

**AGENDA  
COUNCIL MEETING  
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
September 10, 2019  
1:00 pm**

- A. ADOPTION OF AGENDA
- B. DELEGATIONS
1. 1:00 pm Allied Arts Council - Claren Copp-LaRocque
  2. 1:15 pm Pincher Creek & District Chamber of Commerce - Tammy Carmichael and Sam Scholfield
  3. 1:30 pm Resident Concern, Road Issue - Ryan McClelland
- C. MINUTES/NOTES
1. Council Committee Meeting Minutes  
- August 27, 2019
  2. Council Meeting Minutes  
- August 27, 2019
- D. BUSINESS ARISING FROM THE MINUTES
- a) Bob Westrop Community Ambassador Award
  - b) Alternate on Pincher Creek Joint Emergency Management Committee
  - c) Appointing Regional Director and Deputy Director of Regional Emergency Management
- E. UNFINISHED BUSINESS
- F. COMMITTEE REPORTS / DIVISIONAL CONCERNS
1. Councillor Quentin Stevick – Division 1
  2. Councillor Rick Lemire – Division 2
  3. Councillor Bev Everts– Division 3
    - Beaver Mines Community Association
    - ORRSC
  4. Reeve Brian Hammond - Division 4
  5. Councillor Terry Yagos – Division 5
- G. ADMINISTRATION REPORTS
1. Operations
    - a) Operations Report
      - Capital Budget Summary, dated September 4, 2019
      - PW Call Log, dated September 4, 2019
  2. Development and Community Services
    - a) Agricultural and Environmental Services Activity Report
      - Report from AES Technician, dated September 3, 2019
      - Report from AES Manager, dated September 3, 2019
      - AES Call Logs
    - b) Road Closure Bylaw No. 1299-19 SE 4-7-2 W5M
      - Report from Director of Development and Community Services, dated September 4, 2019
    - c) Road Closure Bylaw No. 1300-19 S 21-8-30 W4M
    - d) Designations Pursuant to the Environmental Protection and Enhancement Act
      - Report from Environmental Technician, dated September 4, 2019

- e) Rural to Rural Intermunicipal Development Plans – First Reading of Bylaws
  - Report from Director of Development and Community Services, dated September 4, 2019
- f) Proclamation of Alberta Development Officers Week
  - Report from Director of Development and Community Services, dated September 4, 2019
- g) Exemption from an Intermunicipal Development Plan with Improvement District No. 4 (Waterton)
  - Report from Director of Development and Community Services, dated September 4, 2019
- h) Request for Land Swap Hamlet of Pincher Station
  - Report from Director of Development and Community Services, dated September 5, 2019

3. Finance

4. Municipal

- a) Chief Administrative Officer Report
  - Report from CAO, dated September 4, 2019
- b) Bylaw 1312-09 Appointing a Bylaw Officer
  - Report from Administration, dated September 4, 2019

H. CORRESPONDENCE

1. For Action

2. For Information

a) Informational Correspondence

Recommendation to Council, dated September 4, 2019

- Letter from Town of Pincher Creek – Budget Presentation Agenda
- Castle Mountain Resort – Shareholders Meeting
- FCSS Funding Process

I. CLOSED MEETING SESSION

J. NEW BUSINESS

K. ADJOURNMENT

**From:** [Allied Arts](#)  
**To:** [Jessica McClelland](#)  
**Subject:** Allied Arts Council  
**Date:** Tuesday, August 20, 2019 5:03:01 PM

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Hello Jessica,

I'd like to schedule a time to do a quick update to the Council on behalf of the Allied Arts Council of Pincher Creek. We value the funding that we receive from the MD through Joint Council and like to give Council a summary of our year's activities and growth.

Thank you,

Claren Copp-LaRocque  
Executive Director  
Allied Arts Council of Pincher Creek  
403-627-5272

# PINCHER CREEK & DISTRICT CHAMBER of COMMERCE

B2

MD Presentation

Good afternoon respected councillors,

We (Tammy & Sam) are here on behalf of the Pincher Creek and District Chamber to warmly extend an invitation for you to attend the 23rd Annual Awards of Excellence on October 18th 2019.

You may be aware that nominations are open in the nine award categories. As you know, for the past few years we have been working hard to bring value to our chamber members. A large proportion of which operate within the MD. We believe that this is a positive effect of what our organization has been able to achieve over the last 4 years.

The Awards is a time to celebrate excellence within our community during Small Business Week. We have so many businesses, organizations and people that deserve recognition.

As one of our value chamber members, we wanted to offer you an opportunity to join us at the Awards as a Diamond Sponsor.

DIAMOND SPONSOR - \$1500 (only 2 more available) Includes:

- a display table at the entrance of the banquet room
- presents 2 awards
- preferred seating
- receives 8 tickets to the banquet
- receives a double page ad in the program (8"x10")
- a special mention in the script
- frequent social media mentions leading up to the event

We encourage you to visit our website and submit your nomination and thank you for your consideration with hopes that you can join us in October.

Are there any questions?

## Jessica McClelland

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**To:** ryan mcclelland  
**Subject:** Delegation

B3

My name is Ryan McClelland. I am here today to appeal the decision made to reopen a 1920 road through my lease land. This road was granted to my rich adjacent land owner who strictly wants to access the ski hill 10 minutes quicker. He had full access to the Gladstone road through his quarter. Roland granted him this road with NO CONSULTATION WITH MYSELF OR PUBLIC LANDS WHICH IS AN OUTRAGE. The road is currently surveyed with it going directly through my corrals and my only water source for my cattle. This must be dealt with ASAP because construction will begin at any time. Please look over all maps and materials I have provided for you.

Government lease land is a crucial asset in this ranching community. I bought this quarter when I was 17 years old and it gave me a start to becoming a rancher. Attached is a copy of my tax notice that the MD sends me every year.

Roland granted this road by sneaking it through a house development that did not need and CONSULTATION on July 29 2019. Over the past year and especially the past 6 months I have noticed this municipality start to pull itself out of the dark corners it was used to dealing in. Our new CAO it's doing a fantastic job. And people are starting to regain trust with this municipality. I am sickened by this it and shows that it can go right back to the way it used to be ran.

Get [Outlook for Android](#)



# 2019 COMBINED ASSESSMENT AND TAX NOTICE

Municipal District of Pincher Creek No. 9  
 P.O. Box 279  
 Pincher Creek, Alberta T0K 1W0  
 (403) 627-3130  
 www.mdpinchercreek.ab.ca

Date Mailed: April 24, 2019

McClelland, Ryan Douglas  
 P.O. Box

Pincher Creek, AB T0K 1W0

	Payment Due Date	Appeal Deadline
	June 30, 2019	July 2, 2019
Tax Roll #	Chief Administrative Officer	Assessment Date
4116.000	Troy MacCulloch	May 2, 2019
Copies Sent To:		

Legal Description	Lot Block Plan	Civic Address	Acres
-N.E.-19-05-02-W5			152.58000

### ASSESSMENT INFORMATION

Assessment Description	Land	Improvements	Other	Total Assessment
Farmland - Ag Vacant				
Totals:				

### TAX INFORMATION

School Taxes and Levy Details	Tax Rate	Total	Municipal Tax Details	Tax Rate	Total
ASFF Coll Allowance - Farm	0.0288		Municipal - Farmland	6.8146	
Emergency Services - Farm	0.3395				
PC Foundation - Farmland	0.2149				
School Public - Farmland	2.4225				
			Total Municipal Taxes: Total School Taxes and Levies: Total Current Taxes:		

### LOCAL IMPROVEMENT INFORMATION

Description	Amount	Last Year's Taxes	Current Year Owing
		Unpaid current taxes will be subject to a 2% penalty July 2/19 and 4% penalty November 1/19. All taxes in arrears will have a 12% penalty January 1/20.	Local Improvements \$0.00
			Arrears (Credit) \$0.00
Total	\$0.00		<b>Amount Due</b>

Please see reverse for payment and assessment appeal information

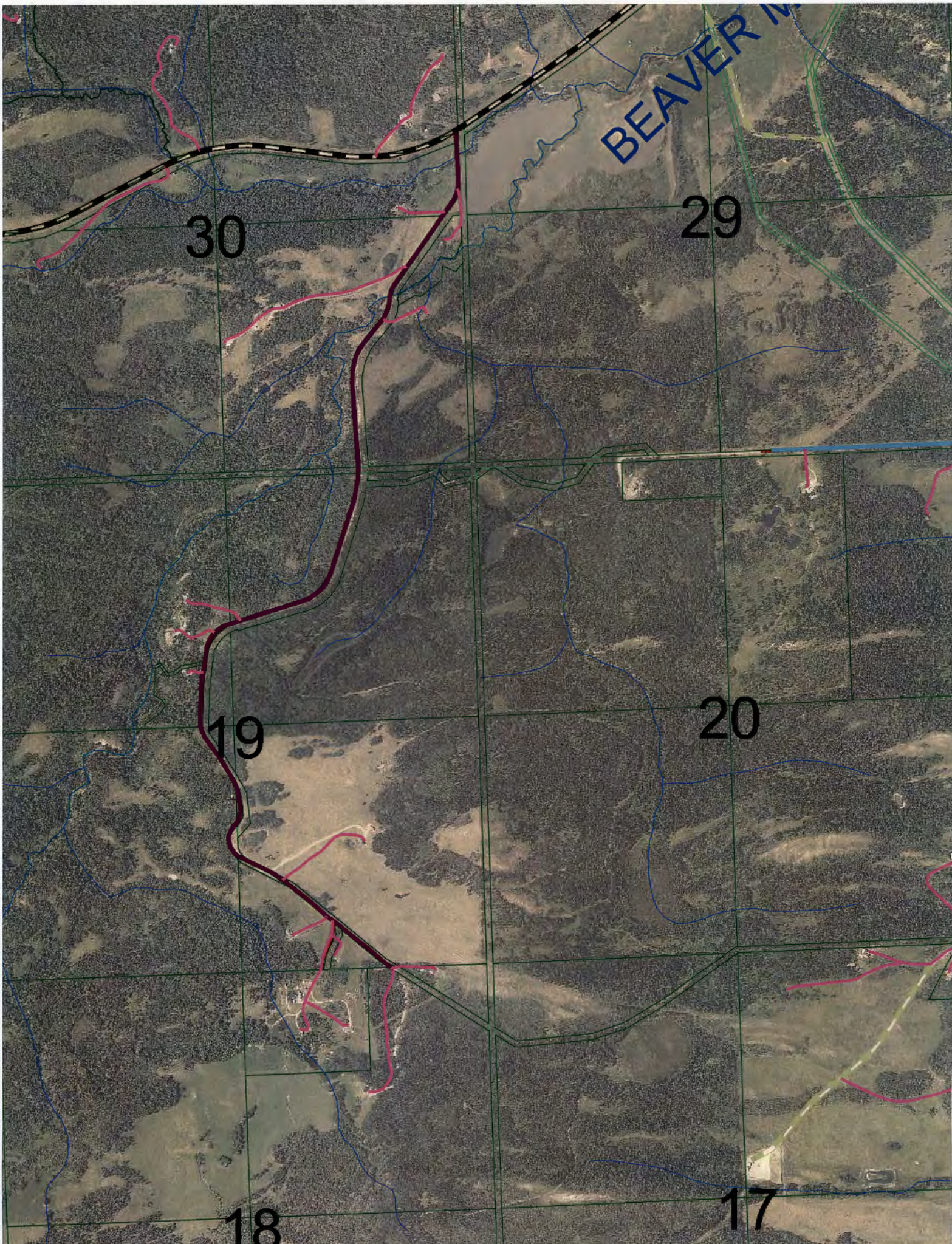
Please remit this portion with your payment

M.D. of Pincher Creek No.9  
 P.O. Box 279  
 Pincher Creek, Alberta T0K 1W0

Tax Roll #	Customer #	Amount Paid
4116.000	MCCL010	

McClelland, Ryan Douglas  
 P.O. Box

Pincher Creek, AB T0K 1W0



BEAVER M...

