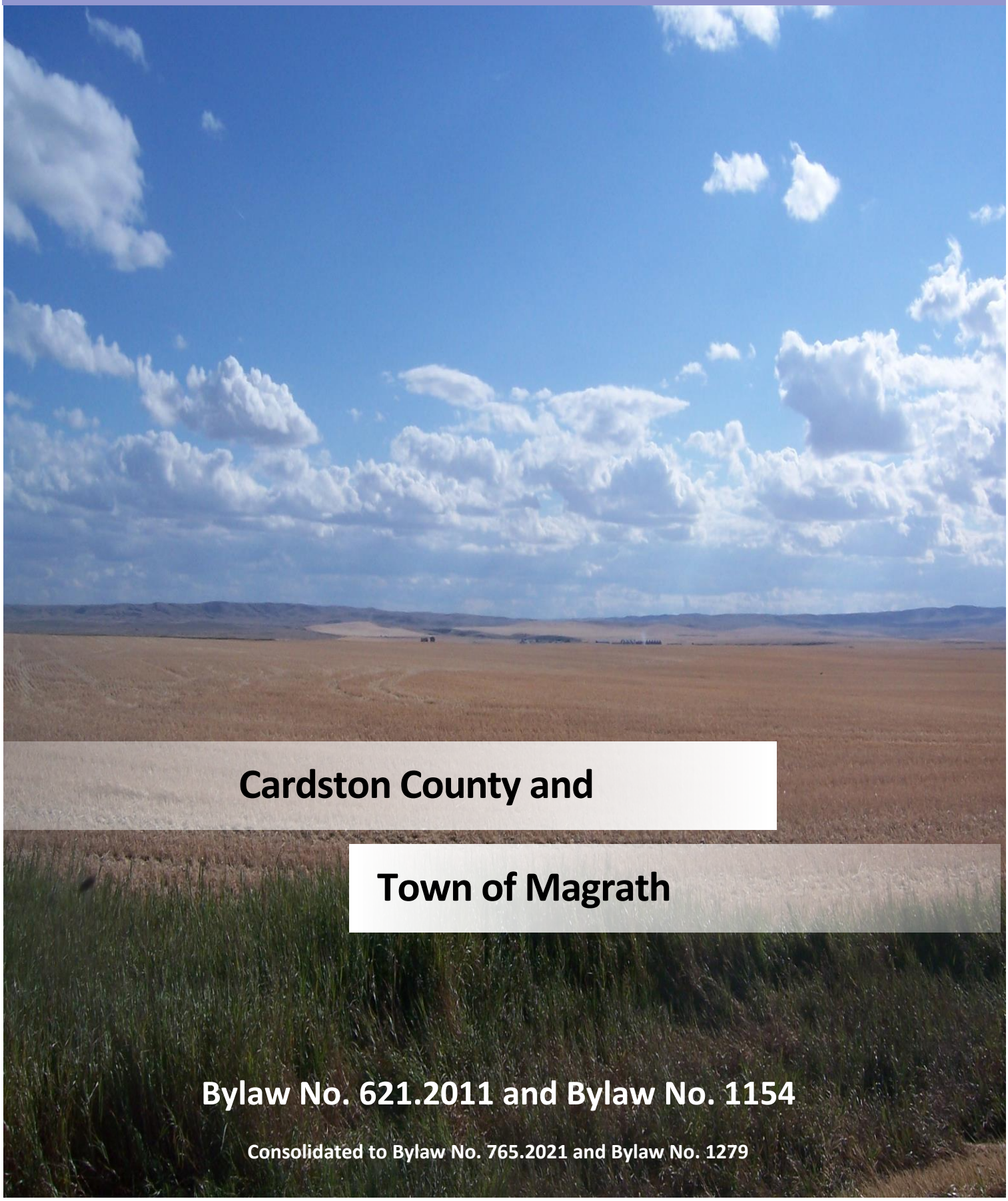
# Intermunicipal Development Plan



## Cardston County and

## Town of Magrath

**Bylaw No. 621.2011 and Bylaw No. 1154**

**Consolidated to Bylaw No. 765.2021 and Bylaw No. 1279**

Prepared By:




**May 2011/April 2021**

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**Prepared for Cardston County and the Town of Magrath**

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# Cardston County

**By-Law No. 621.2011**
**April 14, 2011**

Being a By-Law of Cardston County, in the Province of Alberta, to adopt By-Law No. 621.2011 being the Cardston County and Town of Magrath Intermunicipal Development Plan.

WHEREAS: the County has been encouraged by the Province to create and adopt an Intermunicipal Development Plan on land used in the fringe areas of urban areas and to work co-operatively in order to pursue joint approaches to common planning issues, and

WHEREAS: the Municipal Council wishes to adopt a comprehensive plan which encourages the orderly and economical development of land used in the designated fringe area in consultation with the Town of Magrath, and

WHEREAS: the purpose of proposed By-Law No. 621.2011 is to adopt a land use plan that provides a framework and guidelines for dealing with future subdivision and development of lands within the designated Intermunicipal plan boundary and promotes the on going co-operation, consultation and co-ordination the Cardston County and Town of Magrath have established, and

WHEREAS: the County must prepare a corresponding By-Law 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 the Cardston County in the Province of Alberta, duly assembled does hereby enact the following:

1. Council shall adopt an Intermunicipal Development Plan in consultation with the Town of Magrath
2. This plan, upon adoption, shall be known as the Cardston County and Town of Magrath Intermunicipal Development Plan By-Law No. 621.2011.
3. This By-Law comes into affect upon third and final reading hereof.

Read a first time this 14th day of April, 2011

REEVE COUNTY ADMINISTRATOR

Read a second time this 9th day of May, 2011

REEVE COUNTY ADMINISTRATOR

Read a third time and finally passed this 9th day of May, 2011

REEVE COUNTY ADMINISTRATOR

**TOWN OF MAGRATH**
**IN THE PROVINCE OF ALBERTA**

# BYLAW NO. 1154

BEING a bylaw of the Town of Magrath in the Province of Alberta, to adopt Bylaw No. 1154, being the Cardston County and Town of Magrath Intermunicipal Development Plan.

WHEREAS the municipality has been encouraged by the province to create and adopt an Intermunicipal Development Plan on land use in the fringe areas of urban areas and to work co-operatively in order to pursue joint approaches to common planning issues;

AND WHEREAS the municipal council wishes to adopt a comprehensive plan which encourages the orderly and economical development of land use in the designated fringe area in consultation with the Cardston County;

AND WHEREAS the purpose of proposed Bylaw No. 1154 is to adopt a land use plan that provides a framework and guidelines for dealing with future subdivision and development of lands within the designated intermunicipal plan boundary and promotes the ongoing cooperation, consultation, and coordination the Cardston County and the Town of Magrath have established;

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 the Town of Magrath in the Province of Alberta duly assembled does hereby enact the following:

1. Council shall adopt an intermunicipal development plan in consultation with the Cardston County.

2. This plan, upon adoption, shall be known as the Cardston County and Town of Magrath Intermunicipal Development Plan Bylaw No. 1154.

3. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time this 12th day of April, 2010.

***Mayor*** *– Russ Barnett*

***Chief Administrative Officer*** *– Wade Alston*

READ a **second** time this 10 th day of May, 2011.

***Mayor*** *– Russ Barnett*

***Chief Administrative Officer*** *– Wade Alston*

READ a **third** time and finally PASSED this 10 th day of May, 2011.

***Mayor*** *– Russ Barnett*

***Chief Administrative Officer*** *– Wade Alston*

# Cardston County and Town of Magrath
# Intermunicipal Development Plan Bylaw No. 621.2011 & Bylaw No. 1154
# Record of Amendments

| Bylaw No. | Amendment Description | Legal Description | Passed |
|---|---|---|---|
| Cardston County Bylaw No. 765.2021 and<br>Town of Magrath Bylaw No. 1279 | Amendments to bring the current Intermunicipal Development Plan into compliance with the *South Saskatchewan Regional Plan* (SSRP), modernized *Municipal Government Act (MGA)*, and the amendments include new policies addressing future land use, annexation, agriculture, environment, transportation, as well as agreed upon amendments to the original document | | 10-May-2021<br>11-May-2021 |

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# CARDSTON COUNTY and TOWN OF MAGRATH
# INTERMUNICIPAL DEVELOPMENT PLAN

## *ACKNOWLEDGEMENTS (2011 Plan)*

*The following people are thanked for their assistance and contribution to the development and publishing of this Intermunicipal Development Plan:*

### CARDSTON COUNTY

Lloyd Kearl – *Reeve*
Dennis Edwards – *Councillor*
Cam Francis – *Councillor*
Shane Hansen – *Councillor*
Roger Houghton – *Councillor*
Fred Lacey – *Councillor*
Mike Loose – *Councillor*
Murray Millward – *CAO*
Janet Beck – *Development* Officer

