Municipal District of
Pincher Creek No. 9
&
Cardston County

Intermunicipal Development Plan

Bylaw No. 1308-19 & Bylaw No. 726.2019

November 2019





OLDMAN RIVER REGIONAL SERVICES COMMISSION

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Prepared for the Municipal District of Pincher Creek No. 9 and Cardston County

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MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1308-19

BEING a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to adopt an Intermunicipal Development Plan between the Municipal District of Pincher Creek No. 9 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 the Municipal District of Pincher Creek No. 9 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 the Municipal District of Pincher Creek No. 9 duly assembled hereby enacts the following:

1. That the Municipal District of Pincher Creek No. 9 and Cardston County Intermunicipal Development Plan, attached hereto, be adopted.
2. This plan, upon adoption, shall be cited as the Municipal District of Pincher Creek No. 9 and Cardston County Intermunicipal Development Plan Bylaw No. 1308-19 and Bylaw No. 726.2019.
3. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this 10th day of September, 2019.

Reeve – *Brian Hammond* ***Chief Administrative Officer*** – *Troy MacCulloch*

READ a **second** time this 12th day of November, 2019.

Reeve – *Brian Hammond* ***Chief Administrative Officer*** – *Troy MacCulloch*

READ a **third** time and finally PASSED this 12th day of November, 2019

Reeve – *Brian Hammond* ***Chief Administrative Officer*** – *Troy MacCulloch*

CARDSTON COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 726.2019

BEING a bylaw of Cardston County in the Province of Alberta, to adopt an Intermunicipal Development Plan between Cardston County and the Municipal District of Pincher Creek No. 9 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 the Municipal District of Pincher Creek No. 9 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 Municipal District of Pincher Creek No. 9 and Cardston County Intermunicipal Development Plan, attached hereto, be adopted.
2. This plan, upon adoption, shall be cited as the Municipal District of Pincher Creek No. 9 and Cardston County Intermunicipal Development Plan Bylaw No. 1308-19 and Bylaw No. 726.2019.
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*

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Municipal District of Pincher Creek No. 9 &
Cardston County

Intermunicipal Development Plan

1 | INTRODUCTION

1.1 Purpose of the Plan

The purpose of the Municipal District of Pincher Creek No. 9 (MD of Pincher Creek) and Cardston County Intermunicipal Development Plan (IDP or the Plan) is to foster ongoing collaboration and cooperation regarding planning matters and issues of mutual interest and address and clarify land use expectations within the agreed upon intermunicipal development plan area (Plan Area).

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

The intended goals of the IDP are:

- To promote consultation, coordination and cooperation regarding planning matters of joint interest within the Plan Area.
- To provide a framework for addressing land use concerns with regard to joint planning matters within the Plan Area.
- To provide a clear policy framework that serves to guide future planning decisions for land located within the Plan Area, affording enhanced coordination of development within the Plan Area.

The preparation and implementation of an IDP can result in many benefits to both municipalities including, but not limited to, the following:

- To establish an approach to identify possible joint ventures for infrastructure and service sharing to promote efficient planning and potential delivery of services.
- To reinforce and protect each municipality's development philosophies and goals while minimizing the potential for future intermunicipal conflict.
- To provide policy addressing plan administration, amendment and dispute resolution procedures.

1.2 Plan Preparation and Shared Values

The formation of the Plan was guided by the IDP Review Committee which was composed of two Council members from each municipality. Senior administration and ORRSC Planners from both municipalities were also involved throughout the process as technical advisors. With respect to committee decision making, both parties agreed at the outset of the process that their chosen decision-making model would be based on reaching consensus on the issues discussed.

A background analysis was undertaken which served as the foundation from which both municipalities could review the existing land use conditions and determine the relevant issues, goals and objectives. Through thoughtful discussion, it was determined that a series of fundamental shared values would inform and guide the document. These values are the foundation from which the policy of the IDP has been developed and will inform municipal decision making going forward in the Plan Area. The shared values include:

- Shared Stewardship
- Transportation Linkages
- Protection of Water Resources – both surface and groundwater
- Supporting a Healthy Agricultural Economy

A draft document was prepared with input from the IDP Review Committee and presented to each municipal Council for review prior to consultation with affected landowners, stakeholders and the general public. Upon completing the consultation phase, a refined document was prepared and a final draft forwarded to each Council for approval through the bylaw process. As required by the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, *as amended (MGA)*, separate public hearings were held by each Council and subsequent to the public hearings, the IDP was adopted by each municipality.

