

**TOWN OF CARDSTON
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 1565

BEING a bylaw of Town of Cardston in the Province of Alberta, to adopt an Intermunicipal Development Plan with Cardston County.

WHEREAS the councils of the Town of Cardston and Cardston County have decided to cooperatively prepare an Intermunicipal Development Plan, which addresses the urban/rural, fringe which surrounds the Town;

WHEREAS the two councils have agreed on a planning strategy to address fringe land use issues and matters of mutual concern, in accordance with the Act;

NOW THEREFORE pursuant to provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston of the Province of Alberta, duly assembled, hereby enacts as follows:

The Cardston County and Town of Cardston Intermunicipal Development Plan attached hereto.

This bylaw takes effect and comes into full force after third reading and final passing thereof.

Received First Reading this 25 day of September 2007

Received Second Reading this 25 day of September 2007

Received Third and Final Reading this 23 day of October 2007

SIGNED by the Mayor and Chief Administrative Officer this 29
Day of October, 2007



Mayor



Municipal Administrator

Cardston County
and
Town of Cardston

INTERMUNICIPAL DEVELOPMENT PLAN

Cardston County Bylaw No. 519/2007

Town of Cardston Bylaw No. 1565

Prepared by:
Cardston County and Town of Cardston
November 2007

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CARDSTON COUNTY and TOWN OF CARDSTON
INTERMUNICIPAL DEVELOPMENT PLAN

1. Introduction

The County and Town Councils recognize that there is a need to ensure that land use activity in the fringe area does not unduly compromise long-term urban expansion and further, that conflicts with both rural agricultural pursuits and nearby urban development are minimized.

Both the Provincial Land Use Policies and the Municipal Government Act encourage municipalities to create and adopt agreements on land use in the fringe of urban areas.

2. Plan Objectives and Goals

- 2.1 To foster intermunicipal co-operation between Cardston County and the Town of Cardston.
- 2.2 To ensure that all development is planned in a manner that is complementary to existing and proposed developments.
- 2.3 To facilitate development in co-operation between Cardston County and the Town of Cardston.
- 2.4 To assist and facilitate the County and the Town in the orderly and economical planning and development of the lands within the Intermunicipal Development Plan area.
- 2.5 To provide a framework and guideline in which, and by which both the County and the Town can work so as to ensure:
 - That the Town or County may expand the development and assessment base within its boundaries. Examples – if the Town had a large tract of land possible for development and the County allowed a confined feeding operation nearby, that would definitely affect the development from reaching fruition. By the same token, if County lands were developed, the County would not want said development annexed by the Town. This preserves both tax bases.
 - That each municipality is accorded sufficient flexibility to be able to react to the changes within the economy as well as demands of the individuals and investors interested in locating within these municipalities.

- 2.6 To make the protection of agriculture and agricultural productivity a prime concern to both the County and the Town when making decisions on land use and development proposals within the County.

3. Proposed Land Use

- 3.1 In order to provide the Town with sufficient information to ensure that the development within the Intermunicipal Development Plan area does not have a negative impact on the development within the land adjacent thereto, proposed uses in general terms shall be prepared for those lands in the County that are in the Intermunicipal Development Plan area.
- 3.2 Cardston County shall establish an Urban Fringe land use district in its Land Use Bylaw which will prohibit, regulate and/or control development within this specific district.

Such things as:

- a. Permitted uses – the following uses shall be permitted within this land use district upon receipt of a completed development application:

- accessory farm buildings
- ancillary buildings and uses
- campground
- community hall
- farm equipment storage
- farmstead
- home occupations
- park
- single family dwellings

- b. Discretionary uses – the following uses may be permitted at the discretion of the Subdivision and Development Authority upon receipt of a completed development application:

- agricultural services
- apiaries
- auto body and/or paint shops
- automotive repair and service
- bed and breakfast establishments
- boarding houses
- boarding stables
- breeding farms
- child care services
- communication towers / transmission lines
- equipment sales, rental, and service
- farm produce stands / farmers' market

food processing
highway commercial
horticulture / nurseries / greenhouses
isolated single lot commercial
isolated single lot industrial
kennels
miscellaneous industrial operation
private recreation
public institutional
sand and gravel pits
senior citizens' housing
specialty manufacturing / cottage industry
utilities – including wind energy conversion systems
warehouses

c. Prohibited uses – the following uses are prohibited within this land use district:

abattoirs
confined feeding operations (excluding grandfathered)
hazardous and noxious uses
resource extraction and associated works
stripping and sale of topsoil

4. Joint Plan Policies

- 4.1 Developments proposed on large parcels of vacant land within the Intermunicipal Development 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, address – compatible land use patterns, sequence of development, access and circulation, and utility servicing.
- 4.2 The County and the Town agree that each shall forward to the other municipality as promptly as possible:
- Any applications for development or subdivision involving lands in or immediately adjacent to the Intermunicipal Development Plan area;
 - Any application for development or subdivision which could have a major impact on the other municipality, e.g. potentially noxious use, major traffic generator, etc.