### TOWN OF MAGRATH

Russ Barnett – *Mayor*
Brenda Beck – *Councillor*
Rodney Bly – *Councillor*
Sam Johnston – *Councillor*
Carma Thomson – *Councillor*
Tom Spackman – *Councillor*
Dennis Quinton – *Councillor*
Wade Alston – *CAO*

### JOINT INTERMUNICIPAL DEVELOPMENT PLAN COMMITTEE

Cam Francis – *Councillor*
Lloyd Kearl – *Councillor*
Mike Loose – *Councillor*
Sam Johnston – *Councillor*
Dennis Quinton – *Councillor*
Tom Spackman – *Councillor*

### OLDMAN RIVER REGIONAL SERVICES COMMISSION

Mike Burla – *Senior Planner*
Diane Horvath – *Planner*
Perry Neufeld – *Planner*

# *ACKNOWLEDGEMENTS (2021 Update)*

*The following people are thanked for their assistance and contribution to the development and publishing of this Intermunicipal Development Plan update:*

**CARDSTON COUNTY**

Randy Bullock – *Reeve*
Jim Bester – *Councillor*
Kevin Quinton – *Councillor*
Roger Houghton – *Councillor*
Royce Leavitt – *Councillor*
Tom Nish – *Councillor*
Wayne Harris – *Councillor*
Murray Millward – *CAO*

**TOWN OF MAGRATH**

Russ Barnett – *Mayor*
Brenda Beck – *Councillor*
Brian Oliver – *Councillor*
Devar Dahl – *Councillor*
Fernando Morales Llan – *Councillor*
Gerry Baril – *Councillor*
Richard Van Ee – *Councillor*
James Suffredine – *CAO*

**JOINT INTERMUNICIPAL DEVELOPMENT PLAN COMMITTEE**

Randy Bullock – *Reeve*
Jim Bester – *Councillor*
Wayne Harris – *Councillor*
Roger Houghton – *Councillor*

Russ Barnett – *Mayor*
Brenda Beck – *Councillor*
Brian Oliver – *Councillor*
Richard Van Ee – *Councillor*

**OLDMAN RIVER REGIONAL SERVICES COMMISSION**

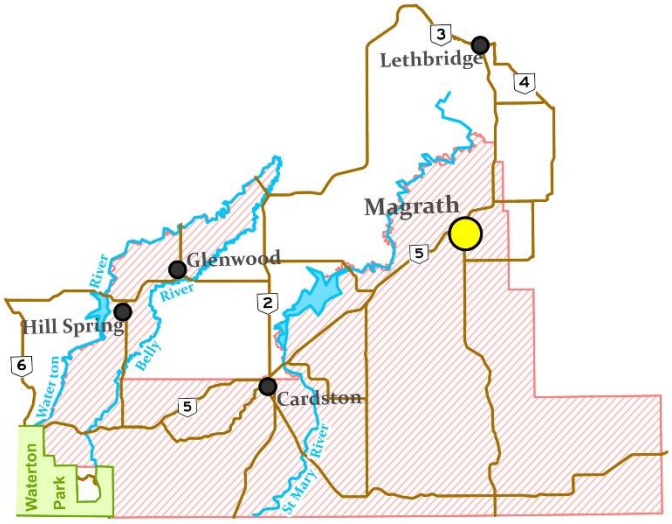
Mike Burla – *Senior Planner*
Ryan Dyck – *Planner*

# CARDSTON COUNTY and TOWN OF MAGRATH
# INTERMUNICIPAL DEVELOPMENT PLAN

## 1. INTRODUCTION

The Town of Magrath is located in the heart of southwestern Alberta, 32 km (20 miles) south of Lethbridge, and along Highway 5 - the principal transportation serving Cardston County.

***Figure 1: Regional Location***




Cardston County and the Town of Magrath recognize the benefit of enhanced consultation, coordination and cooperation regarding planning matters of joint interest within the urban-rural interface. Specifically, the councils of both municipalities acknowledge there is a need to ensure that land use activity in this area does not unduly compromise long-term urban expansion and further that conflicts between rural and urban uses are minimized.

Cardston County (County) and the Town of Magrath (Town) have established a good working relationship with respect to planning matters of joint interest and have chosen to formalize their relationship through an Intermunicipal Development Plan (IDP). This Intermunicipal Development Plan establishes policies that apply to lands within the intermunicipal plan area.

It is intended that this plan provide a framework for consideration of municipal interests in decision-making by establishing general policies, referral requirements, plan administration procedures, and measures for conflict resolution. Most importantly, the Intermunicipal Development Plan is intended to foster on-going coordination and communication between the municipalities by providing a forum to discuss planning issues and concerns. The framework of this plan is designed to support decision-making in each municipality with input and consultation from the other municipality. Each municipality is responsible for making decisions within their boundaries using the policies and procedures provided in the plan.

## 2. LEGISLATIVE REQUIREMENTS

In order to foster cooperation and mitigate conflict between municipalities, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 with amendments (MGA) has included two mechanisms within the planning legislation which allow a municipality to:

1. include policies regarding coordination of land use, future growth patterns and other infrastructure with adjacent municipalities in their municipal development plans [section 632(3)(iii)] if no intermunicipal development plan exists with respect to those matters; and
2. complete and adopt an intermunicipal development plan with adjacent municipalities to address the above matters.

Specifically, the Municipal Government Act states:

***631(1)*** *Subject to subsections (2) and (3), 2 or more councils of municipalities that have common boundaries and 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 or in accordance with Sections 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(8)*** *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 co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,*
- *(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.*

Furthermore,

> ***638(3)*** *An intermunicipal development plan prevails to the extent of any conflict or inconsistency between*
>
> *(a) a municipal development plan, an area structure plan or an area redevelopment plan, and*
> *(b) the intermunicipal development plan*
>
> *in respect of the development of the land to which the conflicting or inconsistent plans apply.*

***Figure 2: Planning Hierarchy Flowchart***




Figure 2 depicts the hierarchy of provincial and municipal planning documents, that are implemented through the land use bylaw and respective subdivision and development processes. In addition to Municipal Government Act requirements, the South Saskatchewan Regional Plan (SSRP) became effective September 1, 2014 which introduced additional requirements when addressing land use matters. The SSRP uses a cumulative effects management approach to set policy direction for municipalities for the purpose of achieving environmental, economic and social goals within the South Saskatchewan Region until 2024.

Pursuant to section 13 of the Alberta Land Stewardship Act (ALSA), 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. The remaining portions of the SSRP 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 with the intention to foster cooperation and coordination between neighbouring municipalities and between municipalities and provincial departments, boards and agencies.

## 3. 2019/2020 Update

The municipalities met extensively throughout 2019 and 2020 to consider updates to the IDP. Updates were required in order to align with the Modernized Municipal Government Act and adoption of South Saskatchewan Regional Plan. There was also a desire to expand the intermunicipal plan area, while addressing a number of other matters, thereby creating a document with more guidance and clarity for decision makers.

## 4. INTERMUNICIPAL PLAN AREA AND APPLICABILITY

The IDP policies apply to land within the defined intermunicipal plan area. The intermunicipal plan area includes land within the IDP boundary, as illustrated in Map 1, as well as the lands within the Town adjacent to the corporate limits. Provincial Highways 5 and 62 are key transportation corridors within the plan area. The plan area contains a total area of 1747.5 hectares (4318.1 acres) and includes the meandering Pothole Creek valley.

Within Cardston County, the intermunicipal plan area is characterized by a mix of privately and publicly held land, including lands owned by private landowners, Cardston County, and the Town of Magrath. The majority of land is currently zoned Agricultural (see Map 2). The privately held land is predominantly agricultural and is comprised of large tracts of farmland on the periphery of the plan area while fragmented parcels are located adjacent to the town boundary. In addition, there are a number of canal rights-of-way running through the plan area, some of which are planned to support the expansion of the Magrath Regional Trails system. The Town of Magrath Transfer Station is located inside the town boundary and the sewage lagoons are located just outside of the IDP plan boundary to the northeast; as such, the provincially defined setback buffers will preclude developments such as residential, food establishments, school or hospital uses from being established within these buffers.

It is understood that existing uses within the intermunicipal plan area will not be affected by this IDP and may continue operations. However, the expansion, intensification or change of existing uses shall be subject to the IDP policies.

## 5. SHARED SERVICES & ECONOMIC DEVELOPMENT COOPERATION

The County and Town have a strong history of intermunicipal cooperation and have undertaken a number of intermunicipal initiatives to provide a variety of services in a cost-effective manner. These initiatives include formal agreements and committees that contain members of Council from each municipality, including the Magrath and District Recreation Committee, Magrath and District Regional Water Services Commission, SouthGrow Regional Initiative and the Oldman River Regional Services Commission, to name a few.