1.3 Municipal Profiles

Municipal District of Pincher Creek No. 9

The MD of Pincher Creek encompasses an area of approximately 352,000 hectares (869,000 acres) with a population of 2,965 (Alberta Municipal Affairs, 2018). The Municipal District surrounds two urban municipalities, contains five hamlets, and is bordered by three rural municipalities, a specialized municipality, national park and a First Nations Reserve. The economy is largely agricultural, with ranching predominant in the eastern slopes. Alternative energy developments, particularly wind turbine development has been locating in the municipality in the past several decades. The MD of Pincher Creek is home to the Oldman Dam and Reservoir, an on-stream storage facility operated by the Government of Alberta.

Cardston County

Cardston County encompasses an area of approximately 341,500 hectares (843,865 acres) with a population of 4,481 (Alberta Municipal Affairs, 2018). The County surrounds eleven hamlets, two villages, two towns and is bordered by four municipalities, one First Nations Reserve, Waterton Lakes National Park and the United States. Agriculture is a prime economic force in the County which includes a combination of dryland and irrigation farming in addition to ranching.

1.4 Legislative Requirements

This Plan has been prepared in accordance with the requirements of the *MGA*, and complies with the South Saskatchewan Regional Plan (SSRP).

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 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(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 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.

The South Saskatchewan Regional Plan 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 Plan 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. 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 environmental, 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 interests 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 plans 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 agreements, 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 plan 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 policy within this IDP and will be considered when rendering land use decisions pertaining to development within the Plan Area. Other strategies contained in the SSRP should be considered in the context of each municipality's Municipal Development Plan, Land Use Bylaw or through policies found within the IDP.

2 | PLAN AREA

2.1 Study Area Analysis

Given the vast size of the municipalities, in order to focus on the border area and potential impacts, a series of maps was developed, with emphasis on the area adjacent to the shared border. The purpose was to identify opportunities and constraints, as well as influences which may affect land use planning in proximity of the boundary between the two municipalities.

The following features were displayed on the maps and considered by the IDP Review Committee:

- Residences and Urban Areas
- Transportation Corridors
- Land Use and Natural Characteristics
- Agricultural uses and Confined Feeding Operations (CFOs)
- Surface Materials Extraction and Energy Development
- Natural Environment and Water
- Environmentally Significant Areas (ESAs)
- Historical Resource Value (HRV) Sites

After consideration of social, economic and physical features listed below, it was determined that a Plan Area of approximately 1.6 km (1 mile) on each side of the municipal boundary was adequate (refer to Map 1 for illustration of the Plan Area). Additional lands have been included in the Plan Area to ensure that a minimum of a full 1.6 km (1 mile) on each side of the border was captured due to the meandering of the Waterton River.

2.2 Key Characteristics of the Plan Area

The MD of Pincher Creek and Cardston County Intermunicipal Plan Area encompasses approximately 17,197 hectares (42,494 acres). Key characteristics of the Plan Area include the following, some of which are illustrated on Maps 2-4 in Appendix A.

Waterton River Valley

- The Waterton River defines the border between the two municipalities.
- In some places the river valley creates topographic challenges.
- The Waterton Reservoir, owned and operated by the Province of Alberta, is a key feature within the Plan Area and the Plan Boundary was expanded to encompass the reservoir and adjacent lands.

Township 5
Township 4
Township 3
Township 2
Range 30
Range 29
Range 28
Range 27
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
CARDSTON COUNTY
BLOOD RESERVE
WATERTON LAKES NATIONAL PARK
Waterton Reservoir
Waterton River
Twin Butte
Hill Spring
Mountain View
505
800
6
5

Municipal District of Pincher Creek and Cardston County Intermunicipal Development Plan

Map 1

Plan Area Boundary

- Plan Area
- M.D. of Pincher Creek/Cardston County Border
- Provincial Highway
- Waterbodies
- Reserve

N

Aerial Photo Date: 2015

0 1 2 3 4 5
Kilometers

Municipal District of Pincher Creek
(Bylaw No. 1308-19) &
Cardston County
(Bylaw No. 726.2019)

Land Use and Residential Development

- Agriculture is the primary land use of the area, with a mix of farming and ranching agricultural operations. The Waterton Colony confined feeding operation is located within the Plan Area. Soil classes 2 through 6 are present, resulting in a diversity of agricultural practices.
- A small amount of land within the Plan Area is under control and ownership of the Province of Alberta.
- The Nature Conservancy of Canada (NCC) and Southern Alberta Land Trust Society (SALTS) have conservation easements on lands located within the Plan Area.
- No urban municipalities exist within the Plan Area, but the Village of Hill Spring is situated ½ mile east of the plan boundary. Farmsteads are found throughout with a cluster of country residences located near the border of Waterton National Park in Cardston County.

