

2019

Lethbridge County & Cardston County Intermunicipal Development Plan

OCTOBER 2019

LETHBRIDGE COUNTY BYLAW 19-040
CARDSTON COUNTY BYLAW 727.2019

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 19-040

BEING a bylaw of Lethbridge County in the Province of Alberta, to adopt an Intermunicipal Development Plan between Lethbridge County and Cardston County pursuant to sections 631 and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

WHEREAS municipalities are required by the province to expand intermunicipal planning efforts to address planning matters that transcend municipal boundaries through an intermunicipal development plan;

AND WHEREAS both the Councils of Lethbridge County and Cardston County agree that it is to their mutual benefit to establish joint planning policies and this negotiation and agreement reflects a continuing cooperative approach between the two municipalities and the desire to see well-planned, orderly, and managed growth.

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the Council of Lethbridge County duly assembled hereby enacts the following:

1. That the Lethbridge County and Cardston County Intermunicipal Development Plan, attached hereto, be adopted.
2. This plan, upon adoption, shall be cited as the Lethbridge County and Cardston County Intermunicipal Development Plan Bylaw 19-040 and Bylaw _____ respectively.
3. This bylaw shall come into effect upon third and final reading thereof.

GIVEN first reading this 19th day of September, 2019.

Lorne Hickey
Reeve

C Mitchell
Chief Administrative Officer

GIVEN second reading this 17th day of October, 2019.

Lorne Hickey
Reeve

C Mitchell
Chief Administrative Officer

GIVEN third reading this 17th day of October, 2019.

Lorne Hickey
Reeve

C Mitchell
Chief Administrative Officer

1st Reading	September 19, 2019
Public Hearing	Oct 17/19
2nd Reading	Oct 17/19
3rd Reading	Oct 17/19

CARDSTON COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 727.2019

BEING a bylaw of Cardston County in the Province of Alberta, to adopt an Intermunicipal Development Plan between Cardston County and Lethbridge County pursuant to sections 631 and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

WHEREAS municipalities are required by the province to expand intermunicipal planning efforts to address planning matters that transcend municipal boundaries through an intermunicipal development plan;

AND WHEREAS both the Councils of Cardston County and Lethbridge County agree that it is to their mutual benefit to establish joint planning policies and this negotiation and agreement reflects a continuing cooperative approach between the two municipalities and the desire to see well-planned, orderly, and managed growth.

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the Council of Cardston County duly assembled hereby enacts the following:

1. That the Cardston County and Lethbridge County Intermunicipal Development Plan, attached hereto, be adopted.
2. This plan, upon adoption, shall be cited as the Cardston County and Lethbridge County Intermunicipal Development Plan Bylaw 727.2019 and Bylaw 19-040, respectively.
3. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this 9th day of September, 2019.

Reeve – M.J. (Jim) Bester | *County Administrator - Murray Millward*

READ a **second** time this 15 day of Oct, 2019.

Reeve – M.J. (Jim) Bester | *County Administrator - Murray Millward*

READ a **third** time and finally PASSED this 15 day of Oct, 2019.

Reeve – M.J. (Jim) Bester | *County Administrator - Murray Millward*

I certify this Document to be a true copy of the original.

Lethbridge County and Cardston County

Intermunicipal Development Plan

1 INTRODUCTION

1.1 PURPOSE OF THE PLAN

The purpose of the Lethbridge County and Cardston County Intermunicipal Development Plan (IDP) is to foster ongoing collaboration and cooperation regarding planning matter and issues of mutual interest and to address land use expectations within the agreed to intermunicipal Plan Area (Figure 1).

This IDP serves as a planning tool providing guidance to decision makers through agreed upon planning policies that apply to the land within the identified Plan Area. The IDP contains policies that will be used as a framework for working cooperatively and communicating decision making in each municipality. Each municipality is responsible for making decisions within their own municipal jurisdiction.

An intermunicipal Development Plan will:

- Promote consultation, coordination and cooperation regarding planning matter of joint interest within the Plan Area
- Provide a framework for addressing land use concerns with regards to joint planning matters within the Plan Area
- Provide a clear policy framework that serves to guide future planning decision for land located within the Plan Area, affording enhanced coordination of development within the Plan Area
- Provide policies to address the Plan administration, and the amendment and dispute resolution process

1.2 LEGISLATIVE REQUIREMENTS

This Plan has been prepared in accordance with the requirements of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA)*, and complies with the *South Saskatchewan Regional Plan.*

Specifically the *MGA* requires:

631(1) Two or more councils of municipalities that have common boundaries 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 of in accordance with Section 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.

631(2) 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 coordination of intermunicipal programs relating to the physical, social, and environmental matters within the area, either generally or specifically*
- *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 South Saskatchewan Regional Plan (SSRP) came into effect September 1, 2014. The SSRP uses a cumulative effects management approach to set policy direction for municipalities to achieve environmental, economic and social outcomes within the South Saskatchewan Region through 2024.

Pursuant to Section 13 of the *Alberta Land Stewardship Act,* regional plans are legislative instruments. The SSRP has four key parts including the Introduction, Strategic Plan, Implementation Plan and Regulatory Details Plan. Pursuant to Section 15(1) of *ALSA,* the Regulatory Details of the SSRP are enforceable as law and bind the Crown, decision-makers, local governments and all other persons while the remaining portions are statements of policy to inform and are not intended to have binding legal effect.

The Regional Plan is guided by the vision, outcomes and intended directions set by the Strategic Plan portion of the SSRP while the Implementation plan establishes the objectives and the strategies that will be implemented to achieve the regional vision. As part of the Implementation Plan, Section 8: Community Development includes guidance regarding Planning Cooperation and Integration between municipalities

within the intention to foster cooperation and coordination between neighbouring municipalities and between municipalities and provincial departments, boards and agencies. Section 8 contains the following broad objectives and strategies:

Objectives

- *Cooperation and coordination are fostered among all land use planners and decision-makers involved in preparing and implementing land plans and strategies*
- *Knowledge sharing among communities is encouraged to promote the use of planning tools and the principles of efficient use of land to address community development in the region*

Strategies

8.1 Work together to achieve the shared environment, economic, and social outcomes in the South Saskatchewan Regional Plan and minimize negative environmental cumulative effects.