Each party shall comment on such information or proposal as soon as reasonably possible after its receipt.

- 4.3 Proposed subdivision or development in the Intermunicipal Development Plan area may benefit from a sharing of municipal services from the Town.
- Where it is practical, the Town of Cardston would provide water, sewer, road maintenance, garbage collection to the proposed development. The costs for the services provided would be paid by the developer to the Town at the same rate as incurred by developers in the Town. The monthly rates charged for said services would be the same as for Town residents.
 - The County agrees that, in return for above services provided, they will share up to 25% of the municipal portion of taxes (12.5% water, 12.5% sewer). Where practical, road maintenance and garbage collection would be at the same rate as Town residents are charged. This Agreement applies to new developments only, from the date of the signed agreement.
 - Future annexation proposals by the Town will be reviewed and negotiated by the Councils involved on a need basis.
 - The developer shall present an Area Structure Plan to the County, which must be acceptable to the Town.
 - The County will not decide upon applications requiring urban services until an agreement is negotiated with the Town or the project is redesigned to no longer need urban services.
- 4.4 The Town will forward all proposals for expansion of municipal services to the County for comment, if it appears there may be a potential benefit or concern to the County.
- 4.5 All Area Structure Plans for major tracts of vacant land within the Town shall be forwarded to the County for comment.
- 4.6 In an attempt to lessen potential conflict between residential and intensive agricultural uses, no new confined feeding operations shall be permitted within the Intermunicipal Development Plan area. Therefore, the Natural Resources Conservation Board (NRCB) shall be forwarded a copy of the Intermunicipal Development Plan upon its adoption by the municipalities.
- 4.7 It is not possible to identify all decisions that may be made by either party that may affect the other. When situations arise that have not been specifically mentioned, an attempt shall be made to resolve issues through the Intermunicipal Development Plan Committee.

5. Establishment of Intermunicipal Development Plan Committee and Conflict Resolution

- 5.1 An Intermunicipal Development Plan Committee shall be established between the County and the Town for the purposes of ensuring continued communication between the County and the Town and to act as a liaison for the settlement of any disputes which arise in or adjacent to the Intermunicipal Development Plan area or pursuant to this Intermunicipal Development Plan.
- 5.2 The Committee shall be comprised of six members, being two elected and one administrative member from each Council. The Committee may, at its discretion, also include whatever number of resource persons deemed appropriate – in a non-voting capacity.
- 5.3 The Committee shall be chaired alternately, one year by a County member, one year by a Town member.
- 5.4 The Chairman may call a meeting of the Intermunicipal Development Plan Committee at any time upon not less than seven days notice 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 four of the Committee members' agreement.
- 5.5 A quorum for meetings of the Intermunicipal Development Plan Committee shall be two members from each municipality.
- 5.6 The Committee shall appoint a secretary from the County staff who shall attend and keep the records of all meetings of the Committee.
- 5.7 Meetings of the Intermunicipal Development Plan Committee should be kept to a minimum and occur only:
 - minimum one meeting per year,
 - at the request of either municipality,
 - to review area structure plans or development schemes,
 - to review redesignations of land or alter the Urban Fringe boundary,
 - to settle any land use dispute that may arise,
 - as provided for in Section 5.8.
- 5.8 Development Officers of each municipality may meet to conduct a review of the applications circulated. An application may be forwarded to the Intermunicipal Development Plan Committee for review if staff feels that a Committee review is required.

- 5.9 Recognizing that this plan must have a conflict resolution mechanism as prescribed by the Act, both the Town and the County agree that the main functions of the Intermunicipal Development Plan Committee are to:
- act as a non-binding advisory Committee to the Councils, the Subdivision and Development Authorities, and the Subdivision and Development Appeal Boards of the municipalities; and
 - assist in the resolution of conflicts.

6. Plan Amendment, Validity, and Variance

- 6.1 Amendments may be made to the plan from time to time if both affected Councils pass the same amending bylaws.
- 6.2 This plan is valid until January 1, 2020 unless each affected municipality agrees to a revised plan or agrees to terminate the agreement sooner.
- 6.3 Steps in the dispute settlement process may include:
- Avoid any dispute by ensuring the plan is adhered to as adopted by full circulation of any permit or application that may affect the Town or the County, and prompt enforcement of the policies of the plan and Land Use Bylaw.
 - Meet with the Intermunicipal Development Plan Committee to identify the issues and reach a consensus on a solution.
 - Prior to a meeting, ensure the facts of the dispute are investigated and information is made available to both parties.
 - The solution and/or dispute may have to be forwarded to a joint meeting of both Councils for further discussion.
 - Disputes are likely to be concerning either an area structure plan or a land use bylaw amendment. In these cases, the final stage of dispute settlement is to use the mechanism in Division II, Part 17 of the Municipal Government Act. This outlines a procedure for the municipalities to request the Municipal Government Board to solve the issue.
- 6.4 Variance to the policies of this plan may be made by the Intermunicipal Development Plan Committee if authorized by both elected Councils.