The Magrath Regional Trails Master Plan (2017) represents an excellent amenity that is expected to continue to attract recreation and tourism enthusiasts locally and regionally. It is anticipated that the trail system will be the catalyst for significant development along the corridor, as well as

# CARDSTON COUNTY BYLAW #765-2021
# TOWN OF MAGRATH BYLAW #1279
# INTERMUNICIPAL DEVELOPMENT PLAN

## MAP 1
## INTERMUNICIPAL PLAN AREA

TWP 6 RGE 22 W4M

TWP 6 RG

33

34

35

36

28

27

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5

21

22

23

24

62

TWP 5 RGE 22 W4M

TWP 5 RGE 21 W4M

- Intermunicipal Plan Area
- Town of Magrath Boundary
- Pothole Creek
- Plan Area

Aerial Photo: 2018

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a generating factor for economic development within the Town. The Trails Plan envisions a peripheral pathway network around and within the Town, in some cases coinciding with the IDP boundary, and will showcase the natural beauty of the region as well as its wealth of historically and culturally significant features. The plan reflects an enduring commitment to connecting people of all ages with the outdoor environment, providing recreational opportunities, and offering an alternative transportation option. The total length of all trails envisioned in the Trails Plan is 27 km (see Map 7).

The history of cooperation between the municipalities establishes a strong basis for the concurrent creation of an intermunicipal collaboration framework (ICF) pursuant to Part 17.2 of the MGA.

## 6. GUIDING PRINCIPLES

6.1 Cardston County and the Town of Magrath agree that they shall ensure that the policies of this plan are properly, fairly and reasonably implemented.

6.2 Cardston County and the Town of Magrath will honour the agreements reached and be clear about what has been decided and how the agreement will be carried out.

6.3 Cardston County and the Town of Magrath shall monitor and review the policies of this plan on a regular basis and as circumstances warrant.

## 7. PLAN GOALS

7.1 To address requirements of the Municipal Government Act with respect to plan administration, plan amendment and intermunicipal conflict resolution procedures.

7.2 To comply with relevant objectives of the South Saskatchewan Regional Plan.

7.3 To provide a policy framework to guide future land use decisions within the intermunicipal plan area.

7.4 To provide for a planning process that facilitates on-going consultation and cooperation among Cardston County and the Town of Magrath and affected taxpayers.

## 8. PLAN OBJECTIVES

8.1 To foster intermunicipal cooperation between Cardston County and the Town of Magrath.

8.2 To ensure development is planned in a manner that is complementary to existing and proposed developments.

8.3 To support the ongoing consultation and cooperation that Cardston County and the Town of Magrath have established.

8.4 To facilitate development in cooperation with and coordinated with development in the Town of Magrath.

8.5 To assist and facilitate Cardston County and the Town of Magrath in orderly, coordinated and economical planning and development of the lands within the intermunicipal plan area.

8.6 To identify possible areas of joint ventures for services such as regional water systems.

8.7 To provide a framework with guidelines by which Cardston County and the Town of Magrath can work so as to ensure:

- that each municipality may expand the development and assessment base within their respective boundaries;
- that any present and future conflict is reduced or eliminated between Cardston County and the Town of Magrath; and
- that each municipality is accorded sufficient flexibility to be able to react to the changes in the economy as well as demands of the individuals and investors interested in locating within these municipalities.

# INTERMUNICIPAL DEVELOPMENT PLAN POLICIES AND PROCEDURES

The IDP policies are to be used as a framework for decision making in each municipality with the input and cooperation of the other jurisdiction. Each municipality is responsible for decisions within their boundaries using the policies and the procedures provided in this IDP.

## 9. GENERAL POLICIES

9.1 The municipalities are committed to maintaining open communication regarding matters of joint interest within the intermunicipal plan area. It is not possible to address every situation that may be of joint interest. As such, each municipality will make reasonable attempts to maintain on-going communication including matters not specifically mentioned or discussed in this plan.

9.2 Cardston County and the Town of Magrath acknowledge the importance of circulating and sharing of information with respect to land use activities in the intermunicipal plan area. Each party agrees to refer and comment on proposals and planning matters in a timely manner relative to decision dates (see Section 15 for procedures and timelines.)

9.3 The Alberta Land Stewardship Act, and the subsequent South Saskatchewan Regional Plan were approved and govern planning in the southern portion of the province. The County and Town will consider and respect the mandate of this legislation and will cooperate to comply with the adopted regional plan policies.

9.4 Developments proposed on large parcels of vacant land within the intermunicipal plan area should be subject to area structure plans or design schemes in order to establish a framework for future subdivision and development and, in particular, ensure compatible land use patterns, sequence of development, access and circulation, utility servicing, and minimal impacts on expansion capabilities of the Town of Magrath. [Note: An ASP should address, including, but not limited to: conformity with planning documents, proposed land uses, lot sizes and density, access, transportation linkages, fire suppression, soil conditions, sub-surface conditions, storm water management, municipal reserve provisions, architectural controls, and servicing (deep and shallow utilities), etc.]

9.5 The municipalities recognize the need for formal, detailed planning to take place in the intermunicipal plan area. In order to advance development proposals, while retaining the benefit of a comprehensive planning process, the municipalities may lead or work collaboratively with a private landowner(s) to prepare an area structure plan. The costs of doing so may be recovered by levying a proportionate and agreed upon fee on each lot at the time of subdivision approval, or by another method acceptable to the municipalities.

9.6 Proposed subdivision or development in the intermunicipal plan area may benefit from a sharing of municipal services from the Town of Magrath. Where urban services are proposed by the developer, an agreement must be discussed with the Town, prior to the application being deemed complete. It is acknowledged that, although these circumstances may arise and benefit all parties concerned:

- the Town of Magrath is not committed to providing any new services outside the Town boundaries; and
- Cardston County will not approve any applications requiring urban services until a servicing agreement is negotiated with the Town.

9.7 The Town will forward, to Cardston County for comment and consideration, all proposals for major expansion of municipal services of a potential benefit to Cardston County or opportunity for a joint venture.

9.8 Redesignation of land, subdivision of land or development of land for uses involving schools, hospitals, food establishments, or residences will not be permitted within 300 m of the working area of the Town of Magrath Transfer Station in accordance with section 13 of the Subdivision & Development Regulation (see Map 3).

9.9 Any discretionary uses or subdivisions approved within the intermunicipal plan area shall give consideration to potential impacts on urban expansion by considering matters like land use conflict, the highest and best use of the land, access, future road alignment, the positioning and orientation of buildings, and any other relevant matters.

9.10 Trails are an integral part of the Town and region's open space and recreation strategy. The mutually adopted Magrath Regional Trails Master Plan is hereby recognized as intermunicipal policy. It is noted that the plan addresses matters like developer cost contribution, municipal reserve dedication and other important matters, and should be considered at the time of development and subdivision proposals within or adjacent to identified trail corridors (see Map 7). Identified trail corridors in the Trails Master Plan should be protected and (where applicable) dedicated, as part of the subdivision and development approval process.

9.11 The County and Town agree to encourage, through various initiatives including working with private landowners and community groups, and regulate, through their respective Land Use Bylaws and development approval process, a high aesthetic standard and focus on design and appearance for the lands (including the built form and the landscape) adjacent to the principal roadway corridors (Highways 5 and 62) entering and leaving the Town (see Map 7). For clarity, this policy is intended to help create a physical environment that will leave visitors to the Town and surrounding region with a positive impression of the community.

9.12 The intermunicipal plan area, as depicted on Map 1, is hereby established as part of this plan.

## 10. POLICY AREAS & FUTURE LAND USE

**GENERAL**

10.1 The policies listed throughout this plan apply to the individual policy areas (1 to 5) as depicted on Map 3, unless a more specific policy exists for a certain matter.

10.2 In order to allow for the planning and installing of costly infrastructure, the County and Town have identified in this plan the general and long-term directions and likely type of growth to occur. Future land use within the intermunicipal plan area will continue to be primarily for extensive agriculture except where otherwise noted in a specific policy area and depicted on Map 3. This policy does not preclude the establishment of non-agricultural land uses within the plan area. Decisions on applications for non-agricultural land uses shall be made in the context of the policies of this plan and other relevant planning documents.

10.3 Both Councils recognize that certain types of large-scale industrial developments require municipal servicing, and that these developments may only be approved where they can be located to connect to adequate services and infrastructure.

10.4 The long term need for a future school site to serve the Town and region, which could potentially be located in the plan area, is recognized by both municipalities. The early identification of a future school site is encouraged in order for effective site assembly and land use planning to occur. The need for the allocation of municipal and school reserve at the time of subdivision, in accordance with section 670 of the MGA, is noted in this regard.

10.5 Land use proposals that may not conform or are not clearly defined in the plan, may be discussed and considered with agreement between the two municipalities. Such proposals must be brought before a meeting of the Intermunicipal Development Plan Committee for discussion and comment. The Intermunicipal Development Plan Committee may require that an amendment to the plan be required prior to a land use application moving forward.