Transportation Infrastructure

- Highway 505 runs east and west and links the two municipalities north of the Waterton Reservoir. Highway 5 and Highway 6 are located within the southerly portion of the Plan Area.
- One municipal road, Township Road 4-0 in the MD of Pincher Creek and Township Road 40 in Cardston County, connects the two municipalities south of the Waterton Reservoir.

Natural Environment and Historic Resources

- A substantial portion of land within the Plan Area is identified as environmentally significant which includes water bodies, riparian and natural habitats that function as wildlife corridors adjacent to the Waterton River.
- HRV sites ranking 4 and 5, which have the potential to contain historic resources are mainly concentrated along the Waterton River and Reservoir within the Plan Area. Lands with the higher ranking HRV 3 value are located adjacent to the Waterton Reservoir, which contain resources that require avoidance of disturbance.

Natural Resource Extraction and Energy Development

- Sand and gravel potential has been assumed in the northerly and southerly portions of the Plan Area along the Waterton River.
- The BA (Gulf) Pincher Creek Gas Plant is located in the MD of Pincher Creek west of the 1 mile Plan Area.
- Several oil and gas pipelines connect the two municipalities and both active and abandoned gas wells are located within the Plan Area.
- A 69 KV transmission line is located north of the Waterton Reservoir.

3 | POLICIES

The land use policies contained in this Plan are intended to provide direction to the MD of Pincher Creek and Cardston County Councils, subdivision and development authorities and administrations to encourage and manage the future development of lands contained within the Plan Area as displayed in Map 1.

3.1 General

INTENT

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

POLICIES

3.1.1 The MD of Pincher Creek and Cardston County shall strive to engage in effective dialogue when considering land use, while still maintaining jurisdiction 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 The MD of Pincher Creek and Cardston County shall strive, to the best of their ability and knowledge, to refer notices of government projects to each other.

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

3.2 Land Use

INTENT

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

POLICIES

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, soil erosion, 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 municipality should arise between landowners and agricultural operators, the municipality receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or municipality for consultation or resolution wherever necessary.

Confined Feeding Operations (CFOs)

3.2.4 Existing permitted CFOs will be allowed to continue to operate under acceptable operating practices and within the requirements of the *Agricultural Operation Practices Act and Regulations*.

3.2.5 If either the MD of Pincher Creek or Cardston County are in receipt of a notice of application from the Natural Resources Conservation Board (NRCB) for new or expanded CFOs, they will forward a copy of the notification to the other municipality.

3.2.6 Both municipalities recognize the importance of the CFO exclusion/restricted areas identified within the Plan Area. New CFOs will be prohibited or restricted in accordance with the respective municipality's Municipal Development Plan policies.

3.2.7 Cardston County recognizes the importance of the CFO exclusion area around the Village of Hill Spring and along the Waterton River and has agreed to establish a complementary confined feeding operation restricted area within their jurisdiction.

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

3.2.9 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 Recreational and Grouped Country Residential

3.2.10 Proposals to designate or develop land within the Plan Area for rural recreational use will be referred to the other municipality for comment in accordance with this Plan.

3.2.11 Any proposal to designate land, adopt an Area Structure Plan, or approve a conceptual design scheme within the Plan Area for grouped country residential use will be referred to the other municipality for comment in accordance with this Plan.

3.2.12 The MD of Pincher Creek and Cardston County acknowledge that their municipal land use policies differ regarding land use and agree that municipal autonomy on land use matters within this area will continue.

3.2.13 With respect to grouped country residential development and rural recreational use in the vicinity of the Waterton River and Reservoir, both municipalities agree to consider the potential impacts and cumulative effects of such development on the area prior to designation of land, adoption of an Area Structure Plan, or approval of a conceptual design.

3.2.14 Applicants proposing grouped country residential and rural recreational developments adjacent to the Waterton River or Waterton Reservoir should consult with Alberta Environment and Parks during preparation of their proposal.