30

29

19

20

18

17

September 4, 2019

**Ryan McClelland**

(Via email to: [ryanmccl@hotmail.com](mailto:ryanmccl@hotmail.com))

Box 1192

Pincher Creek, AB T0K 1W0

**Re: MD of Pincher Creek No. 9. Issuance of Road Development Permit on 152.58 acre Grazing Lease 790006 on NE19-5-2-W5M ["Grazing Lease 790006"]**

**Please Note: You are fully authorized to share this letter with the Reeve, Council and CAO of MD of Pincher Creek No. 9, your MLA, Alberta Environment and Parks and any other party.**

Thank you for contacting our office in relation to the above matter. I will work to assist you in seeking resolution of the concerns that you have expressed as more fully outlined below for information to the Reeve, Council and CAO of MD of Pincher Creek No. 9:

**Background:**

1. My office has received a copy of the email correspondence sent to you on September 4, 2019 at 9:59 am from Alberta Environment and Parks confirming that:
  - a. you are the holder of Grazing Lease 790006;
  - b. you have applied for a renewal of the Grazing Lease 790006;
  - c. there are administrative backlogs in processing such renewal applications;
  - d. you are an over-holding tenant with lawful permission to use and occupy Grazing Lease 790006.
2. I understand that you recently sought to obtain a standard License of Occupation from the MD of Pincher Creek No. to occupy the road allowance on Grazing Lease 790006 for grazing purposes, and that you or your spouse were verbally informed by MD Development Officer Roland Milligan that that the License of Occupation could not be granted as some form of development permit for road construction on Grazing Lease 790006 had been granted to an adjacent Landowner.
3. You had received no notice of any such application and are still unaware of what permit or authorizations may have been granted. You have expended significant time and funds in the lawful construction of corrals and fences within Grazing Lease 790006 and are concerned that any permit granted for road construction may result in damages or losses to you.



4. You believe that it is common knowledge within the area that public lands in the area are regularly used for grazing lease purposes and that prior reasonable notice of any proposed development on Grazing Lease 790006 should have been given to you and to Alberta Environment and Parks so that your interests and rights could be taken into consideration before the granting of a permit to do construction or any other activity that affected Grazing Lease 790006.
5. The publicly searchable Alberta Environment and Parks database searched on the morning of September 4, 2019 currently shows your contact information as the grantee in relation to disposition number GRL 790006 associated with the NE19-5-2-W5M. You could have easily been contacted.

**Issues you are raising with MD of Pincher Creek Council on September 10, 2019:**

**1. No Prior Notice to You:**

You believe that the Development Officer for MD of Pincher Creek No. 9 should have provided notice to you of any proposed development on Grazing Lease 790006 and should have taken simple and reasonable steps to ascertain that there was a Grazing Lease in place before considering any application for development on that parcel by an adjacent landowner.

**2. Were MD policies followed, and if yes, should they be changed to improve transparency?**

You wish MD of Pincher Creek No. 9 Council to direct an inquiry into what happened in this situation, and to report back to you as to what MD policies applied, and if they were followed. You believe that applicable MD policies should provide for notice to affected parties and should either be properly followed or amended to do so.

**3. You seek an hold, stay, or cancellation of any permit granted pending completion of the requested investigation.**

This request is self-explanatory.

I trust this summary will assist you in raising your concerns with the MD of Pincher Creek No. 9. Please let me know what response you receive.

Regards,

**Peter J. Dobbie, Q.C., Farmers' Advocate**





**MINUTES**  
**COUNCIL COMMITTEE MEETING**  
**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**  
**Tuesday, August 27, 2019, 9:00 am**

**Present:** Reeve Brian Hammond, Councillors Councillor Rick Lemire, Quentin Stevick, Bev Everts, and Terry Yagos

**Staff:** Chief Administrative Officer Troy MacCulloch, Director of Development and Community Services Roland Milligan, Director of Operations Aaron Benson, Director of Finance Meghan Dobie, and Executive Assistant Jessica McClelland

**Absent:**

Reeve Brian Hammond called the meeting to order, the time being 9:00 am.

1. Approval of Agenda

Councillor Bev Everts

Moved that the agenda for August 27, 2019 , be approved as presented.

Carried

2. Closed Meeting Session

Councillor Terry Yagos

Moved that Council close the Council Committee Meeting to the public for discussions regarding the following, the time being 9:01 am:

- a) Delegation 9:00 am Fire Chief Dave Cox, Beaver Mines Fire Hall - FOIP Section 16
- b) CAO Probation Review – FOIP Section 19

Carried

Councillor Quentin Stevick

Moved that Council open the Committee Meeting to the public, the time being 11:20 am.

Carried

3. Round Table Discussions

Councillor Quentin Stevick – Division 1

- Discussion about snow removal and Public Works looking at alternative snow fence materials – to be followed up on.

Councillor Rick Lemire – Division 2

- Questioned how the 10 hour workday is working for PW and AES. Would like to see statistics and records on what worked/didn't work for this season.

Councillor Terry Yagos – Division 3

- Discussed the history the current garbage bins the MD maintains in Town.

Councillor Bev Everts – Division 4

- Question on how the info@mdpincercreek emails are dealt with and followed up on.

4. Adjournment

Councillor Terry Yagos

Moved that the Committee Meeting adjourn, the time being 11:52 am.

**MINUTES**  
**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**  
**COUNCIL MEETING**  
**AUGUST 27, 2019**

9162

C2

The Regular Meeting of Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday, August 27, 2019, at 1:00 pm, in the Council Chambers of the Municipal District Administration Building, Pincher Creek, Alberta.

**PRESENT** Reeve Brian Hammond, Councillors Quentin Stevick, Rick Lemire, Bev Everts, and Terry Yagos

**STAFF** Chief Administrative Officer Troy MacCulloch, Director of Development and Community Services Roland Milligan, Director of Operations Aaron Benson, Director of Finance Meghan Dobie, and Executive Assistant Jessica McClelland

Reeve Brian Hammond called the Council Meeting to order, the time being 1:00 pm.

**A. ADOPTION OF AGENDA**

Councillor Terry Yagos 19/321

Moved that the Council Agenda for August 27, 2019 be amended to include;

- H2 Notice of Hearing Regulatory Appeal Proceeding ID 385
- H2 Letter from Alberta Minister Affairs regarding MSI (Municipal Sustainability Fund) and GTF (Gas Tax Fund)
- G4c Proposed Land for Beaver Mines Firehall

And that the agenda be approved as amended.

Carried

**B. DELEGATIONS**

ROAD CLOSURE REQUEST

Sheldon Smithens and Jack Rigaux attended the meeting at this time to discuss their requests to close portions of the undeveloped statutory road allowances adjacent to their property. This request will be discussed later in the meeting.

HERITAGE ACRES/BOB WESTROP COMMUNITY AMBASSADOR AWARD

Anna Welsch with Heritage Acres attended the meeting at this time to discuss the Bob Westrop Community Ambassador Award that Heritage Acres has formed. The award was created to recognize those who make a difference in our community and surrounding MD. The award also highlights exemplary practices in community leadership and engagement; and encourage partnerships among community members and various stakeholders. By doing so, the award inspires all Pincher Creek and area residents to find new ways of building a stronger community together.

At this time Anna is requesting that the MD consider appointing a member of Council to the panel. She is also requesting a thousand (\$1000) dollars sponsorship. This sponsorship money will be used to cover the financial expense of providing tickets to the 3 finalists and a guest. It will also provide tickets to the Nominators. This sponsorship will also help cover the cost of purchasing a perpetual plaque to display at Heritage Acres. Council was also invited to attend the Harvest Gala on October 11, 2019.

Sheldon Smithens, Jack Rigaux and Anna Welsch left the meeting at this time, the time being 1:30 pm.

**C. MINUTES**

1. Council Committee Meeting Minutes

Councillor Quentin Stevick 19/322

Moved that the Council Committee Meeting Minutes of July 9, 2019 be approved as presented.

Carried

Minutes  
 Regular Council Meeting  
 Municipal District of Pincher Creek No. 9  
 August 27, 2019

2. Council Meeting Minutes

Councillor Bev Everts 19/323

Moved that the Council Meeting Minutes of July 9, 2019 be approved as presented.

Carried

3. Special Council Meeting Minutes

Councillor Terry Yagos 19/324

Moved that the Special Council Meeting of August 20, 2019 be approved as presented.

Carried

D. BUSINESS ARISING FROM THE MINUTES

Nil

E. UNFINISHED BUSINESS

Nil

Public Works Manager Jared Pitcher attended the meeting at this time to discuss the call log, the time being 1:27 pm.

F. COMMITTEE REPORTS / DIVISIONAL CONCERNS

1. Councillor Quentin Stevick – Division 1

- a) Landfill Minutes – June 2019
- b) Library
- c) Agricultural Services Board – July 4, 2019

2. Councillor Rick Lemire – Division 2

- a) ICF Committee
- b) Pincher Creek Regional Emergency Management Agency – July 29, 2019
- c) Pincher Creek Regional Emergency Management Agency – email received August 19, 2019

3. Councillor Bev Everts– Division 3

- a) ORRSC Minutes – May 3, 2019
- b) Beaver Mines Community Association
- c) Castle Mountain Community Association
- d) Alberta Southwest Bulletin – August 2019
- e) Alberta Southwest Meeting Minutes – May 1, 2019
- f) Alberta Rural Development Network
- g) ORRSC General Meeting Package – received August 22, 2019
- h) Pincher Creek Fair and Rodeo Pancake Breakfast and Parade (kudos to staff on the decorating and the Joint float with the Town)

4. Reeve Brian Hammond - Division 4

- a) Pincher Creek Fair and Rodeo Pancake Breakfast and Parade
- b) Early Learning Center Meeting – August 27, 2019
- c) Concern regarding Recycling Depot – meeting required for committee

Minutes  
 Regular Council Meeting  
 Municipal District of Pincher Creek No. 9  
 August 27, 2019

5. Councillor Terry Yagos – Division 5
  - a) Landfill Committee Service Plus 2018/2019
  - b) Landfill Minutes – July 10, 2019
  - c) REMO
  - d) Destination Marketing

Councillor Quentin Stevick 19/325

Moved that the committee reports be received as information.

Carried

G. ADMINISTRATION REPORTS

Jared Pitcher left the meeting at this time, the time being 2:27 pm.

1. Operations

- a) Operations Report

Councillor Terry Yagos 19/326

Moved that Council receive for information the following Operations documents for the period ending August 22:

- Operations Report
- Public Works Call Log
- Projects Status Update

Carried

2. Development and Community Services

- a) Agricultural and Environmental Services Activity Report

Councillor Quentin Stevick 19/327

Moved that Council receive for information, the Agricultural and Environmental Services Activity Reports for the period of July and August 2019, as well as the call logs.

Carried

- b) RCMP Enhanced Policing Stats for June 2019

Councillor Terry Yagos 19/328

Moved that the RCMP Policing Stats for July 2019 be received as information.

Carried

Councillor Rick Lemire declared a conflict of interest and left the meeting at this time. The time being 2:54 pm.

Burt and Marilyn Nyrose left the meeting at this time the time being 2:54 pm.



Minutes  
 Regular Council Meeting  
 Municipal District of Pincher Creek No. 9  
 August 27, 2019

a) Road Closure Bylaw No. 1299-19

Councillor Terry Yagos 19/329

Moved to table the discussion on Road Closure Bylaw No. 1299-19, to the meeting on September 10, 2019 pending further information and maps.

Carried

Councillor Rick Lemire returned to the meeting at this time, the time being 3:06 pm.

b) Nature Conservancy of Canada Conservation Easements

Councillor Bev Everts 19/330

Moved that Council acknowledge the receipt of the notice of the Conservation Easements for Nature Conservancy of Canada projects Chapel Rock 1, Chapel Rock 2, Chapel Rock 3, and Shoderee (CA);  
 AND FURTHER THAT Council waive the 60-day notice period prior to registration for the Conservation Easement.

