

Intermunicipal Development Plan

Cardston County and

Town of Magrath

May 2011

Bylaw No. 621.2011 and Bylaw No. 1154

Prepared By:



May 2011



Cardston County

By-Law No. 621.2011
April 14, 2011

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

- WHEREAS: the County has been encouraged by the Province to create and adopt an Intermunicipal Development Plan on land used in the fringe areas of urban areas and to work co-operatively in order to pursue joint approaches to common planning issues, and
- WHEREAS: the Municipal Council wishes to adopt a comprehensive plan which encourages the orderly and economical development of land used in the designated fringe area in consultation with the Town of Magrath, and
- WHEREAS: the purpose of proposed By-Law No. 621.2011 is to adopt a land use plan that provides a framework and guidelines for dealing with future subdivision and development of lands within the designated Intermunicipal plan boundary and promotes the on going co-operation, consultation and co-ordination the Cardston County and Town of Magrath have established, and
- WHEREAS: the County must prepare a corresponding By-Law and provide for its consideration at a Public Hearing, now
- THEREFORE: under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the Council of the Cardston County in the Province of Alberta, duly assembled does hereby enact the following:

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

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

REEVE

COUNTY ADMINISTRATOR

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

REEVE

COUNTY ADMINISTRATOR

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

REEVE

COUNTY ADMINISTRATOR

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

BYLAW NO. 1154

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

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

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

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

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

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the Council of the Town of Magrath in the Province of Alberta duly assembled does hereby enact the following:

1. Council shall adopt an intermunicipal development plan in consultation with the Cardston County.
2. This plan, upon adoption, shall be known as the Cardston County and Town of Magrath Intermunicipal Development Plan Bylaw No. 1154.
3. This bylaw comes into effect upon third and final reading hereof.

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



Mayor – Russ Barnett



Chief Administrative Officer – Wade Alston

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



Mayor – Russ Barnett



Chief Administrative Officer – Wade Alston

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



Mayor – Russ Barnett



Chief Administrative Officer – Wade Alston

CARDSTON COUNTY and TOWN OF MAGRATH INTERMUNICIPAL DEVELOPMENT PLAN

ACKNOWLEDGEMENTS

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

CARDSTON COUNTY

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

TOWN OF MAGRATH

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

JOINT INTERMUNICIPAL DEVELOPMENT PLAN COMMITTEE

Cam Francis – *Councillor*
Lloyd Kearl – *Councillor*
Mike Loose – *Councillor*

Sam Johnston – *Councillor*
Dennis Quinton – *Councillor*
Tom Spackman – *Councillor*

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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

TABLE OF CONTENTS

	Page
1. INTRODUCTION	1
2. INTERMUNICIPAL PLAN AREA AND APPLICABILITY	1
3. GUIDING PRINCIPLES	2
4. PLAN GOALS.....	2
5. PLAN OBJECTIVES	2
INTERMUNICIPAL DEVELOPMENT PLAN POLICIES AND PROCEDURES	
6. GENERAL POLICIES.....	4
7. REFERRALS	6
8. ANNEXATION AND URBAN EXPANSION	9
9. DISPUTE SETTLEMENT PROCEDURES	10
PLAN ADMINISTRATION & IMPLEMENTATION	
10. ESTABLISHMENT OF INTERMUNICIPAL DEVELOPMENT PLAN COMMITTEE.....	12
11. PLAN AMENDMENT AND VALIDITY	13
DEFINITIONS.....	15
FIGURE 1 – Intermunicipal Development Plan Referral Flowchart	following 8
MAPS:	
Map 1 – Intermunicipal Development Plan Boundary	following 1
Map 2 – Land Use District Map	following 5
Map 3 – Policy Areas.....	following 5
Map 4 – Areas of Potential Annexation.....	following 9

