

Terms of Reference
Context Study for Joint Planning Area - 3
Town of Okotoks and Foothills County

Approved:

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1 Introduction

The Town of Okotoks and Foothills County have a long history of collaboration in land use planning and service delivery. The current Intermunicipal Development Plan (IDP) promotes coordinated planning of the interface area along their boundaries and provides a framework for communication and collaboration. Additionally, the two municipalities have pursued a number of joint projects to create efficiencies and equitable sharing of costs in providing services to the residents of both municipalities.

The Calgary Metropolitan Region Board (CMRB) Growth Plan, now in effect, has created an obligation for the two municipalities to undertake a joint Context Study to address the coordination of land use and servicing for a large area that comprises lands in both the Town and the County, known as Joint Planning Area 3 (JPA3).

2 Purpose

This Terms of Reference will guide the process for preparing a Context Study for lands within Foothills County and the Town of Okotoks that have been identified in the Calgary Metropolitan Region (CMR) Growth Plan as Joint Planning Area 3 (JPA3). The Terms of Reference will be implemented in concert with the Engagement Strategy that will be developed in accordance with both municipalities' public participation policies.

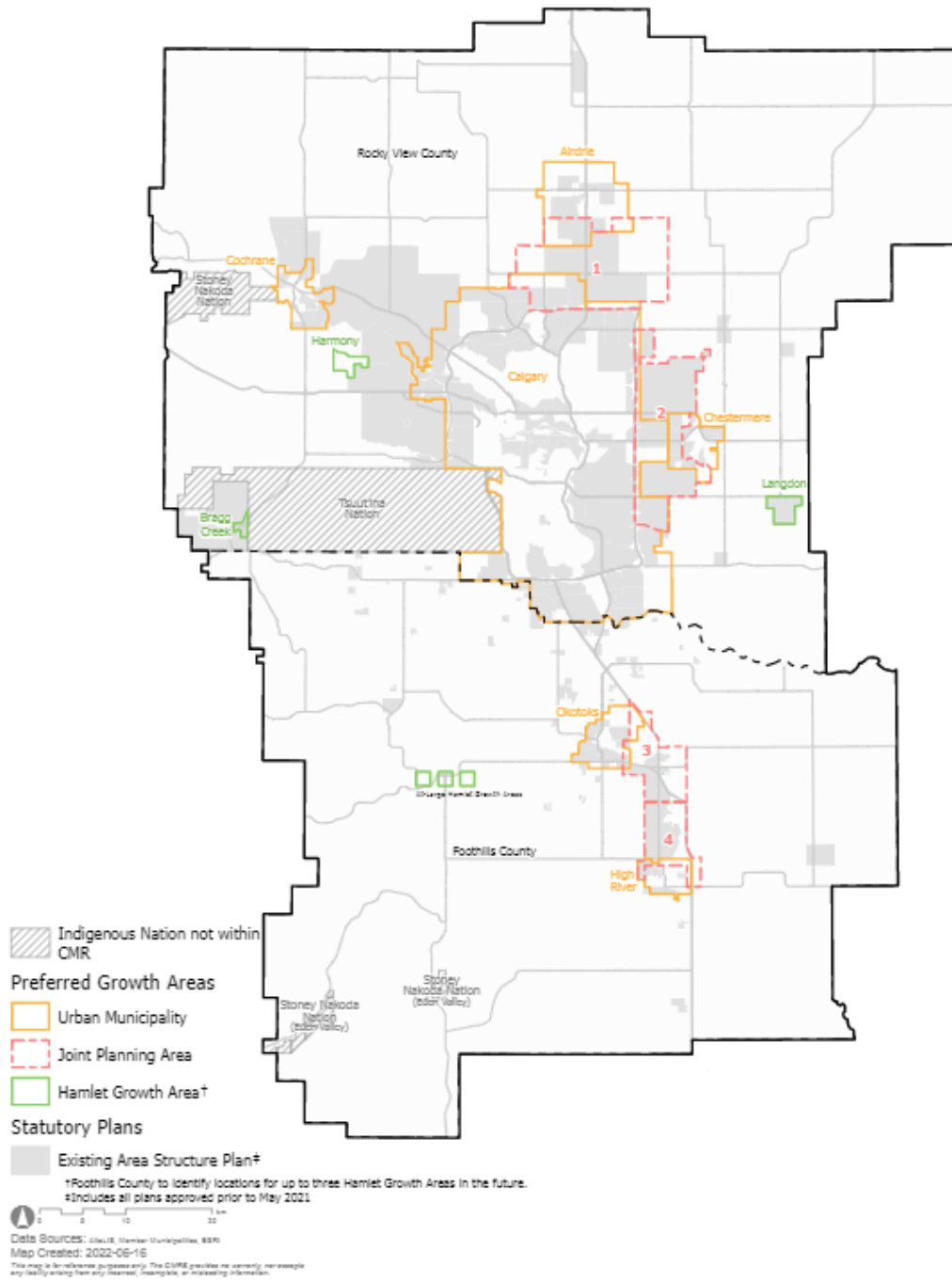
3 Background/Rationale

The Town of Okotoks and Foothills County are members of the CMRB, which was established by the Province of Alberta in 2018 with the approval of the CMRB regulation. As per the regulation, members were mandated to work together to prepare a Growth Plan and Servicing Plan to promote an integrated and strategic approach to planning for future growth in the region.

On May 21, 2021 the CMRB approved a Growth Plan for the region. The Minister of Municipal Affairs subsequently approved the Plan on July 11, 2022 through Ministerial Order 064/22. The Order indicated that the Growth Plan was to take effect on August 15, 2022. The Growth Plan identifies a number of Preferred Growth Areas throughout the region where the majority of future population and employment growth is to be directed. The Preferred Growth Areas include all lands within urban municipalities, hamlet growth areas within rural municipalities and four Joint Planning Areas (JPA) that each include lands in two or more municipalities. Figure 1 contains the CMR Regional Growth Structure map from the Growth Plan, which illustrates the Preferred Growth areas in the region.