Carried

c) Southern Alberta Land Trust Society Conservation Easements

Councillor Terry Yagos 19/331

Moved that Council acknowledge the receipt of the notice of the Conservation Easements for Southern Alberta Land Trust Society's Paton and Davis projects;  
 AND FURTHER THAT Council waive the 60-day notice period prior to registration for the Conservation Easement.

Carried

Councillor Rick Lemire declared a conflict of interest and left the meeting at this time. The time being 3:11 pm.

d) Road Closure Request - SE 15-8-1 W5M (Smithens)

Councillor Bev Yagos 19/332

Moved that the request to close a portion of Undeveloped Statutory Road Allowance located adjacent to the applicant's parcel, within the SE 18-81 WSM, be approved and that the applicant be responsible for all costs associated with the closure, purchase and consolidation with his parcel.

Councillor Quentin Stevick requested a recorded vote:

For:

Against:

Councillor Terry Yagos  
 Councillor Bev Everts  
 Reeve Brian Hammond

Councillor Quentin Stevick

Carried

e) Road Closure Request - NE 10-8-1 W5M (Rigaux)

Councillor Bev Everts 19/333

Moved that the request to close a portion of Undeveloped Statutory Road Allowance located adjacent to the applicants' parcel, within the NE 10-8-1 WSM, be approved and

Minutes  
 Regular Council Meeting  
 Municipal District of Pincher Creek No. 9  
 August 27, 2019

that the applicant be responsible for all costs associated with the closure, purchase and consolidation with their parcel.

Councillor Quentin Stevick requested a recorded vote:

For:	Against:
Councillor Terry Yagos	Councillor Quentin Stevick
Councillor Bev Everts	
Reeve Brian Hammond	

Carried

f) Road Closure Resolution - NE 36-4-30 W4M

Councillor Quentin Stevick	19/334
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A Resolution of the MD of Pincher Creek No. 9 for the purpose of closing to public travel and cancelling a public highway in accordance with Section 24 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

WHEREAS, the lands hereafter described are no longer required for public travel, NOW THEREFORE be it resolved that the Council of the MD of Pincher Creek does hereby close the following described road, subject to rights of access granted by other legislation.

NE 36-4-30-4

THAT PORTION OF ROAD PLAN 71EZ FORMING PART OF LOT 2, BLOCK 1, PLAN \_\_\_\_\_

CONTAINING 0.180 HECTARES (0.44 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

Carried

Councillor Rick Lemire returned to the meeting at this time, the time being 3:22 pm.

3. Finance

a) 2020 Budget Direction

Discussion took place regarding potential service level changes and Council provided administration with a target percentage increase to municipal property tax revenue for the 2020 Budget.

b) Outstanding Property Tax Write-Off Lexin

Councillor Terry Yagos	19/335
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Moved that Council write off property taxes owing from Lexin Resources Ltd. in the amount of \$155,887.43 through the Tax Rate Stabilization Reserve (6-12-0-735-6735).

Carried

4. Municipal

a) Chief Administrative Officer Report

Councillor Quentin Stevick	19/336
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Moved that Council receive for information, the Chief Administrative Officer's report for the period of July 10, 2019 to August 27, 2019.

Carried

Minutes  
 Regular Council Meeting  
 Municipal District of Pincher Creek No. 9  
 August 27, 2019

b) Bylaw 1307-09 Regional Emergency Management

Councillor Terry Yagos 19/337

Moved that Bylaw 1307-09, being the Bylaw of the Municipal District of Pincher Creek in the Province of Alberta to provide for Regional Emergency Management be given second reading.

Carried

Councillor Quentin Stevick 19/338

Moved that Bylaw 1307-09, being the Bylaw of the Municipal District of Pincher Creek in the Province of Alberta to provide for Regional Emergency Management be given third and final reading.

Carried

Councillor Bev Everts 19/339

Moved that Councillor Rick Lemire and Councillor Terry Yagos be appointed to the Pincher Creek Joint Emergency Management Committee.

Carried

c) Proposed Land for Beaver Mines Firehall

Councillor Quentin Stevick 19/340

Moved that Council agree to endorse the application required to initiate the subdivision process of the MD owned parcel of Lot 1, Block 8, Plan 121 0773, for the purpose of allowing the development of a proposed Beaver Mines fire hall.

Carried

## H. CORRESPONDENCE

1. For Action

a) Invitation to “Energizing Agriculture Transformation”

Councillor Terry Yagos, depending on his schedule, will be attending the invitation to “Energizing Agriculture Transformation” with Alberta Southwest on September 4, 2019 in Claresholm.

b) County of Forty Mile Invitation for Meeting

Council directed that administration prepare speaking notes on what has worked/not worked with regards to wind energy in Pincher Creek.

c) Stars of Alberta Awards – Letter received July 11, 2019

Council directed for the information regarding the Stars of Alberta Award be shared on social media as well as the MD website.

d) Request for Letter of Support for Heritage Acres

Council directed a letter of support be written for Heritage Acres for their use in upcoming grant applications.

Minutes  
 Regular Council Meeting  
 Municipal District of Pincher Creek No. 9  
 August 27, 2019

- e) Request for Letter of Support for SALTS (Southern Alberta Land Trust)  
 Council directed a letter of support be written for SALTS in their application for Alberta SouthWest Crown of Continent Nomination for 2019 Sustainable Top 100 Destination Award, and 2019 Application for Green Destinations Award.

- f) Request for Letter of Support for Cowley Lions

Councillor Terry Yagos 19/341

Moved that Council support the request for the Cowley Lions for a letter of support as well as gravel and trucking to the site, to a maximum value of \$5000.

Carried

2. For Information

- a) Informational Correspondence

Councillor Quentin Stevick 19/342

Moved that Council receive the following documents as information:

- Highway Signage Letter, RMA – email received July 23, 2019
- Thank you Letter from Kootenai Brown Pioneer Village – received August 19, 2019
- Letter to Waterton Park regarding Internet Tower – received July 12, 2019
- Letter of Thank you from STARS – received July 12, 2019
- Letter from Owen Sinclair regarding speeding – received August 15, 2019
- SCAT Letter, received August 22, 2019
- Saferoads Article, dated August 9, 2019
- Letter from Canadian Union of Postal Workers, dated August 22, 2019
- Notice of Hearing Regulatory Appeal Proceeding ID 385
- Letter from Alberta Minister Affairs regarding MSI (Municipal Sustainability Fund) and GTF (Gas Tax Fund)

Carried

- g) CLOSED MEETING SESSION

- h) NEW BUSINESS

There was no new business presented for discussion.

- i) ADJOURNMENT

Councillor Terry Yagos 19/343

Moved that Council adjourn the meeting, the time being 4:33 pm.

Carried

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REEVE

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CHIEF ADMINISTRATIVE OFFICER

## Operations Report September 4, 2019

### **Operations Activity Includes:**

- September 4, 2019            Beaver Mines and Capital Projects
- September 3, 2019        Lundbreck Pavement tender close
- August 29, 2019           Summer Students Finished
- August 29, 2019           Safety BBQ and Event
- August 26, 2019           Crushing aggregate pits

### **Public Works Activity Includes:**

#### Cold Mix Asphalt Applications for minor repairs

- Cold mix reworking of 1km on Gladstone road and 1km on Willow Valley road have been completed.
- Pothole repair work required for Maycroft Road will start on September 9, 2019 with a completion date by September 19, 2019.

#### Bridge Maintenance and Texas Gates

- 6 Texas gates have been cleaned with 1 remaining in Carbondale located at (SW-25-6-3-5W). Completion of this work will be done by Thursday, September 5, 2019.
- All Class B Bridge inspections have been completed. 46 bridge inspections have been submitted to the Province of Alberta and are waiting for final approval.

#### Fence Repair

- Nothing to report.

#### Crushing

Crushing of aggregate chips located at McCulloch pit is in progress with a completion date of September 4, 2019. Contractor will start on September 9, 2019 to process 25mm road crush with a completion date by the middle of October, 2019.

#### Mowing and maintenance

- Lundbreck and Beaver Mines maintenance is ongoing.
- Mowing around all bridge structures has been completed.
- Roadside mowing with Public Works Department in Divisions No. 1, & 2 has not started. Completion date for remaining roadside mowing in all Divisions is September 30, 2019.
- Roadside mowing with the Public Works Department in Division No. 5 is almost completed with a completion date of September 9, 2019.

#### Continuous Dust Suppression Program

- Nothing to report

#### Gravel Hauling

- Additional hauling with Public Works forces is in progress with an approximate completion date of September 15, 2019.

### Road Works

- Nothing to report.

### **Upcoming:**

- September, 2019 Beaver Mines and Capital Projects

### **Capital Projects Update:**

#### Bridges

Bridge File: 1744  
Location: Crook Road  
Scope of Work: Replacement of bridge sized culvert  
Contractor: Ossa Terra Ltd.

**Status:** Project is to restart on September 9, 2019. Notification on bus routes and to the public have been sent out prior to starting work. Traffic accommodation by contractor with detour signage will be done prior to start of work.

Bridge File: 6613  
Location: Cabin Creek  
Scope of Work: Replacement of bridge sized culvert  
Contractor: Ossa Terra Ltd.

**Status:** Project is currently on hold due to the Department Fisheries approvals not being received. DFO is requiring a 3DQ10 model be completed for fish passage, modeling has been completed and has submitted to DFO for review. Fish passage has been also achieved as per Alberta Transportation requirements. The project has a fish window restriction where work is only allowed between the months of August 15 and September 1. Without DFO approval project will move to a 2020 project.

Bridge File: 70175  
Location: Yarrow Creek - Spread Eagle Deck  
Scope of Work: Bridge deck replacement  
Contractor: M Johnston Construction Ltd.

**Status:** Contractor has started work on removal of subdeck material for bridge repairs and other work. Minor issues with existing strip decking have been reported by the contractor to the engineer. Required to have the contractor order new strip decking material by supplier. Proposed completion of the work will be in October, 2019. Spread Eagle deck bridge can still be in full operation while the contractor is waiting for the new material to arrive on site.

Bridge File: 76293  
Location: Grumpy Road  
Scope of Work: Replacement with Bridge Sized Culvert

**Status:** Project is only to do the culvert design with the Engineering Company. Design to be completed in September 30, 2019. Estimated constructions are preliminary since the design is not complete and will change.

Bridge File: 7235  
Location: Olin Creek -Scottons  
Scope of Work: Replacement with Bridge Sized Culvert

**Status:** Project is only to do the culvert design with Engineering Company. Design is to be completed in September 30, 2019. Estimated constructions are preliminary since the design is not complete and will change.

Bridge File: 70177  
Location: Upper Tennessee Overflow  
Scope of Work: Replacement of Culvert  
Contractor: Don Boyce Construction

**Status:** Project to supply and install a new culvert with engineering testing has been completed under budget. There will be no additional funding required for next season's budget cycle.

Bridge File: 84238  
Location: Willow Valley Road Culvert  
Scope of Work: Replace culvert  
Contractor: Vicary Resources

**Status:** Tendered closed. Contract awarded to Vicary Resources Inc. with a project start date of September 16, 2019 and with a completion date by October 15, 2019. Signage will be sent out before works begins for the public and bus routes.

Bridge File: 8860  
Location: Beaver Mines Creek  
Scope of Work: Cap replacement, pile repair work

**Status:** Project is only to do bridge design for cap replacement and pile repair work with the Engineering Company. Design is to be completed in September 30, 2019.

Bridge File: 13957  
Location: Connelly Creek  
Scope of Work: Cap replacement

**Status:** Project is only to do bridge design of replacement of abutement caps with the Engineering Company. Design is to be completed in September 30, 2019.