8.2 Address common planning issues, especially where valued natural features and historic resources are of interest to more than one stakeholder and where the possible effect of development transcends jurisdictional boundaries.

8.3 Coordinate and work with each other in their respective planning activities (such as in the development of plan and policies) and development approval process to address issues of mutual interest.

8.4 Work together to anticipate, plan and set aside adequate land with the physical infrastructure and services required to accommodate future population growth and accompanying community development needs.

8.5 Build awareness regarding the application of land-use planning tools that reduce the impact of residential, commercial, and industrial developments on the land, including approaches and best practices for promoting the efficient use of private and public lands.

8.6 Pursue joint use agreement, regional services commissions, and any other joint cooperative arrangements that contribute specifically to intermunicipal land use planning.

8.7 Consider the value of intermunicipal development planning to address land use on fringe areas, airport vicinity protection plans or other areas of mutual interest.

8.8 Coordinate land use planning activities with First Nations, irrigation districts, school boards, health authorities and other agencies on areas of mutual interest.

The above strategies were considered by both municipalities when developing the policies within this IDP and will be considered when rendering decision pertaining to future land use and development within the Plan Area.

1.3 Plan Preparation Process

A review was completed of the existing land use conditions and discussions between the two municipalities determined if there were any issues, goals, and objectives for the IDP. A draft document was prepared prior to consultation with the affected landowners, external stakeholders, and the general public.

Upon completion of the consultation, the final document was prepared and forwarded to each Council for review. As required by the *MGA*, a public hearing was held by each Council and subsequent to the public hearings, the IDP was adopted by each municipality under separate municipal bylaws.



2 PLAN AREA

The Cardston County and Lethbridge County discussed the preferred Plan Area and it was determined that a Plan Area of 1.6 kilometers (1 mile) on each side of the municipal boundary was adequate to achieve the main objectives of the Plan. The Plan Area is shown on Map 1.

Within the Plan Area the following features were examined:

- Land Use and Zoning
- Surface Water
- Confined Feeding Operations (CFO's)
- Active/Potential Sites for Surface Materials Extraction
- Roads and Transportation Corridors
- Environmentally Significant Areas and Historic Resource Value (HRV) Sites

2.1 KEY CHARACTERISTICS OF THE PLAN AREA

The Lethbridge County and Cardston County Intermunicipal Plan Area encompasses approximately 1,425 hectares (3522 acres) of land. Key characteristics of the area include the following, some of which are illustrated on Maps 2-7 in Appendix A:

- Agriculture
    - The lands in the Plan Area are privately owned.
    - All the Plan Area is designated for agricultural use, in Lethbridge County the designation is Rural Agriculture and in Cardston County it is designated as Agriculture.
    - A mix of agricultural operations including, grazing and dry farming exists if the area and there are no confined feeding operations.

- Residential Development
    - Residential development in the area consists of existing farmsteads.
- Transportation Infrastructure
    - The Plan Area included, Highways 5 which is maintained by Alberta Transportation.
    - There are no municipal roads that link the two municipalities within the Plan Area.
- Natural Resources Development
    - Based on Alberta Geological Survey information, there is a limited potential for sand and gravel development within the Plan Area.
    - There are oil and gas developments throughout the Plan Area.
- Natural Environment
    - The St. Mary River is on the western edge of the Plan Area and Pot Hole Creek transects the Plan Area.
    - Environmentally significant areas and Historical Resources are concentrated along these water courses.

3 POLICIES

The policies contained in this Plan are intended to provide direction to both Lethbridge County and Cardston County Councils, subdivision and development authorities, and administrations to manage the lands contained within the Plan Area. The policies of this Plan apply to all land within the Plan Area boundary as shown in Map 1.

3.1 GENERAL

To provide administration policies within the Plan Area which foster intermunicipal communication consultation and cooperation.

POLICIES

3.1.1 Lethbridge County and Cardston County will strive to engage in effective dialogue when considering land use and matters of joint municipal interest, while maintaining jurisdictions on lands within their own boundaries.

3.1.2 The municipalities will continue to build partnerships and foster a collaborative relationship with the adjacent municipality to promote regional interests, where deemed appropriate, including the support of mutually beneficial service agreements and shared environmental, economic, and social outcomes.

3.1.3 Both municipalities agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.

3.1.4 Both municipalities will strive, to the best of their ability, to refer notices of government projects to each other.

3.1.5 Both municipalities are encouraged to share with each other the results of all publicly available technical analysis required by a Subdivision and Development Authority as part of an application, where there is potential for impacts on lands and bodies of water.

3.1.6 The coordination of intermunicipal programs relating to the physical, social, and economic development of the area will be managed through the Intermunicipal Collaboration Framework requirements and through separate agreements as deemed necessary and agreed to by both municipalities.

3.2 LAND USE

To provide policies on land use with in the Plan Area which reflect the development philosophies of both municipalities.

POLICIES

Extensive Agriculture

3.2.1 Agriculture will continue to be the predominant land use in the Plan Area. The impact on agricultural uses should be a consideration when determining suitability of non-agricultural land uses in the Plan Area.

3.2.2 Both municipalities will strive to work cooperatively to encourage good neighbour farming practices, such as dust, weed, and insect control adjacent to developed areas, through best management practices and Alberta Agriculture guidelines.

3.2.3 If disputes or complaints in either municipalities arise between citizens and agricultural operators, the municipality receiving the complaint will direct the affected parties to the appropriate agency, government department, or municipality for consultation or resolution wherever necessary.

Confined Feeding Operations (CFO's)

3.2.4 If either County are in receipt of a notice of application from the Natural Resources Conservation Board (NRCB) for new or expanded CFO's, they will forward a copy of the notification to the other municipality.

3.2.5 Both municipalities recognize the importance of the CFO exclusion/restricted areas identified within the Plan Area. New CFO's will be prohibited or restricted in accordance with the respective municipality's Municipal Development Plan policies, existing CFO's will be grandfathered as determined by the Natural Resources Conservation Board (NRCB).

3.2.6 If either municipality proposes an amendment to a CFO exclusion/restricted area within the Plan Area or proposes additional CFO exclusion/restricted area within the Plan Area, the proposal will be circulated to the other municipality for comment in accordance with section 4.2 of the Plan.

