
REPORT NAME

City of Leduc’s Notice to Repeal City of Leduc/Leduc County Intermunicipal Development Plan (IDP) and Terminate IDP Memorandum of Understanding (MOU)

RECOMMENDATION

That the City of Leduc Council reconsider repealing the City of Leduc/Leduc County IDP

Options (if available):

BACKGROUND

On November 25, 2021 Leduc County received a letter from Mayor Young indicating that on November 8, 2021 City Council voted in favour of rescinding the IDP and IDP Memorandum of Understanding.

The rationale provided by the City for rescinding the IDP was as follows:

- Both the City and the County are members of the Edmonton Metropolitan Regional Board and are therefore not mandated under the Municipal Government Act to have a subregional approach to land use planning such as an IDP; and
- With the evolution of regional frameworks and tools (Edmonton Metropolitan Regional Growth Plan and the Regional Agricultural Master Plan to name a few) the City feels there are sufficient legislative and non-legislative land use planning tools in place to collaboratively work through any concerns that may arise.

Leduc County believes it is in the best interest of both the City and the County to have the IDP. This position is captured in the existing IDP, *“Above and beyond the legislative requirements of the MGA, Leduc County and the City of Leduc have voluntarily adopted this joint plan to address a range of issues and interests of common concern.”*

There are not sufficient legislative and non-legislative land use planning tools such as the Edmonton Metropolitan Region Growth Plan (EMRGP) in place to collaboratively work through any concerns that may arise.

Other legislative tools such as the EMRGP focus on regional matters, not intermunicipal matters. The EMRGP provides a policy framework to support and manage growth in a large geographic area, the metropolitan region which encompasses 13 rural and urban municipalities. The EMRGP contains environmental, social and economic policies that require region-wide consideration and focus, that are intended to strengthen and leverage the potential of the region. In contrast, the IDP provides a policy framework for a relatively small geographic area, an area that is of joint interest to the City and County only. The IDP contains environmental, social and

Submitted by: Laurie Johnson – Regional Senior Planner, Regional and Long Range Planning

Reviewed by: Jordan Evans – Manager, Regional and Long Range Planning

Date: February 10, 2022

economic policies that require intermunicipal consideration and reflect the specific philosophies, goals, and aspirations of the City and County.

The IDP can inform the EMRGP. The IDP recently informed the policy areas of RAMP. IDP Area E1 and E2 informed RAMP Policy Area 3 – Agriculture in Future Transition Lands. IDP Area H and I east of the City informed RAMP Policy Area 2 – Agriculture Co-Exists with Other Land Uses. In years past, the joint municipal plan prepared after the City’s annexation of land from the County in 1988 informed the Edmonton Metropolitan Region Plan.

Other legislative and non-legislative land use planning tools such as the EMRGP do not fulfil the functions of the IDP. The IDP:

- fosters cooperation in matters of common interest;
- reinforces and protects both the City’s and County’s development philosophies, goals, and aspirations for growth;
- plans for and accommodates orderly growth in the plan area in a way that respects the interests of both the City and County;
- integrates development near the shared boundary of the City and County so that unnecessary impacts on either municipality are avoided;
- coordinates planning of intermunicipal transportation and infrastructure to establish seamless connections without unnecessary costs or negative impacts on either municipality;
- identifies joint ventures for infrastructure and service sharing to promote efficient delivery of services;
- identifies potential economic pursuits that can jointly leverage the potential of the City and County;
- provides a framework to resolve conflicts that arise;
- identifies areas for potential annexation and sets out the principles and criteria for annexation proposals, thereby establishing the foundation for an uncontested annexation in the future; and
- contributes to the sustainability and prosperity of both the City and County and enhances the quality of life for the citizens living in both the City and County.

There are currently no other legislative or non-legislative tools readily available to address matters of an intermunicipal nature that provide a mechanism for the City and County to work collaboratively through concerns that may arise. Any such mechanism would need to be drafted by the City and the County. Drafting a new mechanism to replace an existing mechanism (the IDP) that is intended to accomplish the same end is counter intuitive. Not building off the existing platform and foundation established by the IDP also requires a significant amount of time and resources. Further, other mechanisms such as a memorandum of agreement, do not carry the same weight as the IDP. The IDP is the highest ranking statutory plan and no other tool or mechanism can replicate it.