## Gravel Roads

Roads: Summerview Road Surface Treatment  
Location: Summerview Road  
Scope of Work: GBC and Double seal coat  
Contractor: TBL Construction

**Status:** Contract for Summerview has been awarded to TBL Construction Ltd. Contractor is meeting with manager of Public Works on Thursday, September 5, 2019 to discuss start time of proposed work. Completion date of work is expected at the end of September, 2019.

**Kerr Road Status:** Project will be put on hold until 2020 due to tender pricing coming in higher than expected. There have been no costs to this project.

**Lundbreck Pave and Drainage:** Tender closed. MD is reviewing all of the lump sum bids. Project will only do 1<sup>st</sup> street this year. Proposed scope of work will improve drainage and remove, add, compact, and shape new granular coarse material for new asphalt. Notification will be sent out to the School board and to the public prior to commencement of work. Completion date is scheduled for October 15, 2019.

**Highway 3A – Landfill road repairs:** Project is on hold until 2020 due to grant funding.

## **Beaver Mines Regional Water Supply Contracts 1 Pipeline & Contracts 2 Mechanical:**

### **Beaver Mines Regional Water Supply Contracts 1**

- LW Dennis is wrapping up restoration for all affected landowners. Bridge Land will be consulting with landowners to have damage releases signed next week.
- LW Dennis will be constructing a snow fence and additional gravel pad at the Metering Station at the MD's direction. Snow fence is to accommodate residents of drifting snow due to the location of the road and the gravel pad is to allow for operations to store snow.
- All testing on the pipeline has been completed and passed. Substantial completion will be issued.

### **Beaver Mines RWS Contract 2**

- Substantial completion was achieved for all facilities prior to June 30, 2019.
- Total completion was not completed by July 15, 2019 and DMT Mechanical has until September 13, 2019 to complete all outstanding deficiencies otherwise liquidated damages will be enforced at the direction of the MD.



## **Beaver Mines Water & Waste Water Collection**

- Open house session to update the project for the Beaver Mines community will be at 10:30am on Saturday, September 14, 2019. The location will be at the Coalfields school.
- Package of preliminary drawings by MPE Engineering is scheduled to be released at or before September, 15, 2019. MD review of drawings is required prior to tendering the contract.
- Tentative plan is to tender the project in January, 2020.

## **Beaver Mines Waste Water Treatment**

- Land negotiations are ongoing and once finalized we can proceed with finalizing a tender or quote package for the initial phase of the project.

## **Castle Area Regional Water Supply Contracts 1 Pipeline & Contracts 2 Mechanical:**

### **Castle Area RWS Contracts 1:**

- LW Dennis has completed approx. 9500 meters of pipeline installation.
  - Adverse ground conditions have continued to slow progress and a revised substantial completion date will be issued for the contract. The date will be discussed and agreed to by all parties prior to issuing. A revised contract date will need to be coordinated with the estimated completion date of the Beaver Mines W and WW system. No requests for additional funding will be allowed by contractor or consultant.
  - LW Dennis was off-site for the September, 2019 long weekend.
- LW Dennis will be installing pipeline from the Carbondale staging area to the Park boundary over the next several weeks.

### **Castle Area RWS Contracts 2:**

- Nitro construction has completed framing and masonry block for both booster stations.
- Electrical rough-ins for both booster stations have been completed.
- Process piping and pumps have been installed in the Castle Mountain Booster Station.
- Final site grading at both booster stations is underway.
- Commissioning of the booster stations will be delayed until the pipeline and the Beaver Mines Water and Waste Water system is completed and water is available to the community.

**Attachments**

Program Capital Projects Status

Call Logs

**Recommendation:**

That the Operations report for the period of September 4, 2019 will receive Program Capital Projects Status update, and call log be received as information.

---

Prepared by: Aaron Benson *AB*

Date: September 4, 2019

Reviewed by: Troy *TJM*

Date: September 4, 2019

Submitted to: Council

Date: September 4, 2019

# Capital Budget Summary

Project #	Service Area	Description	Total Cost	Sources of Project Funding				
				Grants	Debt	Reserves	Operations	Total Revenue
<b>Infrastructure</b>								
PW-R-1	Roads	Highway 3A - Landfill road repairs	1,070,000			1,070,000		1,070,000
PW-R-2	Roads	Summerview road surface treatment (4.4 km)	550,000	550,000				550,000
PW-R-3	Roads	Kerr road surface treatment (4.8 km)	600,000	600,000				600,000
PW-R-4	Roads	Lundbreck pave and drainage (1st & 3rd Street)	400,000	400,000				400,000
PW-R-5	Roads	Willow Valley road culvert	500,000	500,000				500,000
PW-BF-1	Bridges	BF 1744 Pincher Creek (Crook Road)	1,081,000			1,081,000		1,081,000
PW-BF-2	Bridges	BF 6613 Cabin Creek	982,000			982,000		982,000
PW-BF-3	Bridges	BF 70175 Spread Eagle deck	100,000			100,000		100,000
PW-BF-4	Bridges	BF 7235 Scottons	30,000			30,000		30,000
PW-BF-5	Bridges	BF 76293 Grumpy Road	30,000			30,000		30,000
PW-BF-6	Bridges	BF 70177 Upper Tennessee overflow	15,000			15,000		15,000
PW-BF-7	Bridges	BF 8860 Beaver Mines Creek	20,000			20,000		20,000
PW-BF-8	Bridges	BF 13957 Connelly Creek	18,000			18,000		18,000
RWCAST	Water	Castle Area water servicing	10,572,000	10,572,000				10,572,000
BMDC	Water/Wastewater	Beaver Mines water servicing & wastewater collection	5,000,000	3,333,332	1,666,668			5,000,000
BML	Water/Wastewater	Beaver Mines waste water treatment system	5,360,000	4,020,000	1,340,000			5,360,000
PW-P-1	Parks	Patton Park shelterbelt	28,000			28,000		28,000
<b>Infrastructure Total</b>			<b>26,356,000</b>	<b>19,975,332</b>	<b>3,006,668</b>	<b>3,374,000</b>	<b>0</b>	<b>26,356,000</b>
<b>Equipment</b>								
	Public works	Grader	565,000			565,000		565,000
	Public works	Tandem axle truck with snow plow	500,000			500,000		500,000
	Water	Water meter reader	14,000			14,000		14,000
AG-01	Agriculture	Sprayer truck with tank/sprayer boom	131,500			131,500		131,500
	Administration	Postscript printer	8,000			8,000		8,000
<b>Equipment Total</b>			<b>1,218,500</b>	<b>0</b>	<b>0</b>	<b>1,218,500</b>	<b>0</b>	<b>1,218,500</b>
<b>Fleet</b>								
<b>Fleet Total</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Information Services</b>								
		GPS/GIS Upgrade	53,000	53,000				53,000
<b>Information Services Total</b>			<b>53,000</b>	<b>53,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>53,000</b>
<b>Facilities</b>								
ADMIN-SEC-1	Public works/Admin	Security camera system	30,000	30,000				30,000
PW-O-1	Public works	Electric sliding gate at Public Works yard	75,000	2,500			72,500	75,000
<b>Facilities Total</b>			<b>105,000</b>					
<b>Grand Total</b>			<b>27,732,500</b>					

## LEGEND

- █ Projects on Hold
- █ Projects in Planning & Design Stage
- █ Projects in Tender Stage
- █ Projects in Construction Stage
- █ Projects in Close Out Stage
- █ Proposed Preliminary Engineering Costs

WORK ORDER	DIVISION	LOCATION	Approach Number	CONCERN/REQUEST	ASSIGNED TO	ACTION TAKEN	REQUEST DATE	COMPLETION DATE
1558	Division 1	SW36 T4 R30 W4		Re getting an <a href="#">approach</a> built	Jared Pitcher	waiting on agreement with Development	Wednesday, April 18, 2018	
1617	Division 1	West Kerr		Trees on the west side of Kerr road need cut back	Jared Pitcher	Fall Project/Contractor	Wednesday, May 30, 2018	
1643	Division 4	SW22 T7 R1 W5		Would like a <a href="#">culvert</a> put in to solve water problem	Jared Pitcher	To be actioned	Tuesday, June 26, 2018	
1709	Division 1	SE 33-3-29 W4M		portion of RR 29-3 south of TR 4-0. <a href="#">Culvert</a> needs repaired	Jared Pitcher	To be actioned	06-09-2018	
1725	Division 4	NW4 T8 R1 W5	#8017 RR1-3A By glider strip	Caragana Bush in ditch needs to be removed	Jared Pitcher	Fall project/Contractor	Monday, October 1, 2018	
1750	Division 3	NE23 T6 R1 W5	#1101 TWP6-4	Would like Caragana Shubs cut down	Jared Pitcher	Fall Project/Contractor	Monday, October 22, 2018	
1880	Division 2	NW32 T5 R29 W4		Would like an <a href="#">approach</a> put in	Jared Pitcher	Completed	Tuesday, March 26, 2019	Aug. 28, 2019
1913	Division 5	SW29 T7 R2 W5 ?		Needs <a href="#">approach</a> widened Moving house - Need 21' added to approach	Bob Millar	Completed	Tuesday, April 23, 2019	Aug. 27, 2019
1923	Division 4	NE33 T8 R29 W4		Wanting a <a href="#">culvert</a> put in	Bob Millar	Completed	Wednesday, May 1, 2019	Aug. 28, 2019
1942	Division 1	SE17 T4 R28 W4	#4216 RR28-4	Wants a new <a href="#">approach</a> onto 1/4 section that has no access	Jared Pitcher	Location approved	May 17 2019	
	Division 1	SE21 T4 R28 W4 SW16 T4 R28 W4		w/ Lastuka			Tuesday, June 11, 2019	
1959	Division 3	NW12 T6 R1 W5	#1018	Looking at getting a <a href="#">sign</a> "Slow Children Playing"	Jared Pitcher	<a href="#">On sign list</a>	Sunday, June 2, 2019	
1978	Division 1	NE28 3 29 W4		Would like an <a href="#">approach</a> put in by gate TWP4-0 not living there yet (in Lethbridge) but will meet up	Eric Blanchard	Needs approval	June 18,2019	
1979	Division 1	SE10 T5 R29 W4		RQ <a href="#">gravel</a> on 2 <a href="#">approach</a> s +Children at Play sign	Jared Pitcher	<a href="#">On the sign List</a>	Wednesday, June 19, 2019	
1982	Division 2			The old Reed Pit needs to be reclaimed	Jared Pitcher	On the list	Thursday, June 27, 2019	
1983	Division 5	NE30 T9 R2 W5	#2512 TWP9-4A	Willow Valley Ranch Road 2018 Cold Mix has broken up and road a mess What can be done	Eric Blanchard	Completed	Thursday, June 27, 2019	August 28 2019
1984	Division 4	SW35 T8 R1 W5	#8501	RQ <a href="#">driveway</a> to be graded	Tony Naumczyk	On the list	Thursday, June 27, 2019	
1986	Division 2	SE7 T5 R28 W4	Near Fish Lake	RR30-3 N - S steep hill mud hole needs gravel also detour been for years around slew N/pitrun	Eric Blanchard	To have a look	Wednesday, July 3, 2019	
1987	Division 4	NE34 T8 R1 W5	#1215 TWP9-0	Would like to put in a cattle guard/bliding house	Eric Blanchard	to Contact	Wednesday, July 3, 2019	
1988	Division 1	NE26 T4 R30 W4	#4426 RR30-1	<a href="#">Driveway</a> needs blading and <a href="#">gravel</a> (Jason Jack)	Gravel Crew	advised	Friday, July 5, 2019	
1989	Division 5	SE27 T7 R2 W5	#2219 Hwy 3A	House to Tracks RQ <a href="#">driveway</a>	Dave Sekella	On the list	Monday, July 8, 2019	
1990	Division 1	SW6 T5 R29 W4	#5006	Small part of MD Road needs gravel	Rod/Gravel crew	Completed	Monday, July 8, 2019	August 27 2019
1995	Division 2	NW23 T5 R29 W4	#5313	Wetland/shoulder of road & drainage problem	Jared/Bob Millar	Engineer to look at	Tuesday, July 16, 2019	
1996	Division 2	Hwy 507 East		<a href="#">grass mowing</a> concern (near Mennonite Church)	Jared Pitcher	Action to be taken	Tuesday, July 16, 2019	
1998	Division 5	#9 Rainbow Acres		Concerned & hoping trees in ditch don't get cut down they have mowed around them	Jared/Eric	To pass on to Mowers	Tuesday, July 16, 2019	