Resource Extraction

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

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

3.2.17 If either the MD of Pincher Creek or Cardston County are in receipt of a notice or application for a new or expanded public or privately owned gravel pit within the Plan Area, they shall forward a copy of the notice to the other municipality.

Industry and Energy Development

3.2.18 The municipalities may consider the location of renewable energy developments and other industrial development where compatible with existing land uses and each municipality's planning documents.

3.2.19 The municipalities may consider renewable energy developments (e.g. solar, wind, water, biofuel, etc.) and other industrial development where deemed compatible with existing land uses and will circulate development applications to one another in accordance with this Plan.

3.2.20 If an application is received for a renewable energy project that transcends a 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:

a) to 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.

Utilities / Telecommunications Towers

3.2.21 When providing comments to provincial and federal departments regarding utility development, the MD of Pincher Creek and Cardston County will request that consideration be given to the establishment of utility corridors with multiple users.

3.2.22 Where there is an application for a new, expanded or retrofitted telecommunications tower within the Plan Area, the MD of Pincher Creek and Cardston County will notify the other municipality to seek their comments.

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

3.3 Transportation and Road Networks

INTENT

The two municipalities are connected via Highway 505, an essential agricultural transportation corridor between the MD of Pincher and Cardston County. Highways 5 and 6 are also located in the southerly portion of the Plan Area and serve as important transportation corridors for both municipalities. Road infrastructure is limited due to the Waterton River which marks the boundary line between municipalities. It is important that both municipalities take into consideration the impact of development on municipal and provincial road infrastructure within the Plan Area.

POLICIES

3.3.1 Each municipality shall be notified of any subdivision or development proposal in the other municipality that will result in access being required from a road under its control or management. The affected municipality must give its approval in writing prior to the application being considered as complete by the other municipality.

3.3.2 When required by Alberta Transportation, developers shall conduct traffic studies with respect to the impact and access onto the highway. Any upgrading identified by a traffic study conducted by a developer with respect to a highway shall be implemented by the developer at its 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 the highways within 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.

3.3.5 The municipalities may explore negotiating road use agreements as necessary for the maintenance and upkeep of local roads connecting the municipalities.

3.4 Natural Environment

INTENT

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 When making land use decisions, each municipality will:

a) utilize and incorporate measures which minimize possible impacts to the Waterton River and Waterton Reservoir;

b) determine appropriate land use patterns in the vicinity of significant water resources and other water features;

c) establish appropriate setbacks to maintain water quality, flood water conveyance and storage, bank stability and habitat.

3.4.2 Lands that have been identified that may contain an environmentally significant site may be required to conduct an environmental impact assessment (EIA) and the proponent should contact Alberta Environment and Parks.

3.4.3 Lands that have been identified that may contain a historic resource may be required to conduct a historical resource impact assessment (HRIA) and the proponent should consult the *Historical Resources Act* and Alberta Culture and Tourism.

3.4.4 Both municipalities should consider the provincial Water for Life Strategy and Wetland Policy when making land use decisions with the goal of sustaining environment and economic benefits.

3.5 Interpretation

INTENT

To ensure the policies and language within this Plan are communicated in the proper context to ensure the intent of the 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 the plural, and the word person includes a corporation as well as an individual. Unless otherwise stipulated, the *Interpretation Act, Chapter I-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 references 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 considered to be applicable to the current 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 Committee Policies

INTENT

The implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. An Intermunicipal Development Plan Committee with joint representation will ensure continued dialogue and cooperation, as the purpose of this committee 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, the MD of Pincher Creek and Cardston County establish the Intermunicipal Development Plan Committee (the Committee).

4.1.2 Both Councils agree the Intermunicipal Development Plan Committee will be an advisory body and may make comments or recommendations to the MD of Pincher Creek and Cardston County. In its advisory capacity, the Committee does not have decision making authority or powers with respect to planning matters in either municipality.

4.1.3 The Committee will be comprised of two (2) members of Council from both the MD of Pincher Creek and Cardston County. Each municipality may appoint an alternate Committee member in the event a regular member cannot attend a scheduled meeting. Alternate Committee members shall have standing. Quorum shall consist of four (4) voting members.

4.1.4 Members of the Committee shall be appointed by their respective Councils at the Organizational Meeting. If a Council wishes to appoint a new member to the Committee (including the alternate), they must do so by motion of Council at a regular Council meeting. The municipalities shall notify one another upon appointing members and alternate members to the Committee.