The Growth Plan requires that the municipalities who are part of the JPA's develop a joint Context Study. The Context Studies for the four JPAs must be completed within 3 years of Ministerial approval of the Growth Plan, no later than August 15, 2025.

Figure 1 – CMR Regional Growth Structure



Schedule 1: Regional Growth Structure

4 Regulatory Framework

The CMRB was established through the Calgary Metropolitan Region Board Regulation (Alberta Regulation 190/2017) and has prepared a Growth Plan and Servicing Plan as directed under the regulation. The Growth Plan became effective on August 15, 2022 through Ministerial Order MSD 064/22.

The Growth Plan identifies JPA's and requires municipalities who are party to a JPA to jointly prepare a Context Study for the area. The requirements for the Context Study are outlined in Section 3.1.9.7 of the Growth Plan as follows:

A Context Study should include the following:

- a) a vision for the area;*
- b) a servicing strategy for water, wastewater, and stormwater;*
- c) a transportation and mobility plan identifying the designation of key future transportation corridors, including major roads with regional connections, regional transit corridors and Transit Ready Corridors for Transit Oriented Development, and pathways and active transportation networks;*
- d) strategies to address intermunicipal environmental issues;*
- e) strategies to equitably share costs and benefits associated with the development of the Joint Planning Area and its services such as fire, police, recreation, transportation and utilities;*
- f) strategies to provide efficient and logical servicing, incorporating shared servicing to the greatest extent possible;*
- g) a general land use plan that aligns the servicing strategy with future development areas. The general land use plan shall identify the location of Placetypes as defined and regulated in the Growth Plan and may identify non-development areas that are reserved for long-term growth, Agriculture, and/or environmental protection;*
- h) a land use statistics table based on the land use plan identifying the amount of land, and required densities allocated to various Placetypes as defined in the Growth Plan; and*
- i) sequencing of developments, including strategies to ensure that development occurs in an orderly manner, maximizing the efficiency of servicing.*

5 Project Administration

Preparation of the context study is to be undertaken jointly by Foothills County and the Town of Okotoks. It will involve the participation of both municipal councils, the Town of Okotoks and Foothills County Intermunicipal Committee (IMC) and staff from both municipalities.