**Ag Services, August 16 – 31, 2019****August 16 – 31, 2019**

- August 19 – 29, MRF mapping & records
- August, 16 – 31, Summer Weed Program is winding down, but there is going to be no gap this year with fall regrowth showing up significantly in many plants already.
- August 26 – 29, winding down season for 3 summer staff, will be keeping on four until October 31
- August 27, preparation of agenda package for ASB Meeting September
- August 29, staff appreciation lunch
- August 29, three staff gone for the summer season, 4 on for the fall

**September 1 – 15, 2019**

- September 3, Waldron Pit meeting, CPR, Division #4 Blueweed
- September 3 – 5, spot crews on gravel pit revisits, watercourses and Oldman dam work
- September 4, PW Safety meeting, staff meeting, reporting, beaver control permits
- September 5, ASB Meeting
- September 9, AES Safety Meeting, fire extinguisher, shop & first aid kit inspections
- September 10 – 12, Roadside (weather permitting) Division #4 with Overdrive herbicide (Canada Thistle, Perennial Sow Thistle & shoulder regrowth from mowing), Division #1, 2 with Truvis Herbicide (brush, Canada Thistle & Perennial Sow Thistle control)
- September 10 – 12, watercourse control for spot crews

Sincerely,

Shane Poulsen,  
Agricultural Services

## Environmental Services Technician August 16 – 31, 2019

### August 16<sup>th</sup> – 31<sup>st</sup>, 2019

- Cows and Fish board conference call #2 – August 19
- Staff meeting – August 20
- Canadian Agricultural Partnership application and EFP assistance – August 20
- Meet with Megan Evans RE: hawkweed species discussion – August 21
- Stephen Bevans (South Region AAAF director), discussion on fall meeting regarding potential date and agenda items – August 22
- Spill Response safe work procedure – August 26 – 27
- ASB agenda package prep – August 27, 28
- Summer Safety BBQ – August 29

### September 1<sup>st</sup> – 15<sup>th</sup>, 2019

- Waldron gravel pit/Maycroft PRA site visit – September 3
- Staff meeting – September 4
- AlbertaSW Energizing Agricultural Transformation workshop – September 4
- ASB Meeting – September 5
- Canadian Agricultural Partnership application assistance – September 5
- AAAF Memorial Bursary applications review – September 9 – 10
- Community Conserve Webinar – September 12
- Fall Soil Event with FFGA planning and prep – September 13

*Sincerely,*



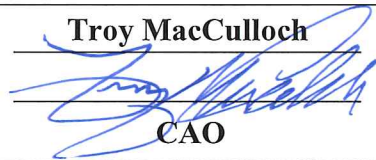

Lindsey Davidson,  
Environmental Services Technician





# Recommendation to Council

G2b

<b>TITLE: ROAD CLOSURE BYLAW NO. 1299-19 SE 4-7-2 W5M</b>		
<b>PREPARED BY: Roland Milligan</b>		<b>DATE: September 4, 2019</b>
<b>DEPARTMENT: Planning and Development</b>		
		<b>ATTACHMENTS:</b> 1. Road Closure Bylaw 1299-19 2. Public Hearing Notes <b>ADDITIONAL INFORMATION</b> 3. <i>Applicant's Request Letter</i> 4. <i>Site Photos</i> 5. <i>Public Hearing Package</i>
<b>Department Supervisor</b>	<b>Date</b>	
<b>APPROVALS:</b>		
<b>Roland Milligan</b> 	2019-09-04	<b>Troy MacCulloch</b> 
Department Director	Date	CAO
		 Date

**RECOMMENDATION:**

That Council give both the second and the third and final reading to Road Closure Bylaw No. 1299-19.

**BACKGROUND:**

*Returned to Council with further background information as the item was tabled at the August 27, 2019 Council meeting pending further information.*

*The Following information is being supplied for Council's review.*

- Applicant's Request Letter (2018-12-12)*
- Site Photos (2019-04-05)*
- Public Hearing Package (2019-03-26)*

On December 12, 2018, the MD received a request from Peter Maloff requesting to close and purchase a statutory road allowance adjacent to his parcel of land (W/SW 3-7-2 W5M). Also in the request, Mr. Maloff is proposing to provide land in exchange for the road allowance (N/SE 4-7-2 W5M), in order to create a legal access to adjacent parcels.

At their January 8, 2019 regular meeting, Council approved the applicant's request. The applicant is to consolidate the portion of the undeveloped Statutory Road Allowance with the SE 4-7-2 W5M.

## Recommendation to Council

Road Closure Bylaw No. 1299-19 (Attachment No. 1) received first reading at the February 26, 2019 Council meeting.

A public Hearing for the road closure was advertised and held on March 26, 2019. The notes from the public hearing are attached (Attachment No. 2).

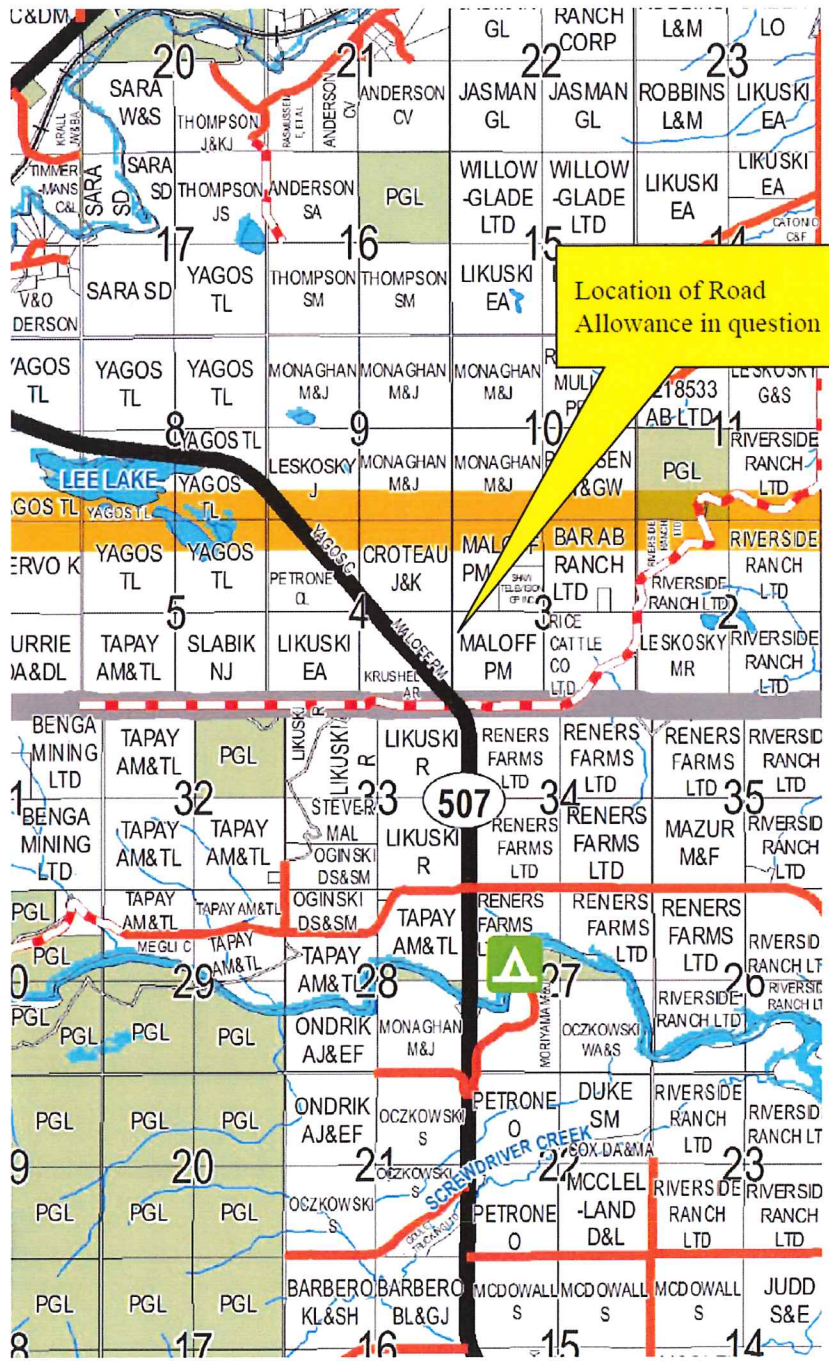
The Bylaw, Hearing minutes, and responses from utility companies circulation were forwarded to the Alberta Transportation on April 5, 2019. The MD received the Minister of Transportation endorsed copy of the Bylaw on July 5, 2019.

### **FINANCIAL IMPLICATIONS:**

None at this time. The applicant is responsible for all costs associated with this closure and consolidation.

# Recommendation to Council

## Location of Request



MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
BYLAW NO. 1299-19

A Bylaw of Municipal District of Pincher Creek No. 9 in the Province of Alberta, for the purpose of closing to public travel, and creating title to and disposing of, portions of a public highway in accordance with Section 22 of of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

The Council of the Municipal District of Pincher Creek No. 9 of the Province of Alberta, duly assembled, hereby enacts as follows:

**WHEREAS** the lands hereafter described are no longer required for public travel;

**AND WHEREAS** application has been made to Council to have the roadway closed;

**AND WHEREAS** the Council of the Municipal District of Pincher Creek No. 9 deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads or portions thereof, situated in the said municipality and thereafter creating title to and disposing of same;

**AND WHEREAS** notice of intention of Council to pass a bylaw has been given in accordance with Section 606 of the *Municipal Government Act*;

**AND WHEREAS** Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw;

**NOW THEREFORE BE IT RESOLVED** that the Council of Municipal District of Pincher Creek No. 9, in the Province of Alberta, does hereby close to Public Travel and creating title to and disposing of the following described highways, subject to rights of access granted by other legislation.

All that portion of Government Road Allowance adjacent to SE ¼ 4-7-2-5  
forming part of Lot 1, Block 1, Plan \_\_\_\_\_  
Containing 1.464 hectares (3.62 acres) more or less  
Excepting thereout all mines and minerals

Received first reading this 26<sup>th</sup> day of February, 2019.

  
Brian C. Hammond REEVE

  
(Seal)  
CHIEF ADMINISTRATIVE OFFICER

APPROVED this 28<sup>th</sup> day of June, 2019.

  
Michael Botros  
MINISTER OF TRANSPORTATION

Received second reading this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Received third reading this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
REEVE  
(Seal)  
CHIEF ADMINISTRATIVE OFFICER

MINUTES  
PUBLIC HEARING  
Municipal District of Pincher Creek No. 9  
Bylaw No. 1299-19  
Tuesday, March 26, 2019  
1:00 pm  
MD Council Chambers

In order to receive public input on proposed Bylaw No. 1299-19, a Public Hearing, conducted by the Council of the Municipal District of Pincher Creek No. 9, was held on Tuesday, March 26, 2019, in the Council Chambers of the Administration Building.

In attendance:

Council: Reeve Brian Hammond, Councillors Quentin Stevick, Rick Lemire, Bev Everts, and Terry Yagos

Staff: Chief Administrative Officer Troy MacCulloch, Sheldon Steinke, Director of Development and Community Services Roland Milligan, Director of Finance Meghan Dobie, and Executive Assistant Tara Cryderman

1. Call Public Hearing to Order

The Public Hearing was called to order, the time being 1:00 pm.