**POLICY AREA 1**

This area is in the northeast portion of the intermunicipal plan area south of Highway 5 and east of 4$^{th}$ Street E. The area is primarily composed of large historical parcels containing isolated country residences and farmsteads. To the east lies the Pothole Creek valley, which is paralleled by the former canal right-of-way, some of which is to be utilized for future trail development. These features are boundaries that represent logical limits to the long term footprint of the Town of Magrath. The future relocation of the Highway 5/4$^{th}$ Street E intersection is an important planning matter affecting this area, and presents an opportunity for a joint venture facilitating a future business park.

# CARDSTON COUNTY BYLAW #765-2021
# TOWN OF MAGRATH BYLAW #1279
# INTERMUNICIPAL DEVELOPMENT PLAN

## MAP 2
## CURRENT LAND USE DISTRICTS

TWP 6 RGE 22 W4M

TWP 6 RG

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TWP 5 RGE 22 W4M

TWP 5 RGE 21 W4M

- Intermunicipal Plan Area
- Town of Magrath Boundary
- Grouped Country Residential
- Rural Small Holding
- Single Country Residential
- Agriculture

*Note: Land Use Districts obtained from the Cardston County Land Use Bylaw and are current as of February 2021

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# CARDSTON COUNTY BYLAW #765-2021
# TOWN OF MAGRATH BYLAW #1279
# INTERMUNICIPAL DEVELOPMENT PLAN

## MAP 3
## POLICY AREAS AND FUTURE LAND USE

TWP 6 RGE 22 W4M

TWP 6 RG

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36

Area 5

Area 1

28

27

25

Area 4

Area 2

21

22

23

24

Area 3

TWP 5 RGE 22 W4M

TWP 5 RGE 21 W4M

- Potential for Golf Course Residential
- 300m Buffer From Waste Transfer Site
- Policy Area 1
- Policy Area 2
- Policy Area 3
- Policy Area 4
- Policy Area 5
- Possible Highway Commercial Joint Development Area
- Potential Urban Residential / Public
- Potential Grouped Country Residential
- Town of Magrath

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**CARDSTON COUNTY BYLAW #765-2021**
**TOWN OF MAGRATH BYLAW #1279**
**INTERMUNICIPAL DEVELOPMENT PLAN**

## MAP 3A: CONCEPTUAL RESIDENTIAL SUBDIVISION LAYOUT

Conceptual Linework
Town of Magrath Boundary

*AERIAL PHOTO DATE: 2017*

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**CARDSTON COUNTY BYLAW #765-2021**
**TOWN OF MAGRATH BYLAW #1279**
**INTERMUNICIPAL DEVELOPMENT PLAN**

## MAP 3B: CONCEPTUAL BLOCK SUBDIVISION LAYOUT

*AERIAL PHOTO DATE: 2017*

Conceptual Linework
Town of Magrath Boundary

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10.6 Future land use in Policy Area 1 will be primarily agriculture, with limited country residential, the potential for urban scale residential, and the opportunity for a future highway commercial/business park node.

10.7 The intersection of 4th Street E (Range Road 221) and Highway 5 is located on a curve with an elevation change of approximately 6.1%, and is an operational and traffic safety concern. The County and Town, alongside Alberta Transportation, support the future relocation of this intersection – possibly to the intersection of Township Road 60 and Highway 5 – subject to additional planning, including traffic analysis and intersection upgrades. A conceptual alignment is illustrated on Map 7.

10.8 The lands located in the vicinity of the potential 4th Street E/Highway 5 intersection are identified as a potential highway commercial/business park node with high visibility to the motoring public (see Map 3). Lands in the vicinity of this area should be protected from pre-mature subdivision or development to ensure that this opportunity is preserved.

10.9 The lands located in the vicinity of the potential 4th Street E/Highway 5 intersection are identified for a possible joint development venture. The County and Town may agree to enter into a separate agreement for a joint development area to support the development of this project. An agreement for joint development should include, but is not limited to, cost and revenue sharing, reciprocal development and servicing standards, proposed land uses, transportation linkages, and any other relevant matters. Lands established as a joint development area will typically not be a candidate for annexation.

10.10 Any additional subdivision activity in this area shall trigger the requirement for an area structure plan to be prepared and adopted by bylaw, prior to a subdivision being approved. This is to ensure that additional fragmentation of lands within this already relatively fragmented area doesn't occur without proper planning. Excluded from this requirement is the ability to subdivide, subject to due process, up to two (2) single lot vacant or farmstead subdivisions on an existing parcel that has not already been subdivided at the time of the original passing of this plan in 2011.

10.11 A conceptual residential subdivision layout drawing for an individual parcel of land in Policy Area 1 is located in Map 3A. This drawing is solely for discussion purposes, and to illustrate the quality, detail and considerations (ie. future road connections to neighbouring parcels) expected for multi-lot subdivision proposals in the policy area. Note that a multi-lot subdivision proposal like the one depicted in Map 3A will require the preparation of an area structure plan.

**POLICY AREA 2**

This area lies east of 4th Street E and west of the former canal right-of-way. The LDS Church campground is contained within the area, and is of particular interest to the Town for short term annexation. The presence of the Pothole Creek valley and the transfer station will influence land use in the vicinity of the facility.

10.12 Future land use in Policy Area 2 will continue to be primarily agriculture with the exception of the portion of the NW¼ 25-5-22-W4M (containing ±89.09 acres) that is assigned for future urban residential/public land use.

**POLICY AREA 3**

This area is situated south of the Town and includes public and institutional uses, like the golf course, cemetery and the agricultural society, interspersed amongst agricultural lands and isolated country residences. The transfer station buffer extends into this area and will influence future land use. The potential for a future grouped country residential node adjacent to the trail system is noted and is currently zoned in support of the same.

10.13 Future land use in Policy Area 3 will continue to be primarily agriculture with the exception of Block 10, Plan 6318EK (containing ±46.59 acres) which is assigned for future grouped country residential.

10.14 The potential for future residential development complementary to the golf course may be supported.

**POLICY AREA 4**

This area lies west of the Town, and south of Highway 5, and contains a mix of large parcel agricultural lands and a corridor of acreage residential along Township Road 54 (5th Avenue S). The lands are mostly flat, and unlike the previous Policy Areas, are outside the direct influence of the Pothole Creek valley. It is noted that a stormwater curtain exists within the 5th Street W right-of-way, and may affect infrastructure extensions going west.

10.15 Future land use in Policy Area 4 will continue to be primarily agriculture with the exception of the areas within the E½ 27-5-22-W4M and the NE¼ 22-5-22-W4M (containing ±150.04 acres) that are assigned for future urban residential purposes.

10.16 The lands immediately west of Town, abutting the Town boundary, are relatively unfragmented, and should be preserved from pre-mature fragmentation that would compromise the future continuation of the block pattern that exists within the Town from being established in this area.

10.17 A conceptual residential block layout drawing over multiple parcels of land in Policy Area 4 is illustrated in Map 3B, and shows the extension of critical road grid corridors extending from the Town. This drawing is solely for discussion purposes, and to

illustrate a potential block layout (likely to be outfitted with additional intervening roads for smaller blocks) for the policy area.

10.18 The potential for future residential development complementary to the golf course may be supported.

**POLICY AREA 5**

This area exists north of Highway 5, and includes a variety of agricultural lands supported by farmsteads. A large grouped country residential node exists in the easterly portion of the area. The Town does not have growth aspirations across the highway, which is consistent with Alberta Transportation feedback on the matter.

10.19 Future land use in Policy Area 5 will continue to be primarily agriculture with the exception of the portion of the NE¼ 35-5-22-W4M (containing ±94.64 acres) that is assigned for future grouped country residential.

## 11. ANNEXATION AND URBAN EXPANSION

**POLICIES**

11.1 In order to allow for the planning and installing of costly infrastructure, the County and Town have identified in this plan the general and long-term directions of the Town. Potential future annexations of any of these lands will occur in the framework and context of long-range planning documents and in consultation with the County.

11.2 Decision makers in both jurisdictions should consider the lands identified on Maps 3 and 4 with the intention of protecting the lands from conflicting or incompatible uses and premature or unnecessary subdivision.

11.3 Any discretionary use development permit application in the intermunicipal plan area should give consideration to potential impacts on urban expansion.

11.4 Any subdivisions approved in the intermunicipal plan area should give consideration to potential impacts on urban expansion. Premature fragmentation of lands makes land assembly more difficult, and jeopardizes the future of urban scale development and therefore may be limited.

11.5 As part of its long term growth strategy, the Town of Magrath will endeavor to encourage private landowners within the Town to support developing existing areas that can accommodate infill development and/or redevelopment.

