

Cardston County and Village of Hill Spring Intermunicipal Development Plan

Bylaw No. 790.2022 and Bylaw No. 2022–322





OLDMAN RIVER REGIONAL SERVICES COMMISSION

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Prepared for Cardston County & Village of Hill Spring

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CARDSTON COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO 790.2022

BEING a Bylaw of Cardston County in the Province of Alberta for the purpose of adopting the Village of Hill Spring and Cardston County Intermunicipal Development Plan in accordance with sections 631and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended

WHEREAS, municipalities are encouraged by the province to expand inter-municipal planning efforts to address common planning issues and where the possible effects of development transect municipal boundaries

AND WHEREAS, the inter-municipal Development Plan outlines policies that apply to lands in the inter-municipal area and within parts of the Village and is to be used as a framework for decision making in each municipality with input and cooperation from the Village of Hill Spring.

AND WHEREAS, both the Councils of the Village of Hill Spring 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, and Chapter M-26 as amended, the Council of Cardston County duly assembled hereby enacts the following:

1. Council shall adopt the Village of Hill Spring and Cardston County Intermunicipal Development Plan in consultation and as agreed to the with the Village of Hill Spring

2. This Plan, upon adoption, shall be cited as the Cardston County and Village of Hill Spring Intermunicipal Development Plan Bylaw No. 790.2022 and Bylaw No 322.2022.

3. This Bylaw shall come into effect upon the third and final reading thereof.

4. Upon Third and final reading, bylaws 524.2007 and 769.2021 are rescinded.

READ a **first** time this 10th day of January 2022.

Randall M. Bullock

Reeve *– Randall M. Bullock*

County Administrator*-Murray L. Millward*

READ a **second** time this 28th day of March 2022.

Randall M. Bullock

Reeve *–Randall M. Bullock* ***County Administrator-****Murray L. Millward*

READ a **third** time and finally Passed this 27 of June 2022.

Randall M. Bullock

Reeve *– Randall M. Bullock*

County Administrator- *Murray L. Millward*

VILLAGE OF HILL SPRING
BYLAW # 2022-322

BEING A BYLAW OF THE VILLAGE OF HILL SPRING FOR THE PURPOSE OF ADOPTING THE CARDSTON COUNTY AND VILLAGE OF HILL SPRING INTERMUNICIPAL DEVELOPMENT PLAN IN ACCORDANCE WITH SECTIONS 631 AND 692 OF THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA 2000, CHAPTER M-26, AS AMENDED.

WHEREAS municipalities are encouraged by the province to expand intermunicipal planning efforts to address common planning issues and where the possible effects of development transcends municipal boundaries.

AND WHEREAS the Intermunicipal Development Plan outlines policies that apply to lands in the intermunicipal plan area and within parts of the Village and is to be used as a framework for decision making in each municipality with input and cooperation of Cardston County.

AND WHEREAS both the Councils of the Village of Hill Spring 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, and Chapter M-26 as amended, the Council of the Village of Hill Spring duly assembled hereby enacts the following:

1. Council shall adopt the Cardston County and Village of Hill Spring Intermunicipal Development Plan in consultation and as agreed to with Cardston County.
2. This plan, upon adoption, shall be cited as the Cardston County and Village of Hill Spring Intermunicipal Development Plan Bylaw No. 790.2022 and Bylaw No. 2022-322.
3. This bylaw shall come into effect upon third and final reading thereof.
4. Upon Third and final reading, bylaws 524.2007 and 769.2021 are rescinded.

READ a FIRST time this 17th day of May, 2022.

READ a SECOND time this 21st day of June, 2022.

READ a THIRD time and passed this 21st day of June, 2022.

Dwight Davis, Mayor

Janet Edwards, Village Manager

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PART 1 INTRODUCTION

PART 1	INTRODUCTION

1.1 Overview

> ***Plan Area*** *means the lands identified on Map 2 and includes those lands within the Village adjacent to the shared boundary.*

The Cardston County and Village of Hill Spring Intermunicipal Development Plan (IDP) has been developed to proactively encourage intermunicipal information sharing practices when processing applications for planning approval within the Plan Area. Explicitly, the Plan establishes a mechanism for referring redesignation, subdivision and development applications within the Plan Area, as well as outlines a dispute resolution process that allows mediation to take place at the local level. Policy statements have also been included in support of subregional planning initiatives and intermunicipal cost-sharing agreements in the event the County and Village collectively determine to explore such joint undertakings in the future. While the Plan primarily aspires to facilitate intermunicipal cooperation by promoting transparent land use planning decision-making, safeguarding the right to practice agriculture within the Plan Area is acknowledged as paramount within the context of southern Alberta's rich farming and ranching heritage. Each municipality thus retains the exclusive authority for land use decision-making within its jurisdictional boundaries.

1.2 Plan Goals

The intended goals of the Intermunicipal Development Plan are:

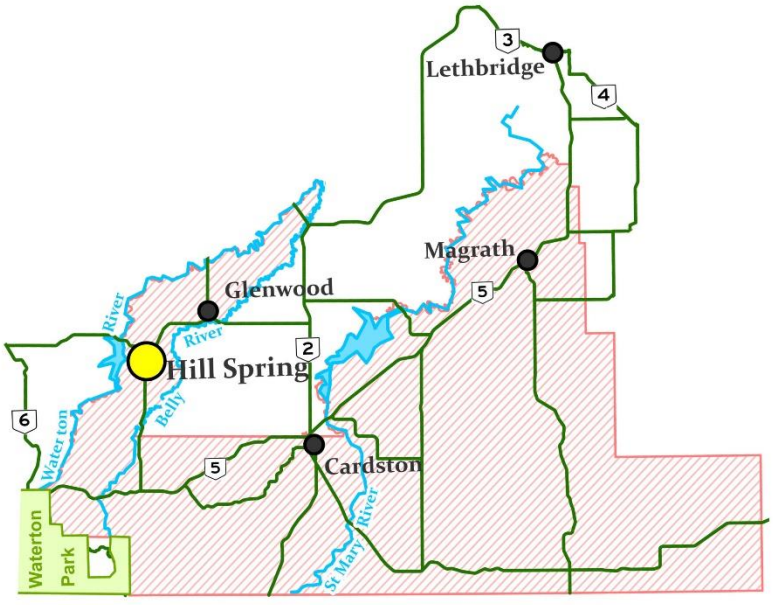
1. To provide for a continuous planning process that facilitates ongoing consultation, collaboration, and cooperation between the two municipalities.
2. To recognize the importance of the existing agricultural pursuits located within the Plan Area and the need to minimize fragmentation of these lands.
3. To achieve positive environmental outcomes by employing a comprehensive approach in support of land use planning and development decision making.
4. To establish a planning approach that will facilitate as well as promote compatible and complementary land uses.
5. To provide direction to developers regarding preferred development patterns within the Village and the Plan Area.

1.3 Plan Area Context

Cardston County and the Village of Hill Spring are located within the Crown of the Continent ecosystem, where the plains meet the Rocky Mountains. As is the case with many rural communities, the identity of Hill Spring transcends the corporate limits of the Village and extends into the broader agricultural community. Rural residents enjoy and contribute to the sense of place that Hill Spring evokes.

