

Proposed Planning Referral and Dispute Resolution Agreement Between Chestermere and Calgary

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2014

1.0 Planning Referrals

1.1 Context

As a result of recent annexations by both The City of Calgary and the Town of Chestermere, the two urban municipalities now share a common border (see Map #1). This provides the opportunity to put in place a strong working relationship between Calgary and Chestermere. In particular, the mutual referral of planning applications, policy plans, studies and other information is essential to inform each other of these activities. In addition, through effective communication, potential impacts and conflicts can be avoided.

1.2 Intermunicipal Referrals

The following that occur partially or wholly within the Circulation Agreement Area (Map #1) will be circulated to all municipalities who are signatory to this Circulation Agreement:

- 1.2.1 Statutory and non-statutory plans and proposed amendments to such plans;
- 1.2.2 applications for land use redesignation and subdivision;
- 1.2.3 disposition of environmental, municipal and/or school reserves, environmental easements, public utility lots and/or road allowances; and
- 1.2.4 all applications for development permits, including renewals for the following:
 - a) intensive agricultural operations;
 - b) natural resource extraction;
 - c) landfills;
 - d) discretionary uses along intermunicipal entranceways;
 - e) commercial, industrial or business development;
 - f) institutional development; and
 - g) residential development.

Subject to agreement between both municipalities, items may be added to or deleted from the preceding circulation lists without need to amend this agreement.

1.3 Referral Responsibility

The respective administrations of both municipalities shall decide which Department(s) is to be responsible for responding to inter-municipal planning referrals. Typically the review and response to inter-municipal planning referrals will be coordinated through the Planning Department of each municipality. The respective municipalities' administrations shall refer any available planning

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information with respect to lands within the Circulation Agreement Area that might be requested by any other municipality.

1.4 Circulation Time Periods

Unless otherwise agreed to by the administrations of both municipalities, the responding municipality shall have thirty days from date of receipt to reply to any inter-municipal circulation provided for under this Circulation Agreement. Every effort should be made to refer the application to the other municipality as early as possible, preferably before first reading, where applicable. Both municipalities commit to ongoing consultation where amendments have been made to the application after the original inter-municipal circulation.

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

2.0 Enhanced Communications and Collaborative Planning

2.1 Conrich Road Corridor Circulation

This provision allows for more up-front discussions with the key stakeholders in the interface area (see Map#1) where greater collaboration is desired by either municipality. An Outline Plan / Land Use Amendment application within an interface area is encouraged to gather broader input into the formulation of concept plans in order to reflect the issues of both jurisdictions.

2.1.1 This collaboration can include but is not limited to themed meetings, workshops and site visits. It should involve representatives of adjacent municipalities and may include landowners within adjacent jurisdictions.

2.1.2 The intermunicipal circulation period can be extended in order to accommodate a collaborative planning process.

2.1.3 The outcomes of the collaboration can be included with the circulation to indicate how the proposed development utilized the input in their design.

3.0 Dispute Resolution

The City of Calgary and the Town of Chestermere will arrange to maximize opportunities for discussion to resolve areas of disagreement on intermunicipal referrals (identified in section 1.2) early in the process in order to minimize the

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need for formal mediation. A review by the Intermunicipal Committee (IMC) should occur prior to a proposal proceeding to Planning Commission.

3.1 Intermunicipal Committee Review

In the event that intermunicipal referrals are unable to be addressed through administration review, then the matter may be resolved at Intermunicipal Committee (IMC) in the following manner:

- 3.1.1 In advance of the IMC, the host municipality will ensure that information on the particular issue is made available to both municipalities. The host municipality will clarify any questions or comments that were raised by the responding municipality.
- 3.1.2 During the IMC, the Committee will hear the perspectives of both municipalities. This may include, but is not limited to, presentations from Administration including subject matter experts if required.
- 3.1.3 If the matter is unable to be resolved at IMC then the Committee may conclude that no agreement could be reached and direct the matter to each Municipal Council.
- 3.1.4 If the two Municipal Councils cannot reach an agreement on the proposal, then they should consider referring the matter to a mediation process so that a solution can be found.

3.2 Mediation

The mediation process shall only be initiated by Municipal Councils, with the following requirements:

- 3.2.1 Appointment of an equal number of representatives from both municipalities to participate in the mediation process;
- 3.2.2 An impartial mediator agreed to by both municipalities and at equal cost to both;
- 3.2.3 Approval of a schedule which includes the times and locations of meetings and a deadline by which the mediation process is to be completed agreed to by both municipalities; and
- 3.2.4 The initiating municipality should not give approval in the form of second or third reading until mediation has been concluded.

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If no mediated agreement can be reached or if a mediated agreement is not approved by both Municipal Councils, then the appeal process on referral applications may be initiated.

3.3 Appeal

If the initiating municipality passes a bylaw to implement the proposal, then the responding municipality may appeal that action to the Municipal Government Board in accordance to the provisions outlined in Section 690 of the Municipal Government Act (MGA). The responding municipality must file a notice of appeal with the Municipal Government Board and provide a copy of the appeal notice to the initiating municipality within thirty (30) days of the approval of the disputed bylaw.

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