5.1 Municipal Councils

The municipal councils of the Town of Okotoks and Foothills County will ultimately be responsible for approving the Context Study for submission to the Board. Any expenditures of municipal funds related to the project, including authorization of Administration to hire technical consultants within approved budgets, will require approval from the municipal Councils in consideration of recommendations from

IMC. Any budget requests will include details on the rationale and proposed use of the funds being requested, including a recommendation on the proposed cost share between the municipalities.

The Councils will also have a role in the dispute resolution process and may be asked to attempt to resolve issues when the IMC cannot come to agreement in accordance with the dispute resolution process outlined in Section 10.

5.2 Town of Okotoks and Foothills County Intermunicipal Committee (IMC)

Members of the IMC will provide overall direction during the planning process including:

- At their discretion, providing authorization to Administration to hire technical consultants to support preparation of the Context Study (within the budget approved by both Councils);
- Resolving any issues that may arise, to the best of their abilities;
- Participating in the public consultation process wherever possible;
- Collaborating to provide consistent communications to their respective Councils on the progress of the Context Study and any issues that may arise; and
- Making recommendations to their respective Councils on any budget requests related to the preparation of the Context Study, including a recommended cost share.

In negotiating specifics of the Context Study, the Committee members may approach their respective Councils for guidance. Once the Context Study has been completed to the satisfaction of the IMC, the IMC will forward it to the two municipal Councils for consideration for approval by resolution.

5.3 Administration

Staff from various departments in both municipalities, with the direction of senior administration and the IMC, will be responsible for project management and for the preparation of the Context Study. Project management may include the issuing and administration of RFPs for technical studies that have been authorized by the IMC and both Councils, as well as the hiring and managing of the technical consultants.

Staff from both municipalities will design and implement public and stakeholder engagement processes as outlined in the Engagement Strategy.

Both municipal administrations will provide regular reports on the progress of the project to the IMC and Councils as required and will cooperate as directed by the IMC to ensure completion of the tasks outlined in these Terms of Reference. The workload should be allocated as equitably as possible between the municipalities.

5.4 Technical Consultants

The IMC may determine through the course of the project that technical consultants are required to support the completion of the Context Study, in which case a recommendation to allocate funds for this purpose will be provided to both Councils for approval.

6 Stakeholders

Staff from Foothills County and the Town of Okotoks have identified several groups of stakeholders who have an interest in the development of the Context Study and should be engaged at a different level than the general public. Preliminary identification of stakeholder groups includes the Town of High River, area landowners, government agencies and utility providers, indigenous partners and watershed groups (e.g. Bow River Basin Council and Highwood Management Plan Public Advisory Committee). The level of engagement that is considered appropriate for each stakeholder group as well as the timing and methods of engagement will be outlined in the Engagement Strategy for the project to be developed subsequent to the approval of these Terms of Reference. In developing the Engagement Strategy, additional stakeholders may be identified.

6.1 *Town of High River*

The Town of High River has indicated a desire to be included in the process of the development of the Context Study for JPA3. While JPA3 does not contain any lands within High River, The Town has expressed an interest in a portion of the plan area where they currently provide potable water in accordance with an existing water agreement.

Foothills and Okotoks agree that since the Town of High River's interest in the JPA3 is limited to water servicing and they do not have any lands in the study area, their involvement will be on the stakeholder level rather than on the project administration level. This will ensure that their interests are considered but will not necessitate that they allocate significant staff resources or be responsible for any of the costs to develop the Context Study.

6.2 *Study Area Landowners*

The Context Study will inform the future development of statutory and non-statutory plans and will have a significant impact on the future development of lands in the study area. It is also recognized that there are landowners in the plan area that have stewarded lands for several generations and can provide valuable knowledge and insights that may not otherwise be understood. As such, landowners in the study area will be engaged as stakeholders.