Councillor Rick Lemire declared a conflict of interest, as he is an employee of Alberta Transportation, and left the Public Hearing, the time being 1:01 pm.

2. Advertising Requirement

This Public Hearing has been advertised in accordance with Section 606 of the *Municipal Government Act*. This Public Hearing was advertised in the Pincher Creek Echo on March 13, 2019 and March 20, 2019, as well as the MD website and MD Social Media pages.

3. Purpose of Public Hearing

The purpose of this Public Hearing is to receive public input on proposed Bylaw No. 1299-19.

The purpose of Bylaw No. 1299-19 is to close to public travel and creating title to and disposing of land described as:

All that portion of Government Road Allowance adjacent to SE 4-7-2 W4M  
Forming part of Lot 1, Block 1, Plan \_\_\_\_\_  
Containing 1.464 hectares (3.62 acres) more or less  
Excepting thereout all mines and minerals

4. Overview of Bylaw No. 1299-19

Director of Development and Community Services Roland Milligan spoke to Bylaw No. 1299-19.

5. Correspondence and Presentations

a. Verbal

Reeve Hammond asked if any audience members wished to make a presentation at this time. No one indicated their desire to speak.

b. Written

An email from Joy and Ken Croteau, dated March 15, 2019 and the letter from Alger Zadeiks Shapiro, on behalf of Michael Monaghan, dated March 21, 2019, were received. No further written submissions were received.

6. Closing Comments / Further Questions

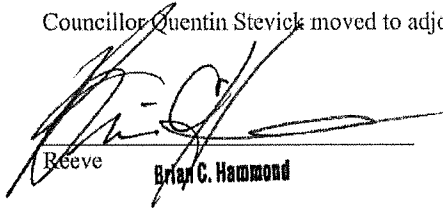
An alternate location, as mentioned in the email from Joy and Ken Croteau, was discussed.

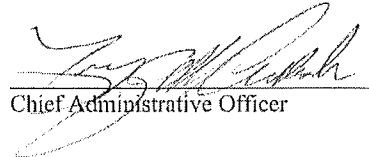
The approval of the Minister of Transportation was discussed. The Minister of Transportation is required to approve the road closure, prior to second and third reading. The bylaw is then returned to Council for their final approval.

Additional public consultation was discussed. The Public Hearing is the avenue to address and receive public input.

7. Adjournment

Councillor Quentin Stevick moved to adjourn the Public Hearing, the time being 1:13 pm.

  
Reeve  
**Brian C. Hammond**

  
Chief Administrative Officer

**Peter Maloff  
Box 39,  
Bellevue, Alberta T0K 0C0**

December 12, 2018

Attention: MD of Pincher Creek Reeve and Council

**M.D. of Pincher Creek No. 9  
1037 Herron Avenue  
PO Box 279, Pincher Creek, AB T0K 1W0  
Ph: 403.627.3130 Fx: 403.627.5070**

RE: Road closure and replacement within SW3-7-2-W5M and SE4-7-2-W5M

Dear: Reeve Quentin Stevick, Councillor Bev Everts, Councillor Brian Hammond, Deputy Reeve Rick Lemire and Councillor Terry Yagos

Please accept this letter as an application to close the segment of road allowance that travels through my farmyard and please consider replacing that road allowance segment within the area along the north boundary on the SE4-7-2-W5M as per the attached drawings.

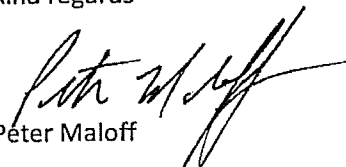
I did have consultation with Alberta Transportation with this matter.

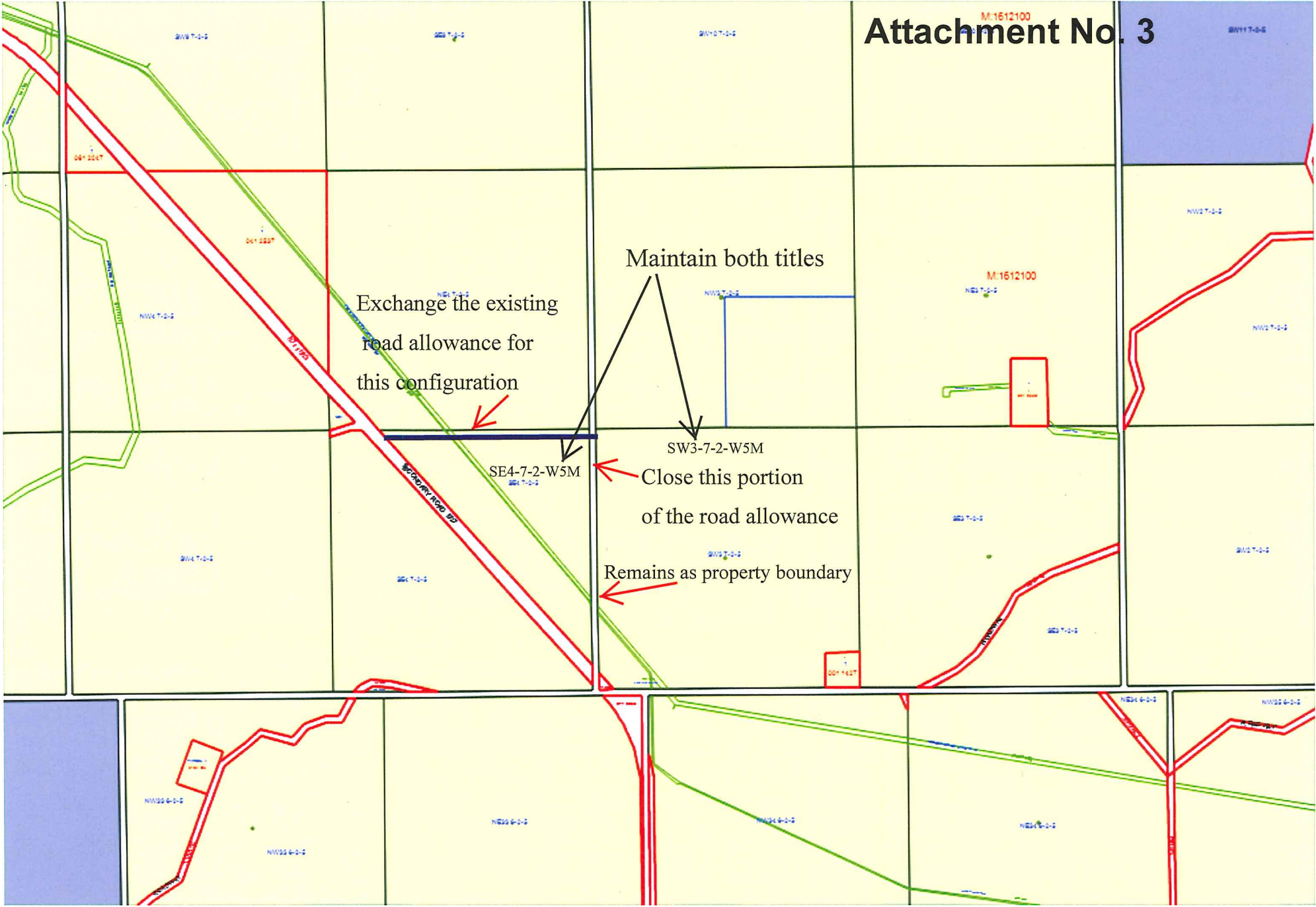
I am prepared to cover all costs associated with this change and there will be no burden upon the MD of Pincher Creek.

Upon the road closure; I would expect to consolidate the closed allowance segment to the SE4-7-2-W5M creating a regular quarter section boundary, remaining as 2 titles. It is imperative to continue with the separate titles as my farmstead in the SW3-7-2-W5M will exchange to my daughter and her family. The SE4-7-2-W5M will accommodate my later years in life.

Please find this application with my best intention and do not hesitate to contact me at your convenience

Kind regards

  
Peter Maloff



Exchange the existing road allowance for this configuration

Maintain both titles

Close this portion of the road allowance

Remains as property boundary

SE4-7-2-W5M

SW3-7-2-W5M

M:1612100

M:1612100

001 4227

NW22-4-2-2

NW22-4-2-2

NW22-4-2-2

NW24-4-2-2

NW24-4-2-2

NW24-4-2-2

NW22-4-2-2

NW41-2-2

NW41-2-2

SE4-7-2-2

SE4-7-2-2

NW3-7-2-2

NW3-7-2-2

NW3-7-2-2

SE3-7-2-2

SE3-7-2-2

NW21-2-2

NW21-2-2

NW21-2-2

SE3-7-2-2

SE3-7-2-2

NW8-7-2-2

SE3-7-2-2

NW10-7-2-2

NW11-7-2-2







Cancel  
Remains as property boundary

33

34

10

3



Scale 1:7500  
when printed  
8.5x11

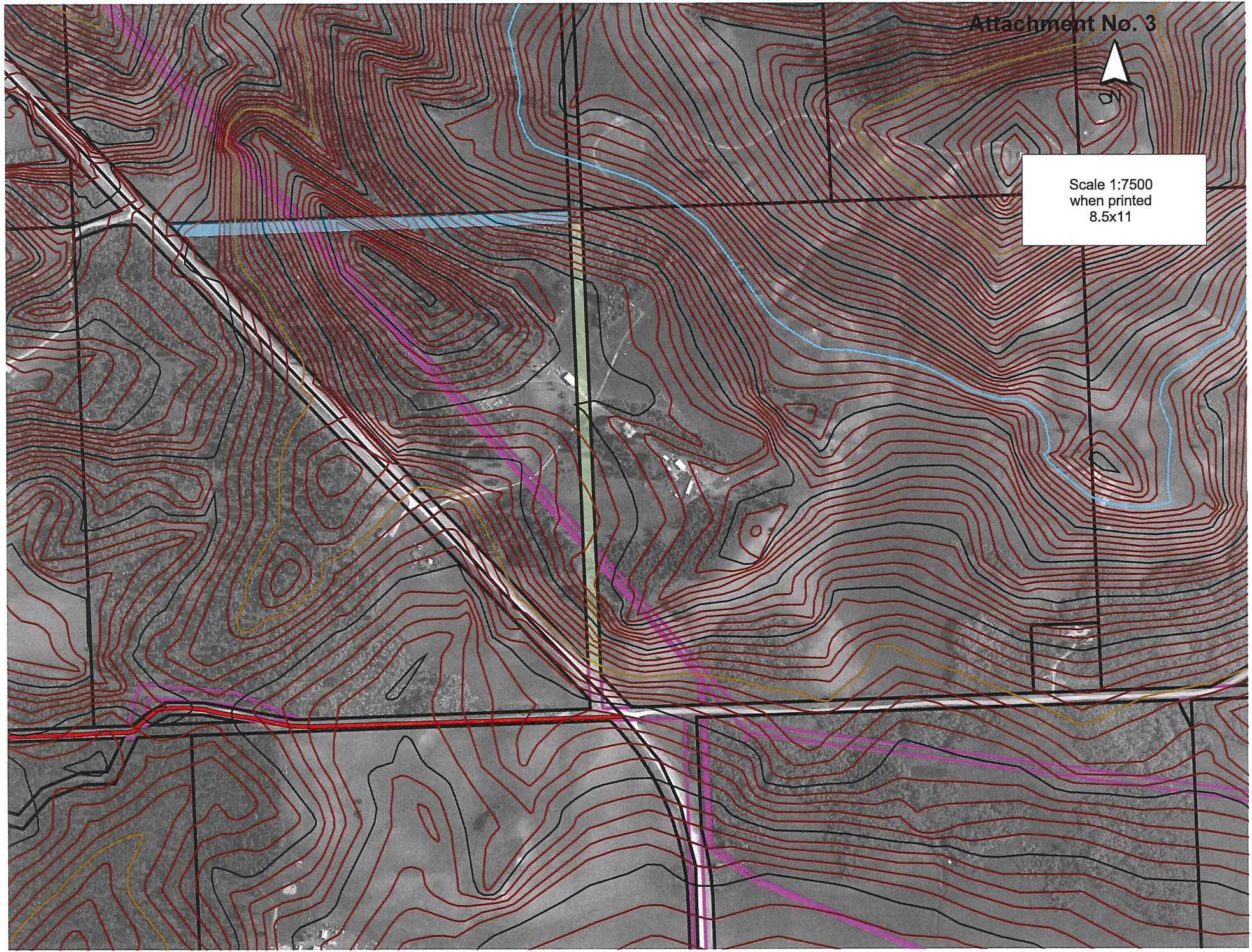




Photo No. 1  
Looking North Up Slope From Twp. Road 7-0



Photo No. 2  
Looking South Towards Beaver Mines



**Photo No. 3.  
Looking South Through Yard**

AGENDA  
PUBLIC HEARING  
Municipal District of Pincher Creek No. 9  
Bylaw No. 1299-19  
Tuesday, March 26, 2019; 1:00 pm  
MD Council Chambers