A variety of opportunities for outdoor recreation exist in the nearby Waterton Reservoir, while Waterton-Glacier International Peace Park is only a short drive away. Excellent vistas of the eastern slopes are provided from the Plan Area and within the Village. From Chief Mountain to the south, the Porcupine Hills to the north, and the Village's namesake hill to the west, one can experience the majesty of the Rockies and the serenity of the eastern slopes. The Plan Area sits between two important water courses in the Belly and Waterton Rivers, and drains primarily into the Belly River sub-basin of the Oldman River watershed. The opportunities provided by close proximity to water also present challenges with managing surface drainage as well as a need to carefully regulate land use and development in order to protect the natural environment.

The Plan Area is a dryland and irrigated agricultural area, with agriculture being the predominant land use (MAP 2, MAP 3, MAP 4). As such, growth pressures have been limited and there has not previously been a need to enter into an intermunicipal development plan. Naturally, challenges and opportunities may arise on lands surrounding an urban municipality, and effective intermunicipal planning recognizes that coordinated communication between municipalities is an essential component of proactively managing development. Information sharing practices between the County and Village within the Plan Area should thus be seen as a mutually beneficial strategy to embody best practices while continuing to vest exclusive authority for land use decision-making to each municipality within their respective boundaries according to the existing statutory plans and land use bylaws currently in effect.



1.4 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)* requires all municipalities to complete and adopt an intermunicipal development plan with adjacent municipalities to make policies concerning the coordination of land use; future growth patterns; protection of the natural environment, water bodies and drainage patterns; and the provision of infrastructure.

Specifically, Section 631(1) of the *MGA* states:

> *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.*

Section 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.*

Finally, s. 638 establishes the paramountcy of an intermunicipal development plan:

> *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,

(b) the intermunicipal development plan

in respect of the development of the land to which the conflicting or inconsistent plans apply.

In addition to *MGA* 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: Introduction, Strategic Plan, Implementation Plan and Regulatory Details Plan. 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 SSRP is guided by the vision, outcomes and intended directions outlined in the Strategic Plan, while the Implementation Plan establishes the objectives and strategies 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. Section 8 contains the following broad objectives and strategies:

Planning Cooperation and Integration

South Saskatchewan Regional Plan

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 processes 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 specifially to intermunicipal land use planning.

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

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

1.5 Plan Preparation Process & Procedure for Adoption

In support of the plan preparation process, an analysis of the Plan Area was undertaken to review existing land use conditions and constraints, transportation systems, zoning, environmental and cultural resources, soils and annexation history, amongst other matters. While this research was being performed, a committee consisting of two council members from each municipality was formed and meetings were held throughout 2020 and 2021 to discuss the contents of the Plan. A public consultation process consisted of direct mail-outs to all Plan Area landowners. Submissions respecting the Plan were considered by the committee, prior to the adoption of the Plan by both municipalities.

PART 2 COORDINATED LAND USE MANAGEMENT

PART 2	COORDINATED LAND USE MANAGEMENT

2.1 Plan Area

The Plan Area, illustrated on MAP 2, consists of approximately 1163 acres (471 ha). This Plan was created for the purposes of efficiently managing growth in the Plan Area and assisting decision makers in the review of land use redesignations as well as subdivision and development proposals by identifying general locations for future land uses and major transportation routes and road linkages.

2.2 General Plan Policies

Intent

These general policies are applicable to all lands within the Plan Area and are intended to enable the implementation of an effectively coordinated growth management strategy.

Policies

2.2.1 Future land use within the Plan Area will continue to be primarily for extensive agriculture. This 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.

2.2.2 Existing land uses with valid development permits issued on or before the date of adoption of this Plan may continue to operate in accordance with the provisions of the Cardston County Land Use Bylaw, Village of Hill Spring Land Use Bylaw and the *MGA,* as applicable. New applications for land use redesignations as well as subdivision or development on these lands are subject to the policies contained in this Plan.

2.2.3 The County and Village will continue to consult and cooperate together in discussing and planning in a positive, mutually beneficial manner that brings a regional perspective to land use decision-making.

2.2.4 Any application submitted for redesignation of land under the County's jurisdiction may be required to be accompanied by a professionally prepared area structure plan containing the information requirements as prescribed in the Cardston County Land Use Bylaw and Municipal Development Plan.

2.2.5 The required plans, design schemes or other reports in support of major subdivisions/developments consisting of more than 10 consecutive parcels must be professionally prepared and engineered, and both municipalities are encouraged to share with each other the results of these analyses.

2.2.6 The Village wastewater treatment plant is located in the northeasterly portion SW¼ 17-4-27-W4M. In accordance with Section 12 of the *Subdivision and Development Regulation*, a subdivision or development authority shall not approve an application for the subdivision or development of a school, hospital, food establishment or residential use if the application would result in a property line of a lot created by subdivision, or the establishment of a building site approved for development, being located within 300 metres of the working area of an operating wastewater treatment plant (see Map 5).

2.2.7 The Village's raw water wells are located in the road allowance adjacent to Highway 505, approximately 2.5 km (1.5 miles) north of the Village. From there they are pumped to the water treatment plant and reservoir located west of the Village, within the SE¼ 13-4-28-W4M, and conveyed to the Village and surrounding residents in the County through the regional water line system. Land use and development decisions shall ensure the protection of the water source and conveyance system.

2.3 Agricultural Practices

Intent

Agricultural activities are to continue to operate under acceptable farming practices within the planning area.

Policies

2.3.1 Both municipalities recognize the importance of existing extensive agricultural (cultivation and grazing) uses of land within the County's portion of the Plan Area. These agricultural activities are protected under provincial legislation and the impact on agricultural land uses should be considered when contemplating proposals for non-agricultural uses within the Plan Area.

2.3.2 To help support the sustainability and future growth of the urban centre, a confined feeding operation (CFO) exclusion area has been agreed upon with the Village of Hill Spring, with regard for prevailing winds and other physical features, so to attempt to provide a buffer from the noxious and odorous nature of CFOs.

2.3.3 New confined feeding operations (CFOs) are not permitted to be established within the IDP Plan Area, as illustrated on Map 2. 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.

2.3.4 If the County is in receipt of a notice of application from the Natural Resources Conservation Board (NRCB) for a new or expanded confined feeding operation, the County shall forward a copy of the notification to the Village.

2.3.5 Both municipalities will work cooperatively in encouraging and supporting considerate farming practices as it pertains to such matters as the control of dust, weed and insects adjacent to developed areas through best management practices and guidelines prescribed by Alberta Agriculture and Forestry.

2.4 Natural Environment, Recreation and Culture

Intent

Both municipalities seek to retain and enhance quality of life for residents in the Plan Area and across Cardston County and recognize the key function of the natural environment in doing so.

Policies

2.4.1 The County and Village should explore the potential to co-develop a conceptual plan for trails and/or outdoor recreation, either exclusively for the Plan Area or at a more expansive, regional scale, potentially in conjunction with the Village of Glenwood.

2.4.2 The County and Village should investigate the potential for intermunicipal planning initiatives that celebrate the distinct cultural heritage, family-oriented lifestyle, and/or stunning natural beauty that typifies the Plan Area and Cardston County.