The Minister acknowledged the need for a joint plan in the Alberta Local Authorities Board Order and Report #18534 of 1988. The report stated that a joint general municipal plan is needed to regulate orderly growth, anticipating the City’s future residential needs and to provide for orderly development, marketing and management of the Nisku Business Park. Of note, Regional Planning Commissions were in place at the time

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which would suggest regional plans are not effective in managing intermunicipal issues and that intermunicipal plans are a necessity.

Intermunicipal planning has successfully guided orderly growth in the area and provided the platform to address matters of mutual interest for the past 30+ years. The City and County prepared a joint municipal plan as suggested by the minister of municipal affairs in response to the city's 1988 application to annex the EIA and the Nisku industrial park (see attached February 16, 1989 letter). This joint municipal plan was replaced by an IDP adopted by the two municipalities in 1998, which was then replaced by the current IDP adopted in 2011/12. While the current IDP needs to be updated, once updated, the IDP can continue to serve the City and County for years to come.

Regardless of the legislative or non-legislative tool(s) that may be drafted to address matters of an intermunicipal nature (albeit not as effective as the IDP), that tool or mechanism will also need to be updated on a regular and on-going basis to remain relevant.

The process to update the IDP requires submission to the EMRB. Any amendments to the IDP such as changes to the AVPA Regulation will also need to be made to the Municipal Development Plan (MDP) of the respective municipalities. Extending the timeframe to complete the IDP amendments can be avoided by amending the IDP concurrent with the MDP.

The last IDP amendment was concurrent with the preparation of the NW Saunders Lake ASP. The NW Saunders Lake ASP impacted the timeline to amend the IDP. However, it also allowed the City to have a more significant role in the preparation of the ASP than would have otherwise been afforded.

It is tempting to seek maximum flexibility in decision-making and regard the IDP and its adoption process as an impediment to new or different directions. However, the IDP guarantees and affords a degree of transparency, engagement and protection of the public (landowners and interested parties) and each municipality both upon adoption and also during any amendment. Time and effort are integral to this process and should not be presented as negatives because of perceived inefficiency or insufficient flexibility.

Growth is inevitable. According to the City's 2020 Annual Report, the City has grown 29.62% between 2012 and 2019. The IDP is a proactive approach that will enable growth that respects the interests of both the City and the County.

Prior to any further steps being taken to repeal the IDP, County administration recommends the following questions be considered by the councils of the City of Leduc and Leduc County.

What are the ramifications of repealing the IDP. Specifically,

- How will the City and County foster intermunicipal collaboration?
- How will the City and County enable growth aspirations of both the City and County?
- How will the City and County manage boundary adjustments?
- How will the City and County coordinate on infrastructure, land use, etc.?

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- How will the transparency, engagement and protection of the public and both municipalities that the IDP affords be retained?
- How will the City and County resolve any intermunicipal disputes that may arise?
 - Section 690 allows municipalities to appeal any matter to the Land and Property Rights Tribunal, if in the opinion of a municipality, a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it.
 - The Edmonton Metropolitan Region’s Regional Evaluation Framework (REF) review process allows municipalities to appeal an EMRB administration recommendation to approve a REF application where a statutory plan does not conform to the EMRGP.

The scope of the appeals addressed by these two mechanisms are limited. Further, both mechanisms are time consuming, delay development, and do not foster collaboration. The dispute resolution outlined in the IDP is effective, efficient and promotes collaboration.

- What is the value of repealing the IDP to the City? To the County? Does the value outweigh the benefits of an IDP?
- What is the value to the City in drafting a mechanism to replace the IDP? To the County? How would the mechanism be enforced?
- How will both parties achieve the certainty they need in the absence of a shared statutory plan?
- What revisions to the IDP, if any, would be necessary for the City to reconsider repealing the IDP?
- What does repealing the IDP resolve?

ATTACHMENTS

- PowerPoint
- Letter from Minister Anderson to Reeve Bittner, February 16, 1989



**City of Leduc/Leduc
County IDP
Notice to Repeal -
Discussion**

Joint Council Meeting - Feb. 10, 2022

City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Leduc County believes it is in the best interest of both the City and the County to keep the IDP.

The IDP is of mutual interest to the City and County. As per the IDP,

“Above and beyond the legislative requirements of the MGA, Leduc County and the City of Leduc have voluntarily adopted this joint plan to address a range of issues and interests of common concern.”



