

The plan is based on the following principles which are agreed by both municipalities:

The plan will establish patterns of land use that benefit both municipalities.

- The City has a legitimate interest in development outside its boundaries if this development will affect the way the City expands.
- The plan will protect existing public investment in roads and utilities.

- The plan will assist in protecting existing private investment by restricting incompatible land uses.
- The subdivision and development approval process will be open and public, and will be fair to all parties.
- Development in the plan area will proceed with full consultation between the developer and the two municipalities, and will take into account the interests of third parties such as adjacent landowners.
- Land should remain in whichever municipality is best able to provide services to it and its owners. As a general rule, farm land and unserviced residential land should be in the County, and land which requires municipal water and/or sewer should be in the City.
- Infrastructure which benefits both municipalities may be cost-shared on an equitable basis.
- The plan is consistent with the provincial Land Use Policies (Order-in-Council 522/96).

Area Affected

The area under the jurisdiction of this plan, referred to throughout this document as the 'Plan Area', is shown on Map 1.

Constraints on Development

Map 2 shows factors which will limit the development of land in the plan area, including height and use restrictions to protect the airport; provincially mandated setbacks from sewer lagoons and landfills; drainage courses and areas subject to flooding; intensive livestock operations; and the locations of operating and abandoned oil and gas wells and pipelines. Where setbacks are required by legislation, they are listed in Appendix 1.

Long Term Land Use

The expected long term use of land in the plan area is shown on Map 3. This pattern of land use is based on serviceability, the projection of existing trends, the development restrictions noted on Map 2, and market demand.

The conversion of land to these uses will be supported by both municipalities. Conversion to other uses will require amendment of this plan.

Development on Serviceable Land

As a general rule, land which can economically be serviced by gravity sewer will be reserved for development at urban densities.

These areas are shown marked SR (serviced residential) and SI (serviced industrial) on Map 3. Land marked SR/SI may be needed for industry or residences depending on demand.

Interim uses may be allowed on this land provided they will not obstruct its eventual conversion to urban use.

Development on Unserviceable Land

Several areas cannot economically be serviced but, because of their location and other factors, may be converted to non-farm use.

These areas are shown marked UR (unserved residential), UI (unserved or semi-served industrial) and HC (highway commercial) on Map 3.

Interim uses may be allowed on this land provided they will not obstruct its eventual conversion to urban use.

Existing Approvals Honoured

There are a few places where this plan calls for one land use but the property already has subdivision or development approval or land use classification for a different use. In these cases the previous approval or classification will over-ride this plan, but if an approval expires without being used, it will not be renewed.

Area Structure Plans Required

Before any land in the plan area is subdivided or developed, an Area Structure Plan (ASP) must be prepared, showing how the proposed development will fit in with surrounding land uses, and how it will be served by roads and utilities. The draft ASP will be circulated to adjacent landowners, utility companies, the school boards, and regulatory agencies in the same way as a subdivision application, and their comments and recommendations will be taken into account before the ASP is adopted by bylaw.

An ASP will not be required for small scale developments such as the construction of a new farm house or the first-parcel subdivision of a yard site.

Agricultural Land Uses

Much of the land in the plan area will remain in farm use for the foreseeable future. As far as possible, farming should go on as it has in the past. However, intensive livestock operations (defined in Appendix 2) will be subject to some controls.

Within one mile of the City boundary, no new intensive livestock operations will be allowed.

Existing intensive livestock operations are grandfathered regardless of change of ownership. They may expand, and may convert to other types of intensive livestock operations, subject to the public health regulations, Alberta Agriculture's Code of Practice, and the County's land use bylaw.

The spreading of manure in new areas will be controlled by the County through the development control process.

These rules will not prevent the grazing of livestock anywhere in the plan area.

At present, some farm buildings do not require a development permit. This could lead to buildings being constructed on land needed for a future road or utility lines, so within the plan area, all new farm buildings on permanent foundations will require development permits.