2.4.3 The County and Village recognize the significance of viewscapes, particularly those of the Rocky Mountains looking west from the Plan Area. The protection of key viewscapes should be a consideration when dealing with land use and development proposals.

2.4.4 Both municipalities are encouraged to consider the provincial wetland policy when making land use decisions in order to sustain and enhance the natural environment.

2.4.5 Both municipalities may encourage the dedication of environmental reserve or an environmental reserve easement where appropriate for watercourses, natural drainage courses, wetland areas and other areas within the Plan Area and recognize that the *MGA* authorizes:

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

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.

2.4.6 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.

2.4.7 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.

2.4.8 Lands that have been identified as possibly containing a historic resource value (HRV) may be required to conduct a historical resource impact assessment (HRIA) pursuant to the *Historical Resources Act*.

2.5 Proposals in the Plan Area

Intent

Establishing clear policy for land use redesignation, subdivision and development referrals within the Plan Area is a transparent municipal growth strategy.

Policies

2.5.1 Incompatible land uses as well as fragmentation of lands in the Plan Area shall, where possible, be mitigated through transparent and effective coordination between County and Village; specifically, by adhering to the referral mechanism detailed in Section 3.3.

2.5.2 Subdivision applications as well as development applications for discretionary uses in the Plan Area will have regard for the existing transportation network to ensure the development does not compromise the safety and efficiency of the road network, shall give consideration to potential impacts on urban expansion and shall be located so as not to preclude the rational future urban expansion of the Village.

2.5.3 Should the County wish to approve applications for subdivision or development within the Plan Area, it may require applicants to submit a conceptual scheme that articulates the proposed land uses, density and sequencing of development, as well as the general location of major transportation routes and public utilities and all other requirements listed in the Cardston County Municipal Development Plan and Cardston County Land Use Bylaw.

2.6 Village Infill

Intent

Establishing a series of policies for lands adjacent to the Plan Area within the Village of Hill Spring will complement future subdivision and development within the Plan Area.

Policies

2.6.1 Applications for subdivision in the Village may require the submission of a conceptual scheme at the request of the Development Authority of the Village.

2.6.2 All subdivision applications will be required to include a site plan that identifies:

a. A building envelope defining the developable area for each proposed lot that establishes adequate setbacks to protect potential road rights-of-way consistent with existing transportation patterns;
b. Any storm water management facilities, existing and/or proposed, to ensure that the location of the facilities will not adversely impact existing transportation systems; and
c. Any other information required.

2.6.3 A detailed set of Architectural Controls establishing building envelopes to serve as a building scheme for the subdivision may be required to ensure buildings and improvements are suitably located on the land in relation to future roadways, property lines, and development. The Architectural Controls are to be approved by the Village and prepared at the developer's expense and registered on title.

2.6.4 Development will be required to maintain adequate setbacks from potential road rights-of-way to facilitate efficient transportation patterns.

2.6.5 When preparing a development permit application, developers are encouraged to consider building orientation with respect to future subdivision potential, adjacent land use and transportation.

2.7 Storm Water Drainage

Intent

Both municipalities appreciate best practices for storm water management as they pertain to land development and recognize the need to address storm water management early in the land development process.

Policies

2.7.1 Important drainage corridors and standing water bodies exist within the Plan Area and shall be considered at the time of land use and development proposals with the aim of mitigating flood risk, improving storm water drainage and protecting sensitive environmental areas.

2.7.2 The County and Village may investigate the feasibility of jointly developing a regional storm water management strategy for the plan area.

2.7.3 If the two municipalities agree to collaborate and formally undertake a more detailed study, any consulting and engineering costs involved in creating a plan will be through a separate agreement between the two municipalities prior to engaging in any such process. Any agreement to cost share shall be governed by the ICF where applicable.

2.7.4 Developers will be responsible to provide at their cost an engineered storm water management plan and obtain any necessary approvals required by Alberta Environment and Parks, specifically those approvals required under the *Water Act* as applicable, as well as any other applicable approvals. In consideration of this requirement, the following policies are also applicable:

a. Developers are encouraged to work with neighbours and develop storm water management systems for a larger area provided it is feasible and professionally engineered;
b. Future development of lands within the Plan Area and/or within the Village must address the handling of storm water and may require a professionally prepared storm water management plan;

c. The incorporation of Best Management Practices in the design of storm water management facilities is to be pursued, where possible.

2.8 Utilities and Servicing

Intent

Both municipalities desire quality development with consistent, efficient and acceptable servicing standards that account for and manage cumulative impacts.

Policies

2.8.1 Both municipalities recognize the importance of providing utilities efficiently and agree to coordinate, wherever possible, to determine appropriate locations and alignments of any utility or servicing infrastructure required to serve a proposed subdivision or development within the Plan Area, with one another as well as with provincial and federal agencies where applicable.

2.8.2 Prior to any subdivision or development approval which proposes the use of municipal water or sewer under the adjacent municipality's control or management, the developer must obtain approval in writing from the applicable municipality regarding the use of such infrastructure to serve the development or subdivision.

2.8.3 When municipal water and wastewater services are proposed:

a. It is the responsibility of the County to enter into an agreement with the Village for the provision of such services, whether on behalf of itself or a developer. Any costs associated with connecting to municipal water and wastewater, including extending waterlines and installing associated infrastructure will be defined in the agreement and typically will be at the expense of the developer and any such agreement shall be in accordance with the applicable Joint Services Agreement (2013) and/or Intermunicipal Collaboration Framework (2020), or a successor document;
b. The location of the required infrastructure to provide those services may be approved by the County based on discussions and negotiations between the County, the Village and the developer.

2.8.4 When municipal water and wastewater services are not available for any subdivision or development proposal located 0.8 km (0.5 miles) or closer to the Village boundary, the developer may be required to enter into Deferred Service Development Agreement with the County, requiring connection and/or provision of such infrastructure in the future when warranted. Considerations for defining when such infrastructure may be

required include, but are not limited to, private system failure, proposed replacement of the system or subsequent subdivision of the property.

2.8.5 When municipal water and wastewater services are available to service any proposed subdivision or development, the developer may be required to connect to such services.

2.9 Transportation

Intent

Policies are intended to foster enhanced coordination in the provision of linked road networks to ensure that these roads are functional, compatible and logical in order to facilitate orderly and planned growth that does not compromise future development.

Policies

2.9.1 Integrating the future road network in the Plan Area to the grid-pattern road network within the Village is a priority of this Plan, as it provides for efficient vehicular and pedestrian circulation as well as future extension of municipal water and wastewater infrastructure.

2.9.2 The County may require dedication of road right-of-way on the final plan of subdivision for any proposal located 0.5 km or closer to the Village boundary.

2.9.3 If road dedication or road improvement is a condition of subdivision approval, the developer will be required to enter into a development agreement for road construction or improvement and associated costs.

2.9.4 Road construction may be deferred to a later subdivision or development stage subject to a deferred servicing/development agreement with either the County or Village as applicable.

