

**Lethbridge County and Town of Coaldale
Intermunicipal Development Plan**

**Amendments to Bylaw No. 1337 (County of Lethbridge)
And Bylaw 631-P-02-10 (Town of Coaldale)**

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 wording/text and map edits.

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

- All municipal references have been changed to reflect current name of Lethbridge County, from the County of Lethbridge to Lethbridge County.

2. That Part 1, Introduction and Background, be amended to include the following at the end of the preamble:

The Town of Coaldale and Lethbridge County amended the Intermunicipal Development Plan in January 2020 to address the following:

- The adoption of the Modernized Municipal Government Act.
- The adoption of the South Saskatchewan Regional Plan.
- The Town of Coaldale annexation completed on April 1, 2018 which resulted in the expansion of the Town's municipal boundary.

3. That Part 1, Intro and Background, "Legislative Requirements," be deleted 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 or in accordance with sections 12 and 692, adopt an Intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.*

631(2) *An Intermunicipal development plan*

- a) must address
 - i. the future land use within the area,
 - ii. the manner of and the proposals for future development in the area,
 - iii. the provision of transportation systems for the area, either generally or specifically,
 - iv. the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,
 - v. environmental matters within the area, either generally or specifically,
 - 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.

4. That Part 2, Analysis of the Study Area, “Agricultural Practices,” replace the wording and text with the following:

Agricultural Practices

Map 4 indicates the Canada Land Inventory (CLI) soil classification and agricultural capability of the lands (see Definitions for soil classifications). Much of the plan area is of high quality, class 1 and 2, especially the land on the west portion of the Town, partially attributed to the availability of irrigation water.

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.*

5. That Part 2, Analysis of the Study Area, has the Fringe Area Subdivision and Fragmentation section added to include the following:

In 2018 the Town of Coaldale annexed lands from Lethbridge County including the Harrison Subdivision, Evergreen Estates, and the NE 3-9-20-W4.

6. That Part 3, Section 3.5 Urban Expansion and Annexation be removed and replaced with the following:

In 2018 the Town of Coaldale was successful in annexing land sufficient for 25 year of development. Any future growth plans of the Town beyond what was annexed in 2018 will be discussed with Lethbridge County in the future. The Town and the County agreed through a memorandum of understanding (MOU) signed in September 2016 that the western boundary of the Town will not be expanded any further and is essentially frozen.

- 7. That Part 3, Section 3.10, Addressing Policy Objectives of the Provincial Land Use Framework and Bill 36 be deleted.**
- 8. That Map 5 be deleted, renumber consecutive map, and updates references to Map 5, 6, and 7 throughout the Plan.**
- 9. That Map 7 be amended to include the NW 9-9-20-W4 as an area for non-residential development nodes for Lethbridge County (as per the MOU signed between the Town and County in September 2016).**
- 10. That Part 4, Section 4.4, Industrial and Other Non- Agricultural Land Uses be amended by adding subsection 4.4.15.**

4.4.15 Non-residential development within the NW 9-9-20-W4 be compatible with lands directly to east located within the Town of Coaldale. Planning of this area shall conform to the requirements of the Lethbridge County Municipal Development Plan and Land Use Bylaw.

- 11. That Part 4, Section 4.5, Urban Expansion and Annexation be amended by deleting subsection 4.5.2 and 4.5.3.**
- 12. That Part 4, Section 4.5., Urban Expansion and Annexation be amended by deleting subsection 4.5.11 and replacing with the following:**

4.5.11 The western boundary of the Town shall not be further expanded (through annexation) as per the Memorandum of Understanding signed between the County and Town in September 2016.

- 13. That Part 4, Section 4.6 Land Use and Development Standards be expanded (new policies 4.6.10 to 4.6.15 added) to include a number of historical resources and environmental policies as required under the MGA and SSRP.**
The policies to read as follows:

4.6.10 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.

4.6.11 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.

4.6.12 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.

4.6.13 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.

4.6.14 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.

4.6.15 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.

- 14. That Part 4, Section 4.8.4, be deleted and replaced with the following:**

Both municipalities support the Malloy Drain Master Drainage Plan and agreements regarding the implementation of the plan.

- 15. That Part 4, Section 4.10., Addressing Policy Objectives of the Provincial Land Use Framework be deleted.**

- 16. That Part 5, Section 5.2, Referrals, be deleted and replaced with the following:**

5.2.1 Proposed land use bylaws, statutory and non-statutory plans (e.g. Municipal Development Plan, Area Structure Plans, Area Redevelopment Plans, Conceptual Design Schemes), and amendments to such documents, that affect lands in the Plan Area or land in the Town adjacent to the Town-County boundary shall be forwarded to the other municipality for comment prior to a decision being made on the application.

5.2.2 In consideration of policy 5.2.1, the receiving municipality may request that a proposed land use bylaw, statutory and non-statutory plan or amendment be referred to the Intermunicipal Development Plan Committee for discussion and comment prior to a decision being rendered.

5.2.3 Any changes to a proposed statutory plan, land use bylaw or amendment following the public hearing that may have an impact on the Plan or municipal expansion should be recirculated to the other municipality and if deemed necessary by either municipality, the Intermunicipal Committee for review prior to 2nd reading. Based on the significance of the changes, the municipality processing the proposal should consider convening a new public hearing.