CARDSTON COUNTY and TOWN OF MAGRATH INTERMUNICIPAL DEVELOPMENT PLAN

1. INTRODUCTION

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

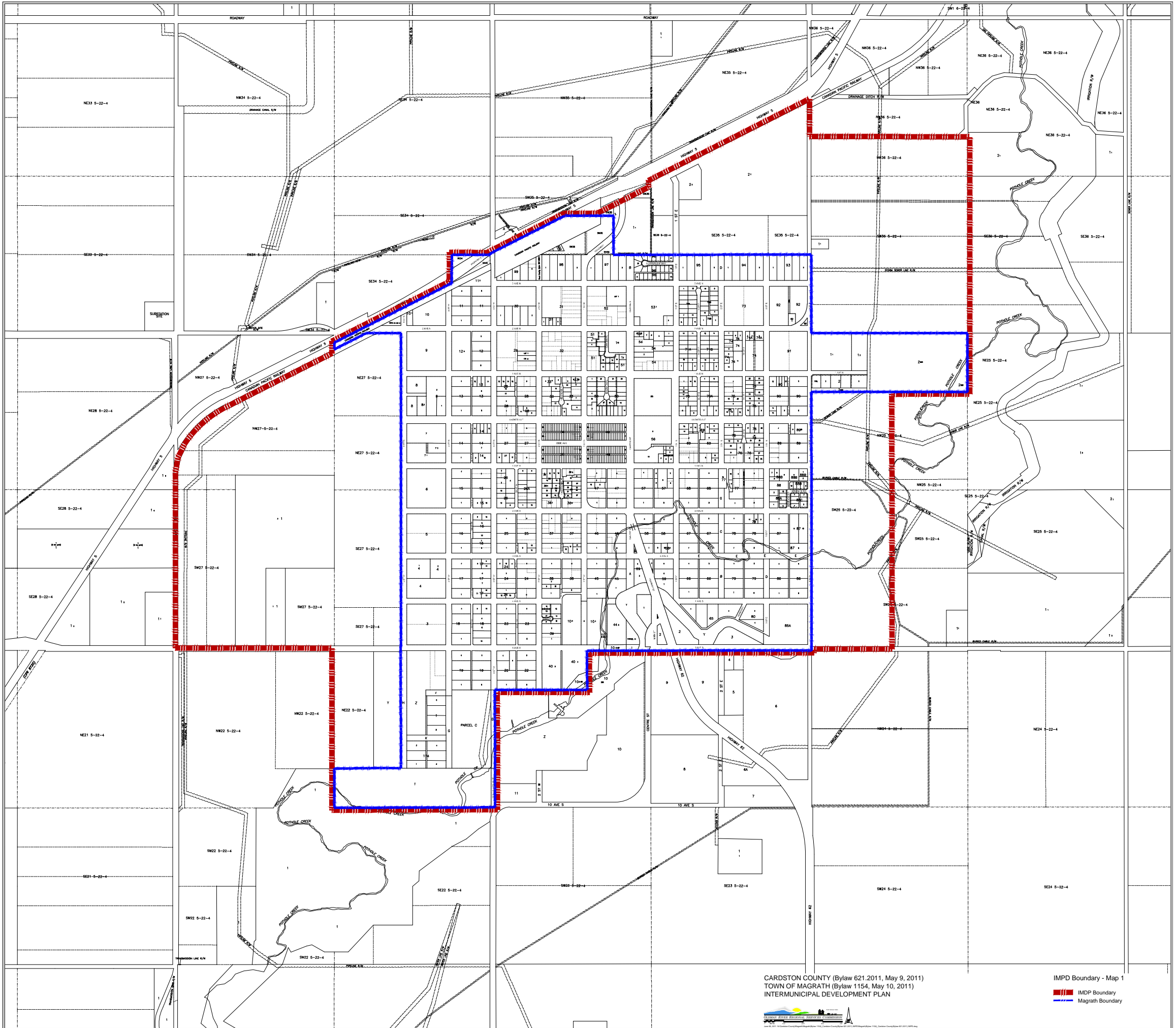
Cardston County (County) and the Town of Magrath (Town) have established a good working relationship with respect to planning matters of joint interest and have chosen to formalize their relationship through an Intermunicipal Development Plan (IMDP). This Intermunicipal Development Plan establishes policies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