2.9.5 The County and Village will consult with Alberta Transportation regarding the implementation of this Plan. A developer may be required to conduct traffic studies with respect to impact and access onto Highway 800 and any upgrading identified by traffic studies will be implemented at the sole cost of the developer and to the satisfaction of Alberta Transportation. Both municipalities shall endeavour to maintain open dialogue with Alberta Transportation respecting any proposed changes to the provincial highway system that may impact planning at the municipal and intermunicipal levels.

PART 3 PLAN IMPLEMENTATION

PART 3	PLAN IMPLEMENTATION

3.1 Plan Validity and Amendment

Intent

It is recognized that this Plan may require amendment from time to time to keep it current. This Plan does not contain a "sunset" clause, but rather, includes a process for review to ensure its relevancy.

Policies

3.1.1 This Plan comes into effect on the date it is separately adopted by both County and Village. 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 3.4 will be undertaken should the municipalities be unable to reach an agreement.

3.1.2 Amendments to this Plan may be necessary from time to time to accommodate agreed upon changes or to address unforeseen circumstances not specifically addressed in the Plan; any amendments must be adopted by both councils using the procedures established in the *MGA*. No amendment shall come into force until such time as both municipalities adopt the amending bylaw.

3.1.3 Requests for amendments to this Plan by parties other than the County or Village may be made to the municipality in which the request originated and be accompanied by the applicable processing fee to each municipality for amending a statutory plan.

3.1.4 Upon agreement by both municipalities to a proposed amendment to the Plan, a joint public hearing may be held in accordance with the *MGA*.

3.1.5 The Plan Committee is encouraged to maintain an ongoing dialogue with respect to land use planning matters of mutual interest by meeting annually to review the policies of the Plan. The Committee may make recommendations to the respective councils concerning amendments to this Plan to ensure the policies continue to accurately reflect the needs of both municipalities.

3.2 Intermunicipal Development Plan Committee

Intent

The establishment of the Plan Committee is intended to facilitate continued cooperation and, wherever possible, the resolution of potential conflict through a consensus-based decision making process.

Policies

3.2.1 A Plan Committee will be established between the County and Village for the purposes of ensuring continued communication between the municipalities and to provide a forum to review and comment on matters that may have an impact on either municipality.

3.2.2 The Plan Committee will be an advisory body and may make comments or recommendations to the County and Village. In its advisory capacity, the Committee does not have decision making authority or powers with respect to planning matters in the County or Village.

3.2.3 The Committee will be comprised of four elected officials, two from the County and two from the Village. The Committee may, at its discretion, also include whatever number of resource personnel deemed appropriate in a non-voting capacity. A resource person may serve as secretary to the Committee and is responsible for recording the minutes of all Committee meetings and preparing the recommendations of the Committee.

3.2.4 Members of the Committee will make their best efforts to attend each meeting. A chairman will be selected at each committee meeting.

3.2.5 Changes to the Committee format, composition, roles, responsibilities or any aspect of its existence or operation may be requested by either municipality. Council may refer any proposed changes to the Committee for recommendation. Any changes to the Plan require an amendment to the Plan and adoption in accordance with Section 3.1.2 of Plan Validity and Amendment.

3.2.6 The County and Village 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 3.3 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.

3.2.7 Meetings of the Committee may be held at the request of either municipality.

3.2.8 A matter may be brought before the Committee by the administrative staff of either the County or Village. Where a matter involving the two municipalities cannot be resolved to the satisfaction of the Committee, the Committee is authorized to initiate the conflict resolution system in this Plan, Section 3.4 Dispute Resolution.

3.2.9 If a matter has been referred to the Committee for comment, the supporting documentation will be sent to Committee members prior to the meeting. If all Committee members respond with no concerns regarding the referred matter, the meeting may be cancelled at the Committee's discretion.

3.3 Intermunicipal Referrals

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

Joint Committee Meeting Prior To Application Submission

3.3.1 The municipality in receipt of an inquiry or preliminary submission shall contact the other municipality to discuss the possibility of holding a joint meeting between an applicant and the Committee prior to the submission of an application for proposals that:

a. Utilize Village servicing;
b. May impact drainage on lands within the Village or the Plan Area;
c. May have the potential to impact lands within the Village or the Plan Area by causing noise, dust, odour or other nuisances; and
d. Any subdivision application within the Plan Area or within the Village adjacent to the common boundary.

3.3.2 The intention of the meeting is to understand the scope of the project and determine potential impacts including but not limited to servicing, drainage and road requirements.

Referral Process

3.3.3 Any of the following that affect lands in the Plan Area or land within the Village adjacent to the corporate boundary will be forwarded to the other municipality for comment prior to a decision being made on the application or document:

- Municipal Development Plans
- Area Structure Plans
- Area Redevelopment Plans
- Conceptual Schemes
- Overlay Plans
- Land Use Bylaws
- Land Use Redesignations
- Subdivision Applications
- Development Applications (Discretionary Uses)

The receiving municipality may request the above-mentioned document(s) or application(s) be referred to the Plan Committee for comment prior to a decision being rendered.

3.3.4 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 or does not fall within the list in Section 3.3.3.

Response Timelines and Consideration of Referral Responses

3.3.6 The receiving municipality will, from the date of mailing, have the following timelines to review and provide comment on intermunicipal referrals:

a. 15 days for development applications,
b. 19 days for subdivision applications, and
c. 30 days for all other intermunicipal referrals.

3.3.7 In the event that an intermunicipal referral is forwarded to the Plan Committee for review and comment, the municipality requesting the committee meeting may include a written request for an extension of the referral timelines indicated in 3.3.6. If an extension request is included, the referral timelines in 3.3.6 do not apply.