# CARDSTON COUNTY BYLAW #765-2021
# TOWN OF MAGRATH BYLAW #1279
# INTERMUNICIPAL DEVELOPMENT PLAN

## MAP 4
## AREAS OF POTENTIAL ANNEXATION

TWP 6 RGE 22 W4M

TWP 6 RG

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TWP 5 RGE 22 W4M

TWP 5 RGE 21 W4M

- Intermunicipal Plan Area
- Town of Magrath Boundary
- Possible Short Term Annexation to Magrath
- Annexed to Magrath in 2012

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11.6 Annexation involves a number of stakeholders that need to be involved in the process including:

(a) landowners directly affected by the application must be part of the negotiation process;
(b) Town of Magrath, who must make the detailed case for annexation and be a major participant in any negotiations;
(c) Cardston County, who must evaluate the annexation and supporting documentation for the impact on its financial status and land base as well as taxpayer issues. The County will, as part of the negotiation with taxpayers, wish to see arrangements regarding, but not limited to:
(d) property taxes of taxpayers
(e) use of land continuing as agriculture until needed for development
(f) ability to keep certain animals on site
(g) authorities such as Alberta Transportation and Alberta Environment and Parks;
(h) utility companies and other service providers; and
(i) the Municipal Government Board, who will evaluate the application and responses from the stakeholders.

11.7 The expansion of urban municipal boundaries should be orderly and employ a process to allow for uncontested annexations.

11.8 Annexation proposals must be based on effective public consultation both prior to and during any annexation hearings or proceedings.

11.9 Annexation boundaries should follow legal boundaries and respect natural features to avoid creating fragmented patterns of the municipal jurisdiction.

11.10 Annexation proposals must fully consider the financial impact on the initiating and responding municipality.

11.11 Cardston County and the Town of Magrath may negotiate a formula for the determination of compensation for annexation as part of the negotiation process for a specific annexation proposal.

11.12 In advance of any annexation, the initiating municipality should prepare a Growth Study, in accordance with the annexation principles established by the Municipal Government Board that addresses:

- projected land needs;
- a conceptual design proposal;
- logical extensions of growth patterns, transportation and infrastructure servicing;
- sewer and water capacity and ability to accommodate additional growth;
- a cost effective, efficient approach to municipal budget implications;
- impacts to utility companies/service providers;

- proposed uses of land and the potential impact on existing land uses; and
- a timetable for implementation.

11.13 Any annexation study or application proposed must include a detailed description of rural municipal roads that may be affected by the annexation or municipal boundary change. Proposed annexation boundaries should be based on the principle of including the outer limits of any adjacent road right-of-way boundary so that adjacent parcels identified to accommodate Town urban growth (i.e. parcels being the subject of the annexation) will be under the control and management of the urban municipality and the rural jurisdiction will not be affected or responsible for any future management or maintenance issues resulting from urban expansion.

11.14 The portion of the NW¼ 25-5-22-W4M (Certificate of Title #801 037 775, containing ±89.09 acres) has been identified as an area appropriate for urban uses and possible short term annexation to the Town of Magrath.

11.15 The County or Town may initiate an application for annexation if the proposal is for a minor boundary adjustment to accommodate property line reconfigurations, roads, canals, or utility right-of-way that may be split by municipal jurisdiction boundaries and the two municipalities agree the annexation proposed is minor and logical.

11.16 Within six (6) months upon a Municipal Board Order approving an annexation, the IDP boundary should be reviewed and amended as determined necessary to reflect the urban municipal boundary change. This provision does not apply in the event the lands identified in Policy 11.14 are annexed.

11.17 As an alternative to annexation, the County and Town agree to discuss potential joint ventures in the form of Joint Development Areas. Potential Joint Development Areas will have a defined project location subject to a cost and revenue sharing agreement, be negotiated in good faith, and will be premised upon co-operative cost and revenue sharing to the benefit of both municipalities.

## 12. AGRICULTURE

12.1 Priority is placed on the preservation of arable lands for agriculture production and promoting diversification of the agricultural sector by supporting many types of agricultural operations.

12.2 Both municipalities recognize the importance of the existing extensive agricultural (cultivation and grazing) uses of land found within the intermunicipal plan area. These agricultural activities can continue to operate under acceptable farming practices and may be protected provided they are operating in accordance with the Agricultural Operation Practices Act.

12.3 The Town of Magrath acknowledges Cardston County's strategic direction to protect the agricultural land base and support and encourage agricultural industry and

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# INTERMUNICIPAL DEVELOPMENT PLAN

## MAP 5
## CFO EXCLUSION AREAS

TWP 6 RGE 22 W4M

TWP 6 RGE 21

33 34 35 36 31

28 27 25 30

21 22 23 24 19

16 15 14 13 18

TWP 5 RGE 22 W4M

TWP 5 RGE 21 W4M

Intermunicipal Plan Area

Town of Magrath Boundary

CFO Exclusion Areas

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recognizes that residents within the Town may be affected by noise, smells or other impacts associated with agricultural operations from time to time from operations that exist within and beyond the IDP boundaries.

12.4 Premature development of existing agriculture lands within the intermunicipal plan area should be avoided and such land should continue to be used for agricultural purposes until it is necessary to change to another land use. To provide for orderly, efficient, and coordinated future expansion of the Town of Magrath and promote protection of the agricultural land base, wide-spread fragmentation of agricultural lands should be minimized.

12.5 Both municipalities will attempt to work cooperatively in encouraging and supporting 'considerate' good neighbour farming practices, such as dust, weed, and insect control adjacent to developed areas, through best management practices and Alberta Agriculture guidelines.

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

12.7 New confined feeding operations (CFOs) – being operations that require a registration or approval in accordance with Schedule 2 of the Part 2, Matters Regulation of the Agricultural Operation Practises Act – are not permitted to be established within the IDP CFO Exclusion Area (see Map 5). However, any existing CFOs located within the Confined Feeding Exclusion Area are allowed to continue with their existing operations and may expand in accordance with the requirements of the Agricultural Operation Practices Act and Regulations. Expansions should not negatively impact rural and urban residents of the area or the environment.

12.8 In regard to manure application on lands in the CFO Exclusion Area, the standards and procedures as outlined in the Agricultural Operation Practices Act, Standards and Administration Regulation shall be applied.

12.9 Cardston County will amend its municipal development plan (MDP) to recognize the CFO exclusion area surrounding the Town of Magrath to the extent illustrated in Map 5 (in order to ensure the IDP and the County MDP are consistent with one another).

## 13. ENVIRONMENTAL & HISTORICAL MATTERS

13.1 The County and Town recognize the importance of riparian areas and their preservation as part of the planning and development approval process. Each municipality shall consider if an environmental impact assessment is needed to make a decision on a development application and shall consider the recommendations in the Stepping Back From the Water:

# CARDSTON COUNTY BYLAW #765-2021
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## MAP 6
## ENVIRONMENTAL MATTERS

TWP 6 RGE 22 W4M

TWP 6 RG

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TWP 5 RGE 22 W4M

TWP 5 RGE 21 W4M

- Intermunicipal Plan Area
- Town of Magrath Boundary
- Jensen Dam Breach Flood
- Wetlands
- Storm Water Curtain
- Pothole Creek

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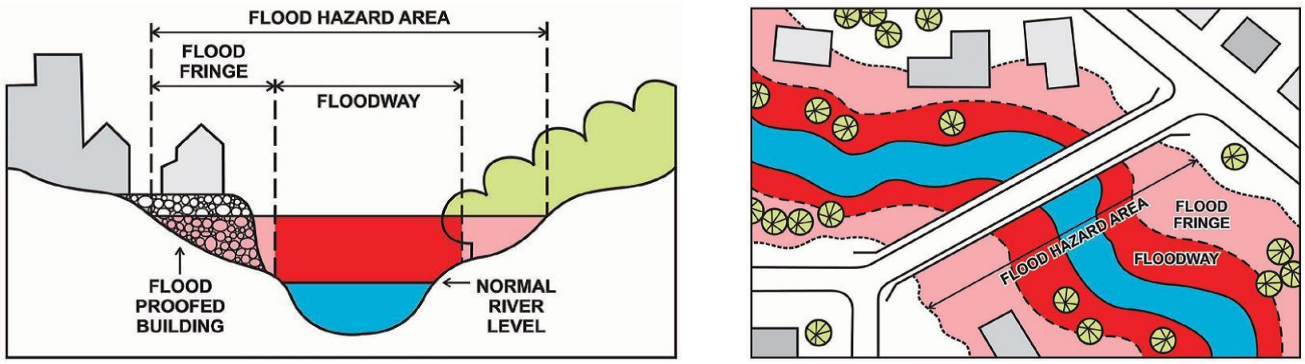
A Beneficial Practice Guide to New Development Near Water Bodies in Alberta's Settled Region (2012) document.

13.2 The municipalities recognize the significance of Pothole Creek, and the potential for flooding within the creek valley. New applications within or adjacent to the flood fringe shall be assessed as to their suitability and will be required to demonstrate consideration of flood related impacts, flood mitigation measures and protection of the watercourse. New permanent development shall not be approved where within the flood way (See Figure 3).

***Figure 3: Flood Hazard Area Diagram***




13.3 The Jensen Dam breach mapping, prepared as part of the Jensen Dam Emergency Preparedness Plan for Flood Emergencies (2015) on behalf of Alberta Environment pursuant to the Water Act (Ministerial) Regulation, Section 6 – Dam and Canal Safety, illustrates the extent of inundation that may be experienced in the event of the failure of Jensen Dam and shall be referred to during subdivision and development processes.