Advertising Signs

The County will not allow any new commercial signs within 3 km of the City limits without all provincial approvals in place.

The County will support the Province's efforts to remove all illegal signs.

Protecting the City's Water Supply

The City's water supply comes from Coal Lake, which is fed by Pipestone and Bigstone Creeks. It is vital to protect the quality of this water.

The County will control development in the watershed to protect the City's water supply. Specifically, it will examine any application for an intensive livestock operation for its effect on water quality, and will require changes in the application to protect water quality. The County will also control development on the banks of Coal Lake to prevent erosion, siltation, and the entry of contaminants.

It may be necessary to raise the level of Coal Lake to store more water. The County will not allow any development around the lake which may interfere with raising the water level. Specifically, no permanent buildings will be allowed lower than five metres above the present weir elevation.

Future Road System

Present County roads will form the backbone of an expanded urban road system. These roads need to be widened to at least 24 and possibly 30 metres.

Road widening will be acquired as the opportunity arises. In other places, new road rights-of-way will be needed. Some of these are shown on Map 4. In all likelihood, these roads will not be needed for many years, until the owners choose to develop the land. At that time the City will negotiate a route with the owners. If a road must be built sooner, its alignment will accommodate existing land uses.

Other roads may be added later by amending this plan.

The County will use its development control powers to prevent building on land required for future roads. These roads will be identified in Area Structure Plans for each quarter section.

Building setbacks will be calculated from the future, widened right-of-way.

Road Priorities

Road construction priorities will be set jointly by the two municipalities as part of their capital budgeting process.

Cost Sharing for Road Construction

The municipalities may share the cost of improving roads in the plan area which benefit both City and County, These roads will be identified from time to time by Councils and cost sharing will be negotiated on a case-by-case basis.

Cost Recovery when Land is Annexed

Where municipal infrastructure has been built at County cost, and the land is annexed into the City, the City will reimburse the County for the depreciated value of the improvements based on their remaining life expectancy.

Cost Recovery when Land is Developed

When a road along the municipal boundary is improved, it benefits the landowners on both side of the road, but it is difficult for the road authority to recover its costs immediately from the landowner in the other jurisdiction. As far as is possible under current legislation, the municipalities will recover this cost from the benefitting land when it is developed.

Annexation

The land shown on Map 1 will not automatically be annexed.

Land should remain in whichever municipality is best able to provide services to it and its owners. As a general rule, farmland should be in the County, and land which is subdivided to urban densities, or which requires municipal water and/or sewer, should be in the City.

The City will not attempt to annex any land until there is a legitimate proposal for development to urban uses or requiring urban services. A proposal will be considered legitimate when the owner has been granted subdivision or development approval. When this pre-condition is met, the County will not object to annexation.

Development Standards on Land to be Annexed

When the County approves a subdivision or development on land which is likely to be annexed in the near future, it will require that infrastructure is constructed to City standards.

Implementation by County

The land use policies in this plan will be implemented by the County by setting up a new district under the land use bylaw.

Referrals

The County will notify the City of all subdivision and development proposals and all applications for amendments to the land use bylaw or statutory plans in the plan area. If the proposal is compatible with the plan, the City will offer no objection. If the proposal is not compatible with the plan, and the two municipalities do not agree to change the plan, the County will refuse the application.

The City will notify the County of all proposed subdivisions and developments on land adjacent to the municipal boundary. If the proposal is compatible with the plan, the County will offer no objection. If the proposal is not compatible with the plan, and the two municipalities do not agree to change the plan, the City will refuse the application.

The two municipalities will develop written referral procedures covering rezoning, subdivision, and development applications. The details will be agreed between the two CAO's without requiring a formal amendment to this plan.

The County will not change the zoning designation, as it now exists, on NE 3-46-24 and the lands northwest of the railway on NE and NW 2-46-24 without consultation with the City.