6.3 *Government Agencies and Utility Providers*

Because the Context Study will outline servicing strategies for water, wastewater, stormwater, and transportation; as well as strategies to address intermunicipal environmental issues the departments of the Provincial Government that deal with these matters will likely have an interest in the plan. Utility Providers such as AltaLink, Fortis, Atco and Telus are likely to have an interest should the two municipalities decide that the Context Study will address transmission corridors. Government agencies and utility providers will be engaged as stakeholders during the Context Study development process.

6.4 *Indigenous Partners*

Indigenous partners have a long history and deep knowledge of this area and so they will be invited to participate as stakeholders in the development of the Context Study. Details on the approach to engaging Indigenous partners and which nations will be approached will be determined through development of the Engagement Strategy in consultation with subject matter experts.

6.5 Watershed Groups

Water is our most critical resource. As Foothills County and the Town of Okotoks are located in the Bow River Basin Watershed and the Highwood and Sheep Rivers run through JPA3, it will be important to engage with the Bow River Basin Council and the Highwood Management Plan Public Advisory Committee (HMP-PAC) as stakeholders in developing the Context Study.

6.6 Additional Stakeholders

Additional stakeholders may be identified through preparation of the Engagement Strategy and the ongoing work to prepare the Context Study.

7 Decision-Making / Governance

7.1 Administration

Administration from the two municipalities will, when developing the Context Study or making recommendations, take into consideration relevant direction contained in legislation, regulations, policies, standards, strategies and plans from both municipalities, including information from any supporting studies. Every effort will be made to achieve consensus among administrations when developing recommendations for consideration by the IMC regarding the Context Study. Where consensus cannot be achieved, administration may refer the item to the IMC for discussion or may initiate the Dispute Resolution Process as outlined in Section 10.

7.2 Town of Okotoks and Foothills County Intermunicipal Committee (IMC)

Foothills County and Town of Okotoks IMC will be responsible for providing overall direction for the preparation of the study and for making decisions on most matters pertaining to the Context Study. The IMC will also be responsible for recommending the completed Context Study to both Councils for consideration of approval. As with administrations, the goal with respect to decisions related to the Context Study made by the IMC will be to achieve consensus. When consensus cannot be reached the Dispute Resolution Process should be initiated.

7.3 Municipal Councils

The Town of Okotoks and Foothills County municipal councils will each be responsible for approving the Context Study when recommended for approval by the IMC. Each Council will consider the Context Study for approval by resolution. The Context Study shall not be forwarded to the CMRB until such time as both Councils have given their approval. Should one Council approve the Context Study and the other Council refuse or postpone a decision, then the context study may be sent back to the IMC for further work or the Dispute Resolution Process may be initiated.