4.1.5 The municipalities agree that the purpose of the Committee is to:

a) provide a forum for discussion of land use matters within the Plan Area,

b) provide recommendation(s) for proposed amendments to the Plan,

c) discuss and address issues regarding Plan implementation,

d) review and provide comment on referrals under Section 4.2 and any other matters referred to the Committee,

e) provide recommendation(s) regarding intermunicipal issues in an effort to avoid a dispute, and

f) provide a forum for discussion of any other matter of joint interest identified by either municipality.

4.1.6 Meetings of the Committee may be held at the request of either municipality to discuss land use or other planning matters, dispute resolution, or any other matter of intermunicipal importance and may be closed to the public in accordance with Section 197 of the *MGA*. Additionally, any matter in Section 4.2 may be referred by either municipality to the Committee for comment prior to a decision being rendered.

4.1.7 A municipality may call a meeting of the Committee at any time upon not less than five (5) days' notice of the meeting being given to all members of the Committee and support personnel, stating the date, the time, purpose and the place of the proposed meeting. The five (5) days' notice may be waived with ¾ of the Committee members' agreement noted.

4.1.8 The municipality that called the meeting of the Committee shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.

4.1.9 At least one (1) member of each municipality's administrative staff shall attend each meeting in the capacity of technical, non-voting advisor.

4.1.10 Any changes to the Committee format, composition, roles, responsibilities or any aspect of its existence or operation may be requested by either municipality.

4.1.11 Where a matter has been referred to the Committee and a resolution cannot be found, the Dispute Resolution process in Section 5 of this Plan should be adhered to.

4.2 Referral Policies

INTENT

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

POLICIES

General

4.2.1 Where an intermunicipal referral is required by the *MGA* 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.

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 the MD of Pincher Creek and Cardston County are encouraged to discuss with one another forthcoming Statutory Plans and Land Use Bylaws, including amendments, which may impact the Plan Area.

4.2.4 Administrative staff or representatives for the MD of Pincher Creek and Cardston County 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 on major land use or planning matters that have the potential to impact the other jurisdiction, even if it involves lands that may not be located within the Plan Area.

Municipal Development Plans

4.2.6 A newly proposed Cardston County Municipal Development Plan or amendment shall be referred to the MD of Pincher Creek for comment prior to a public hearing.

4.2.7 A newly proposed MD of Pincher Creek Municipal Development Plan or amendment shall be referred to Cardston County for comment prior to a public hearing.

Other Statutory Plans

4.2.8 A newly proposed Cardston County statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to the MD of Pincher Creek for comment prior to a public hearing.

4.2.9 A newly proposed MD of Pincher Creek statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to Cardston County for comment prior to a public hearing.

Land Use Bylaws

4.2.10 All Land Use Bylaw amendments in Cardston County that affect lands in the Plan Area shall be referred to the MD. of Pincher Creek for comment prior to a public hearing.

4.2.11 All Land Use Bylaw amendments in the MD of Pincher Creek that affect lands in the Plan Area shall be referred to Cardston County for comment prior to a public hearing.

4.2.12 All redesignation applications affecting the Plan Area shall be referred to the other municipality for comment prior to a public hearing.

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

Design Concepts

4.2.14 All design concepts in support of a subdivision or development in Cardston County that will affect lands in the Plan Area shall be referred to the MD of Pincher Creek for comment prior to Council resolution.

4.2.15 All design concepts in support of a subdivision or development in the MD of Pincher Creek that will affect lands in the Plan Area shall be referred to Cardston County for comment prior to Council resolution.

Subdivision and Development

4.2.16 All subdivision applications for lands within the Plan Area shall be referred to the other municipality for comment prior to a decision being rendered.

4.2.17 Cardston County shall refer all discretionary use development applications within the Plan Area to the MD of Pincher Creek for comment prior to a decision being rendered.

4.2.18 The MD of Pincher Creek shall refer all discretionary use development applications within the Plan Area to Cardston County for comment prior to a decision being rendered.

Response Timelines

4.2.19 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, and

c) 30 calendar days for all other intermunicipal referrals.

4.2.20 In the event that either municipality or the Committee 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 and/or Committee has no comment or objection to the referred planning application or matter.

Consideration of Responses

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

4.2.22 Comments from the responding municipality and/or the 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.

4.3 Plan Validity and Amendment Policies

INTENT

This Plan may require amendments from time to time to accommodate unforeseen situations, 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 such time as both municipalities adopt the amending bylaw.