Appeals

A person whose subdivision or development proposal is turned down under this plan has the right to appeal to the County's Subdivision and Development Appeal Board (SDAB). In

some cases, neighbours also have a right of appeal. As noted earlier, the SDAB must conform to this plan when considering a subdivision appeal (section 680 MGA) and must have regard for this plan when considering a development appeal (section 687 MGA).

The SDAB will not have jurisdiction where a provincial interest is at stake, in which case the appeal will be held by the Municipal Government Board (MGA s.678(2)(a)).

Staff of both municipalities are encouraged to make a joint or agreed presentation to the appeal boards.

Dispute Resolution

The Municipal Government Act (section 631) requires that an intermunicipal development plan contain a dispute resolution mechanism.

If this plan needs to be interpreted, or in case of any dispute, the matter will be referred in the first instance to the standing joint committee consisting of three City and three County councillors.

If the standing joint committee cannot reach agreement, a joint meeting of the two councils will be held within 30 days, and if this meeting achieves agreement, the decision is binding.

If the two councils cannot reach agreement, the Minister of Municipal Affairs will be requested to appoint a mediator acceptable to both municipalities. The costs of mediation will be borne equally by both municipalities regardless of the origin of the dispute or the results of the mediation.

Amendment

A person may apply to have this plan amended by filing notice with either municipality. The details of the amendment process will be worked out by the CAOs of the two municipalities. Provided it is consistent with the Municipal Government Act, the amendment process may be changed without requiring a formal amendment to this plan.

Duration

This plan remains in effect for 20 years or until repealed by both councils. It will be formally reviewed every five years, or earlier if this is requested by either municipality.

Force-Majeure

Any part of this plan which is contrary to provincial legislation or regulations made under legislation is void, but the plan may contravene the provincial Land Use Policies as long as those Policies are written as merely advisory.

Supercedure of Previous Agreement

This plan supercedes the Memorandum of Agreement between the City and County dated 10 August 1992.

On behalf of the
City of Wetaskiwin:

On behalf of the
County of Wetaskiwin:

Original Signed

Mayor

Original Signed

Reeve

Original Signed

City Manager- Clerk

Original Signed

County Manager

This appendix is for information only. It does not form part of the Intermunicipal Development Plan.

Appendix 1: Setbacks required by provincial legislation

Sewer lagoons: Schools, hospitals, food establishments, and residences are not allowed within 300 metres of the working area of a sewer lagoon. The working area is the surface of the lagoon, not the parcel boundary. (Subdivision Regulations, section 12)

Similarly, a sewer lagoon cannot be built or expanded within these distances of an existing school, hospital, food establishment, or residence. (Subdivision Regulations, section 12)

This setback may be waived by the Deputy Minister of Environmental Protection.

Landfills: Schools, hospitals, food establishments, and residences are not allowed within 300 metres of the operating or non-operating disposal area, or 450 metres of the current or future working area, of a landfill. (Subdivision Regulations section 13)

Similarly, a landfill cannot be built or expanded within these distances of an existing school, hospital, food establishment, or residence. (Subdivision Regulations, section 12)

The drilling of wells within 500 metres of an active or closed landfill is controlled by the Nuisance and General Sanitation Regulation, section 18 (Public Health Act).

These setbacks may be waived by the Deputy Minister of Environmental Protection.

Highways: Most subdivisions within 800 metres of a rural highway require the approval of Alberta Transportation if the speed limit on that stretch of highway is 80 km/h or more. (Subdivision Regulations, section 14)

Airports: No structures are allowed higher than a surface rising at a gradient of 1:7 from the sides of the basic strip, or 1:40 from the ends of the basic strip. (Transport Canada, Land Use in the Vicinity of Airports, Cat TP 1247E)

Land uses affected by the noise of aircraft are regulated by the same document.

Land uses which may affect flight operations due to smoke, glare, electromagnetic emissions, or the attraction of birds are also regulated.