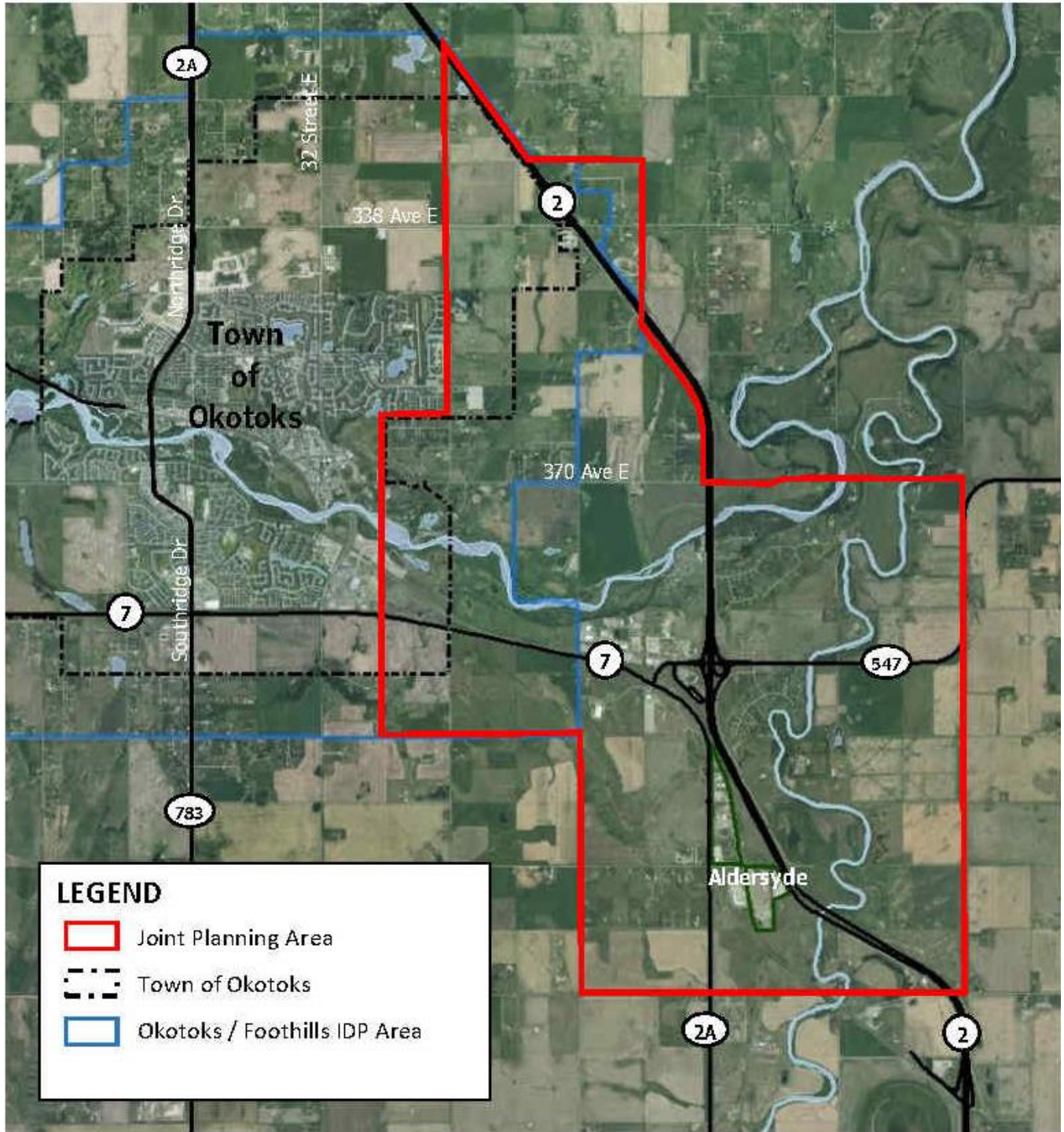
Figure 7 in the implementation section of the Growth Plan indicates that the CMRB is responsible for approving the Context Studies after they have been approved by both Councils. The process through which this is to be accomplished is not defined.

8 Context Study Area (JPA3)

As illustrated in Figure 2, JPA3 encompasses approximately 5252.5 ha (12,979 acres) of land, 4610.4 ha (11,392 acres) within Foothills County and 642.1 ha (1587 acres) within the Town of Okotoks. JPA3 extends from the northern boundary of Okotoks along Highway 2 and 2A to south of the Hamlet of Aldersyde. A significant portion of the lands within JPA3 are undeveloped; however there are a number of statutory and non-statutory plans in place that guide growth within this area. These plans include an Intermunicipal Development Plan between the municipalities, Municipal Development Plans, Area Structure Plans, Area Concept Plans and Outline Plans.

Through the process of developing the Context Study the two municipalities may determine that the boundaries of the study area should be adjusted. If this occurs it will be articulated in the final Context Study document. Once the Context Study has been approved by the CMRB, amendments to the Growth Plan maps and local Municipal Development Plans may be required.

Figure 2 – Joint Planning Area 3 Plan Area



9 Context Study Contents

9.1 Scope

The Context Study will meet the requirements of the Growth Plan as outlined in Section 4 of this document. Additional items may be included at the discretion of the IMC or the two Councils. There are elements that are listed among the requirements for the Context Study that have already been addressed by the Town and the County through existing agreements or plans. In this case the municipalities may choose to reference the agreement or plan in the Context Study rather than repeating work that has already been completed.