4.3.3 Applications for amendments to this Plan by parties other than the MD of Pincher Creek and Cardston County (e.g. 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 matters, issues and concerns on an on-going basis. Administrative staff may make recommendations to their respective Councils for amendment 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.

5 | DISPUTE RESOLUTION POLICIES

5.1 General Dispute Process

INTENT

The intent of the dispute resolution process is to maximize opportunities for discussion and review in order 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.

POLICIES

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 as required in the Plan and prompt enforcement of the Plan policies.

5.1.2 Prior to the meeting of the Committee, each municipality through its administration will ensure the 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 The Committee should discuss the issue or dispute with the intent to seek a recommended solution by consensus.

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, or a clerical error regarding the policies of this Plan, either municipality's Land Use Bylaw, or any other plan affecting lands in the Plan Area, it will be directed to the administrators of each municipality. The administrators will review the technical or procedural matter and if both administrators are in agreement, take action to rectify the matter.

5.1.5 Should either municipality identify an issue related to this Plan that may result in a dispute that cannot be administratively resolved under Section 5.1.4 or any other issue that may result in a dispute, the municipality should contact the other and request that an Intermunicipal Development Plan Committee meeting be scheduled to discuss the issue. The Committee will review the issue and attempt to resolve the matter by consensus.

5.1.6 Should the Intermunicipal Development Plan Committee be unable to arrive at a consensus, 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.

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

Filing an Intermunicipal Dispute under the Municipal Government Act

5.1.8 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 *MGA* so that the provincial statutory right and timeframe to file an appeal is not lost.

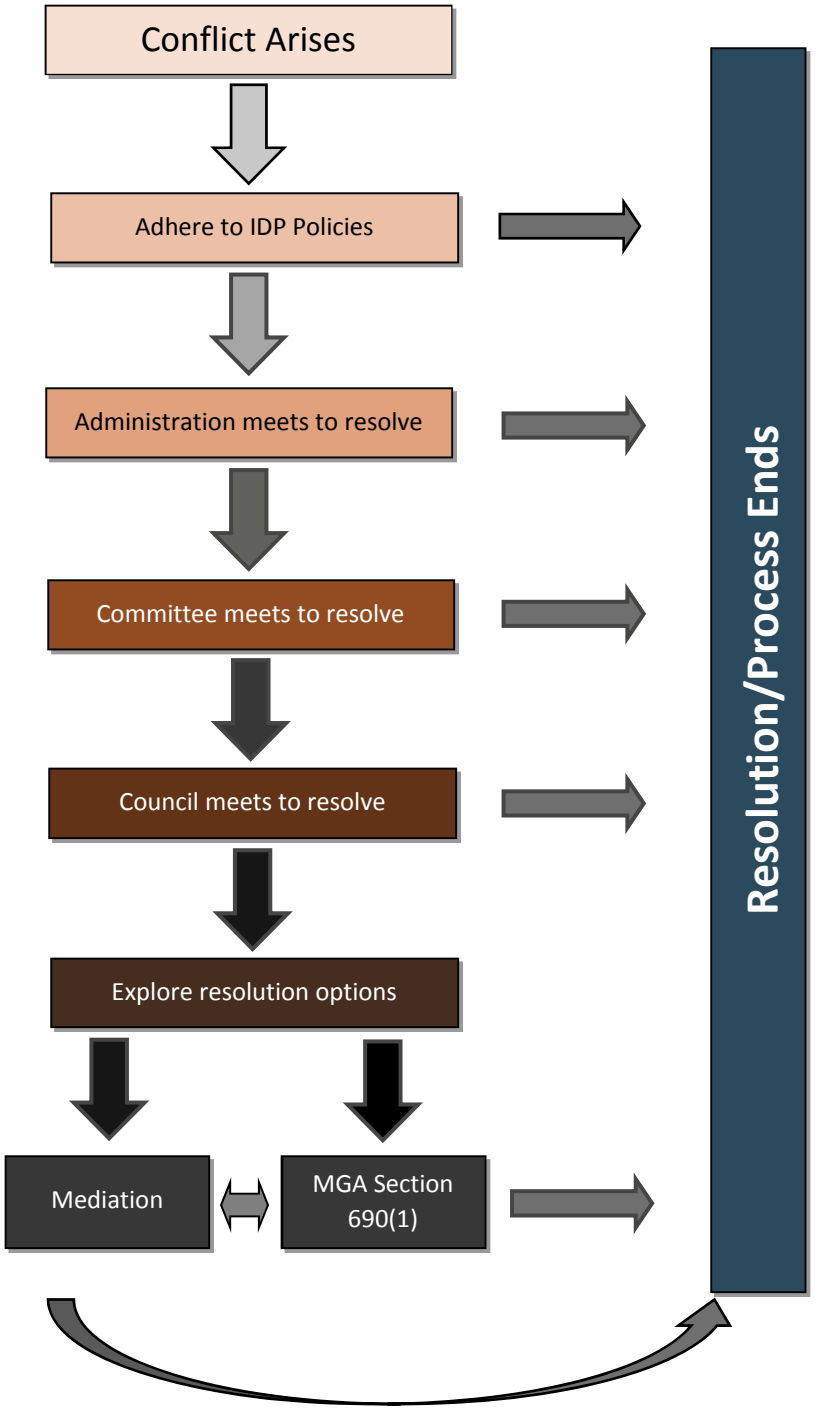
5.1.9 The appeal may then be withdrawn, without prejudice, if a solution or agreement is reached between the two municipalities prior to the Municipal Government Board meeting. This is to acknowledge and respect that the time required to seek resolution or mediation may not be able to occur within the 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 dispute resolution flow chart presented here is for demonstration purposes only and shall not limit the ability of either municipality to explore other methods of resolution or to choose one method in place of another.