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

2. INTERMUNICIPAL PLAN AREA AND APPLICABILITY

The IMDP policies apply to land within the defined intermunicipal plan area. The intermunicipal plan area includes land within the IMDP boundary, as illustrated in Map 1. All County subdivision and development applications outside the IMDP boundary, but within one mile of the Town of Magrath, will continue to be forwarded to the Town for comment in accordance with the existing policy in the County's Municipal Development Plan.

Within Cardston County, the plan area is characterized by a mix of privately and publicly held land, including lands owned by the private landowners, Cardston County, and the Town of Magrath. The majority of land is zoned as Agricultural. The privately held land is predominantly agricultural and is comprised of large tracts of farmland on the periphery of the plan area while fragmented parcels are located adjacent to the town boundary. In addition, there are a number of canal rights-of-way running through the plan area. The Town of Magrath Transfer Station is located inside the town boundary and the sewage lagoons are located just outside of the IMDP plan boundary to the northeast; as such, the provincially defined setback



CARDSTON COUNTY (Bylaw 621.2011, May 9, 2011)
TOWN OF MAGRATH (Bylaw 1154, May 10, 2011)
INTERMUNICIPAL DEVELOPMENT PLAN



IMDP Boundary - Map 1
IDMP Boundary
Magrath Boundary

buffers will only affect development such as residential, food establishments, school or hospital uses from being established on lands outside the IMDP boundary.

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

3. GUIDING PRINCIPLES

- 3.1 Cardston County and the Town of Magrath agree that they shall ensure that the policies of this plan are properly, fairly and reasonably implemented.
- 3.2 Cardston County and the Town of Magrath will honour the agreements reached and be clear about what has been decided and how the agreement will be carried out.
- 3.3 Cardston County and the Town of Magrath shall monitor and review the policies of this plan on a regular basis and as circumstances warrant.

4. PLAN GOALS

The intended goals of this Intermunicipal Development Plan are:

- 4.1 To address requirements of the Municipal Government Act with respect to plan administration, plan amendment and intermunicipal conflict resolution procedures.
- 4.2 To provide a policy framework to guide future land use decisions within the intermunicipal plan area.
- 4.3 To provide for a planning process that facilitates on-going consultation and cooperation among Cardston County and the Town of Magrath and affected ratepayers.

5. PLAN OBJECTIVES

- 5.1 To foster intermunicipal cooperation between Cardston County and the Town of Magrath.
- 5.2 To ensure development is planned in a manner that is complementary to existing and proposed developments.
- 5.3 To support the ongoing consultation and cooperation that Cardston County and the Town of Magrath have established.

- 5.4 To facilitate development in cooperation with and coordinated with development in the Town of Magrath.
- 5.5 To assist and facilitate Cardston County and the Town of Magrath in orderly, coordinated and economical planning and development of the lands within the intermunicipal plan area.
- 5.6 To identify possible areas of joint ventures for services such as regional water systems.
- 5.7 To provide a framework with guidelines by which Cardston County and the Town of Magrath can work so as to ensure:
- that each municipality may expand the development and assessment base within their respective boundaries;
 - that any present and future conflict is reduced or eliminated between Cardston County and the Town of Magrath; and
 - that each municipality is accorded sufficient flexibility to be able to react to the changes in the economy as well as demands of the individuals and investors interested in locating within these municipalities.