- Flood risk: It is standard practice not to allow buildings on land which has a 1% per year probability of flooding. While municipalities may allow such buildings, it is difficult for the owners to get insurance or CMHC funding.
- Sour gas: Application for subdivision or development within 1.5 km of a sour gas facility must be referred to the Alberta Energy and Utilities Board (AEUB), and must not be approved unless it conforms to AEUB's setback requirements. (Subdivision Regulations, section 9)
- Other oil & gas: Development must not be approved within 100 metres of an oil or gas well without the approval of the AEUB. (Subdivision Regulations, section 9)
- Abandoned wells: AEUB recommends that no buildings be constructed within 5 metres of abandoned wells.

This appendix is for information only. It does not form part of the intermunicipal development plan.

Appendix 2: Intensive Livestock Operations

Alberta Agriculture publishes a *Code of Practice for the Safe and Economical Handling of Animal Manures*. The Code is relevant to this plan in three ways.

First, it defines an intensive livestock operation (ILO) as operations larger than the following sizes:

Type of operation	Minimum size considered to be intensive
Beef feeder	300 head
Dairy	All
Farrow to finish piggery	30 sows
Farrow to wean piggery	50 sows
Feeder piggery	300 feeders
Veal	100 calves
Horses (PMU)	75 mares
Poultry (broilers)	10,000 sq ft
Poultry (breeders)	500 birds
Poultry (layers)	5,000 birds
Poultry (turkey broilers)	3,000 birds
Sheep	650 ewes
Other, including fur animals	Discretionary*

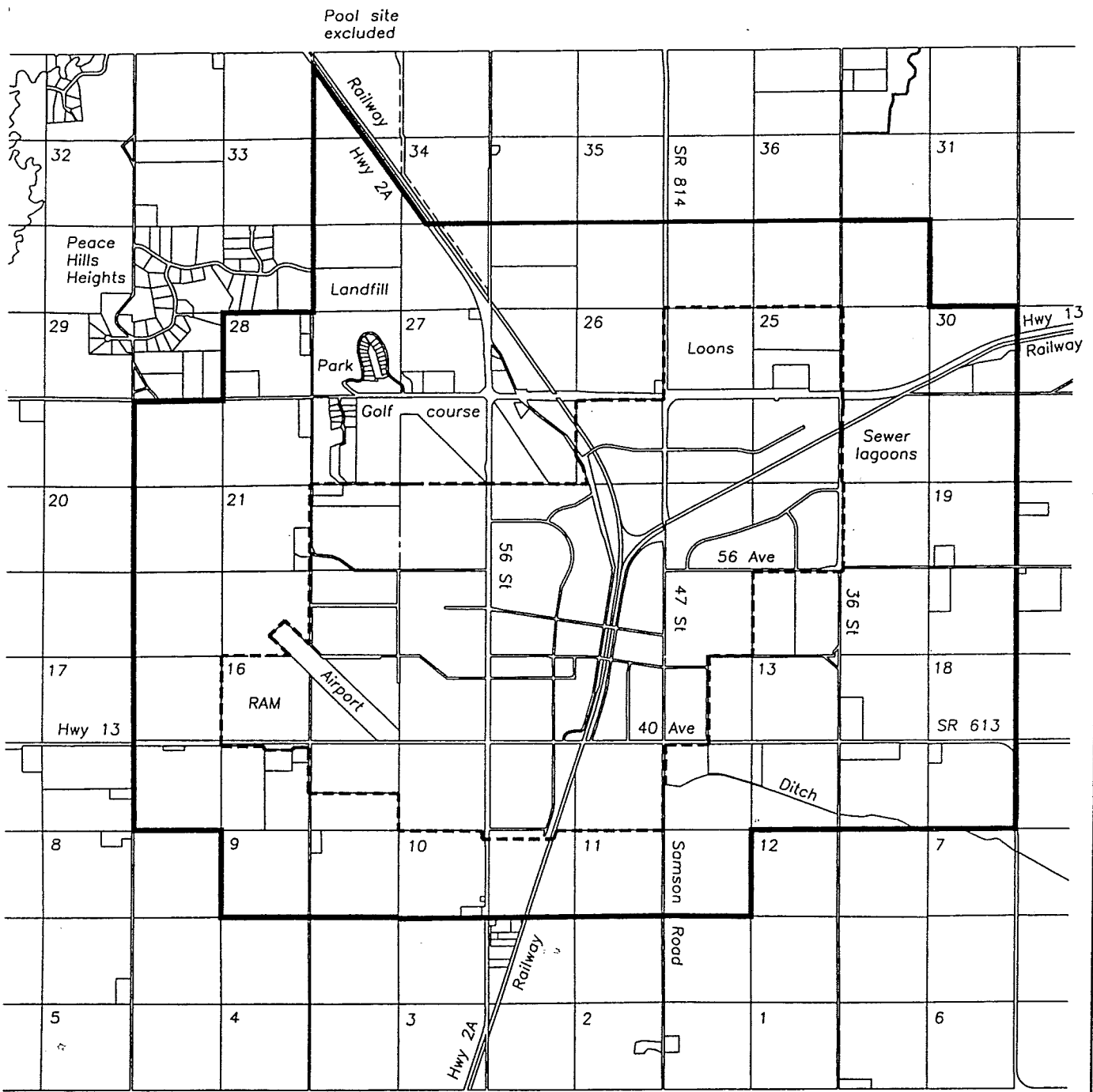
* For the purposes of this document, all fur operations are considered intensive.