APPENDIX A | MAPS

Township 5

Township 4

Township 3

Township 2

Waterton Reservoir
Provincial Recreation Area

505

505

800

800

800

6

5

5

Waterton Reservoir

Waterton River

Hill Spring

Twin Butte

Mountain View

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

CARDSTON COUNTY

BLOOD RESERVE

WATERTON LAKES NATIONAL PARK

Range 30

Range 29

Range 28

Range 27

Municipal District of Pincher Creek and Cardston County Intermunicipal Development Plan

Physical Characteristics & Ownership

Map 2

- Plan Area Boundary
- M.D. of Pincher Creek/Cardston County Border
- Provincial Highway
- Waterbodies
- Reserve
- Residences or Other Addressed Parcels[1, 2]
- Crown Land[3, 4]
- Provincial Recreation Area[5]
- Gravel Pit

Source:
[1] Alberta Municipal Data Sharing Partnership, April 2018
[2] M.D. of Pincher Creek, from 2015 Aerial Photo
[3] For Cardston County - ORRSC, July 2018
[4] For MD of Pincher Creek - Altalis, June 2018
[5] Altalis, March 2018

Aerial Photo Date: 2015

N

0 1 2 3 4 5
Kilometers

Municipal District of Pincher Creek
(Bylaw No. 1308-19) &
Cardston County
(Bylaw No. 726.2019)

Township 5
Township 4
Township 3
Township 2
Range 30
Range 29
Range 28
Range 27
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
CARDSTON COUNTY
BLOOD RESERVE
WATERTON LAKES NATIONAL PARK
Waterton Reservoir
Waterton River
Twin Butte
Hill Spring
Mountain View
505
800
6
5

Municipal District of Pincher Creek and Cardston County Intermunicipal Development Plan