1. Call to Order
2. Advertising Requirement
3. Purpose of Public Hearing
4. Overview of Bylaw No. 1299-19
5. Correspondence
  - a. Email, dated March 15, 2019
6. Closing Comments
7. Adjournment

AGENDA  
PUBLIC HEARING  
Municipal District of Pincher Creek No. 9  
Bylaw No. 1299-19  
Tuesday, March 26, 2019  
1:00 pm  
MD Council Chambers

1. Call Public Hearing to Order
2. Advertising requirement

*Read the advertising requirement clause:*

*This Public Hearing has been advertised in accordance with Section 606 of the Municipal Government Act. This Public Hearing was advertised in the Pincher Creek Echo on March 13, 2019 and March 20, 2019, as well as the MD website and MD Social Media pages.*

3. Purpose of the hearing

*Read the purpose of the hearing:*

*The purpose of this Public Hearing is to receive public input on proposed Bylaw No. 1299-19.*

*The purpose of Bylaw No. 1299-19 is to close to public travel and creating title to and disposing of land described as:*

*All that portion of Government Road Allowance adjacent to SE 4-7-2 W4M  
Forming part of Lot 1, Block 1, Plan \_\_\_\_\_  
Containing 1.464 hectares (3.62 acres) more or less  
Excepting thereout all mines and minerals*

4. Overview of Bylaw 1299-19 (Roland will provide an overview)
5. Presentations:

VERBAL:

*Ask if anyone in the audience wishes to make a statement.  
Have their names recorded and call them in order.*

WRITTEN:

*The email from Joy and Ken Croteau is included in the agenda package.  
Ask if any other submissions have been received.*

6. Closing Comments  
*Ask if Council has any further questions.*
7. Adjournment from Public Hearing



MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
BYLAW NO. 1299-19

A Bylaw of Municipal District of Pincher Creek No. 9 in the Province of Alberta, for the purpose of closing to public travel, and creating title to and disposing of, portions of a public highway in accordance with Section 22 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

The Council of the Municipal District of Pincher Creek No. 9 of the Province of Alberta, duly assembled, hereby enacts as follows:

**WHEREAS** the lands hereafter described are no longer required for public travel;

**AND WHEREAS** application has been made to Council to have the roadway closed;

**AND WHEREAS** the Council of the Municipal District of Pincher Creek No. 9 deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads or portions thereof, situated in the said municipality and thereafter creating title to and disposing of same;

**AND WHEREAS** notice of intention of Council to pass a bylaw has been given in accordance with Section 606 of the *Municipal Government Act*;

**AND WHEREAS** Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw;

**NOW THEREFORE BE IT RESOLVED** that the Council of Municipal District of Pincher Creek No. 9, in the Province of Alberta, does hereby close to Public Travel and creating title to and disposing of the following described highways, subject to rights of access granted by other legislation.

All that portion of Government Road Allowance adjacent to SE ¼ 4-7-2-5  
forming part of Lot 1, Block 1, Plan \_\_\_\_\_  
Containing 1.464 hectares (3.62 acres) more or less  
Excepting thereout all mines and minerals

Received first reading this 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
REEVE

(Seal)

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MINISTER OF TRANSPORTATION

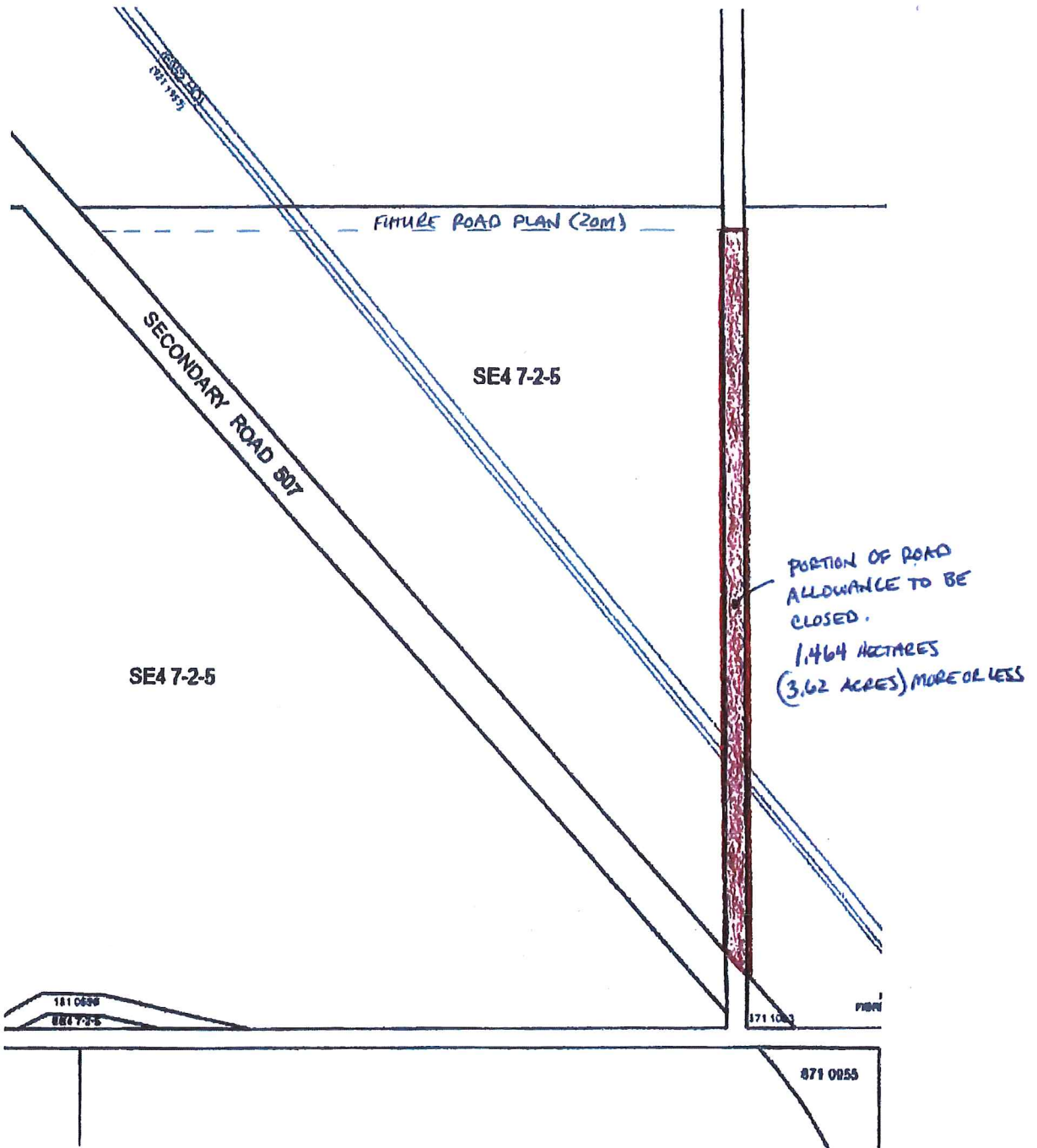
Received second reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Received third reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
REEVE

(Seal)

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER



**Tara Cryderman**

---

**Subject:** FW: Proposed Road Closure - W/SW 3-7-2 W5M

**From:** Roland Milligan <AdminDirDev@mdpincercreek.ab.ca>

**Sent:** Friday, March 15, 2019 4:43 PM

**To:** Tara Cryderman <AdminExecAsst@mdpincercreek.ab.ca>

**Subject:** FW: Proposed Road Closure - W/SW 3-7-2 W5M

For the Maloff Road Closure Public Hearing.

**From:** ken croteau <ken.croteau@shaw.ca>

**Sent:** March 15, 2019 1:56 PM

**To:** Roland Milligan <AdminDirDev@mdpincercreek.ab.ca>

**Cc:** Joy Croteau <joycroteau@shaw.ca>; ken Croteau <ken.croteau@shaw.ca>

**Subject:** Proposed Road Closure - W/SW 3-7-2 W5M

Roland:

Please "Reply All" to acknowledge you have received this e-mail. Thank you.

We are writing in response to the letter we received dated March 01, 2019 from the MD of Pincher Creek re: Proposed Road Closure - W/SW 3-7-2 W5M

We object to the relocation of road allowance to N/SE 4 - 7 - 2 W5M, which is south of our quarter section (NE 4-7-2 W5M).

At present the owners of SE 9 - 7 -2 W5M travel through the NE 4-7-2 W5M to access their land. As there is no habitation on SE 9 - 7 -2 W5M we allow this access. Other owners to the north and east of us do the same. If a home is built on the land to the north of our land, road access will be required.

In the information letter, it is stated that there is no intention of developing the new road allowance (N/SE 4-7-2 W5M). When, in the future, someone decides to build a home on SE 9 - 7 -2 W5M, or any other quarter section along the road allowance that runs north/south on the east side of our quarter section, what is the plan to provide a road to these quarter sections?

If there is no intention of developing the proposed new road allowance, there should have been no intention of developing the existing road allowance, so why is the relocation taking place?

The **existing road allowance (W/SW 3/7/2 W5M ) has no extreme grades**, which makes it the logical place to put a road in the future , and save tax dollars.

- **The proposed road allowance (N/SE 4-7-2 W5M) has two steep grades (and a fibre optic cable) on the west half. If it is in fact possible to develop a road on the proposed road allowance the cost to taxpayers will be very high.** Stating that the new road allowance provides "legal" access may be true, but this legal access will be (If actually possible without leaving road allowance) , much more expensive access than the existing road allowance.

- Access along road allowance from the North to the quarter sections North of us, is also impractical due to extremely steep grade.

If a new road allowance location is required, can it be on the East fence-line of SW 3-7-2 W5M? If i remember correctly, an access road would be easily built in this area.

Regards

Joy and Ken Croteau



Our File: AKM  
Writer's Email: asif@azlawyers.ca  
Writer's Assistant: Brenda Oulette  
Assistant's Email: brenda@azlawyers.ca

March 21, 2019

Via Fax 403.627-5070

Municipal District of Pincher Creek  
Box 279  
1037  
Herron Avenue  
Pincher Creek, Alberta T0K 1W0

**RE: Closure of Statutory Road Allowance located W/SW 3-7-2 W5M and replace with Road allowance along North portion of SE 4-7-2 W5M**

---

I am writing this letter on behalf of Michael Monaghan an interested party to the above noted proceedings.

Mr. Monaghan's property is directly north of the current statutory road allowance SW 3-7-2 W5M and is a party who would be affected with the change of road allowance as approved by council in the minutes dated February 15, 2019.

Mr. Monaghan's position is that the statutory road allowance should not be sold as there does not appear to be any benefit to the Municipality at large, and, the closure will adversely affect the legal and physical access of other residents within the MD of Pincher Creek.

