

**LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA**

BYLAW 19-009

**BEING A BYLAW TO AMEND THE LETHBRIDGE COUNTY /
TOWN OF NOBLEFORD INTERMUNICIPAL DEVELOPMENT
PLAN**

**(AMENDING BYLAWS COUNTY OF LETHBRIDGE BYLAW 1388
AND VILLAGE OF NOBLEFORD BYLAW 623)**

Bylaw No.19-009 of Lethbridge County is for the purpose of amending Bylaw No. 1388 being the current Intermunicipal Development Plan agreement between Lethbridge County and the Town of Nobleford (Bylaw No. 1388 and Bylaw No. 632), in accordance with sections 631 and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

WHEREAS the two municipalities have an existing Intermunicipal Development Plan as required by the province, to collaborate and address common planning issues where the possible effects of development transcends municipal boundaries.

AND WHEREAS the amendments are to bring the current Intermunicipal Development Plan into compliance with the *South Saskatchewan Regional Plan (SSRP)*, modernized *Municipal Government Act* and amended *Subdivision and Development Regulations*, and the amendments include addressing the strategies of the SSRP, adding environmental policies, updating intensive agriculture policies, and to enable some minor wording/text edits, which include changing all municipal references to reflect the current names of each municipality, from the County of Lethbridge to Lethbridge County and the Village of Nobleford to the Town of Nobleford.

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

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

1. Council shall amend the Lethbridge County and Town of Nobleford Intermunicipal Development Plan (Bylaw No. 1388 and Bylaw No. 632) as agreed to with the Town of Nobleford.
2. That the plan amendments are adopted as indicated in the attached 'Schedule A'.
3. This amending bylaw shall come into effect upon third and final reading thereof.
4. That Bylaw No. 1388 is consolidated to incorporate the amendments in 'Schedule A'.

READ a **first** time this 7th day of March, 2019.



Reeve



Chief Administrative Officer

READ a **second** time this 4th day of April, 2019.

Loane Hickey
Reeve

C Mitchell
Chief Administrative Officer

READ a **third** time and finally PASSED this 4th day of April, 2019.

Loane Hickey
Reeve

C Mitchell
Chief Administrative Officer

SCHEDULE "A"**Lethbridge County and Town of Nobleford
Intermunicipal Development Plan****Amendments to Bylaw No. 1388 (County of Lethbridge)
And Bylaw 623 (Village of Nobleford)**

The described amendments are to bring the Intermunicipal Development Plan (IDP) into compliance with the South Saskatchewan Regional Plan (SSRP), modernized *Municipal Government Act* and amended *Subdivision and Development Regulations*, and to enable some minor wording/text edits.

1. That the bylaw (IDP) be amended and reworded continently throughout by changing text as follows:

- All municipal references have been changed to reflect current names of each municipality, from the County of Lethbridge to Lethbridge County and the Village of Nobleford to the Town of Nobleford.

2. That Part 1, Legislative Requirements be amended and replaced with new language added to reflect the adoption of the SSRP and the new MGA requirements, as follows:

Recent updates to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 with amendments (MGA) now mandate the adoption of IMDPs between adjacent municipalities. Specifically, the MGA states:

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

(1.1) *Despite subsection (1), the Minister may, or by order, exempt one or more councils from the requirement to adopt the Intermunicipal development plan, and the order may contain any terms or conditions that the Minister considers necessary.*

(1.2) *Two or more councils of municipalities that are not otherwise requires to adopt an Intermunicipal Development Plan under subsection (1) may, by each passing a bylaw in accordance with this Part ort 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,
 - 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
- (3) The council of a municipality that is required under this section to adopt an intermunicipal development plan must have an intermunicipal development plan that provides for all of the matters referred to in subsection (2) within 2 years from the date this subsection comes into force.
- (4) Subject to the regulations, if municipalities that are required to create an intermunicipal development plan are not able to agree on a plan, sections 708.33 to 708.43 apply as if the intermunicipal development plan were an intermunicipal collaboration framework.
- (5) In creating an intermunicipal development plan, the municipalities must negotiate in good faith.

In addition to the MGA, the South Saskatchewan Regional Plan (SSRP) came into effect September 1, 2014. The SSRP uses a cumulative effects management approach to set policy direction for municipalities to achieve environmental, economic and social outcomes within the South Saskatchewan Region until 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.

Planning Cooperation and Integration

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 this Plan.