Map 3

Transportation Network

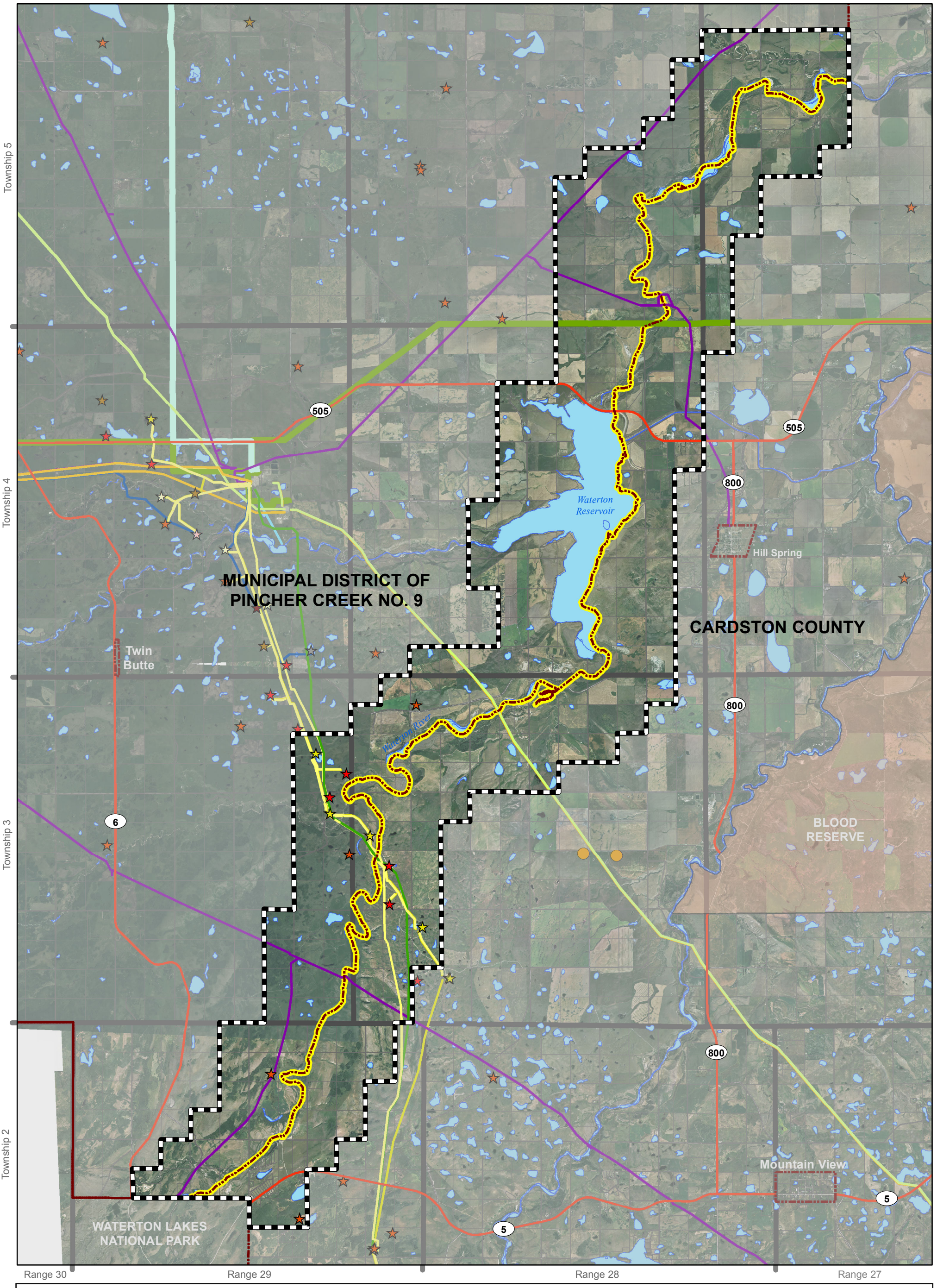
- Plan Area Boundary
- M.D. of Pincher Creek/Cardston County Border
- Provincial Road
- Municipal Road
- Bridge
- Waterbodies
- Reserve

N

Aerial Photo Date: 2015

0 1 2 3 4 5
Kilometers

Municipal District of Pincher Creek
(Bylaw No. 1308-19) &
Cardston County
(Bylaw No. 726.2019)



Municipal District of Pincher Creek and Cardston County Intermunicipal Development Plan

Energy Infrastructure

Map 4

- Plan Area Boundary
- M.D. of Pincher Creek/Cardston County Border
- Provincial Highway
- Waterbodies
- Reserve
- Wind Turbine

Municipal District of Pincher Creek (Bylaw No. 1308-19) & Cardston County (Bylaw No. 726.2019)

Transmission Lines[1]
- 69 kv
- 138 kv

Pipelines - Substance[2]
- Condensate
- Crude Oil
- Fresh Water
- Fuel Gas
- HV Other
- HVP Products
- LVP Products
- Natural Gas
- Oil-Well Effluent
- Salt Water
- Sour Natural Gas

Well - Status[2]
- Abandoned
- Abandoned Gas
- Abandoned Oil
- Disposal
- Drilled and Cased
- Gas
- Injection
- Suspended Gas
- Suspended Oil
- Undefined

Source:
[1] Digitized by ORRSC, 2018
[2] Alberta Energy Regulator, 2016

Aerial Photo Date: 2015

N

0 1 2 3 4 5
Kilometers