9.2 Project Influences

There are a number of plans, studies and policies that have the potential to influence the direction of the project. These include (but may not be limited to) the following:

- Municipal Government Act;
- Provincial Land Use Framework;
- Alberta Land Stewardship Act;
- South Saskatchewan Region Plan,
- Calgary Metropolitan Region Growth Plan and Servicing Plan;
- Bow Basin Watershed Management Plan;
- Water Management Plan for the Watersheds of the Upper Highwood and Upper Little Bow Rivers (Volume 1);
- Foothills County and Town of Okotoks IDP;
- Foothills County MDP and Town of Okotoks MDP;
- Foothills County Growth Management Strategy
- existing and proposed Area Structure Plans, Outline Plans and Area Concept Plans within each municipality;
- existing land use policies in both municipalities;
- the Town of Okotoks and Foothills County Master Shared Services Agreement;
- ongoing studies being done in support of the regional water project;
- intermunicipal transportation analysis recently completed by WATT consulting;
- Highway 2 and 338th Avenue interchange functional study being undertaken by Alberta Transportation;
- any studies jointly undertaken specifically to support of the Context Study; and
- results of the public and stakeholder engagement processes.

9.3 Guiding Principles

The following guiding principles will provide direction for the development of the Context Studies:

- Seek to understand each other's growth aspirations and respect each other's point of view.
- Find agreement on which aspects of development planning and growth are of mutual interest and which are of single jurisdictional interest.
- Provide equitable opportunity for both municipalities to grow and develop.
- Provide guidance for future planning to foster long-term sustainability and resilience as the area develops.

- Foster a holistic understanding of the opportunities and constraints within JPA3 to facilitate opportunities for more efficient use of land and optimization of existing and planned infrastructure.
- Facilitate greater opportunities for cost efficiencies through shared services.
- Provide a framework for communication and collaboration that will ultimately result in a stronger relationship between the Town and the County.
- Work together to find mutually beneficial solutions.

10 Dispute Resolution Process

The goal when making decisions regarding the Context Study will always be to achieve consensus.

10.1 Administration Committee Negotiations

When developing recommendations for the IMC regarding the Context Study every effort will be made to achieve consensus among administrations. Should an issue or issues arise where there is disagreement, the two administrations will appoint an informal committee comprised of administration from both municipalities to meet and work towards resolving concerns and reaching agreement. The discussions should utilize the following process:

- 1) identify the interests of each side (not positions).
- 2) prioritize the issues and interests.
- 3) gather any data required to make objective decisions.
- 4) create alternative solutions.
- 5) choose the preferred option(s).

10.2 Intermunicipal Committee (IMC) Negotiations

Where consensus cannot be achieved at the administrative level, a report on the issue(s) should be forwarded to the IMC for discussion. The report should describe the issue(s) in question, the interests that were identified by each administration, solutions that have been explored in an attempt to resolve the issue(s), and any outstanding items that require resolution.

After consideration of the information presented, the IMC may:

- a. provide suggestions and send the matter back to the Administration Committee for further discussion;
- b. agree on a consensus position; or
- c. conclude that no initial agreement on a consensus position can be reached

If no initial agreement can be reached, where considered necessary, and if agreed to by both municipalities, a facilitator may be engaged to help the IMC work towards a consensus position. If consensus is achieved, then the work on the Context Study will proceed on that basis.

If consensus cannot be achieved at the IMC, the issue(s) may be referred to the respective municipal councils for review and further direction.

10.3 Municipal Council Negotiations

After receiving the recommendations of the Intermunicipal Committee and the respective municipal administrations with respect to a particular issue or issues about which consensus has not been reached, each municipal Council will establish its position on the issue(s) in question and communicate it to the other. If both municipal Councils agree, then the work on the Context Study will proceed based on that position.

If the two Councils cannot agree on the issue(s), a formal mediation process may be commenced upon agreement by both Councils.