5.2.4 Any changes to a non-statutory plan such as a Conceptual Design Scheme that may have an impact on the Plan or municipal expansion should be recirculated to the other municipality for review and comment prior to approval of the Plan. If deemed necessary by either municipality, it shall be forwarded to the Intermunicipal Committee for review and comment in accordance with the processes outlined in this Plan.

5.2.5 Subdivision applications and discretionary use development permit applications, including appeals of such applications, which affect lands in the Plan Area or land in the Town adjacent to the Town-County boundary, shall be forwarded to the other municipality for comment prior to a decision being made on the application.

5.2.6 The municipalities are encouraged to refer to each other for comment, 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 established Plan boundary.

Response Times

5.2.7 Unless otherwise agreed to by both municipalities, the responding municipality shall, from the date of mailing, have the following timelines to review and provide comments on intermunicipal referrals:

- a) 15 days for development permit applications
- b) 19 days for subdivision applications
- c) 30 days for all other intermunicipal referrals

5.2.8 In the event that an intermunicipal referral is forwarded to the Intermunicipal Committee (by the CAO or designate) for review and comment, a Committee meeting should be scheduled as soon as possible and a written response shall be provided within 10 days of the Committee meeting date.

5.2.9 In the even that either municipality and / or the Committee does not reply within, or request an extension to, the response time for intermunicipal referrals stipulated in sections 5.2.7 and 5.2.8, it will be assumed that the responding municipality and/or Committee has no comment or objection to the referred planning document or application.

Consideration of Referral Responses

5.2.10 Comments from the receiving municipality and the Intermunicipal Committee regarding a statutory plan, non-statutory plan, land use bylaw or amendment that are provided prior to or at the public hearing or meeting shall be considered by the municipality in which the plan, land use bylaw or amendment is being proposed.

5.2.11 Comments from the receiving municipality regarding a subdivision application or discretionary use development permit application shall be considered by the municipality in which the application is being proposed, prior to a decision being made on the application.

- 17. That Part 7, Plan Validity and Amendment, be deleted and replaced for the intent and text to align with the adoption of the South Saskatchewan Regional Plan (SSRP) with the following:**

7.1 Addressing Provincial Regional Planning Requirements

With the adoption of the South Saskatchewan Regional Plan (SSRP) the Town of Coaldale and Lethbridge County are under the mandate of this legislation and will need to comply with the adopted regional plan policies.

Policies

7.1.1 Both councils are supportive of the principle that an agreement negotiated locally between the two parties is more desirable than an agreement imposed by the province, and both municipalities will work together to cooperate on joint policy areas under the authority allowed by the province.

7.1.2 Both municipalities agree that they will work in a cooperative manner to address the terms and requirements imposed on them by the province through the SSRP, and any subsequent provincial regulations, and amend the Plan accordingly.

7.1.3 An updated Plan containing policies to address any provincial requirements will be reviewed by the Intermunicipal Committee, revised if needed, and then be prepared for municipal review.

7.1.4 If both councils are satisfied that the proposed amendments meet the requirements of the province, statutory public hearings can be conducted in accordance with *Municipal Government Act* notification and advertising requirements. The revised intermunicipal development plan may be adopted after the public hearings.

7.2 Addressing Municipal Amendments and Plan Validity

It is recognized that this Plan may require amendments from time to time to accommodate an unforeseen situation or keep the Plan up to date and relevant.

Policies

7.2.1 This Plan comes into effect on the date it is adopted by both the Town and the County.

7.2.2 Amendments to this Plan may be necessary from time to time to accommodate agreed to updates or changes and /or unforeseen situations not specifically addressed in the Plan; any amendments must be adopted by both councils using the procedures established in the *Municipal Government Act*. No amendments shall come into force until such time as both municipalities adopt the amending bylaw.

7.2.3 Requests for amendments to this Plan by parties other than the Town and the County (i.e. landowners or developers) shall be made to the municipality in which the request originated and be accompanied by the applicable fee to each municipality for processing amendments to a statutory plan.

7.2.4 If agreed to by both municipalities, a joint public hearing may be held in accordance with the *Municipal Government Act* for any amendments to this Plan.

7.2.5 The Intermunicipal Committee shall review the policies of the Plan annually and discuss land use planning matters, issues, and concerns on an ongoing basis. The Committee may make recommendations to be considered by the respective council for amendment to the Intermunicipal Development Plan to ensure the policies remain current and relevant and continue to meet the needs of both municipalities.

7.2.6 A formal review of the Plan should be undertaken every five years. The Intermunicipal Committee shall report to the respective council regarding confirmation of validity of the Plan policies and /or may provide recommendations for: amendment(s), request for additional studies, or other matters identified by the Committee.

7.2.7 Either municipality may request that the Plan be repealed and replaced with a new IDP upon serving written notice to the other municipality. The dispute resolution process stipulated in Part 6 will be undertaken should the municipalities be unable to reach an agreement.

18. General plan amendments:

- **All of the maps** within the plan are to be updated and changed to reflect amended municipal boundaries and the current name of Lethbridge County, from the County of Lethbridge to Lethbridge County.
- **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.