3. That Part 2, Analysis of the Study Area, has the agricultural section amended and replaced wording and text with the following:

Agricultural Practices

The SSRP's vision for the agricultural sector is expressed as follows:

Agriculture

Objective

- *The region's agricultural industry is maintained and diversified.*

Strategies (abbreviated)

- 1.1 *Maintain an agricultural land base by reducing the fragmentation and conversion of agricultural land.*
 - 1.2 *Support a diverse and innovative irrigated agriculture and agri-food sector.*
 - 1.3 *Assist the agriculture and agri-food industry to maximize opportunities for value-added agricultural products.*
 - 1.4 *Support a business climate and complementary production and marketing approaches that recognize the contribution of local production in addition to existing domestic and international market opportunities for Alberta's agriculture, agri-food and agri-product sectors.*
 - 1.5 *Support and enhance the next generation of agricultural, food and rural entrepreneurs.*
 - 1.6 *Encourage the use of voluntary market-based instruments for ecosystem services in order to recognize and reward the continued stewardship and conservation of private agricultural land and to potentially diversify the agricultural economy.*
- 4. That Part 5, Intermunicipal Land Use Policies, section 5.2 regarding confined feeding operations be amended and replaced with new policies and language, as follows:**
- 5.2 Intensive Agriculture (Confined Feeding Operations)**

Intent

The County and the Town recognize that it is the jurisdiction of the Natural Resources Conservation Board (NRCB) to grant approvals and regulate confined feeding operations (CFO). However, both municipalities agree it is desirable to specifically regulate intensive agricultural operations for the defined Plan area in an attempt to minimize potential nuisance and conflict between the urban areas, especially residential, and CFOs within the Plan area.

Policies

- 5.2.1 New confined feeding operations (CFOs) are not permitted to be established or existing operations allowed to expand operations within the Plan area as illustrated on Map 8 and described as the CFO Exclusion Area.
- 5.2.2 In regards to manure application on lands:
- (a) On all lands within the CFO Exclusion Area, the County and Town acknowledge the standards and procedures as outlined in the Agricultural Operation Practices Act, Standards and Administration Regulation shall be applied for manure application, unless the landowner enters into a written agreement where other standards may apply.
 - (b) On lands within the identified 'manure application sensitive area' as depicted on Map 8, the application of manure, either spreading by surface application or sub-surface injection, or stockpiling of manure is highly discouraged.
 - (c) The County and Town may proactively consult and negotiate an agreement ('Memorandum of Agreement') with landowners who own lands within the identified 'manure application sensitive area' to have operators voluntarily agree to not stockpile manure, to not spread manure or to limit it to specified periods or days, incorporate it within a shorter time frame, and with prior minimum notification given to the Town of when this activity will occur.
- 5.2.3 Both municipalities are supportive of entering into written 'Memorandum of Agreements' with landowners to restrict or limit the stockpiling, composting and spreading of manure adjacent to the Town as identified in the 'manure application sensitive area' and will ask the NRCB to add the terms of such negotiated agreements to conditions of approvals (permits or registrations). Once such an agreement is entered into, the County and Town will ensure the agreement is submitted in written form to the NRCB to be considered.
- 5.2.4 If problems or complaints of an operator's practices should arise and are brought to the Town's attention, the Town will notify and consult with the County prior to engaging the NRCB or other provincial authorities. If problems arise on a weekend or statutory public holiday either municipality may contact the NRCB through the public complaints line in order to initiate an inspection by the NRCB Inspector.
- 5.2.5 For statutory plan consistency, as required under the MGA, the County Municipal Development Plan CFO policies and associated map shall be reviewed and should be updated to reflect the CFO Exclusion Area as defined by Map 8, within six months of this Plan being adopted.
- 5.2.6 Both councils recognize and acknowledge that existing confined feeding operations located within the Plan area or Rural Urban Fringe district will be allowed to continue to operate within the requirements of the Agricultural Operation Practices Act and Regulations.

5.2.7 The County may review and apply restrictions or regulations to the type and number of animal units for those animal or livestock operations within the Plan area that fall below the minimum threshold criteria for registrations or approvals under the mandate of the NRCB as outlined in AOPA, and this should be regulated through policies stipulated in a separate bylaw adopted by the County.

Map 8 amended - The text 'manure application exclusion area' as depicted on Map 8 be amended to read the 'manure application sensitive area'.

5. That Part 3, Land Use Planning Areas, Planning Area 2 policies be updated and amended (policy 5.3.29) to reflect the dedication of ER (Environmental Reserve) that has occurred for a large portion of the Stud Horse Lake area. The policy to read as follows:

5.3.29 The County has dedicated a portion of the wetland area(s) known as Stud Horse Lake and will continue to protect this area, by dedicating the lands at the time of subdivision, as environmental reserve (or alternatively preserved through the use of an environmental reserve easement).