10.4 Formal Mediation:

The following will be required for a formal mediation process to be undertaken:

- a. agreement by both Councils that mediation is necessary;
- b. appointment by both Councils of a mediation committee comprised of administration from both municipalities, and where deemed appropriate an equal number of Town Councillors and County Councillors;
- c. engagement, at equal cost to both municipalities (unless otherwise agreed to by 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 times and locations of meetings and a deadline by which the mediation process is to be completed.

All participants in the mediation process will be required to keep the details of the mediation confidential until the conclusion of the mediation. At the conclusion of the mediation, the mediator will submit a mediator's report to both municipalities.

If a mediated agreement is reached, then that agreement will be recommended to both municipal Councils for ratification. Each Council 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 approval of both municipal Councils.

10.5 Voluntary Binding Arbitration

If a mediated agreement is not reached or if a mediated agreement is not approved by both municipal Councils a voluntary binding agreement arbitration process may be initiated.

The following will be required for a formal binding arbitration process to be undertaken:

- a. agreement by both Councils that arbitration is necessary;
- b. agreement by both Councils of the specific issue(s) to be determined through the arbitration process;
- c. appointment by both Councils of an arbitration committee comprised of administration from both municipalities, and where deemed appropriate an equal number of Town Councilors and County Councilors;
- d. engagement, at equal cost to both municipalities unless otherwise agreed to by both municipalities), of an impartial and independent arbitrator agreed to by both municipalities; and

- e. approval by both municipalities of an arbitration schedule, including the times and locations of meetings and a deadline by which the arbitration process is to be completed.

All participants in the arbitration process will be required to keep the details of the arbitration confidential until the conclusion of the arbitration. At the conclusion of the arbitration, the arbitration decision will be provided through an order. The arbitration decision will be binding.

10.6 Further Study

If agreed to by both Councils, the Context Study could be structured such that the unresolved issue will continue to be studied after CMRB approval of the Context Study. If this option is pursued a deadline should be provided for when the unresolved issue must be brought forward to the respective Councils for reconsideration.

11 Public and Stakeholder Engagement

The Context Study will inform the development of future statutory plans and regionally significant amendments to existing statutory plans in the study area. As such, it is important that the public is informed and afforded the opportunity to provide input to the Context Study. In addition, as outlined in Section 6 of this document, the Town and the County have identified a number of stakeholders who have specific interests in the development of the Context Study. The level of engagement as well as the form that the engagement will take will be different for the stakeholders than for the public.

Subsequent to the approval of these Terms of Reference, an Engagement Strategy for the project will be developed in accordance with both municipalities' public participation policies for approval by the IMC. This document will articulate the goals for engagement, outline the levels of engagement that will be undertaken and will describe the timing and methods of engagement that will be used.

12 Statutory Plan Approval Prior to Completion of Context Study

It is anticipated that there will be a need to be able to approve statutory plans or statutory plan amendments in the JPA in one or both of the municipalities prior to the completion of the Context Study. Both municipalities agree that it should be possible to approve these plans in the interim in accordance with the existing Foothills County and Town of Okotoks Intermunicipal Development Plan, the Growth Plan and the REF process.

13 Context Study Development Process and Project Schedule

The following table outlines the anticipated process that will be undertaken to develop the Context Study as well as a tentative schedule.

Activity	Anticipated Starting Date / Duration	Staff or other Resources Required
1.0 Collecting background information, undertaking site analysis, and identification of opportunities and constraints.		
1.1 Consolidation of municipal mapping data including existing parcels, approved statutory and non-statutory plan areas, current land use, utility infrastructure, and transportation infrastructure	Q1-Q3 2023	Municipal staff primarily from GIS and Planning.
1.2 Gathering pertinent additional mapping data including Provincial ESAs, provincially identified heritage resources, regional energy transmission corridors, and non-municipal utility infrastructure,	Q1-Q3 2023	Municipal staff primarily from GIS and Planning.
1.3 Gathering and inventory of existing technical studies for plan area including transportation studies, environmental assessments, ground water studies, historical resource assessments and wetland assessments.	Q1-Q3 2023	Municipal staff primarily from Planning and Public Works
1.4 Analysis and Identification of opportunities and constraints in study area.	Q1-Q3 2023	Municipal staff primarily from planning and public works.
2.0 Identification of any missing information, studies required etc.		
2.1 Based on mapping and inventory of existing technical studies, identify missing information and determine how gaps may be filled.	Q4 2023	Municipal staff primarily from planning and public works.