3.2.7 Prior to issuing comment on a notice of application to the NRCB for a new or expanded CFO within the Plan Area, the municipalities will consult with one another regarding the applicant's proposed haul routes to and from the CFO.

Rural Recreation and Grouped Country Residential

3.2.9 Any proposal to designate or develop land within the Plan Area for rural recreation or grouped country residential uses will be referred to the other municipality for comment in accordance with section 4.2 of this plan.

3.2.10 Any proposal to designate land, adopt an Area Structure Plan, or approve a conceptual design scheme within the Plan Area for residential uses will be referred to the other municipality for comment in accordance with section 4.2 of this plan.

Resource Extraction

3.2.11 The municipalities will consider the effect of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating application for new or expanded gravel pits, or other extractive activities, where they maintain jurisdiction.

3.2.12 Either municipality may require a road use agreement regarding the construction, repair, and maintenance of any municipal roads, which may be impacted by resource development, when the development requires access to come from the other municipality's road.

3.2.13 If either County are in receipt of a notice for a new or expanded Alberta Transportation gravel pit, they will forward a copy of the notice to the other municipality.

Industry and Energy Development

3.2.14 The municipalities may consider renewable energy development (e.g. solar, wind, water, biofuels, etc.) and other industrial development where deemed compatible with existing land uses and will circulate development applications to one another in accordance with section 4.2 of this plan.

3.2.15 If an application is received for a renewable energy project that transcends the municipal boundary, both municipalities agree to consult and coordinate with each other regarding the proposal, wherever possible. In such a circumstance, the applicant of the development is required to:

a) Apply to each municipality separately for development approval and is subject to the respective development processes, fee schedules, and requirements of each municipality;
b) To report the findings to both municipalities of any public consultation activity, such as an open house or other public consultation meeting, conducted with respect to the proposal.

Telecommunication Towers/Utilities

3.2.16 Where there is an application for a new, expanded, or retrofitted telecommunication tower within the Plan Area, each County will notify the other municipality to seek their comments, prior to the issuance of a letter of concurrence.

3.2.17 It is the preference of both municipalities that co-location of telecommunication facilities be undertaken where technically feasible.

3.2.18 The location of telecommunication towers should consider the potential impact to aerial application.

3.2.19 It is the preference of both municipalities that provincial and federal utility development be coordinated within multi-use corridors. Such preference should be forwarded by each municipality when providing comments to provincial and federal departments regarding utility development.

3.3 Transportation and Road Networks

Both municipalities recognize the importance of maintaining an efficient and coordinated transportation network. The policies below promote consideration of the impacts of development on municipal and provincial road infrastructure.

Policies

3.3.1 If a new municipal road is proposed within the Plan Area, the proposing municipality will send notification to the other, prior to construction of the road, providing an opportunity for comment on the potential impacts the new road may have on the existing road network, infrastructure and land use in the other municipality.

3.3.2 When required by Alberta Transportation, developers shall be responsible for conducting traffic studies with respect to the impact and access onto provincial highways. Any upgrading identified by a traffic study conducted by a developer with respect to highways shall be implemented by the developer at their sole cost and to the satisfaction of Alberta Transportation.

3.3.3 Both municipalities agree to consult and work with Alberta Transportation regarding the implementation of this Plan and consider how development may impact provincial highways in the Plan Area.

3.3.4 The municipalities should endeavor to maintain open dialogue with Alberta Transportation regarding the provincial highways in the Plan Area, including any changes to the highways that may have impacts on the municipalities.

3.4 Natural Environment

Both municipalities recognize the connection between the natural environment and quality of life and strive to protect, preserve, and enhance natural systems and environmentally significant areas, while promoting appropriate development.

Policies

3.4.1 For any development on lands that have been identified within a possible environmentally significant area (ESA) or where the municipality within which the development is proposed believes the land may be within an ESA, the developer may be required to conduct an environmental impact assessment (EIA) and is responsible for contacting Alberta Environment and Parks.

3.4.2 For any development lands that may contain a historic resource value (HRV), the developer may be required to conduct a historical resources impact assessment (HRIA) and is responsible for consulting *Historical Resources Act* and contacting Alberta Culture and Tourism.

3.4.3 Each municipality is responsible for referring development applications and other land use activities within their respective jurisdictions to the appropriate provincial department to determine when an EIA or HRIA may be required.



3.4.4 Both municipalities should consider the provincial Wetland Policy when making land use decisions with the goals of sustaining environment and economic benefits. The developer, not the municipality, is responsible for ensuring compliance with the provincial policy and any associated regulations.

3.4.5 Each municipality encourages applicants of subdivision and development proposals to consult with the respective municipality, irrigation district, and provincial departments, as applicable, regarding water supply, drainage, setbacks from sensitive lands, and other planning matters relevant to the natural environment in advance of submitting a proposal.

3.5 INTERPRETATION

To ensure the policies and language within the Plan are communicated in the proper context to ensure the intent of Plan is as clear and concise as possible.

Policies

3.5.1 Unless otherwise required by the context, words used in the present tense include the future tense, words used in the singular include plural, and the word person includes a corporation as well as an individual. Unless otherwise stipulated, the *Interpretation Act, Chapter 1-8, RSA 2000* as amended, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.

3.5.2 All reference to a specific agency, body, or department were accurate at the time of writing. It is understood that agency, body, and department names change from time to time. All references throughout the Plan shall therefore be applicable to the relevant agency, body, or department.

3.5.3 The geographical or relative boundaries or any variable presented on the maps contained in this Plan, with the exception of the boundaries of the Plan Area, shall be interpreted as a rough approximation and not an accurate depiction of its actual or full extension.



4 PLAN ADMINISTRATION & IMPLEMENTATION

4.1 INTERMUNICIPAL DEVELOPMENT PLAN ADMINISTRATION POLICIES

The implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. The following policies have been agreed to by both municipalities to facilitate in the implementation and administering of this Plan. The purpose of these policies is to promote active cooperation and conflict resolution through a consensus-based approach.

Policies

4.1.1 For the purposes of administering and monitoring the IDP, Lethbridge County and Cardston County have agreed upon an administrative consultation-based approach, whereby administration representatives from each of the municipalities may make comments and recommendations on referrals under Section 4.2, issue administrative decisions under Section 5, and address and discuss matters of joint municipal interest as authorized by their respective municipality. Each municipality is responsible for establishing their own protocols and internal circulation processes regarding the consultation process and will notify one another annually of who is authorized to act as an administrative representative(s) for the purposes of this section.