INTERMUNICIPAL DEVELOPMENT PLAN

POLICIES AND PROCEDURES

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

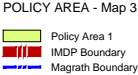
6. GENERAL POLICIES

- 6.1 The municipalities are committed to maintaining open communication regarding matters of joint interest within the intermunicipal plan area. It is not possible to address every situation that may be of joint interest. As such, each municipality will make reasonable attempts to maintain on-going communication including matters not specifically mentioned or discussed in this plan.
- 6.2 Cardston County and the Town of Magrath acknowledge the importance of circulating and sharing of information with respect to land use activities in the intermunicipal plan area. Each party agrees to refer and comment on proposals and planning matters in a timely manner relative to decision dates. (See referral policies for procedures and timelines.)
- 6.3 Developments proposed on large parcels of vacant land within the intermunicipal plan area should be subject to area structure plans or design schemes in order to establish a framework for future subdivision and development and, in particular, ensure compatible land use patterns, sequence of development, access and circulation, utility servicing, and minimal impacts on expansion capabilities of the Town of Magrath.
- 6.4 Proposed subdivision or development in the intermunicipal plan area may benefit from a sharing of municipal services from the Town of Magrath. Where urban services are proposed by the developer, an agreement must be discussed with the Town. It is acknowledged that, although these circumstances may arise and benefit all parties concerned, that in Policy Area 1 (See Map 3):
 - the Town of Magrath is not committed to providing any new services outside the Town boundaries; and
 - Cardston County will not approve any applications requiring urban services until a servicing agreement is negotiated with the Town.

- 6.5 The Town will forward all proposals for major expansion of municipal services to Cardston County for comment and consideration of a potential benefit to Cardston County or opportunity for a joint venture.
- 6.6 Redesignation of land, subdivision of land or development of land for uses involving schools, hospitals, food establishments, or residences will not be permitted within 300 m of the working area of the Town of Magrath Transfer Station.
- 6.7 It is the desire of Cardston County and the Town of Magrath to minimize potential conflict between residential uses and confined feeding operations within the intermunicipal plan area. The Natural Resources Conservation Board should consider this position in its evaluation of applications for new confined feeding operations (CFOs) and, as such, not issue permits for new CFOs within the intermunicipal plan area.
- 6.8 The Town of Magrath acknowledges Cardston County's strategic direction to protect the agricultural land base and support and encourage agricultural industry and recognizes that residents within the Town may be affected by noise, smells or other impacts associated with agricultural operations from time to time from operations that exist within and beyond the IMDP boundaries.
- 6.9 To provide for orderly, efficient, and coordinated future expansion of the Town of Magrath and promote protection of the agricultural land base, wide-spread fragmentation of agricultural lands should be minimized.
- 6.10 Any discretionary uses or subdivisions approved in the intermunicipal plan area should give consideration to potential impacts on urban expansion.
- 6.11 Parcels within the IMDP boundary that are currently zoned to districts other than Agricultural (A) may continue under those districts identified in the Cardston County Land Use Bylaw (Map 2). New applications for subdivision and development on these lands shall be subject to any policies of this IMDP.

POLICY AREA 1

- 6.12 Lands identified as Policy Area 1 are of interest to the Town of Magrath and represent future urban expansion areas. Development and subdivision proposals on these lands shall consider the following:
 - (a) potential connection to urban services, utilizing the current Town of Magrath engineering standards;
 - (b) storm water management plan prepared by a certified APPEGA engineer;



- (c) the proposed alignment of internal roads and where applicable the coordination of access management with Alberta Transportation and Cardston County;
- (d) the dedication of municipal reserve in development of a comprehensive open spaces plan or where appropriate the payment or deferral of municipal reserve;
- (e) landscaping and buffering plan to mitigate the impact of adjacent land uses or of transportation systems.