13.4 Limited wetland areas exist within the intermunicipal plan area and fall under the direction of the Alberta Wetland Policy (2013) and the regulation of the Water Act. The municipalities recognize the importance of wetlands to the environment, society and the economy, and endeavor to protect these sensitive areas by adhering to the Alberta Wetland Policies mitigation hierarchy of avoidance, minimization and replacement. Where lands are likely to contain wetlands, a wetland assessment may be required prior to a decision being made on a development application.

13.5 Both municipalities acknowledge the ability to dedicate environmental reserve or an environmental reserve easement, where appropriate, for watercourses, natural drainage courses, wetland areas and other areas within the intermunicipal plan area and recognize that the Municipal Government Act authorizes:

a. the dedication of a minimum 6 metre strip abutting a water course;

b. the dedication of lands consisting of a swamp, gully, ravine, coulee or natural drainage course; and
c. the dedication of land that is subject to flooding or is unstable.

13.6 Both municipalities agree to encourage low impact development practices and sustainable design measures, including initiatives like green roofs, bio-retention areas, porous pavement, water re-use, bio-swales, naturalized storm ponds and other initiatives in order to reduce storm water quantity and achieve positive environmental outcomes.

13.7 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.

13.8 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 is of the opinion that 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.

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

## 14. TRANSPORTATION

14.1 Cardston County and the Town of Magrath will work with all levels of government and transportation related agencies to ensure a safe, efficient and cost effective transportation system.

14.2 Generally speaking, the road grid within the Town of Magrath shall be extended into the intermunicipal plan area as the area develops and roads are required. The logical extension of existing road grid corridors shall be preserved to ensure they are available when needed in the future.

14.3 Each municipality must be notified of any development or subdivision proposal in the other municipality that will result in access being required from an adjoining road under its control or management.

14.4 Where a determination is made that development in one municipality has undue impact on the transportation network of the neighbouring municipality, the

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# TOWN OF MAGRATH BYLAW #1279
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## MAP 7
## TRANSPORTATION AND TRAILS

TWP 6 RGE 22 W4M

TWP 6 RG

4 ST E

33 34 35 36

28 27 25

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21 22 23 24

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TWP 5 RGE 22 W4M

TWP 5 RGE 21 W4M

- Town of Magrath Boundary
- Intermunicipal Plan Area
- Gateway Corridor
- Existing Trails [1]
- Possible Future Trails [1]
- Possible Future Road Extension
- Potential Intersection Realignment
- Possible Intersection Closure

[1] Existing and possible future trails were obtained from Magrath Regional Trail Master Plan

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municipalities should work together to develop cost sharing agreements to provide for shared upgrades to the transportation system.

14.5 Information regarding any planned major transportation infrastructure project by one municipality shall be provided to the other municipality to allow for collaboration and coordinated planning.

14.6 Both municipalities recognize the need to coordinate provincial transportation plans and municipal land use plans to ensure proper planning of development adjacent to highways of provincial interest.

14.7 The County and Town should jointly review their municipal standards for roadway design to ensure a compatible standard, particularly as they affect the intermunicipal plan area.

14.8 All subdivision and development proposals in proximity to a provincial highway shall be sent to Alberta Transportation for comment and (where applicable) approval. Developers shall be responsible to provide a traffic impact assessment for any major subdivision or development proposal which may impact the provincial road network.

## 15. REFERRALS

15.1 Cardston County and the Town of Magrath agree to refer to each other all land use applications within the intermunicipal plan area (which includes those areas within the Town adjacent to the Town boundary) including area structure plans and amendments, area redevelopment plans and amendments, redesignations, subdivision and development, annexation proposals, and any appeals of subdivision or development, as well as any matters that may affect the intermunicipal plan area including municipal development plans and land use bylaws and any amendments to either, using the procedures established in the policies in this section and summarized in Figure 4 .

15.2 Referrals shall contain all available information for review and a municipality may request further information to be provided. In the case of all comments, a timely written response prior to the decision date is expected.

15.3 **Municipal Development Plans (see Figure 4)**

(a) A new Municipal Development Plan proposed by either municipality shall be referred to the other municipality and the Intermunicipal Development Plan Committee for comment prior to the public hearing.

(b) Any amendment to either municipality's Municipal Development Plan that may have an impact on this plan or may affect municipal expansion shall be referred to the other municipality and the Intermunicipal Development Plan Committee for comment prior to the public hearing.

(c) Comments from administration and the Intermunicipal Development Plan Committee provided prior to or at the public hearing will be considered by the municipality in which the plan is being proposed.
(d) Each party reviewing the referral shall have a 21-day circulation review period to comment on the proposal.

### 15.4 Area Structure Plans and Area Redevelopment Plans (see Figure 4)

(a) Area Structure Plans, Area Redevelopment Plans, or any amendments to such plans that are proposed within the intermunicipal plan area shall be forwarded to the other municipality and the Intermunicipal Development Plan Committee for comment prior to the public hearing.
(b) Comments provided at or prior to the public hearing from the affected municipality and the Intermunicipal Development Plan Committee will be taken into consideration. The municipality processing the application may choose to amend the document accordingly and/or if necessary, table the public hearing for further information.
(c) Any changes to a proposed area structure plan or redevelopment plan following the public hearing that will have an impact on this plan or the urban expansion of the Town should be re-circulated to the other municipality and the Intermunicipal Development Plan Committee for review prior to giving second reading or holding a second hearing. Based on the significance of the changes, the municipality processing the application should consider convening a new public hearing.
(d) Each party reviewing the referral shall have a 21-day circulation review period to comment on the proposal.

### 15.5 Land Use Bylaws and Amendments (see Figure 4)

(a) A new land use bylaw proposed by either municipality shall be referred to the other municipality and the Intermunicipal Development Plan Committee for comment prior to the public hearing.
(b) All proposals to redesignate land within the intermunicipal plan area shall be referred to the other municipality and the Intermunicipal Development Plan Committee for comment prior to the public hearing.
(c) Any other amendments to either municipality's land use bylaw that may have an impact on this plan, or may affect municipal expansion shall be referred to the other municipality and the Intermunicipal Development Plan Committee for comment prior to the public hearing.
(d) Comments from the affected municipality and the Intermunicipal Development Plan Committee provided prior to or at the public hearing will be taken into consideration by the municipality in which the proposal is being processed.
(e) Any changes to a proposed new land use bylaw or redesignation following the public hearing that will have an impact on this plan or the urban expansion of the Town should be re-circulated to the other municipality and the Intermunicipal

Development Plan Committee for review prior to giving second reading or holding a second hearing. Based on the significance of the changes, the municipality processing the application should consider convening a new public hearing.

(f) Each party reviewing the referral shall have a 21-day circulation review period to comment on the proposal.

15.6 **Subdivision Applications (see Figure 4)**

(a) The municipality in receipt of a subdivision application within the intermunicipal plan area shall refer the application to the other municipality for comment.
(b) Each party reviewing the subdivision referral shall have the established 19-day circulation review period to comment on the proposal.
(c) Administration shall forward the proposed subdivision application to the Intermunicipal Development Plan Committee for comment if the application has the potential to impact this plan, affect municipal expansion, or if it is decided that Committee review is warranted.
(d) Comments received prior to the decision date will be considered by the applicable Subdivision Authority.
(e) The municipality in receipt of a subdivision appeal within the intermunicipal plan area shall notify the other municipality of the appeal date and decision.

15.7 **Development applications (see Figure 4)**

(a) All discretionary use applications located in the intermunicipal plan area shall be referred to the other municipality for comment.
(b) Administration will forward applications involving any development which could have a major impact on the other municipality (e.g. potentially noxious use, a major traffic generator, etc.) to the Intermunicipal Development Plan Committee for comment.
(c) Administration may forward any proposed development application to the Intermunicipal Development Plan Committee for comment if the application has the potential to impact this plan, affect municipal expansion, or if it is felt that Committee review is warranted.
(d) Each party reviewing the referral shall have a 15-day circulation review period to comment on the proposal.
(e) The municipality in receipt of a development appeal within the intermunicipal development plan area shall notify the other municipality of the appeal date and decision.

15.8 Each municipality shall refer to each other for comment non-statutory plans, such as conceptual schemes or comprehensive site plans, which may have an impact on this plan or could have an effect on the adjacent municipality.

15.9 The municipalities are encouraged to refer to each other for comment, land use or planning matters that have the potential to impact the other municipality, even if it involves lands that may not be located within the defined intermunicipal plan area.