4.1.2. Where a matter has been referred to administration and a resolution cannot be found, the Dispute Resolution Process in Section 5 of this Plan should be followed.

4.1.3 Despite Section 4.1.1, at the request of either municipality, a joint council IDP meeting may be requested to discuss any or all of the following matters:

a) Land use or planning matters within the Plan Area,
b) Proposed amendments to the IDP,
c) Issues regarding Plan implementation,
d) Matters referred to administration of either municipality,
e) Dispute resolution, and
f) Any other intermunicipal issue or matter of interest or importance identified by either municipality.

4.1.4 A municipality may call a joint council IDP meeting at any time upon not less than fifteen (15) calendar days' notice of the meeting being given to administration of the other municipality and support personnel, stating the date, the time, purpose, and the place of the proposed meeting. The fifteen (15) days' notice may be waived with consent of each municipality.

4.1.5 The municipality that called the joint council IDP meeting shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.

4.2 Referral Policies

To establish a process for consistent and transparent sharing of information necessary to make decisions in accordance with the intent of this Plan.

POLICIES

General

4.2.1 Where an intermunicipal referral is required by the *MGA* or the policies contained in the Plan, both municipalities agree to share mailing address and property ownership information for circulation purposes with the adjacent municipality, and where applicable, the municipality's processing agency or designate

4.2.2 Where a plan or bylaw, including amendments, or application, requires notifications to be sent to a municipality that is external to this IDP, the referring municipality shall follow the referral requirements outlined in the *MGA,* and where applicable, those contained in a relevant Intermunicipal Development Plan.

4.2.3 Administrative staff or representatives, for Lethbridge County or Cardston County are encouraged to discuss with one another forthcoming Statutory Plans and Land Use Bylaws, including amendments, and other studies, projects, or proposals that may impact the Plan Area.

4.2.4 Administrative staff or representatives for either municipality are encouraged to discuss with one another forthcoming subdivision and development applications that may impact lands within the Plan Area.

4.2.5 The municipalities are encouraged to refer to each other for comment, at the municipalities discretion, on major land use changes or planning matters that have the potential to impact the other jurisdiction, even if it involves lands that may not be in the Plan Area.

Municipal Development Plans

4.2.6 A newly proposed Municipal Development Plan or amendment, by either municipality, shall be referred to the other municipality for comment prior to a public hearing.

Other Statutory Plans

4.2.7 A newly proposed Statutory Plan or amendment within the Plan Area shall be referred to the other municipality for comment prior to a public hearing.

Land Use Bylaws

4.2.8 All Land Use Bylaw amendments (including redesignations) in either municipality that are within the Plan Area, shall be referred to the other municipality for comment prior to a public hearing.

4.2.9 A newly proposed Land Use Bylaw from either municipality shall be referred to the other for comment prior to a public hearing.

Conceptual Design Schemes

4.2.11 All conceptual design schemes in support of a subdivision or development within the Plan Area shall be referred to the other municipality for comment prior to Council resolution.

Subdivision and Development

4.2.12 All subdivsion applications for lands within the Plan Area shall be referred to the other municipality for comment prior to a decision being rendered except for:

a) An agricultural parcel subdivision of a quarter section that complies with the municipality's criteria for subdivision and does not take access from an adjoining road under the other municipality's control or management.
b) A single lot country residential subdivision that complies with the municipality's criteria for subdivision and does not take access from an adjoining road under the other municipality's control or management.
c) A cut-off parcel subdivision that complies with the municipality's criteria for subdivision and does not take access from an adjoining road under the other municipality's control or management.
d) An enlargement, reduction, or realignment of an existing separate parcel that complies with the municipality's criteria for subdivision and does not take access from an adjoining road under the other municipality's control or management, and
e) Subdivision application in areas with an approved Area Structure Plan where no road access is required from the adjacent municipality and the proposal conforms to the plan with no variances, different lot configuration, or servicing proposals than what was approved in the Area Structure Plan.

4.2.13 Each municipality shall refer all discretionary use development applications within the Plan Area to the other municipality for comment prior to a decision being rendered.

4.2.14 Each municipality shall refer all development applications within the Plan Area that propose to take access from an adjoining road under the control or management of the other municipality for comment prior to a decision being rendered.

4.2.15 Any development application for a sand or gravel pit or renewable energy project (i.e. solar, wind, water, biofuel), within the plan area, shall be referred to the other municipality for comment prior to a decision being rendered.

Response Timelines

4.2.16 The responding municipality shall, from the date of mailing, have the following timelines to review and provide comment on intermunicipal referrals:

a) 15 calendar days for all development applications,
b) 19 calendar days for subdivision applications,
c) 15 calendar days for a redesignation application on land where an Area Structure Plan (ASP) has been adopted and the redesignation is consistent with the adopted ASP.
d) 30 calendar days for all other intermunicipal referrals.

4.2.17 In the event that either municipality does not reply within, or request an extension by, the response time for intermunicipal referrals stipulated in this Section, it is presumed that the responding municipality has no comment or objection to the referred planning application or matter.



Consideration of Reponses

4.2.18 Comments from the responding municipality regarding proposed Municipal Development Plans, other Statutory Plans, and Land Use Bylaws, or amendments to any of these documents, shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered.

4.2.19 Comments from the responding municipality regarding subdivision and development applications shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered on the application.

4.3 Plan Validity and Amendment Policies

This Plan may require amendments from time to time to accommodate unforeseen situation, and to keep the Plan relevant.

Policies

4.3.1 This Plan comes into effect on the date it is adopted by both municipalities.

4.3.2 Amendments shall be adopted by both Councils using the procedures outlined in the *MGA*. No amendment shall come into force until both municipalities adopt the amending bylaw.

4.3.3 Applications for amendments to this Plan by parties other than Lethbridge County and Cardston County (i.e. landowners and developers) shall be made to both municipalities along with the applicable fee as established by each municipality for processing amendments to a statutory plan.