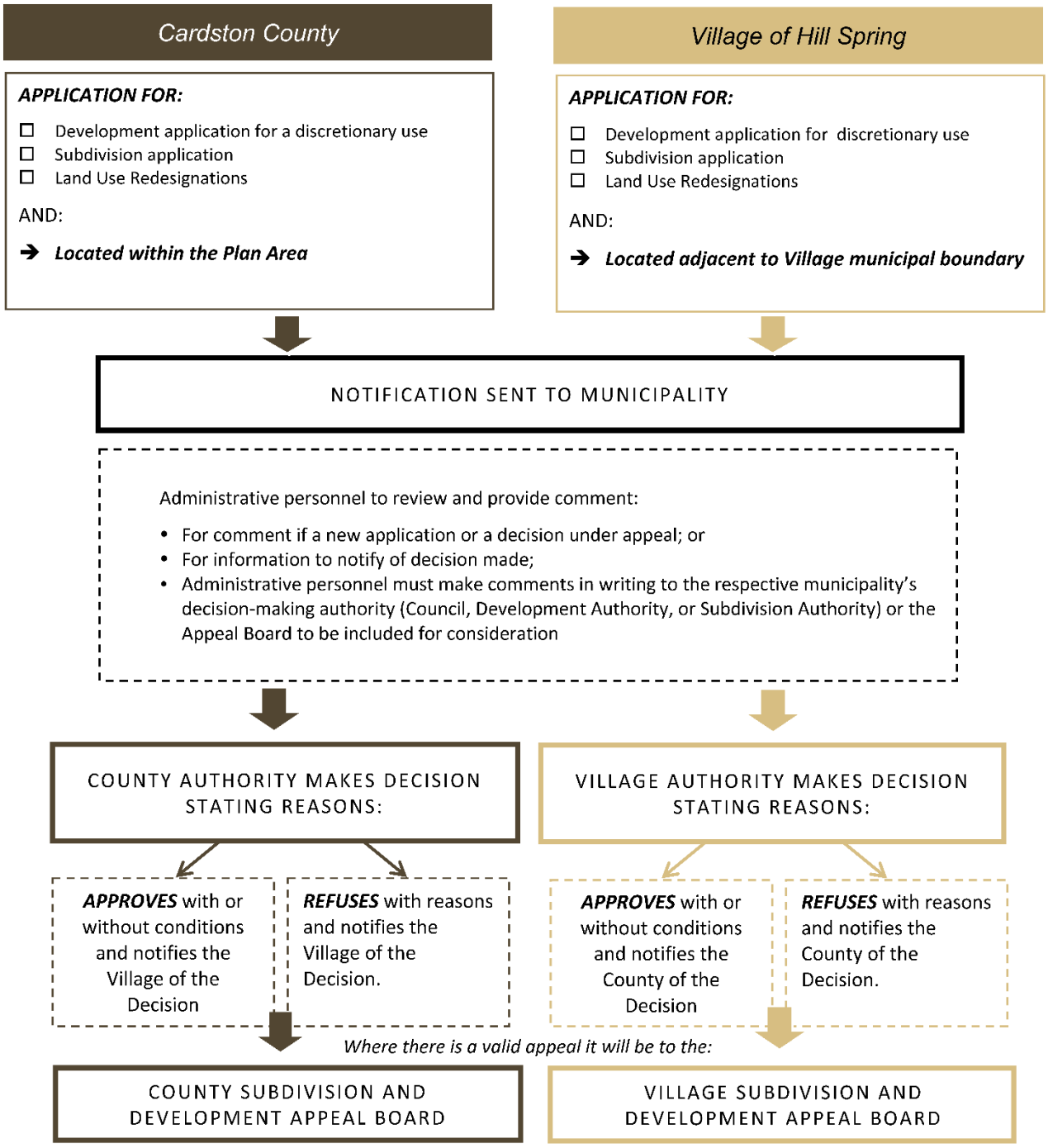
3.3.8 Where deemed necessary, a Committee meeting will be scheduled as soon as possible and a written response from the Committee will be provided within five days of the Committee meeting date.

3.3.9 In the event that either municipality and/or the Committee does not reply within, or request an extension to, the response time for intermunicipal referrals stipulated in

Section 3.3.8, it will be assumed that the responding municipality and/or Committee has no comment or objection to the referred planning document or application.

3.3.10 Written comments from the receiving municipality and/or the Plan Committee that are provided prior to or at the public hearing or meeting will be considered by the municipality in which the plan, scheme, land use bylaw, subdivision application, development application or amendment is being proposed.

Figure 1: IDP Referral Mechanism Flowchart



3.4 Dispute Resolution

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

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

3.4.2 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.

3.4.3 The Committee should discuss the issue or dispute with the intent to seek a recommended solution by consensus.

Dispute Resolution Process

In the event a dispute arises, the following process will be adhered to.

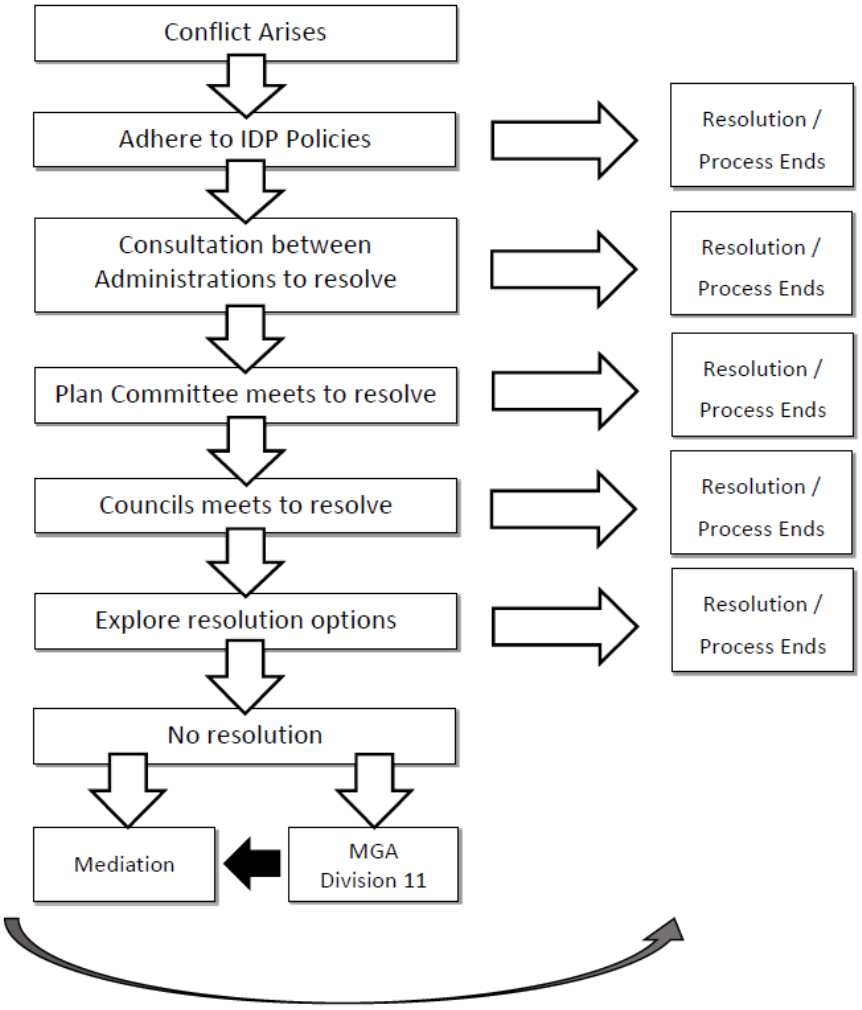
3.4.4 When a potential intermunicipal issue comes to the attention of either municipality relating to a technical or procedural matter, such as inadequate notification or prescribed timelines, misinterpretation of Plan policies, or a clerical error regarding the policies of this Plan, either municipality's 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.

3.4.5 Should either municipality identify an issue related to this Plan that may result in a dispute that cannot be administratively resolved under Section 3.4.4 or any other issue that may result in a dispute, the municipality should contact the other and request that a Plan Committee meeting be scheduled to discuss the issue. The Committee will review the issue and attempt to resolve the matter by consensus.

3.4.6 Should the 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.

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

Figure 2: IDP General Dispute Process



Filing an Intermunicipal Dispute under the *MGA*

3.4.8 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 Land and Property Rights Tribunal under Section 690(1) of the *MGA* so that the provincial statutory right and timeframe to file an appeal is not lost.

3.4.9 The appeal may then be withdrawn, without prejudice, if a solution or agreement is reached between the two municipalities prior to the Land and Property Rights Tribunal 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.