<p>2.2 (Optional) Based on 2.1 if additional technical study is required to fully understand the study area undertake process to obtain required studies. This would involve providing a recommendation to the IMC to undertake technical study along with a proposed budget. If in agreement IMC would then forward a recommendation to both Councils requesting approval of budget allocation. Administration would then be tasked with hiring and managing technical consultants with direction from IMC.</p>	<p>Q4-Q1 2024</p>	<p>Municipal staff primarily from planning and public works, IMC, and Municipal Councils.</p>
<p>3.0 Engagement Strategy</p>		
<p>3.1 In accordance with both municipal public participation policies, develop a public engagement strategy and seek approval from IMC. Once the engagement strategy is complete engagement activities will be incorporated into the project schedule as appropriate.</p>	<p>Q4 2023</p>	<p>Municipal staff primarily from Planning and Communications</p>
<p>4.0 Develop a vision for the study area and a set of objectives for the Context Study</p>		
<p>4.1 Develop a vision for the study area This process will include a stakeholder engagement process to be outlined in the Engagement Strategy.</p>	<p>Q4 2023-Q1 2024</p>	<p>Municipal staff primarily from planning.</p>
<p>4.2 Develop a list of objectives that will provide high level direction for the Context Study.</p>	<p>Q4 2023-Q1 2024</p>	<p>Municipal staff primarily from planning,</p>
<p>4.3 Submit draft vision for study area and Context Study objectives to IMC for approval.</p>	<p>Q1 2024</p>	<p>Municipal staff primarily from planning, IMC.</p>
<p>5.0 Technical Planning</p>		

5.1 Develop a draft general land use plan for the Plan Area.	– Q2 2024	Municipal Staff primarily from planning.
5.2 Develop draft servicing strategies for water, wastewater and stormwater services.	Q3 2024-Q1 2025	Municipal staff primarily from infrastructure.
5.3 Develop a draft transportation strategy	Q3 2024-Q1 2025	Municipal staff primarily from infrastructure.
5.4 Develop strategies to equitably share costs and benefits associated with development of the Plan Area	Q3 2024-Q1 2025	Municipal staff primarily senior administration in consultation with respective Councils as appropriate.
6.0 Preliminary draft of context study		
6.1 Prepare a preliminary draft of the Context Study for review by IMC	Q4 2024-Q1 2025	Municipal staff primarily from planning.
6.2 In accordance with the Engagement Strategy undertake stakeholder, and public review of draft study	Q2 2025	Municipal staff primarily from planning.
7.0 Refinement of Context Study		
7.1 Based on results of IMC review as well as stakeholder and public review, make refinements to the Context Study.	Q2 2025	Municipal staff primarily from planning.
8.0 Context Study approval process		
8.1 Once the Context Study has been refined and a final draft completed, it will be submitted to the IMC for consideration to recommend to both Councils for approval.	Q2-Q3 2024	Municipal staff primarily from planning, IMC.
8.2 Upon approval by IMC the Context Study will be taken to both municipal Councils for approval. Councils may decide to hold non	Q3 2025	Municipal staff primarily from planning, Both municipal Councils

<p>statutory public hearings prior to rendering a decision. The Councils may approve the Context Study as recommended or may refer it back to administration and the IMC for further refinement.</p>		
<p>9.0 Submission to CMRB for approval</p>		
<p>9.1 Prepare submission for CMRB approval of Context Study.</p>	<p>Q3 2025</p>	<p>Municipal staff primarily from planning</p>
<p>9.2 Final approved Context Study will be submitted to the CMRB for approval.</p>	<p>Q3 2025</p>	<p>Municipal staff primarily from planning</p>