Consolidation of Schedule A to Bylaw No. 772-2011
City of Leduc Bylaw 772-2011 Approved November 28, 2011
As amended by Bylaw No. 871-2014 Approved January 12, 2015
As amended by Bylaw No. 933-2016 Approved August 21, 2017
Leduc County Bylaw 30-11 Approved January 24, 2012
As amended by Bylaw No. 27-14 Approved December 23, 2014
As amended by Bylaw No. 24-16 Approved July 11, 2017



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Reasons in favour of keeping the IDP

1. Other legislative/non-legislative tools focus on regional, not intermunicipal matters

➤ EMRGP

- Large geographic area
- Encompasses 13 municipalities
- Policies require region wide consideration
- Focuses on strengthening and leveraging the potential of the region

➤ IDP

- Small geographic area that is of joint interest to City and County only
- Policies reflect growth and development aspirations of the City and County



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Reasons in favour of keeping the IDP

2. The IDP can inform the EMRGP

- The IDP informed the policy areas of RAMP
 - IDP Area E1 and E2 informed RAMP Policy Area 3 – Agriculture in Future Transition Lands
 - IDP Area H & I east of the City informed RAMP Policy Area 2 – Agriculture Co-Exists with Other Land Uses
- The Joint Municipal Plan prepared after the 1988 annexation informed the Edmonton Metropolitan Regional Plan



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Reasons in favour of keeping the IDP

3. Other legislative/non-legislative tools do not fulfill the functions of the IDP

- Fosters collaboration
- Reinforces and protects both the City's and County's development philosophies, goals, and aspirations
- Integrates development near the shared boundary
- Coordinates planning of Intermunicipal transportation and infrastructure
- Identifies joint ventures for infrastructure and service sharing
- Identifies potential economic pursuits
- Provides a framework to resolve conflict
- Identifies areas for potential annexation and establishes the framework for uncontested annexation
- Contributes to the sustainability and prosperity of both the City and County



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Reasons in favour of keeping the IDP

4. No other non-legislative tool is readily available to address matters of an intermunicipal nature

- Drafting a new mechanism that is intended to accomplish the same end as the IDP is counterintuitive
- Creating an entirely new joint plan would require a significant amount of time and resources
- The IDP is the highest ranking statutory plan and no other tool or mechanism can replicate it
- Only a statutory plan carries the force necessary to provide both parties with certainty



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Reasons in favour of keeping the IDP

5. The Minister acknowledged the need for a Joint Plan

- Board order and Report #18534 of 1988 stated a joint general municipal plan is needed to regulate orderly growth in the City and County
- Regional Planning Commissions were in place at the time which would suggest regional plans are ineffective in managing Intermunicipal growth



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Reasons in favour of keeping the IDP

6. Intermunicipal planning has successfully guided the orderly growth in the area for the past 30+ years

- Joint plan was prepared in response to the City's 1988 annexation
- IDP first adopted in 1998
- 1998 IDP replaced by new IDP in 2011/12
- Once the 2011/12 IDP is updated, it can continue to serve the City and County for years to come



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Reasons in favour of keeping the IDP

7. **Regardless of the mechanism drafted to replace the IDP, that mechanism will need to be updated on a regular and ongoing basis to remain relevant**
 - To minimize the timeframe to amend the IDP, amendments can be made concurrent with other statutory plans



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Reasons in favour of keeping the IDP

8. **The IDP guarantees and affords a degree of transparency, engagement and protection of the public (landowners and interested parties) and each municipality, both upon adoption and also during any amendment**
 - Time and effort are integral to this process and should not be presented as negatives because of perceived inefficiency or insufficient flexibility



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Reasons in favour of keeping the IDP

9. Growth is inevitable

- A proactive approach will enable growth that respects the interests of both the City and County
- Growth should occur in accordance with a shared vision



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Questions that should be addressed prior to further steps being taken to repeal IDP

A. What are the ramifications of repealing the IDP?

- How will the City and County
 - Foster intermunicipal collaboration?
 - Enable growth aspirations of both the City and County?
 - Manage boundary adjustments?
 - Coordinate on infrastructure, land use?
 - Resolve intermunicipal disputes that may arise?
- How will the transparency, engagement and protection of the public and both municipalities that the IDP affords be retained?