7. REFERRALS

- 7.1 Cardston County and the Town of Magrath agree to refer to each other all land use applications within the intermunicipal plan area including area structure plans and amendments, area redevelopment plans and amendments, redesignations, subdivision and development, annexation proposals, and any appeals of subdivision or development, as well as any matters that may affect the intermunicipal plan area including municipal development plans and land use bylaws and any amendments to either, using the procedures established in the policies in this section and summarized in Figure 1.
- 7.2 Referrals shall contain all available information for review and a municipality may request further information to be provided. In the case of all comments, a timely written response prior to the decision date is expected.
- 7.3 **Municipal Development Plans (see Figure 1)**
 - (a) A new Municipal Development Plan proposed by either municipality shall be referred to the other municipality and the Intermunicipal Development Plan Committee for comment prior to the public hearing.
 - (b) Any amendment to either municipality's Municipal Development Plan that may have an impact on this plan or may affect municipal expansion shall be referred to the other municipality and the Intermunicipal Development Plan Committee for comment prior to the public hearing.
 - (c) Comments from administration and the Intermunicipal Development Plan Committee provided prior to or at the public hearing will be considered by the municipality in which the plan is being proposed.
- 7.4 **Area Structure Plans and Area Redevelopment Plans (see Figure 1)**
 - (a) Area Structure Plans, Area Redevelopment Plans, or any amendments to such plans that are proposed within the intermunicipal plan area shall be forwarded to the other municipality and the Intermunicipal Development Plan Committee for comment prior to the public hearing.

- (b) Comments provided at or prior to the public hearing from the affected municipality and the Intermunicipal Development Plan Committee will be taken into consideration. The municipality processing the application may choose to amend the document accordingly and/or if necessary, table the public hearing for further information.
- (c) Any changes to a proposed area structure plan or redevelopment plan following the public hearing that will have an impact on this plan or the urban expansion of the Town should be re-circulated to the other municipality and the Intermunicipal Development Plan Committee for review prior to second hearing. Based on the significance of the changes, the municipality processing the application should consider convening a new public hearing.
- (d) Area structure plans for tracts of vacant land within the Town shall be forwarded to Cardston County administration for comment prior to the public hearing.

7.5 Land Use Bylaws and Amendments (see Figure 1)

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

7.6 Subdivision Applications

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

- (d) Comments received prior to the decision date will be considered by the applicable Subdivision Authority.
- (e) The municipality in receipt of a subdivision appeal within the intermunicipal plan area shall notify the other municipality of the appeal date and decision.

