

MOUNTAIN VIEW COUNTY

BYLAW NO. 04/18

TO AMEND MUNICIPAL DEVELOPMENT PLAN BYLAW NO. 09/12

Mountain View County
Province of Alberta

Bylaw No. 04/18

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO AMEND THE MUNICIPAL DEVELOPMENT PLAN, BYLAW NO. 09/12

SECTION 1 - AUTHORITY

- 1.1 Section 632(1) of the *Municipal Government Act*, as amended from time to time, requires a municipality to adopt a Municipal Development Plan bylaw.
- 1.2 Section 191 of the *Municipal Government Act*, as amended from time to time, provides that statutory plans may be amended by bylaw from time to time.

SECTION 2 - AMENDMENTS

- 2.1 In this Bylaw, unless the context otherwise requires:

To delete Section 1.3 Hierarchy of Plans and replace with the following:

1.3 Hierarchy of Plans

The Municipal Government Act (MGA) delegates the responsibility for land use planning to municipalities (Part 17 – Planning and Development). The MGA identifies a hierarchy of plans that must be consistent with one another and states which plan(s) shall prevail when there are inconsistencies between plans. Statutory plans provide guidance to the municipality and the developer to a logical process for the ultimate development and management of land. The MGA identifies what each statutory plan must address and what each statutory plan may provide for.

Intermunicipal Development Plans

Intermunicipal Development Plans (IDP) are the highest statutory plans that municipalities must develop and adopt by bylaw with neighbouring municipalities. If there is any conflict or inconsistency between IDPs and any other statutory plans, the IDPs prevail. IDPs are prepared, adopted and administered jointly between municipalities with shared boundaries and have shared interests. The County has five (5) IDPs with neighbouring municipalities which includes the Towns of Sundre, Olds, Didsbury, Carstairs and the Village of Cremona. Five (5) IDPs are required with our neighbouring rural municipalities which includes Clearwater County, Kneehill County, MD of Bighorn No. 8, Red Deer County and Rocky View County.

Municipal Development Plans

The Municipal Development Plan (MDP) provides a broad land use framework that includes high-level policies for the entire County. As required by the MGA, the MDP is a mandatory statutory plan that must be adopted by bylaw.

Area Structure Plans and Area Redevelopment Plans

Other tools for a municipality to provide a more detailed level of planning are Area Structure Plans (ASP) that are generally prepared for undeveloped land within the municipality. Alternately, Area Redevelopment Plans (ARP) are generally prepared for areas of a municipality that have previously developed and are looking to intensify or change the character of the development. These plans are also statutory plans adopted by bylaw. These plans provide a framework for subsequent subdivision and development and may include an area of any size the Council determines appropriate.

Area Structure Plans and Area Redevelopment Plans adopted by MVC shall be consistent with the higher statutory document, the Municipal Development Plan and the highest statutory document the Intermunicipal Development Plan. If any inconsistencies arise, the highest statutory plan prevails. In addition to addressing the MGA requirements, MVC may require Area Structure Plans and Area Redevelopment Plans to include all or some of the following information to guide future land use and development:

- A description and/or evaluation of the plan area utilizing the following factors: natural resources; existing land use; ownership; existing development; topography; agricultural capability; soil; vegetation; environmental sensitivity and significance; geotechnical considerations; archaeological and historical considerations; existing utilities and transportation routes; and adjacent land uses; and
- A land use concept which includes a future land use scenario; a scenario for the accommodation and/or integration of existing development; reserve areas (municipal/environmental); main transportation routes; provision of utilities; anticipated improvements to existing infrastructure necessary to serve the future land use scenario; population densities and population projections; phasing of development; and constraints to development. In circumstances where landowners, developers or parties other than the County propose and/or prepare an Area Structure Plan or Area Redevelopment Plan, the County may require a due diligence study in the form of a market analysis/assessment to verify and provide justification for proposed land uses, densities and servicing. The ability to prepare Area Structure Plans or Area Redevelopment Plans must be approved by Council first, prior to landowners, developers or parties other than the County proceeding with them.

Relationship of Plans

The IDP(s), MDP, ASP(s) and ARP(s) are statutory plans; therefore, the adoption process for each plan must include a public consultation process to allow any person who may be affected by the adoption of the plan to make suggestions and representations. The public, including school divisions, must be notified of the plan preparation process, and in the case of the MDP or an ASP that abuts another municipality, the adjacent municipality(ies) must be notified.

The Municipal Government Act (Section 638) states that if conflict or inconsistency arise between statutory plans the higher statutory plan(s) prevail. If conflict or inconsistency arise between statutory plans or a land use bylaw and an ALSA regional plan, the ALSA regional plan prevails.