4.3.4 Administrative staff should review the policies of the Plan annually and discuss land use matter, issues, and concerns on an on-going basis. Administrative staff may make recommendations to their respective Councils for amendments to the Plan to ensure the policies remain relevant and continue to meet the needs of both municipalities.

4.3.5 A formal review of the Plan will occur within 10 years from the date the IDP is adopted by both municipalities.

4.3.6 Either municipality may request that the Plan be repealed and replaced with a new IDP upon serving written notice to the other municipality. The dispute resolution process stipulated in Section 5 will be undertaken should the municipalities be unable to reach an agreement.

5 DISPUTE RESOLUTION PROCESS

The intent of the dispute resolution process is to maximize opportunities for discussion and review to resolve areas of disagreement early in the process. Despite the best efforts of both municipalities, it is understood that disputes may arise from time to time affecting land use within the Plan boundary. The following process is intended to settle disputes through consensus and minimize the need for formal mediation.

General Agreement

The municipalities agree that:

5.1.1 It is important to avoid dispute by ensuring that the Plan is adhered to as adopted, including full circulation of any permit or application that may affect the municipality or as required in the Plan and prompt enforcement of the Plan policies.

5.1.2 Prior to a formal IDP discussion or meeting, each municipality through its administration, will ensure that facts of the issue have been investigated and clarified, and information is made available to both parties. Staff meetings are encouraged to discuss possible solutions.

5.1.3 Administration should discuss the issue or dispute with the intent to seek a recommended solution that is agreement to both parties. Administration from each municipality (administration to administration) is authorized to initially attempt to resolve a matter or dispute that may arise.

Dispute Resolution

In the case of a dispute, the following process will be followed to arrive at a solution:

5.1.4 When a potential intermunicipal issue comes to the attention of either municipality relating to a technical or procedural matter (such as inadequate notification or prescribed timelines, misinterpretation of Plan policies, etc) or a land use or policy issue affecting land in the Plan Area, it will be directed to the administration of each municipality. Administration will review the technical, procedural, or policy matter and if both administrations are in agreement, take action to rectify the matter.

5.1.5 In respect of policy 5.1.4, the administration shall discuss or meet within 15 calendar days of the matter being brought to each party's attention. The prescribed time period may be extended if both parties are in agreement to do so.

5.1.6 The two administrations may consult either by phone, electronic/digital means, or meet in person to discuss the matter; however, any resolution of an issue must be confirmed and acknowledged in writing, which may be in the form of a memo, email, or formal letter.

5.1.7 In the event a matter cannot be resolved by the administration representatives or within the timeframe prescribed, the administration of each municipality will schedule a joint meeting of the two Councils to discuss possible solutions and attempt to reach consensus on the issue. Each municipality, acting in good faith, agrees that they will attempt to schedule a joint Council meeting within a reasonable time-frame, which should not exceed 40 days.

5.1.8 Should the Councils be unable to resolve the matter, either municipality, shall be able to initiate a formal mediation process to facilitate a resolution of the issue.

5.1.9 Both municipalities agree that the formal mediation process available through Municipal Affairs may be used to facilitate mediation.

Filing an Intermunicipal Dispute under the Municipal Government Act

5.1.10 In the case of a dispute involving the adoption of a statutory plan, Land Use Bylaw or amendment to such, within 30 days of adoption, the municipality initiating the dispute may, without prejudice, file an appeal to the Municipal Government Board under section 690 (1) of the *Municipal Government Act* so that the provincial statutory right and timeframe to file an appeal is not lost*.

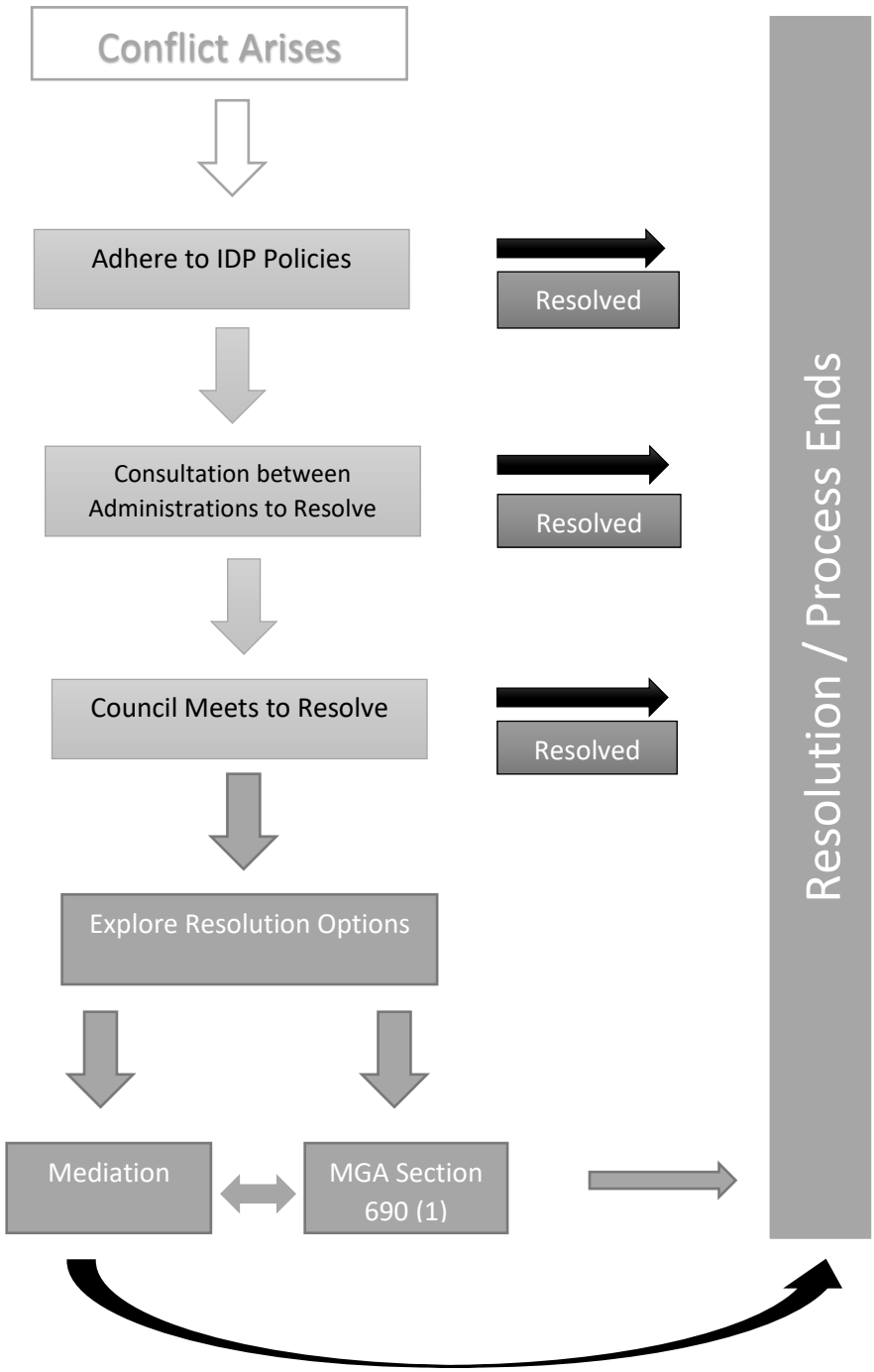
5.1.11 The appeal may be withdrawn, without prejudice, if a solution or agreement is reached between the two municipalities prior to the Municipal Government Board meeting. This is to acknowledge and respect that the time required to seek resolution or mediation may not be able to occur within the 30 day appeal filing process as outlined in the *MGA.*