3.5 Plan Adoption and Implementation

The policies in the Plan constitute the framework for decision making on proposals for land use redesignations, subdivision and development within the Plan Area. The *MGA* stipulates that all statutory plans adopted by a municipality must be consistent with each other, and moreover that an intermunicipal development plan shall prevail if an inconsistency arises with another statutory plan adopted by the municipality. It follows that the following process and policies will need to be implemented by each municipality.

Adoption

3.5.1 The County and Village prepare the Plan in accordance with the requirements of the *MGA*, including advertising and conducting a public consultation process, prior to passing the respective adopting bylaws.

3.5.2 This Plan comes into effect on the date it was adopted by both the County and Village, after receiving three readings of the bylaw(s).

Implementation

3.5.3 The County and Village agree to ensure that the policies of this Plan are properly, fairly and reasonably implemented.

3.5.4 Upon adoption of the Plan, the County and Village will each review and amend its land use bylaw to conform to the policies of this Plan. Furthermore, the County will review and amend its municipal development plan to ensure it reflects the principles, goals and policies of this Plan, while the Village will ensure the same in respect of any municipal development plan it adopts in the future.

3.5.5 To achieve continued success in implementing the Plan and help ensure that the goals and coordinated land use planning approach emphasized is successful, the County and Village agree to:

a. Require that all area structure plans or conceptual scheme proposals, submitted by a developer within the Plan Area, conform to the principles and policies of the Plan; and
b. Consult on an ongoing basis, and refer to each other, major land use or planning matters that have the potential to impact the other jurisdiction, even if it involves land that may not be located within the Plan Area.

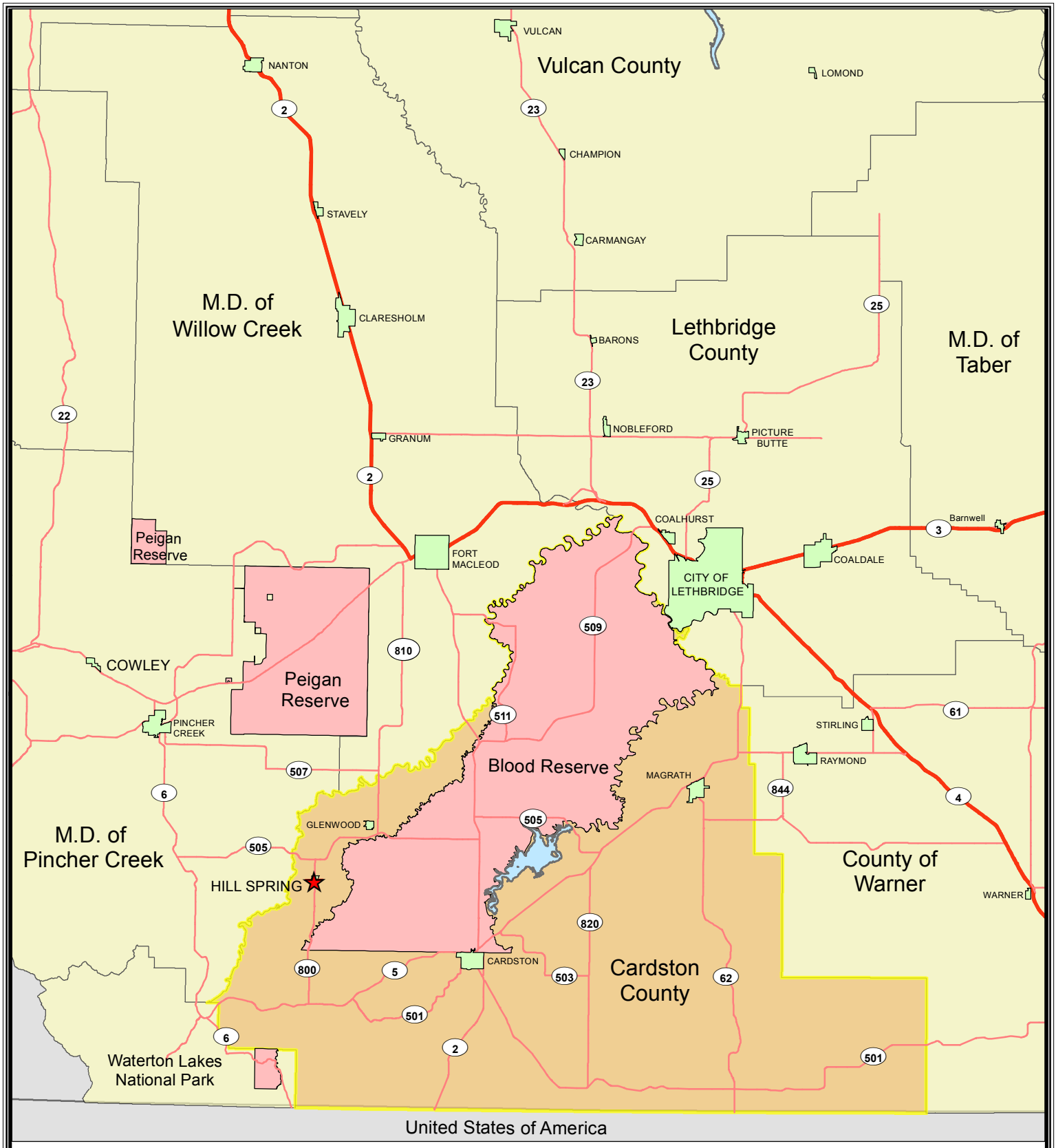
3.5.6 The County and Village are encouraged to regularly review the Plan to ensure the policies remain relevant and continue to meet the needs of both municipalities.

3.5.7 The County and Village are bound by the SSRP and will consider the following in respect of the SSRP legislation:

a. The County and Village agree that they will comply with the strategies contained in the SSRP and are of the opinion this Plan aligns with those strategies;
b. If, following adoption of the Plan, it is subsequently determined that additional amendments are needed to the Plan to adhere to provincial requirements of the SSRP, both municipalities will review and discuss possible amendments through the Plan Committee.

3.5.8 When any amendments to the Plan are proposed, the municipalities will follow the process and policies as outlined in the Plan. No amendment shall come into force until such time as both municipalities adopt the amending bylaw.