7. Procedure for Adoption

It is important to ensure any interested party has an opportunity to discuss the policies proposed in this report. This would include owners of land in the County, other affected landowners, residents of the urban area, and municipal authorities. To this end the following procedure is suggested:

- The draft plan is circulated for review by the municipalities' planning advisors.
- The draft plan containing policies is presented to the land owners and advertised widely.
- A public information meeting is held.
- After the public meetings, if deemed necessary, a further draft Intermunicipal Development Plan is prepared for municipal review.
- If Councils are satisfied with the proposed plan, statutory Public Hearings are conducted.
- Amendments to incorporate an Urban Fringe land use district in the Cardston County Land Use Bylaw and Intermunicipal Development Plan may be adopted at the same time.

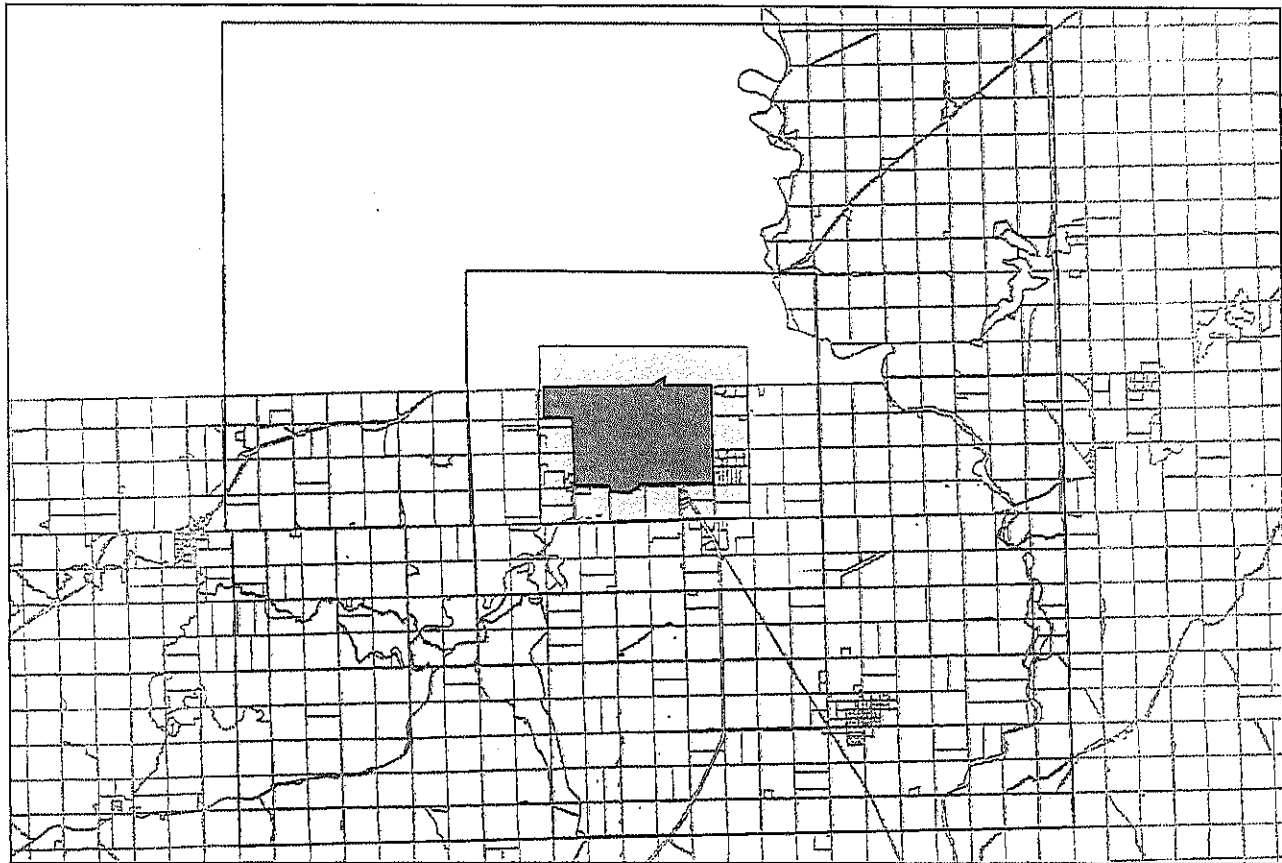
8. Each Municipality's Bylaws to Adopt

Each member municipality passes a bylaw which would adopt this plan.





APPENDIX A.

Intermunicipal Development Plan Boundary Map

PROPOSED CONCENTRATED SUBDIVISION AREAS - CARDSTON



CARDSTON

-  Town of Cardston
-  0.5 Mile Buffer
-  1.5 Mile Buffer
-  5.0 Mile Buffer