Operations smaller than this are not considered intensive. Cow-calf operations and winter feeding sites are also not considered intensive.

Second, the Code of Practice sets out the minimum distance separation (MDS) between an ILO and neighbouring residences. This distance depends on the size of the operation, the type of livestock, and the density of residential development: multiple lot residential areas must be further away than isolated houses.

Third, the Code of Practice sets out the land base required to safely dispose of manure.

The County of Wetaskiwin uses the Code of Practice when making decisions on new or expanded ILOs. Also, many financial institutions will lend money for an ILO only if it meets the Code.



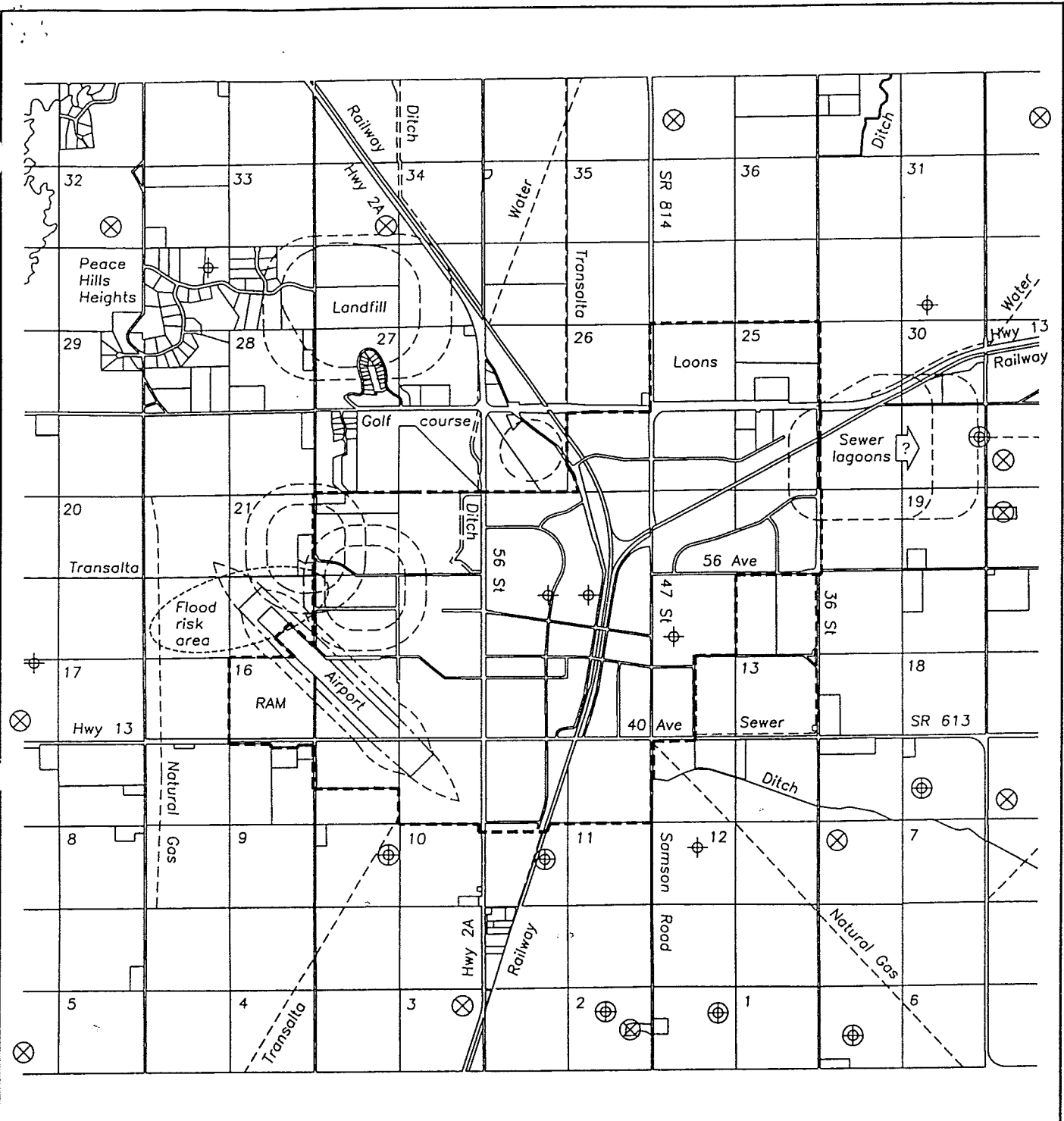
**City and County of Wetaskiwin
Intermunicipal Development Plan
Map 1**