APPENDIX MAPS



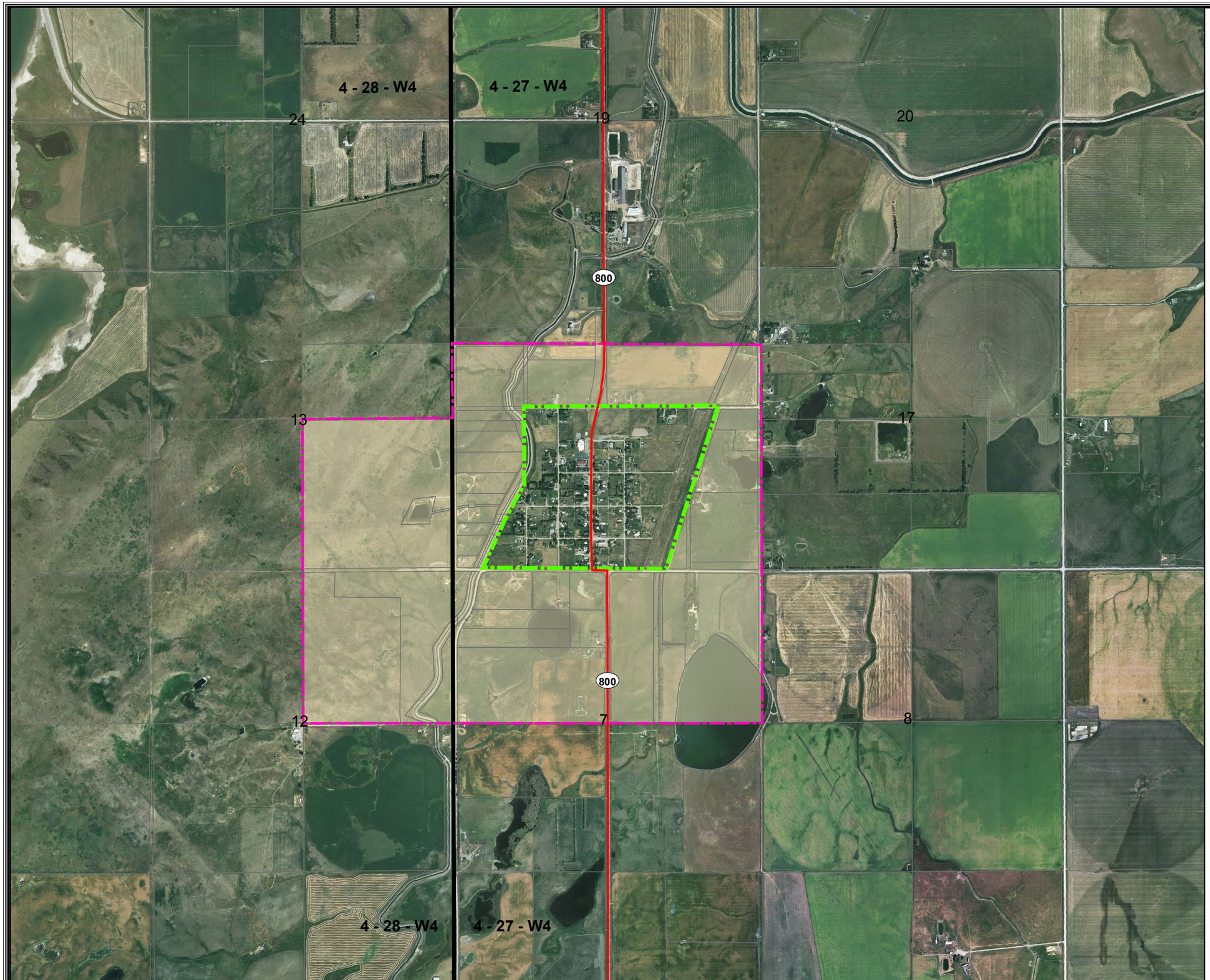
CARDSTON COUNTY BYLAW # 7090.2022
VILLAGE OF HILL SPRING BYLAW # 2022.322
INTERMUNICIPAL DEVELOPMENT PLAN

REGIONAL LOCATION
JULY 2022

MAP 1

Hill Spring
Cardston County
Major Highway
Minor Highway

0 2.5 5 10 15 20
Kilometers
N



CARDSTON COUNTY BYLAW # 790.2022
VILLAGE OF HILL SPRING BYLAW # 2022-322
INTERMUNICIPAL DEVELOPMENT PLAN

IDP PLAN AREA

JULY 2022

MAP 2

- IDP Plan Area/CFO Exclusion Area (470.66±ha)
- IDP Referral Area
- Village of Hill Spring Boundary
- Highways

Aerial Photo Date: 2015

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 0.25 0.5 1

Kilometers

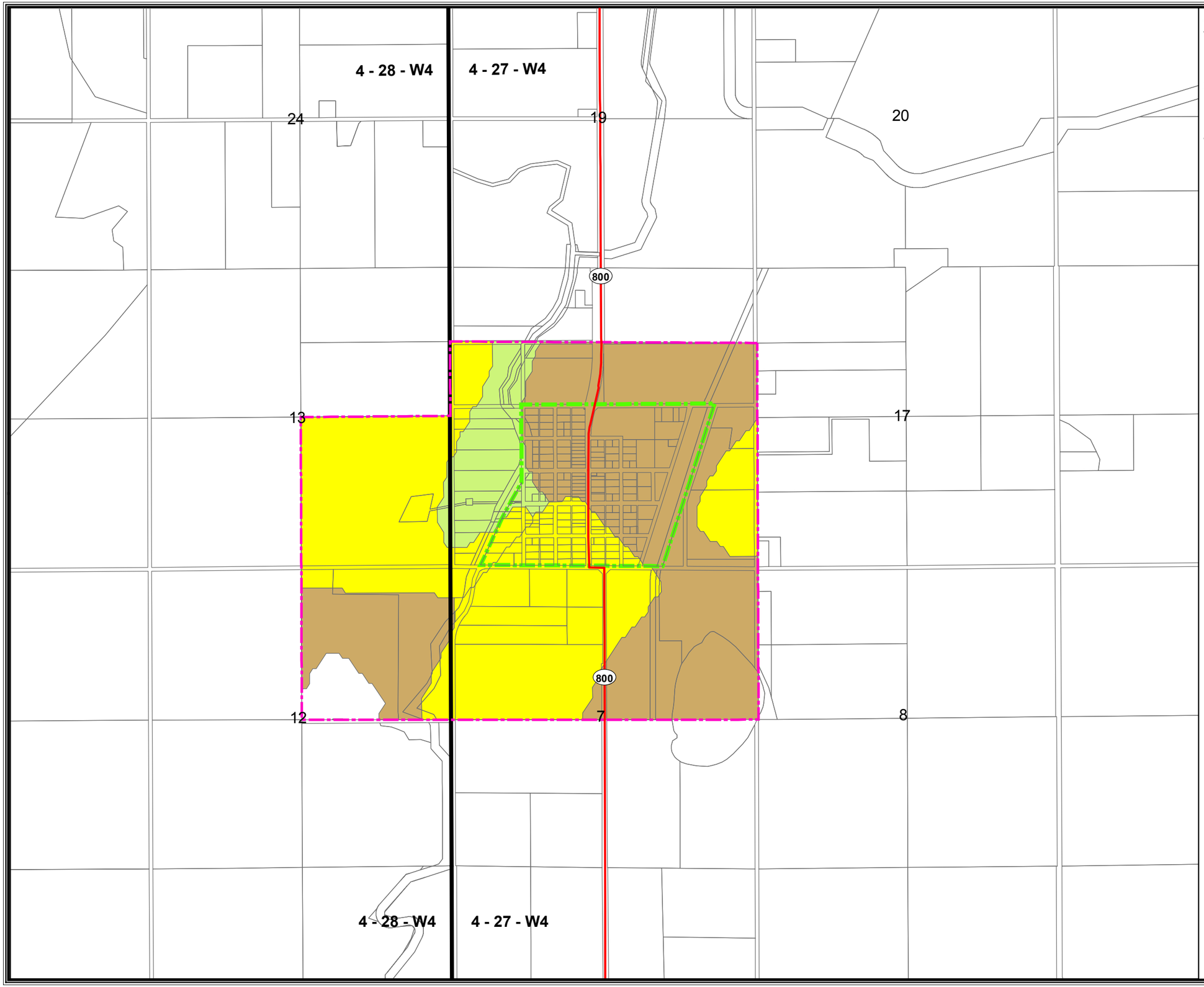
N

CARDSTON COUNTY BYLAW # 790.2022
VILLAGE OF HILL SPRING BYLAW # 2022-322
INTERMUNICIPAL DEVELOPMENT PLAN

SOIL CAPABILITY FOR AGRICULTURE
INDEXED BY CANADA LAND INVENTORY

JULY 2022

MAP 3



- IDP Plan Area/CFO Exclusion Area
- Village of Hill Spring Boundary
- Highways

Soil Type[1]