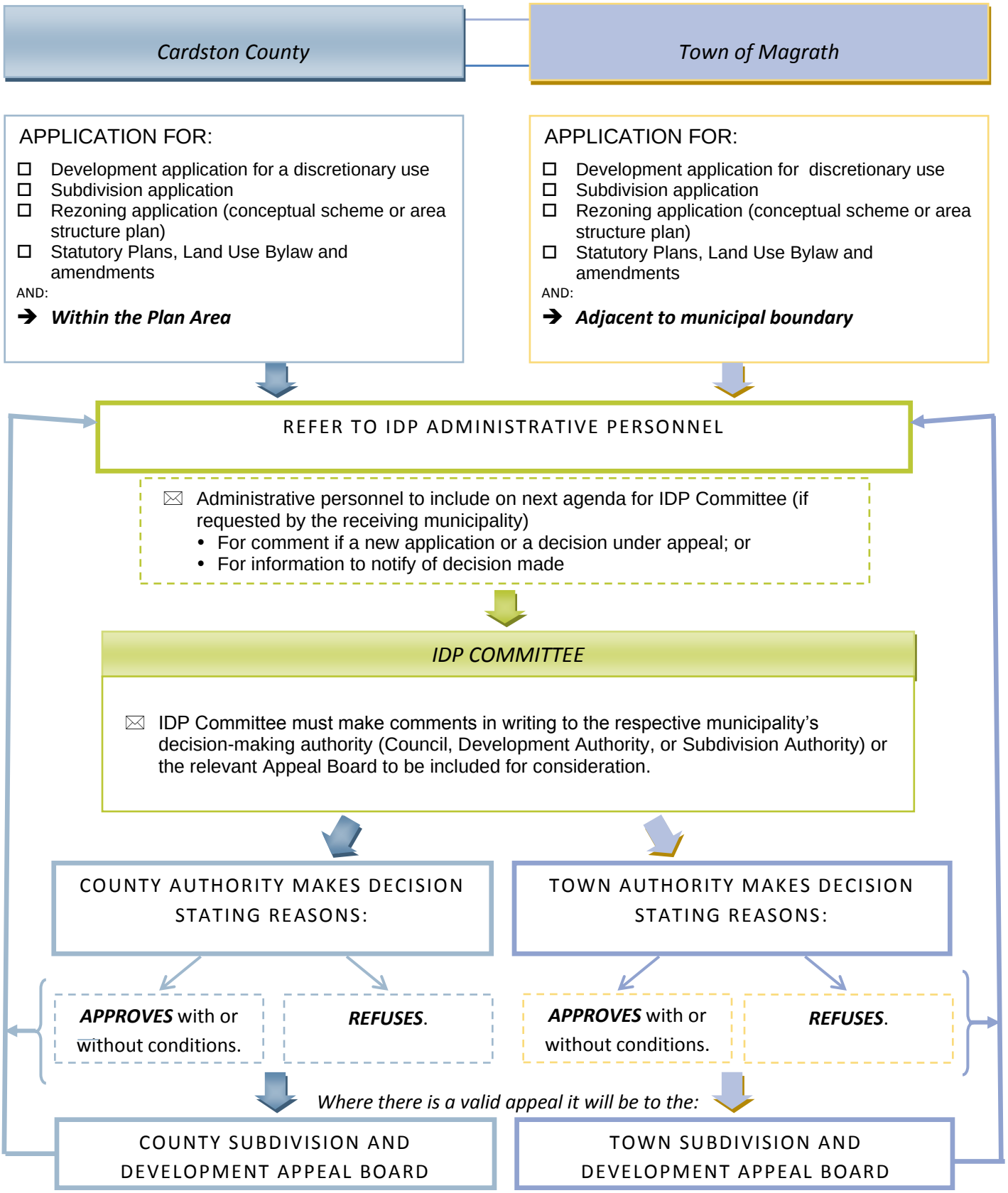
15.10 Comments from the receiving municipality and/or the Intermunicipal Development Plan Committee that are provided prior to or at the public hearing or meeting shall be considered by the municipality, in addition to the relevant policies of this plan, in which the plan, scheme, subdivision application, development application or amendment is being proposed.

15.11 In the event that either municipality and/or the Intermunicipal Development Plan Committee does not reply within, or request an extension to, the response time for intermunicipal referrals, it will be assumed that the responding municipality and/or Committee has no comment or objection to the referral.

15.12 Comments from the receiving municipality and/or the Intermunicipal Developmnent Plan Committee 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.

15.13 Where an intermunicipal referral is required by the Municipal Government Act or the policies contained in this 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.

***Figure 4: Intermunicipal Development Plan Referral Flowchart***



## 16. DISPUTE SETTLEMENT PROCEDURES

By its nature, the policies of this plan are general and make each municipality responsible for decisions made in their own jurisdiction. This suggests that different plan interpretations or actions may result in disputes from time to time. Using the following system, it is hoped the dispute can firstly be avoided, and secondly, settled locally. Only after a series of steps would the dispute go beyond the local level.

In the case of a dispute, the following steps may be used to resolve the issue:

**Step 1** It is important to avoid any dispute by ensuring the plan is adhered to as adopted, including full circulation of any permit or application that may affect a municipality or as required in this plan and prompt enforcement of the policies of the plan and land use bylaw.

**Step 2** When an intermunicipal issue comes to the attention of either party, it will be directed to the chief administrative officers (CAOs) who will review the issue and after discussion, if the matter is not resolved, refer the issue to the Intermunicipal Development Plan Committee for their review and a recommendation. Additionally, should either municipality identify an issue related to this plan that may result in a more serious dispute, that municipality should approach the Intermunicipal Development Plan Committee to call a meeting of the Committee to discuss the issue.

**Step 3** Prior to the meeting of the Committee, each municipality through its administration, must ensure the facts of the issue have been investigated and clarified, and information is made available to both parties. Staff meetings may occur at this point to discuss possible solutions.

**Step 4** The Intermunicipal Development Plan Committee should discuss the issue with the intent to seek a solution by consensus.

**Step 5** Should the Intermunicipal Development Plan Committee be unable to arrive at a consensus, then either municipality will contact the appropriate CAO to arrange a joint meeting of the two councils who will discuss possible solutions.

**Step 6** Should the councils be unable to reach a solution, the two parties, within 30 days or a time frame mutually agreed upon, may contact a professional mediator to commence a mediation process. If one or the other parties is not in agreement with this private mediation step, then either municipality may contact Alberta Municipal Affairs to commence a mediation process under the department's guidance.

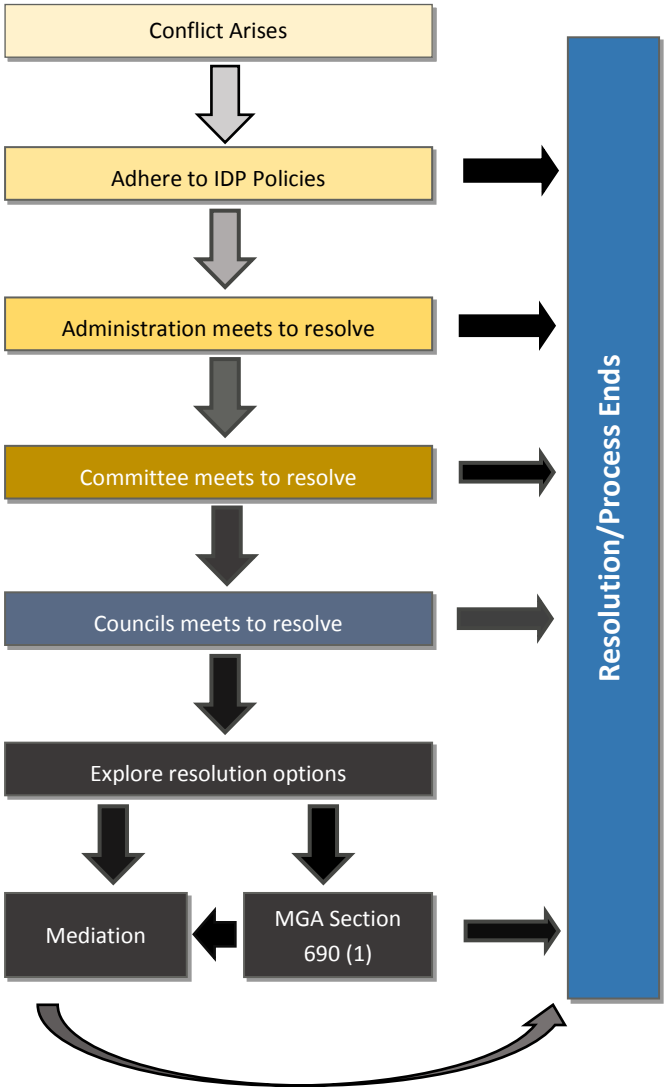
**Step 7** In the case of a dispute regarding:

- a statutory plan or amendment, or

- a land use bylaw or amendment,

Section 690(1) of the Municipal Government Act may be initiated. Using this section of the Act is the final stage of dispute settlement, as this outlines the procedure for the municipalities to request the Municipal Government Board to intercede and resolve the issue.