Concept Plans

The Municipal Government Act also allows for the development of concept plans to obtain greater detail of the proposed development and its future impact on adjacent lands, as well

as to demonstrate how this individual application complies with any applicable ASP or ARP; the MDP and any applicable IDPs. Mountain View County has determined that concept plan preparation shall be tied to the scope and intensity of proposed development and shall include a public consultation process.

Council, with recommendations from administration, shall give direction to applicants to prepare a concept plan. Concept plans may be a requirement to accompany redesignation and subdivision applications for developments that contain multiple phases and for developments that are within an Area Structure Plan and/or Area Redevelopment Plan. In certain circumstances, where an Area Structure Plan and/or Area Redevelopment Plan is not necessary given the scale of the proposed development, a concept plan may be required. Concept plans should not precede the preparation of Area Structure Plans and/or Area Redevelopment Plans within the identified growth centres and the Economic Growth Nodes.

These plans shall document the existing situation of the plan area as well as relevant development considerations. These plans shall be developed to a minimum scale of the proposed development area, with larger applications including a minimum scale of the quarter section, and should require additional supportive information including but not limited to: servicing study, geotechnical assessment, traffic impact assessment, stormwater management plan, biophysical assessment and preliminary engineering plans and specifications.

To delete Chart 1 – Hierarchy of Plan and Planning in Mountain View County and replace with, as shown in Schedule “A”.

To delete policy section 10.3.7 and replace with the following:

- 10.3.7 Subject to Section 664 of the Municipal Government Act, environmental reserve may be taken by the County without compensation at the time of subdivision if it consists of:
- a. a swamp, gully, ravine, coulee or natural drainage course;
 - b. land that is subject to flooding or is, in the opinion of the subdivision authority, unstable; or
 - c. a strip of land, not less than 6 metres in width, abutting the bed and shore of only one or more of the following purposes:
 - i. preserving the natural features of a, b or c above;
 - ii. preventing pollution of the land or of the bed and shore of an adjacent body of water;
 - iii. providing public access to and beside the bed and shore of a body of water lying on or adjacent to the land; or
 - iv. to prevent development of land where, in the opinion of the subdivision authority, the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land.

To delete the preamble in Section 12.0 Intermunicipal Issues and replace with the following:

There are five urban municipalities located within MVC: Carstairs, Cremona, Didsbury, Olds, and Sundre and five rural municipalities that share boundaries with MVC: Clearwater County, Kneehill County, MD of Bighorn No. 8, Red Deer County and Rocky View County. It is very important that MVC works cooperatively with neighbouring municipalities to plan for regional issues including transportation, servicing and recreation, as well as other issues such as fire, ambulance, education and library services.

To delete Objective 12.2.1 and replace with the following:

12.2.1 To regularly review Intermunicipal Development Plans that will address issues of mutual concern between MVC and the neighbouring municipalities.

To delete policy section 12.3.1 and replace with the following:

12.3.1 MVC shall develop and review Intermunicipal Collaboration Frameworks (ICFs) with all neighbouring municipalities as required by the Municipal Government Act.

To delete policy section 12.3.2 and replace with the following:

12.3.2 MVC shall monitor and update as necessary the Intermunicipal Development Plan with each neighbouring municipality.

To delete Environmental Reserve definition from Appendix A Glossary and replace with the following:

Environmental Reserve

In accordance with Section 664 of the Municipal Government Act a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel as environmental reserve if it consists of

- a swamp, gully, ravine, coulee or natural drainage course;
- land that is subject to flooding or is, in the opinion of the subdivision authority, unstable; or
- a strip of land, not less than 6 m in width, abutting the bed and shore of any body of water for only one or more of the following purpose:
 - to preserve the natural features of preventing pollution of the land or of the bed and shore of an adjacent body of water;
 - to ensure public access to and beside the bed and shore of a body of water lying on or adjacent to the land;
 - to prevent development of the land where the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land.

To add Intermunicipal Collaboration Frameworks definition to Appendix A Glossary:

Intermunicipal Collaboration Frameworks

In accordance with Section 708 of the Municipal Government Act an Intermunicipal Collaboration Framework is between 2 or more municipalities to: a) provide for the integrated

and strategic planning, delivery and funding of intermunicipal services; b) to steward scarce resources efficiently in providing local services; and c) to ensure municipalities contribute funding to services that benefit their residents.

SECTION 3 - EFFECTIVE DATE

3.1 This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*, as amended from time to time.

Received first reading February 14, 2018

Received second reading _____

Received third reading _____

Reeve

Chief Administrative Officer

Date of Signing

Schedule "A"

Chart 1
Hierarchy of Plans and Planning Process in Mountain View County