Plan Area

The plan applies to all land inside the bold line

Land in the plan area will not automatically be annexed
and may never be annexed





**City and County of Wetaskiwin
Intermunicipal Development Plan
Map 2**

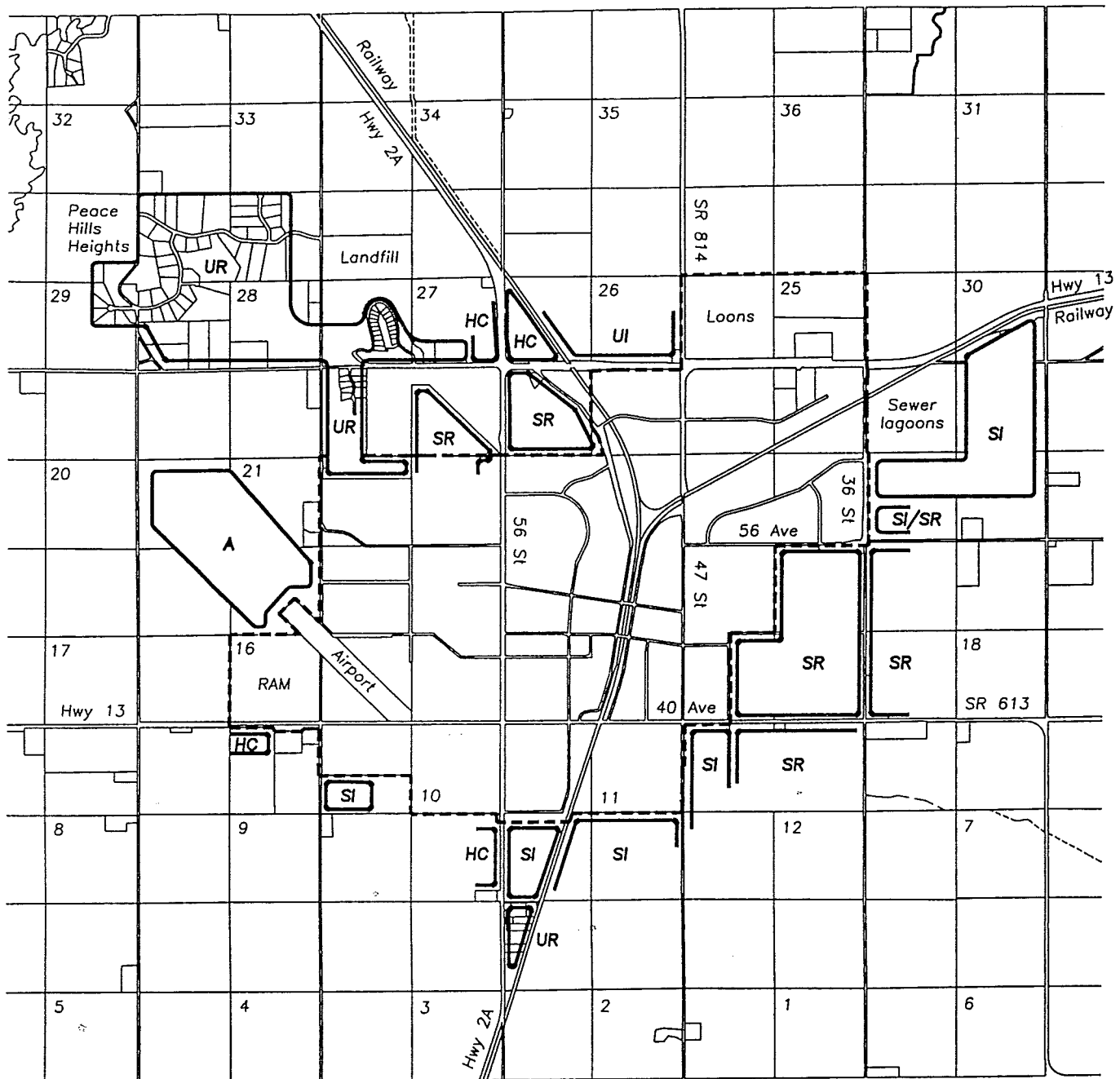
Constraints on Development

- ⊗ Oil/gas wells
- ⊕ Abandoned wells
- ⊗ Intensive livestock operations

- Pipelines and utility lines
- - - - - Setback from lagoons, landfills and fur farm
see text for distances and controls

Lines around the airport show the 15m height limit and the 30 NEF line for a 5,000 foot runway

Two setbacks are shown from landfills. The inner line is 450m from the disposal area. The outer one is 500m from the parcel boundary.