***Note:** Using section 690(1) of the MGA is the final stage of dispute settlement, where the municipalities request the Municipal Government Board to intercede and resolve the issue.



Dispute Resolution Flow Chart

The flow chart depicted below illustrates the dispute resolution process. The process is not intended to limit the ability of either municipality to explore other methods of resolution or to choose one method in place of another.



APPENDIX - MAPS

Lethbridge County and Cardston County Intermunicipal Development Plan

Plan Area Boundary

Map 1

LETHBRIDGE COUNTY

BLOOD RESERVE

St. Mary River

5

COUNTY OF WARNER NO. 5

CARDSTON COUNTY

Township 7

Range 22

Range 21

- Plan Area
- Lethbridge County/Cardston County Border
- Provincial Highway
- Waterbodies
- Blood Reserve

Aerial Photo Date: 2015

Lethbridge County
(Bylaw No. _____) &
Cardston County
(Bylaw No. _____)

OLDMAN RIVER REGIONAL SERVICES COMMISSION

N

0 0.5 1

Kilometers

Lethbridge County and Cardston County Intermunicipal Development Plan

Land Use Designations

Map 2

LETHBRIDGE COUNTY

BLOOD RESERVE

St. Mary River

5

CARDSTON COUNTY

COUNTY OF WARNER NO. 5

Township 7

Range 22

Range 21

- Plan Area Boundary
- Lethbridge County/Cardston County Border
- Provincial Highway
- Waterbodies
- Blood Reserve

Lethbridge County Land Use Bylaw 1404 Amended to Bylaw 19-011

- Rural Agriculture - RA

Cardston County Land Use Bylaw 443-98 Amended to Bylaw 709-2018

- Agriculture - AG

Lethbridge County (Bylaw No. _____) & Cardston County (Bylaw No. _____)

Oldman River Regional Services Commission

0 0.5 1

Kilometers

N

Lethbridge County and Cardston County Intermunicipal Development Plan

Physical Characteristics

Map 3

LETHBRIDGE COUNTY

BLOOD RESERVE

St. Mary River

5

CARDSTON COUNTY

COUNTY OF WARNER NO. 5

Township 7

Range 22

Range 21

- Plan Area
- Lethbridge County/Cardston County Border
- Provincial Highway
- Waterbodies
- Blood Reserve
- Residences or Other Addressed Parcels[1]

Ownership[2,3]

- Private Landowner

[1] Alberta Municipal Data Sharing Partnership, 2018
[2] Altalis, February 2019 (Lethbridge County)
[3] ORRSC, March 2019 (Cardston County)

Aerial Photo Date: 2015

Lethbridge County
(Bylaw No. _____) &
Cardston County
(Bylaw No. _____)