***Figure 5: Dispute Resolution Flowchart***



# PLAN ADMINISTRATION & IMPLEMENTATION

## 17. ESTABLISHMENT OF INTERMUNICIPAL DEVELOPMENT PLAN COMMITTEE

17.1 An Intermunicipal Development Plan Committee shall be established between Cardston County and the Town of Magrath for the purposes of ensuring continued communication between the municipalities and to act as a liaison for the settlement of any disputes which arise in or adjacent to the intermunicipal plan area or pursuant to this Intermunicipal Development Plan.

17.2 The Intermunicipal Development Plan Committee shall be a referral body and may make recommendations to Cardston County and the Town of Magrath. The Intermunicipal Development Committee does not have decision-making authority or powers with respect to planning matters in Cardston County or the Town of Magrath.

17.3 The Committee shall be comprised of six (6) members, being three (3) elected members from Cardston County Council and three (3) elected members from the Town of Magrath Council, all of whom shall be voting members. The Committee may, at its discretion, also include whatever number of resource persons deemed appropriate in a non-voting capacity.

17.4 All motions of the Intermunicipal Development Plan Committee must receive the support of at least four (4) of the six (6) members of the Committee in the affirmative to adopt the motion.

17.5 The Committee shall be chaired by one of its members from Cardston County.

17.6 The Chairman may call a meeting of the Intermunicipal Development Plan Committee at any time upon not less than seven (7) days notice of the meeting being given to all members of the Committee and all resource persons, stating the date, time, purpose and place of the proposed meeting. Seven days notice may be waived with 4/6 of the Committee members' agreement in writing.

17.7 A quorum for meetings of the Intermunicipal Development Plan Committee shall be four (4) members of the committee, and requires that each municipality is represented by two (2) members.

17.8 The Committee shall appoint a secretary from Cardston County staff, who shall attend and keep the records of all meetings of the Committee.

17.9 Meetings of the Intermunicipal Development Plan Committee should occur at least annually and at a maximum occur only once a month, unless otherwise agreed upon, or at the request of either municipality:

(a) to address concerns regarding the policies of the plan;

(b) to address proposed amendments to the plan;
(c) to address issues in relation to implementation of plan policies;
(d) to review referred proposals under Section 15 or any other matters referred for consideration;
(e) to engage in resolving any conflicts or disputes within the intermunicipal plan area or which arise from this plan – both municipalities will share costs associated with using outside assistance to resolve a dispute; and
(f) to discuss any other land use issue or matter of joint interest not explicitly identified in the plan.

17.10 Committee meetings will typically be held in the Town of Magrath or a venue agreeable to the Committee members.

17.11 Staff members of each municipality may meet to conduct a review of the development and subdivision applications circulated and may forward any application to the Intermunicipal Development Plan Committee for review if deemed necessary.

17.12 If a matter has been referred to the Committee for comment, the Committee shall issue written comments within 14 days of receipt of such a request. Both councils agree that the Committee shall issue its comments in the form of recommendations.

17.13 Where a matter involving the two municipalities cannot be resolved to the satisfaction of the Committee, the Committee is authorized to initiate the dispute settlement procedures in this plan, Section 16.

## 18. PLAN AMENDMENT AND VALIDITY

18.1 This plan comes into effect on the date it is adopted by both Cardston County and the Town of Magrath.

18.2 Either municipality may request that the Plan be rescinded and replaced with a new version upon serving written notice to the other municipality. The dispute resolution process stipulated in Section 16 will be undertaken should the municipalities be unable to reach an agreement.

18.3 The County and Town's land use bylaws and other statutory plans will need to be amended to conform with and reflect specific policies within this plan. It is noted that in the event of an inconsistency between this plan and a lower order plan, this plan prevails to the extent of the conflict or inconsistency in accordance with section 638 of the Municipal Government Act.

18.4 Amendments to the plan may be necessary from time to time to accommodate unforeseen situations; such amendments must be adopted by both councils using the procedures established in the Municipal Government Act.

18.5 Third party applications for an amendment to this plan shall be made to either municipality and be accompanied by the appropriate fees to each municipality.

18.6 The plan should be formally reviewed every five (5) years and amendments made as deemed necessary.

18.7 Municipal staff are encouraged to review the policies of the plan annually and discuss land use matters, issues and concerns on an on-going basis. Municipal staff may make recommendations to their respective Councils to amend the plan to ensure the policies remain relevant and continue to meet the needs and protect the interest of both municipalities.

## 19. MUTUAL BENEFIT & COOPERATION

19.1 The County and Town agree to work together to try and enhance and improve the region for the benefit of both municipalities.

19.2 The County and Town agree that they will continue to consult and cooperate together in discussing and planning in a positive, collaborative manner, land use and development strategies for the area with a "regional" perspective.

19.3 Both municipalities recognize that some development or economic proposals may be regionally significant and/or mutually beneficial to both parties and the two agree to meet to discuss such proposals when they come forward to find methods to accommodate such proposals for the benefit of the shared region. Joint Council meetings may be used as a forum to discuss and negotiate particular proposals.

19.4 Both municipalities agree to discuss and find ways to cooperate with other government departments, agencies and utility service providers to help facilitate the efficient delivery of infrastructure and services that may transcend municipal boundaries or are of a mutual benefit.

19.5 In consideration of providing certain municipal services to areas or proposals agreed to between the two municipalities, the County and Town may discuss the need to create and apply off-site levies, development charges, and/or servicing fees to any and all development areas as part of the agreement.

19.6 Where feasible, the County and Town should jointly develop and implement storm water management planning, and infrastructure to make use of the potential cost and land use efficiencies gained through the sharing of this important and required infrastructure.

19.7 As a municipal cost saving initiative endeavour, the County and Town may discuss and plan for the sharing of various municipal equipment, machinery, and services where feasible, practical and workable, which may be managed through separate agreements.

19.8 The County and Town may collaborate and investigate methods of giving various support to a variety of community cultural, recreational, environmental (wetlands, parkland, etc.) or heritage projects that may mutually benefit or enhance the quality of life of taxpayers of both municipalities within the region.

# DEFINITIONS

**Applicant** means registered owner of the land or his/her representative or agent certified as such.

**Area redevelopment plan** means a statutory plan accepted or adopted by council as an area redevelopment plan pursuant to the Municipal Government Act.

**Area structure plan** means a statutory plan in accordance with the Municipal Government Act and for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

**Committee** means the Intermunicipal Development Plan Committee established under this plan.

**Conceptual scheme** means a detailed site layout plan for a piece of land which:

(a) shows the location of any existing or proposed buildings;
(b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole;
(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Municipal Planning Commission; and
(d) has not been adopted by municipal bylaw.

**Confined Feeding Operation** means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks or exhibition grounds as defined within the Agricultural Operation Practices Act, Chapter A-7, RSA AB 2000.

**County** means Cardston County in the Province of Alberta.

**Development** means:

(a) an excavation or stockpile and the creation of them, but does not include a pond or lagoon for agricultural purposes or any other excavation or stockpile for agricultural purposes that is exempted from obtaining a development permit pursuant to a municipality's land use bylaw;
(b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
(c) a change of use of land or a building or an act done in relation to land or a building that results in a change in the use of the land or building; or
(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in, or is likely to result in, a change in the intensity of use of the land.

**Development Authority** means the development authority of Cardston County and the development authority of the Town of Magrath, respectively, established pursuant to Part 17, Division 3 of the Municipal Government Act.

**Extensive Agriculture** means methods used to gain a livelihood on large parcels of land by the raising of crops or the rearing of livestock, either separately or in a mixed farming operation, but does not include a confined feeding operation (CFO).

**IDP** means the Cardston County and Town of Magrath Intermunicipal Development Plan.

**Intermunicipal Plan Area** means the area of land within Cardston County shown on Map 1 as well as all lands within Magrath that are adjacent to the outer limits of the Town boundary.

**Joint development area** means a prescribed area subject of a cost and revenue tax sharing agreement between the partner municipalities. The agreement is designed to simplify and promote growth, eliminate competition, remove obstacles for developers who wish to develop in locations that would benefit or require annexation, and leverage the respective strengths and resources of each municipality.

**Mediation** means a process involving a neutral person as a mediator who assists parties to a matter to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the parties.

**Municipal Council** within the boundary of the Town of Magrath means the Magrath Council, and within the boundary of Cardston County means the County Council.

**Municipality** means Cardston County or the Town of Magrath in the Province of Alberta.

**Statutory Plan** means an intermunicipal development plan, a municipal development plan, an area structure plan or an area development plan adopted by a municipality under Part 17, Division 4 of the Municipal Government Act.

**Subdivision (or subdivide)** means the division of a parcel of land by an instrument.

**Subdivision Authority** means the subdivision authority of Cardston County and the subdivision authority of the Town of Magrath, established pursuant to Part 17, Division 3 of the Municipal Government Act.

**Town** means the Town of Magrath in the Province of Alberta.

**Urban Services** means utility services provided by the Town of Magrath.

**Working Area** means those areas that are currently being used or that still remain to be used for the placing of waste material, or where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility, landfill or storage site (Subdivision and Development Regulation AR 43/2002).