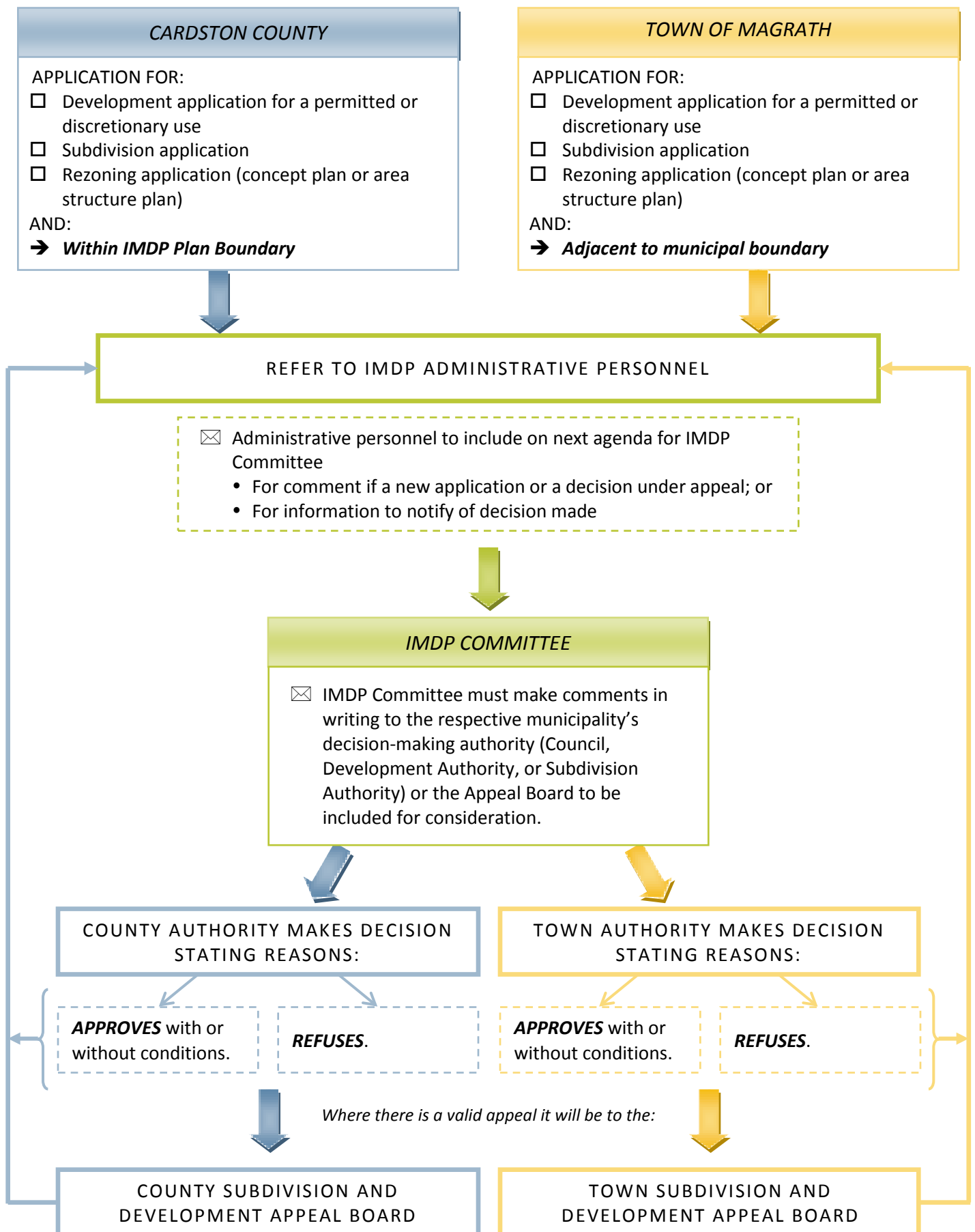
7.7 Development applications (see Figure 1)

- (a) All discretionary use applications (excluding discretionary residential uses) located in the intermunicipal plan area shall be referred to the other municipality for comment.
- (b) All permitted use applications and discretionary use residential applications within the intermunicipal plan area shall be referred to the other municipality for information purposes only.
- (c) Administration will forward applications involving any development which could have a major impact on the other municipality (e.g. potentially noxious use, a major traffic generator, etc.) to the Intermunicipal Development Plan Committee for comment.
- (d) Administration may forward a proposed development application to the Intermunicipal Development Plan Committee for comment if the application has the potential to impact this plan, affect municipal expansion, or if it is felt that Committee review is warranted.
- (e) Discretionary use applications (excluding discretionary residential uses) shall be referred at least 14 days prior to the decision date, unless otherwise agreed upon by the municipalities. Comments received prior to the decision date will be considered by the applicable Development Authority.
- (f) The municipality in receipt of a development appeal within the intermunicipal development planning area shall notify the other municipality of the appeal date and decision.