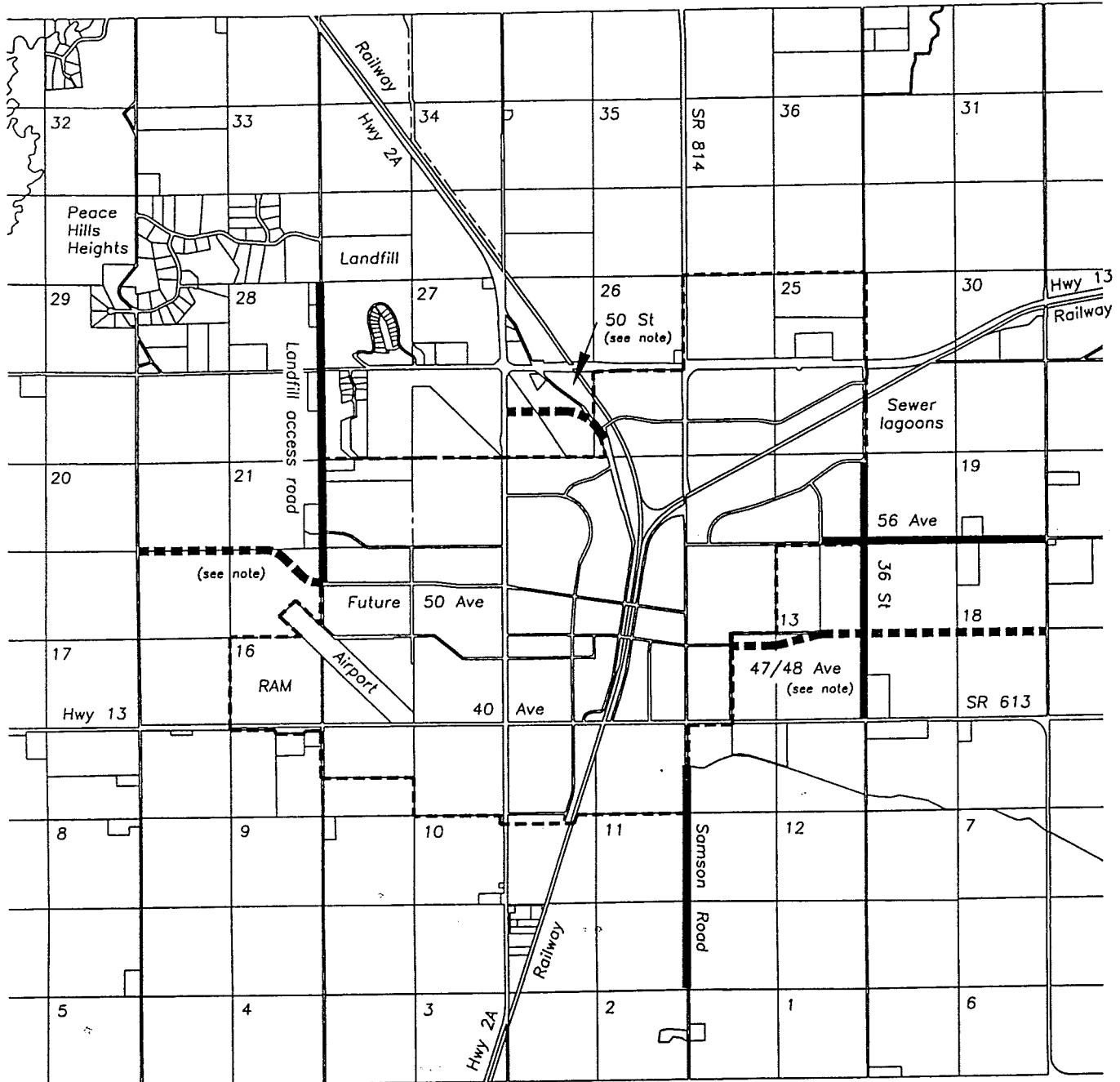
**City and County of Wetaskiwin
Intermunicipal Development Plan
Map 3**

Long Term Land Uses

- SR Serviced Residential **
- SI Serviced Industrial **
- A Airport Related
- UR Unserviced Residential
- UI Unserviced Industrial **
- HC Highway Commercial

Land not otherwise marked will probably stay in its present use for the foreseeable future

** Possibly with commercial frontage along major roads



**City and County of Wetaskiwin
Intermunicipal Development Plan
Map 4**

Roads in the plan area which will be improved, widened, or realigned

- Existing roads to be widened or improved
- - - - -** New roads required

The County will protect the required right-of-way through its development control authority

Note: road alignments will be negotiated with landowners to ensure that they do not interfere with ongoing farm operations