6. That Part 3, Land Use Planning Areas, Planning Area 4 policies be amended by adding policy 5.3.44 to provide for the potential to develop a rural commercial use on the east side of the country residential cluster south of Highway 519, known as Outlook Acres (Plan 121 2833). The policy to read as follows:

5.3.44 The country residential cluster south of Highway 519, known as Outlook Acres (Plan 121 2833), has been amended so to provide for the potential to develop a rural commercial use on the east side of the cluster. Access to the potential commercial use is preferred to be provided via the county road network as opposed to Highway 519.

Map 10 amended - Planning Area 4 map (map 10) to be amended to reflect the potential rural commercial use as outlined in policy 5.3.44.

7. That Part 5, Section 5.6 General Plan Policies be expanded (new policies 5.6.7 to 5.6.13 added) to include a number of historical resources and environmental policies as required under the MGA and SSRP. The policies to read as follows:

5.3.44 The country residential cluster south of Highway 519, known as Outlook Acres (Plan 121 2833), has been amended so to provide for the potential to develop a rural commercial use on the east side of the cluster. Access to the potential commercial use is preferred to be provided via the county road network as opposed to Highway 519.

5.6.7 When making land use decisions, each municipality will:

- a) utilize and incorporate measures which minimize possible impacts on Stud Horse Lake or any other environmentally sensitive or environmentally significant areas;
- 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.

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

- 5.6.9 For any development on lands that may contain a historic resource value (HRV), the developer may be required to conduct a historical resource impact assessment (HRIA) and is responsible for consulting the *Historical Resources Act* and contacting Alberta Culture and Tourism.
- 5.6.10 Developers preparing area structure plans (ASPs) are responsible for submitting the final approved ASP to Alberta Culture for review to obtain historical resource clearance and must file a copy of any clearance approval with the respective municipality.
- 5.6.11 Each municipality is responsible for referring development applications and other land use activities within their respective jurisdictions to the appropriate provincial department to determine when an EIA or HRIA may be required.
- 5.6.12 Both municipalities should consider the provincial Wetland Policy when making land use decisions with the goal of sustaining environment and economic benefits. The developer, not the municipality, is responsible for ensuring compliance with the provincial policy and any associated regulations.
- 5.6.13 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.

8. That Part 8, Plan Validity and Amendment, be amended for the intent and text to align with the adoption of the South Saskatchewan Regional Plan (SSRP).

Section 8.1, Addressing Provincial Regional Planning Requirements, Policy 8.1.1 be removed in its entirety as the South Saskatchewan Regional Plan has since been adopted and the amendments made with the amending bylaw to meet the SSRP requirements, and the subsequent policies be renumbered sequentially.

~~8.1.1 Amendments may be required to be made to the Plan to adhere to provincial requirements and the policies of the South Saskatchewan Regional Plan once adopted and both municipalities should discuss possible amendments at that time.~~

Section 8.2, Addressing Municipal Amendments and Plan Validity, be amended by deleting and adding a policy to reflect that IDPs are now mandatory, but they may be amended and renegotiated, etc., upon serving written notice to the other municipality. Policy 8.2.1 amended to read:

8.2.1 This Plan comes into effect on the date it is adopted by both the Town and the County. ~~It remains in effect until either council rescinds the plan by bylaw after giving six months' notice, or by mutual agreement of both municipalities.~~

New policy 8.2.7 to read:

8.2.7 Either municipality may request that the Plan be repealed and replaced with a new IMDP upon serving written notice to the other municipality. The dispute resolution process stipulated in Part 7 will be undertaken should the municipalities be unable to reach an agreement.

General plan amendments:

- **All of the maps** within the plan are to be updated and changed to reflect current names of each municipality, from the County of Lethbridge to Lethbridge County and the Village of Nobleford to the Town of Nobleford.

- **The Definitions** are to be amended by:

1. Removing the reference to the Provincial Land Use Policies:

~~Provincial Land Use Policies means those policies adopted by the Minister of Municipal Affairs pursuant to section 622(1) of the Municipal Government Act.~~

2. Adding a definition of the South Saskatchewan Regional Plan (SSRP):

South Saskatchewan Regional Plan (SSRP) means the regional plan and regulations established by order of the Lieutenant Governor in Council pursuant to the Alberta Land Stewardship Act.