City of Leduc/Leduc County IDP

County's Response to the City's Notice to Repeal IDP

Questions that should be addressed prior to further steps being taken to repeal IDP

- B. What is the value of repealing the IDP to the City? To the County? Does this value outweigh the benefits of the IDP?
- C. What is the value to the City in drafting a mechanism to replace the IDP? To the County? How would this mechanism be enforced?
- D. How will both parties achieve the certainty they need in the absence of a shared statutory plan?
- E. What revisions to the IDP, if any, would be necessary for the City to reconsider repealing the IDP?
- F. What does repealing the IDP resolve?





**Thank you.
Any questions?**



MINISTER OF MUNICIPAL AFFAIRS

229 Legislature Building, Edmonton, Alberta, Canada T5K 2B6 403/427-3744

February 16, 1989

Mr. Norman Bittner
Reeve
County of Leduc
4301 - 50 Street
Leduc, Alberta
T9E 2X3

Dear Mr. Bittner:

Re: Leduc Annexation and Related Matters

I am pleased to learn that negotiations between the City of Leduc and the County of Leduc have progressed to the point where substantial agreement has been reached between the two councils with regard to certain key matters identified in the Local Authorities Board's decision, as confirmed in O/C 297/88 of June 2, 1988, principally revenue-sharing and cost-sharing with respect to the provision of joint municipal services.

It is my further understanding that both councils are prepared to finalize agreements on these matters as soon as action on two related aspects can be initiated or concluded, namely:

- a) annexation of certain additional lands located south of the Edmonton International Airport site (being the N.E. and N.W. 1/4's of section 34 and part N.W. 35-49-25 W.4th); and
- b) your request for direction with respect to the resolution of planning concerns.

In order to expedite action under item a) above, I am prepared to recommend the annexation to Cabinet upon receipt of an application from city council. It would facilitate matters if the application is accompanied by a letter from the county agreeing to the annexation.

. . . 2

With regard to item b) above, it is suggested that while the matter of joint inter-municipal planning is an important consideration for both municipalities concerned, it is one that can and should be pursued separately and independently from the cost and revenue-sharing matters. There is provision in the legislation for joint planning to occur and I believe you should follow that course of action without interference from the province.

Joint planning may occur when the councils of two or more municipalities adopt a joint municipal plan. A bylaw must be passed, they must go through the public participation process, and land use regulations must be adopted. This joint municipal plan will include those areas lying within the boundaries of the municipalities that the councils consider necessary for joint planning to take place. When this joint municipal plan is adopted, the plan shall be considered a general municipal plan for all purposes.

Alternately, the Planning Act provides that affected persons may enter an appeal with the Development Appeal Board against any development decision rendered by a municipal development officer. This right would extend to a municipality which might be opposed to the development decision of an adjoining municipality on a matter arising, for example, within an urban fringe area. Also, S. 44 of the Act allows for referral of inter-municipal disputes for adjudication by the Alberta Planning Board.

Finally, legislation allows for future annexation applications if that step is necessary.

I understand that there has been concern expressed that section 114 of the Municipal Government Act does not adequately cover the tax sharing agreement with respect to the grant-in-lieu of taxes on the airport as they are not in fact taxes but a grant. I would be prepared to initiate a Recommendation for Order-in-Council pursuant to section 10 of the Municipal Government Act designed to yield a regulation that would allow for inclusion of a grant-in-lieu of municipal taxes under section 114 of the Act pertaining to an inter-municipal agreement for the sharing of such taxes. It must be noted, however, that such a regulation may be made only upon the application of a municipality which would require that either the city or the county, at their discretion, by formal resolution of council, request through my office that a regulation pursuant to section 10 of the Act be enacted.

It would be my earnest hope, therefore, that the councils of both municipalities will now proceed towards finalization of agreements in respect of the cost and revenue sharing matters and, in that regard, I shall look forward to receiving an application pursuant to section 10 of the Municipal Government Act from whichever of the two councils considers that it should most appropriately initiate such action.

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I also look forward to receiving the application for annexation from the city.

Congratulations on successfully negotiating a resolution to this longstanding issue. I look forward to the continuation of the spirit of cooperation between the city and county that created the basis for this agreement.

With sincere regards,



Dennis L. Anderson
Minister

cc: His Worship Mayor Oscar Klak, City of Leduc
Hon. Don Sparrow, MLA