Oldman River Regional Services Commission

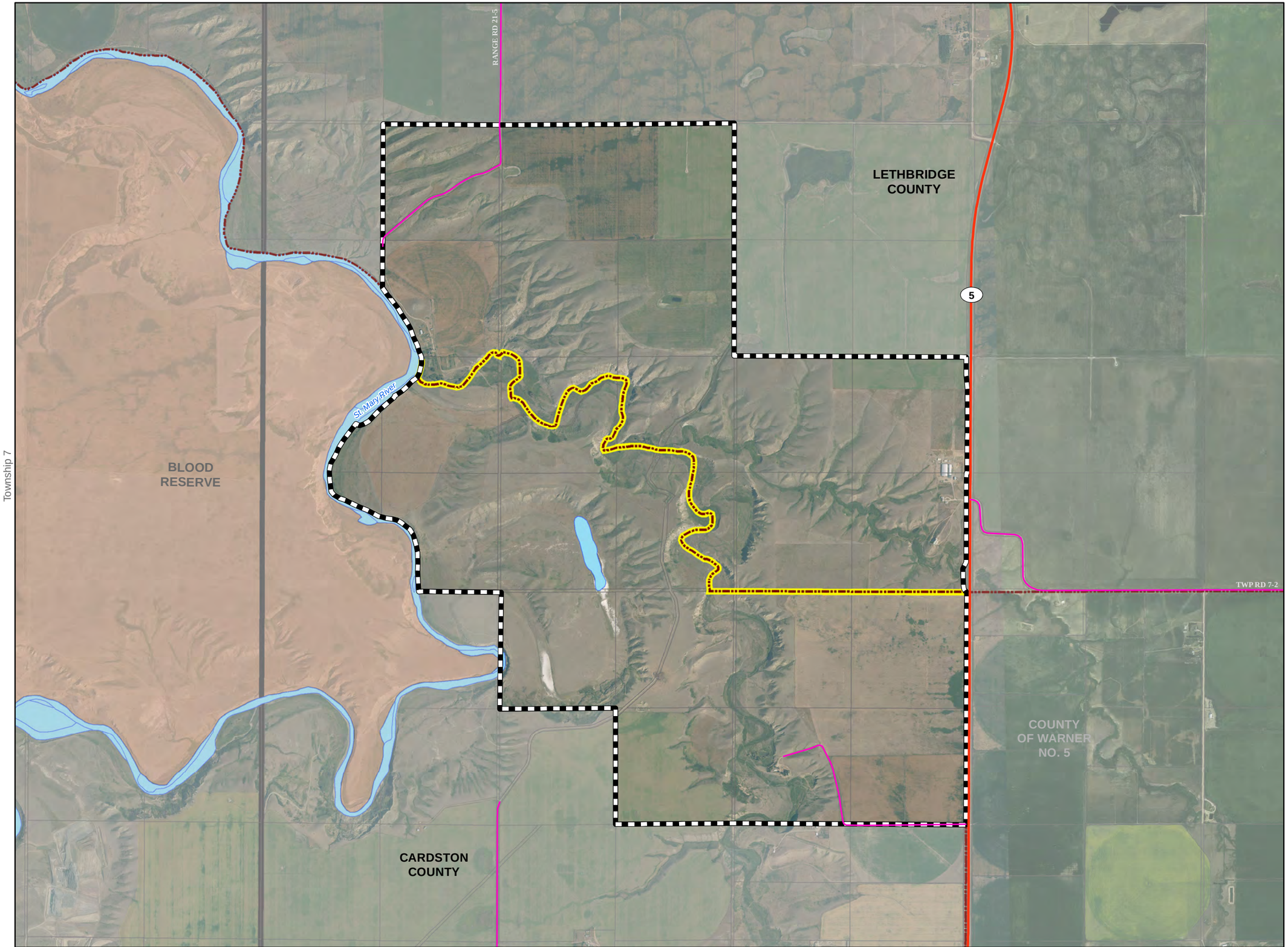
N

0 0.5 1
Kilometers

Lethbridge County and Cardston County Intermunicipal Development Plan

Road Network

Map 4



- Plan Area
- Lethbridge County/Cardston County Border
- Waterbodies
- Blood Reserve
- Provincial Highway
- Municipal Roads

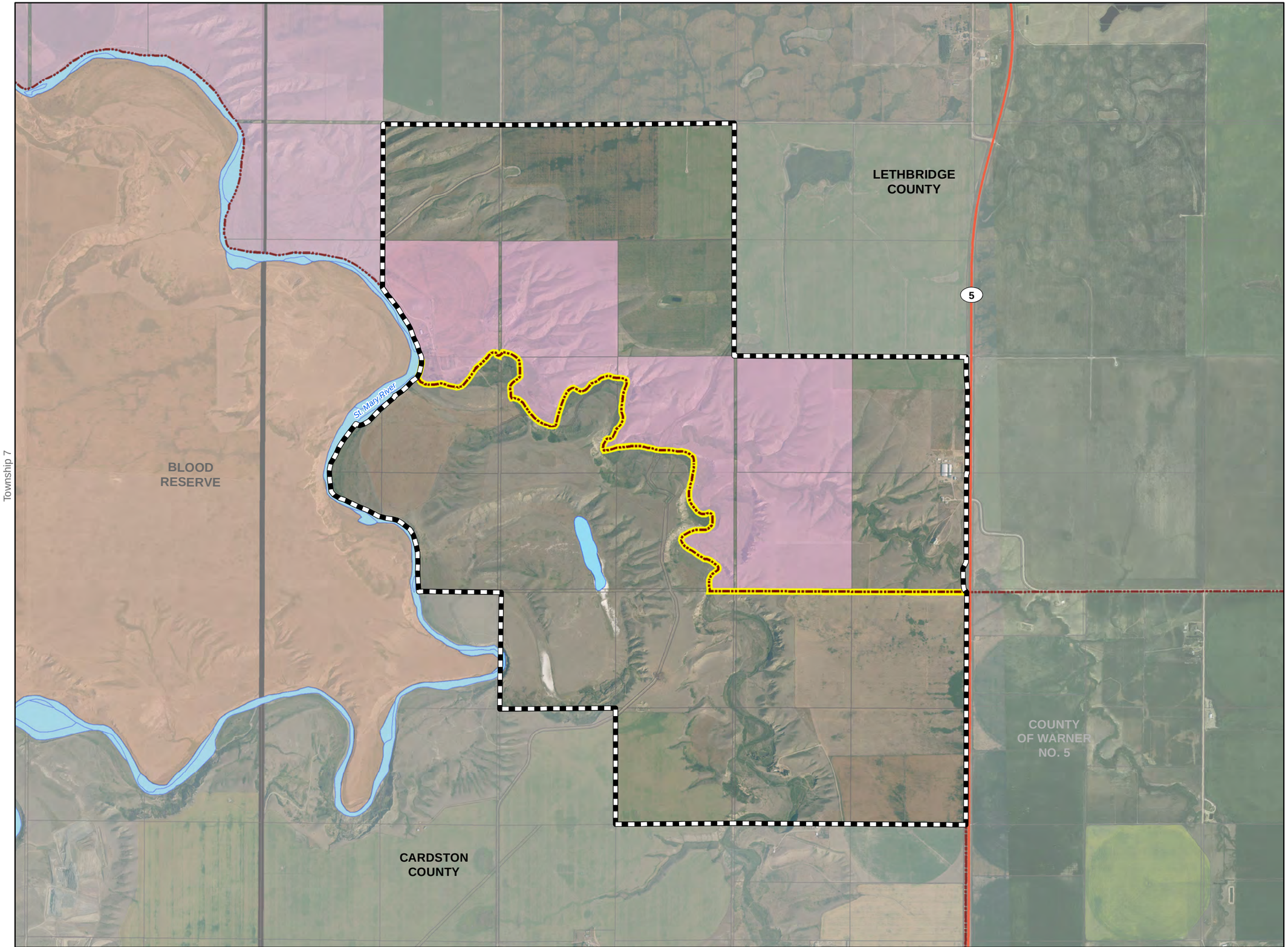
Aerial Photo Date: 2015

Lethbridge County
(Bylaw No. _____) &
Cardston County
(Bylaw No. _____)