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

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

Figure 1: Intermunicipal Development Plan Referral Flowchart








8. ANNEXATION AND URBAN EXPANSION

POLICIES

- 8.1 The expansion of urban municipal boundaries should be orderly and employ a process to allow for uncontested annexations.
- 8.2 Annexation proposals must be based on effective public consultation both prior to and during any annexation hearings or proceedings.
- 8.3 Annexation boundaries should follow legal boundaries and respect natural features to avoid creating fragmented patterns of the municipal jurisdiction.
- 8.4 Annexation proposals must fully consider the financial impact on the initiating and responding municipality.
- 8.5 Cardston County and the Town of Magrath may negotiate a formula for the determination of compensation for annexation as part of the negotiation process for a specific annexation proposal.
- 8.6 In advance of any annexation, the initiating municipality should prepare a Growth Study, in accordance with the annexation principles established by the Municipal Government Board, that addresses:
 - projected land needs;
 - a conceptual design proposal;
 - logical extensions of growth patterns, transportation and infrastructure servicing;
 - sewer and water capacity and ability to accommodate additional growth;
 - a cost effective, efficient approach to municipal budget implications;
 - proposed uses of land and the potential impact on existing land uses; and
 - a timetable for implementation.
- 8.7 The following lands have been identified by the Town of Magrath as the most appropriate for urban uses in the future. Annexation of these lands will occur in the framework of long-range planning documents. Lands shown in Map 4 have been identified as areas which may be needed to accommodate future urban development:
 - (a) Short term: portions of the SW, SE, and NE¼ 35-5-22-4 and portions of the NE and SE¼ 27-5-22-4 and NE¼ 22-5-22-4;
 - (b) Long term: portions of the NW and SW¼ 27-5-22-4 and portions of the NW and SW¼ 36-5-22-4 and NW and SW¼ 25-5-22-4;

AREAS OF POTENTIAL ANNEXATION - Map 4

-  Possible Short Term Annexation To Magrath
 Possible Long Term Annexation To Magrath
 Possible De-Annex From Magrath
 IMDP Boundary
 Magrath Boundary

- (c) any other lands not identified on Map 4 but have been agreed to by the Intermunicipal Development Plan Committee and by both Cardston County and the Town of Magrath Councils at the time an annexation application is to be filed with the Municipal Government Board.

8.8 Within six (6) months upon a Municipal Board Order approving an annexation, the IMDP boundary should be reviewed and amended as determined necessary to reflect the urban municipal boundary change.

9. DISPUTE SETTLEMENT PROCEDURES

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

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

- Step 1** It is important to avoid any dispute by ensuring the plan is adhered to as adopted, including full circulation of any permit or application that may affect a municipality or as required in this plan and prompt enforcement of the policies of the plan and land use bylaw.
- Step 2** When an intermunicipal issue comes to the attention of either party, it will be directed to the chief administrative officers (CAOs) who will review the issue and after discussion, if the matter is not resolved, refer the issue to the Intermunicipal Development Plan Committee for their review and a recommendation. Additionally, should either municipality identify an issue related to this plan that may result in a more serious dispute, that municipality should approach the Intermunicipal Development Plan Committee to call a meeting of the Committee to discuss the issue.
- Step 3** Prior to the meeting of the Committee, each municipality through its administration, must ensure the facts of the issue have been investigated and clarified, and information is made available to both parties. Staff meetings may occur at this point to discuss possible solutions.
- Step 4** The Intermunicipal Development Plan Committee should discuss the issue with the intent to seek a solution by consensus.

- Step 5** Should the Intermunicipal Development Plan Committee be unable to arrive at a consensus, then either municipality will contact the appropriate CAO to arrange a joint meeting of the two councils who will discuss possible solutions.
- Step 6** Should the councils be unable to reach a solution, the two parties, within 30 days or a time frame mutually agreed upon, may contact a professional mediator to commence a mediation process of which the results of the mediation report will be binding on each municipality. If one or the other parties is not in agreement with this private mediation step, then either municipality may contact Alberta Municipal Affairs to commence a mediation process under the department's guidance.
- Step 7** In a case where further action under the Municipal Government Act is unavailable, the results of the mediation report will be binding on each municipality.
- Step 8** In the case of a dispute regarding:
- a statutory plan or amendment, or
 - a land use bylaw or amendment,
- Section 690(1) of the Municipal Government Act may be initiated. Using this section of the Act is the final stage of dispute settlement, as this outlines the procedure for the municipalities to request the Municipal Government Board to intercede and resolve the issue.