- 2 - Moderately High to High Productivity, Moderate Crop Limitations
- 3 - Moderately High Productivity, Moderately Severe Crop Limitations
- 5 - No Annual Field Crops, Severe Limitations
- 6 - Forage Crops Only, Severe Limitations

[1]Source: Canada Land Inventory, National Soil DataBase, Agriculture and Agri-Food Canada. 1998.

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 0.25 0.5 1

Kilometers

N

CARDSTON COUNTY BYLAW # 790.2022
VILLAGE OF HILL SPRING BYLAW # 20212-322
INTERMUNICIPAL DEVELOPMENT PLAN

EXISTING LAND USE
JULY 2022

MAP 4

4 - 28 - W4
4 - 27 - W4
24
19
20
13
17
12
7
8
800
800
4 - 28 - W4
4 - 27 - W4

IDP Plan Area/CFO Exclusion Area (470.66±ha)
Village of Hill Spring Boundary
Highways

Existing Land Use

Country Residence
Farm Building
Farmstead
Institutional

Aerial Photo Date: 2015

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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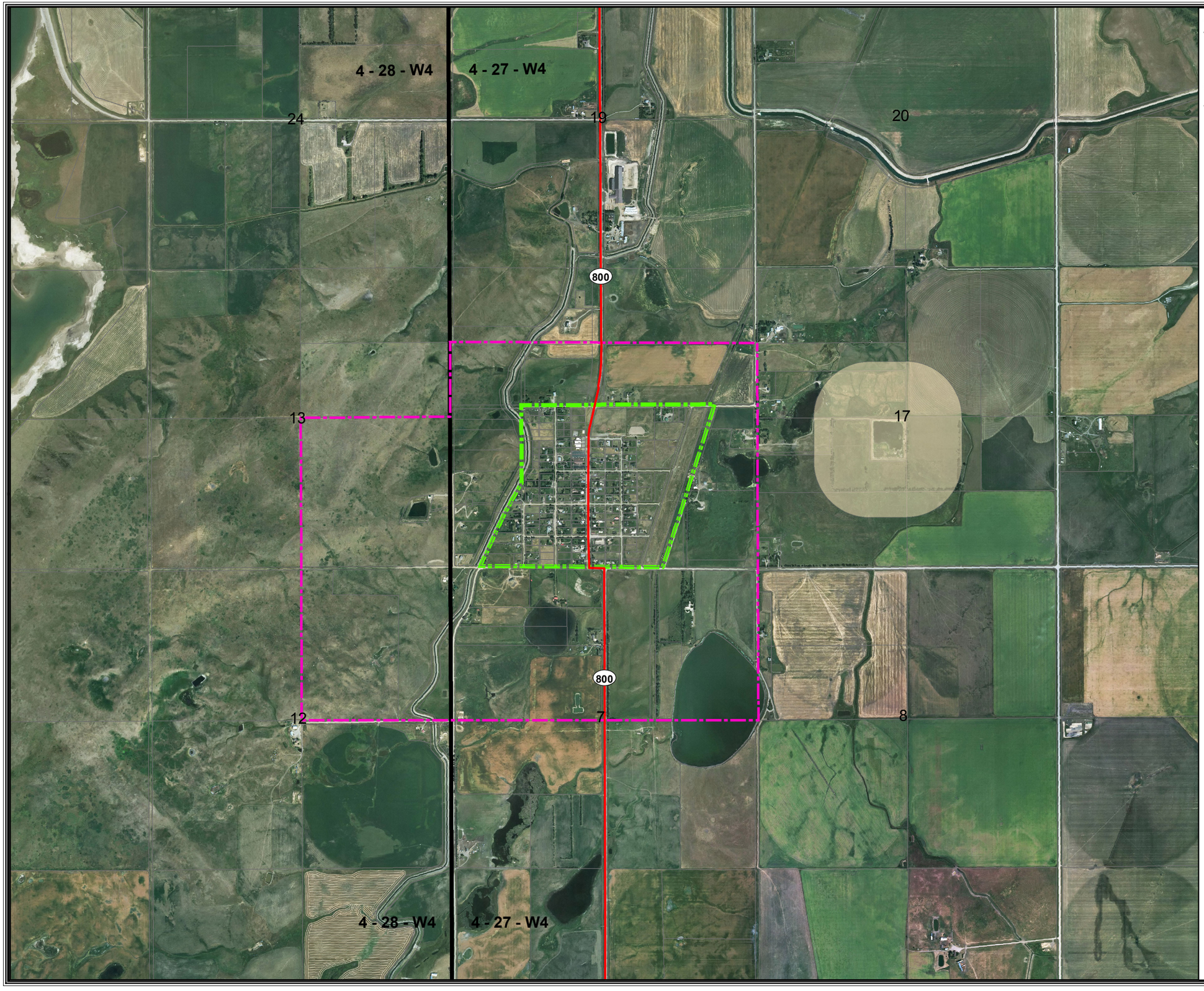
Kilometers

N



CARDSTON COUNTY BYLAW # 790.2022
VILLAGE OF HILL SPRING BYLAW # 2022-322
INTERMUNICIPAL DEVELOPMENT PLAN

GROWTH RESTRICTIONS
JULY 2022

MAP 5

- IDP Plan Area/CFO Exclusion Area (470.66±ha)
- Village of Hill Spring Boundary
- Highways
- Sewage Lagoon Buffer - 300m

Aerial Photo Date: 2015

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 0.25 0.5 1
Kilometers

N

CARDSTON COUNTY BYLAW # 790.2022
VILLAGE OF HILL SPRING BYLAW # 2022-322
INTERMUNICIPAL DEVELOPMENT PLAN

COMBINED LAND USE
JULY 2022

MAP 6

4 - 28 - W4
4 - 27 - W4
24
19
20
800
13
17
12
7
8
800
4 - 28 - W4
4 - 27 - W4

IDP Plan Area/CFO Exclusion Area (470.66±ha)
Village of Hill Spring Boundary
Highways

Hill Spring Land Use Districts

Residential R1
Downtown Commercial/Residential C1
General Commercial C2
Public & Institutional P
Recreational RO
Agricultural AG
No Land Use

Cardston County Land Use Districts

Agriculture AG
Single-Lot Country Residential SCR

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 0.25 0.5 1
Kilometers

N