Oldman River Regional Services Commission

0 0.5 1
Kilometers

N



Lethbridge County and Cardston County Intermunicipal Development Plan

Confined Feeding Operation Exclusion Areas

Map 5

- Plan Area Boundary
- Lethbridge County/Cardston County Border
- Provincial Highway
- Waterbodies
- Blood Reserve
- Lethbridge County Confined Feeding Operation Exclusion Areas

Aerial Photo Date: 2015

Lethbridge County
(Bylaw No. _____) &
Cardston County
(Bylaw No. _____)

Oldman River Regional Services Commission

N

0 0.5 1
Kilometers

Lethbridge County and Cardston County Intermunicipal Development Plan

Natural Characteristics

Map 6

LETHBRIDGE COUNTY

BLOOD RESERVE

St. Mary River

5

CARDSTON COUNTY

COUNTY OF WARNER NO. 5

Township 7

Range 22

Range 21

- Plan Area Boundary
- Lethbridge County/Cardston County Border
- Provincial Highway
- Waterbodies
- Blood Reserve
- Environmentally Significant Areas[1]

Environmentally Significant Areas (ESAs) illustrated on this map are based on macro-scale provincial data and may not depict the full extent of ESAs within the Plan Area. This data is to be used for general information only and is supplementary to other more detailed sources of information the municipalities and province may have regarding ESAs.

Source:

[1] Environmentally Significant Areas in Alberta: 2014 Update, Alberta Parks

Aerial Photo Date: 2015

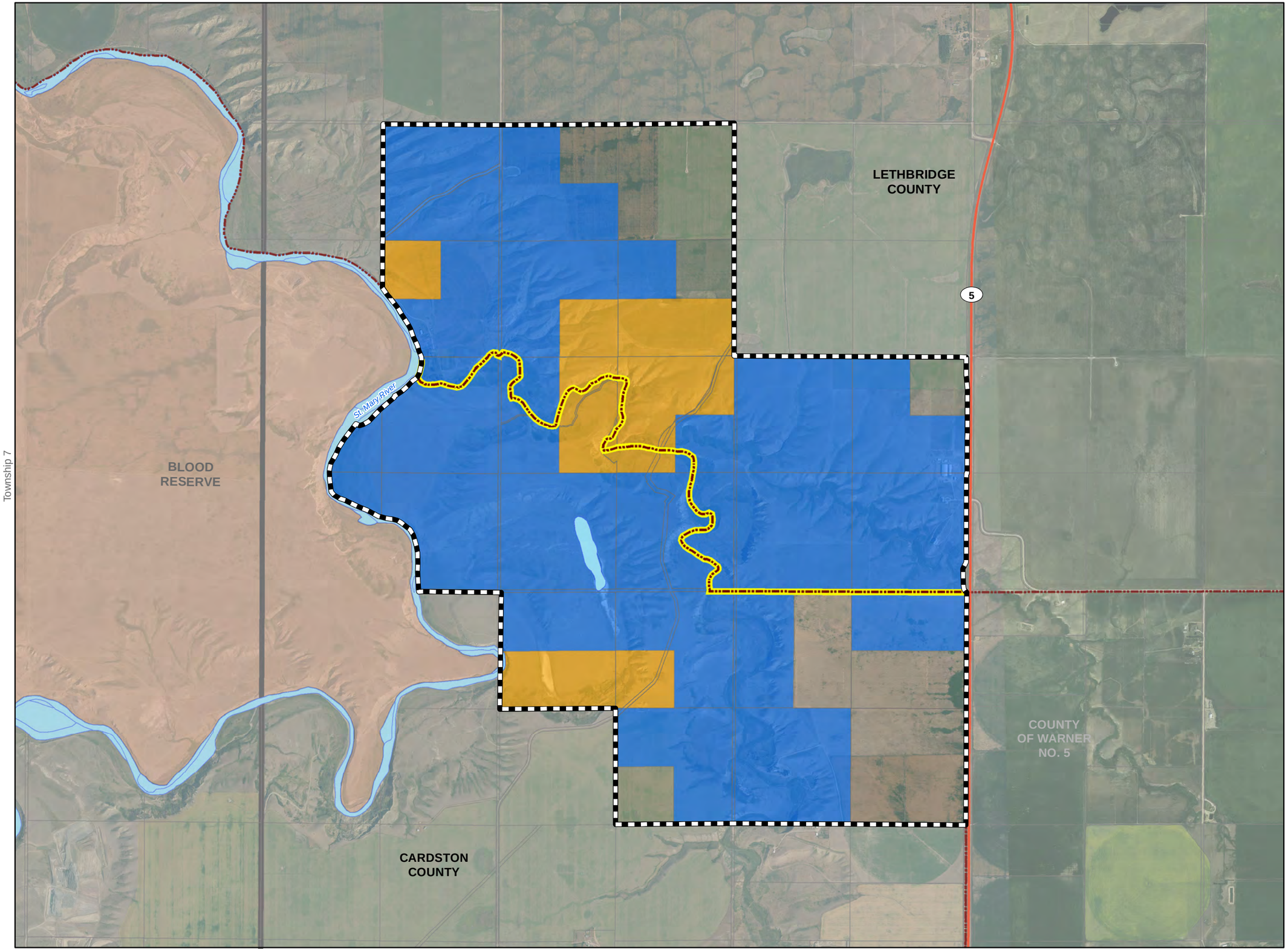
Lethbridge County (Bylaw No. _____) & Cardston County (Bylaw No. _____)

Oldman River Regional Services Commission

N

0 0.5 1

Kilometers



Lethbridge County and Cardston County Intermunicipal Development Plan

Historic Resource Values

Map 7

- Plan Area
- Lethbridge County/Cardston County Border
- Provincial Highway
- Waterbodies
- Blood Reserve

Historic Resource Values (HRV)[1]*

- Land Contains an Archaeological and/or Paleontological Resource That May Require Avoidance (HRV 4 a,p)
- Land Believed to Contain an Archaeological and/or Paleontological Historic Resource (HRV 5 a,p)

* Refer to AB Culture and Tourism "Listing of Historic Resources Instructions For Use" for HRV descriptions and categories.

Source:
[1] Alberta Culture and Tourism
Government of Alberta, April 2017

Aerial Photo Date: 2015

Lethbridge County
(Bylaw No. _____) &
Cardston County
(Bylaw No. _____)

Oldman River Regional Services Commission

N

0 0.5 1
Kilometers