PLAN ADMINISTRATION & IMPLEMENTATION

10. ESTABLISHMENT OF INTERMUNICIPAL DEVELOPMENT PLAN COMMITTEE

- 10.1 An Intermunicipal Development Plan Committee shall be established between Cardston County and the Town of Magrath for the purposes of ensuring continued communication between the municipalities and to act as a liaison for the settlement of any disputes which arise in or adjacent to the intermunicipal development planning area or pursuant to this Intermunicipal Development Plan.
- 10.2 The Intermunicipal Development Plan Committee shall be a referral body and may make recommendations to Cardston County and the Town of Magrath. The Intermunicipal Development Committee does not have decision-making authority or powers with respect to planning matters in Cardston County or the Town of Magrath.
- 10.3 The Committee shall be comprised of six (6) members, being three (3) elected members from Cardston County Council and three (3) elected members from the Town of Magrath Council, all of whom shall be voting members. The Committee may, at its discretion, also include whatever number of resource persons deemed appropriate in a non-voting capacity.
- 10.4 All motions of the Intermunicipal Development Plan Committee must receive the support of at least four (4) of the six (6) members of the Committee in the affirmative to adopt the motion.
- 10.5 The Committee shall be chaired by one of its members from Cardston County.
- 10.6 The Chairman may call a meeting of the Intermunicipal Development Plan Committee at any time upon not less than seven (7) days notice of the meeting being given to all members of the Committee and all resource persons, stating the date, time, purpose and place of the proposed meeting. Seven days notice may be waived with 4/6 of the Committee members' agreement in writing.
- 10.7 A quorum for meetings of the Intermunicipal Development Plan Committee shall be four (4) members of the committee.
- 10.8 The Committee shall appoint a secretary from Cardston County staff, who shall attend and keep the records of all meetings of the Committee.

- 10.9 Meetings of the Intermunicipal Development Plan Committee should occur at least annually and at a maximum occur only once a month, unless otherwise agreed upon, or at the request of either municipality:
- (a) to address concerns regarding the policies of the plan;
 - (b) to address proposed amendments to the plan;
 - (c) to address issues in relation to implementation of plan policies;
 - (d) to review referred proposals under Section 7 or any other matters referred for consideration;
 - (e) to engage in resolving any conflicts or disputes within the intermunicipal plan area or which arise from this plan – both municipalities will share costs associated with using outside assistance to resolve a dispute; and
 - (f) to discuss any other land use issue or matter of joint interest not explicitly identified in the plan.
- 10.10 Committee meetings will typically be held in the Town of Magrath or a venue agreeable to the Committee members.
- 10.11 Staff members of each municipality may meet to conduct a review of the development and subdivision applications circulated and may forward any application to the Intermunicipal Development Plan Committee for review if deemed necessary.
- 10.12 If a matter has been referred to the Committee for comment, the Committee shall issue written comments within 14 days of receipt of such a request. Both councils agree that the Committee shall issue its comments in the form of recommendations.
- 10.13 Where a matter involving the two municipalities cannot be resolved to the satisfaction of the Committee, the Committee is authorized to initiate the dispute settlement procedures in this plan, Section 9.

11. PLAN AMENDMENT AND VALIDITY

- 11.1 This plan comes into effect on the date it is adopted by both Cardston County and the Town of Magrath. It remains in effect until either council rescinds the plan by bylaw after giving five (5) years notice, or by mutual agreement of both municipalities.
- 11.2 Amendments to the plan may be necessary from time to time to accommodate unforeseen situations; such amendments must be adopted by both councils using the procedures established in the Municipal Government Act.

- 11.3 Third party applications for an amendment to this plan shall be made to either municipality and be accompanied by the appropriate fees to each municipality.
- 11.4 The plan should be reviewed every five (5) years and amendments made as deemed necessary.

DEFINITIONS

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

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

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

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

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

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

Confined Feeding Operation as defined within the Agricultural Operation Practices Act, Chapter A-7, RSA AB 2000.

County means Cardston County in the Province of Alberta.

Development means:

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

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

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

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

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

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

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

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

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

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

Town means the Town of Magrath.

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

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