Policy 123 Purchase, Sale and Disposal of Road Allowances or Roadways

As per Policy 123 there is a two-part test to be met in determining of a Road Allowance or Roadway should be disposed of, specifically

- (1) there is a clear benefit to the Municipality at large; and,
- (2) Does not adversely affect the legal or physical access.

*Part 1 – Clear benefit to the Municipality at large*

There does not appear to be a single piece of evidence to suggest why the Road allowance at SW 3-7-2 W5M should be purchased, sold or disposed of. The Minute's from each Council meeting fail to provide any suggestion as to why this would benefit the Municipality at large, and ultimately only mention Mr. Maloff's request alone. Surely, personal interest alone is not be in the best interest of the Municipality at large.

Moreover, Mr. Monaghan attests that a basic review of the actual geography of the proposed alternate road allowance at SE 4-7-2 W5M would demonstrate a greater difficulty on the

## Attachment No. 5

Municipality at large. Specifically, the geography/terrain would require parties to travel through difficult ravines and paths that would become problematic at numerous points throughout the year. The current access through statutory road allowance SW 3-7-2 W5M is superior to any other road allowance currently available according to the plans. This also does not take into the consideration the significant costs that may arise from unforeseen circumstances during the actual building process.

### *Part 2 – Does not adversely affect the legal or physical access*

The more concerning portion of the existing application is how it would affect the legal and physical access of residents in the Municipality. From the evidence available, it appears that Council did not remotely consider this.

Mr. Monaghan like many residents looked at the land survey prior to the purchase of his lands. At the time, there was clearly a statutory road allowance available. As MD may be aware, the position of Roadway's can affect the value of property and the viability of sale of property. In the event that this proposal is to proceed as is for Mr. Monaghan, and likely others this will accomplish two things: (a) it will cause him to lose all reasonable access to his lands and (b) likely cause significant financial devaluation of the lands. In the event that the MD is prepared to consider submissions on this issue, Mr. Monaghan is prepared to engage with a professional assessor to compare the current circumstances versus the suggested alternate.

If the MD is prepared to compensate other's within the MD for their decision to ultimately appease a single individual for any loss of valuation, we are certain this would resolve at least part of Mr. Monaghan's concern.

A secondary issue that is quite significant under the circumstances is Mr. Maloff's decision to build a barn/shop that occupies part of the statutory road allowance. This can be seen from the aerial photos. This raises two significant questions: (1) was a development permit issued for the construction of the building? If so this is problematic given the statutory road allowance, and (2) if no permit was constructed, why is it appropriate for Mr. Maloff to appropriate property for his personal gain at the expense of neighbors and landowners in the surrounding area who rely on the road allowance.

In addition to the Barn/Shop there is a dugout on the Northwest end of the Road Allowance, which is not visible via the aerial photos. It is Mr. Monaghan's understanding and belief that the dugout was built by Mr. Maloff after acquiring the property and would create an impediment on both the existing and proposed road allowance.

Based on all of the above, the decision to dispose of road allowance SW 3-7-2 W5M would ultimately be adversely affecting legal and physical access to essentially everyone in the community except Mr. Maloff. Furthermore, from the Minute's of each Council meeting and from all available evidence produced to date, it appears that the MD is essentially making a decision to benefit a single party as opposed to considering the irreparable harm that would occur to all of the other members of the surrounding area.

Mr. Monaghan is prepared to consider alternative routes, whether statutory or surveyed road allowance or a registered easement provided they allow for equal or superior access to his property and his surrounding neighbors.

It should be further noted that Mr. Monaghan did not receive any letter from the Municipal District that this issue was being considered, it was brought to his attention by a neighbor. Mr.

## Attachment No. 5

Monaghan had full intention of appearing before Council to address his concerns in person; however, given his current physical health he was unable to.

We look forward to hearing from you in due course.

Yours truly,



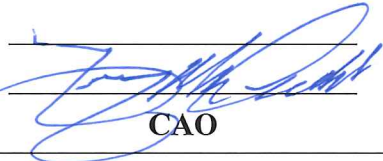
Alger Zadeiks Shapiro <sup>LLP</sup>

Per: Asif K. Muhammad  
Barrister & Solicitor

/bo

# Recommendation to Council

G2c

<b>TITLE: ROAD CLOSURE BYLAW NO. 1300-19 S 21-8-30 W4M</b>			
<b>PREPARED BY: Roland Milligan</b>		<b>DATE: September 4, 2019</b>	
<b>DEPARTMENT: Planning and Development</b>			
		<b>ATTACHMENTS:</b> 1. Road Closure Bylaw 1300-19 2. GIS Aerial	
<b>Department Supervisor</b>	<b>Date</b>		
<b>APPROVALS:</b>			
	2019/09/04		04 Sept 2019
<b>Department Director</b>	<b>Date</b>	<b>CAO</b>	<b>Date</b>

**RECOMMENDATION:**

**That Council give second reading and third and final reading to Road Closure Bylaw No. 1300-19.**

**BACKGROUND:**

On December 4, 2018, the MD received an email from David Taggart, requesting to close and purchase the road allowance adjacent west to his parcel of land located at S 21-8-30 W4M. At their January 8, 2018 regular meeting, Council approved the applicant's request. The applicant is to consolidate the portion of the undeveloped Statutory Road Allowance with their parcel.

The applicant has submitted the required road closure fee and has engaged the services of an Alberta Land Surveyor.

Road Closure Bylaw No. 1300-19 was prepared, presented to Council, and received first reading at the May 14, 2019 Council meeting.

The required Public Hearing was held on June 25, 2019. No concerns were raised.

The Bylaw was forwarded to the Minister of Transportation, where it received Ministerial approval on August 13<sup>th</sup>, 2019.

**FINANCIAL IMPLICATIONS:**

None. The applicant is responsible for all costs associated with this closure.





**Attachment No. 1**

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
BYLAW NO. 1300-19**

A Bylaw of Municipal District of Pincher Creek No. 9 in the Province of Alberta, for the purpose of closing to public travel, and creating title to and disposing of, portions of a public highway in accordance with Section 22 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

The Council of the Municipal District of Pincher Creek No. 9 of the Province of Alberta, duly assembled, hereby enacts as follows:

**WHEREAS** the lands hereafter described are no longer required for public travel;

**AND WHEREAS** application has been made to Council to have the roadway closed;

**AND WHEREAS** the Council of the Municipal District of Pincher Creek No. 9 deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads or portions thereof, situated in the said municipality and thereafter creating title to and disposing of same;


**AND WHEREAS** notice of intention of Council to pass a bylaw has been given in accordance with Section 606 of the *Municipal Government Act*;

**AND WHEREAS** Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw;

**NOW THEREFORE BE IT RESOLVED** that the Council of Municipal District of Pincher Creek No. 9, in the Province of Alberta, does hereby close to Public Travel and creating title to and disposing of the following described highways, subject to rights of access granted by other legislation.

ALL THAT PORTION OF GOVERNMENT ROAD ALLOWANCE LYING ADJACENT TO  
S ½ SEC. 21-8-30-4 AND FORMING PART OF LOT 1, BLOCK 1, PLAN \_\_\_\_\_  
CONTAINING 1.57 HECTARES (3.88 ACRES) MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS

Received first reading this 14 day of May, 2019

  
\_\_\_\_\_  
Brian C. Hammond REEVE

 (Seal)  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

APPROVED this 13<sup>th</sup> day of August, 2019.

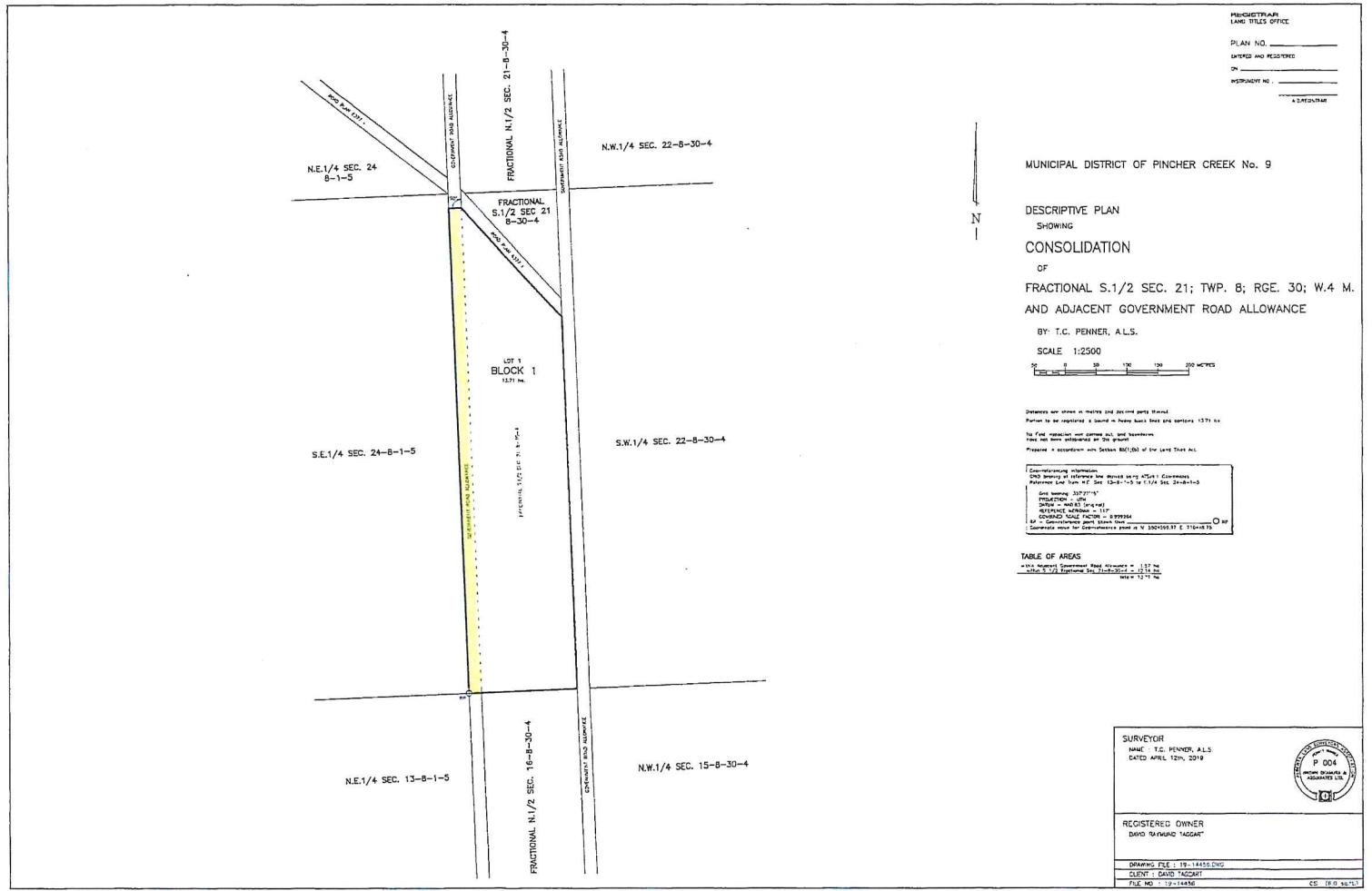
  
\_\_\_\_\_  
Michael Betros  
MINISTER OF TRANSPORTATION

Received second reading this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Received third reading this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
REEVE  
  
(Seal)  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

# Attachment No. 1



MICROMETRA  
LAND TITLES OFFICE

PLAN NO. \_\_\_\_\_  
EXTENT AND RESERVE \_\_\_\_\_  
PROSPECT NO. \_\_\_\_\_  
A SURVEYOR

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

DESCRIPTIVE PLAN  
SHOWING  
CONSOLIDATION  
OF  
FRACTIONAL S. 1/2 SEC. 21; TWP. 8; RGE. 30; W. 4 M.  
AND ADJACENT GOVERNMENT ROAD ALLOWANCE

BY: T.C. PENNER, A.L.S.

SCALE 1:2500



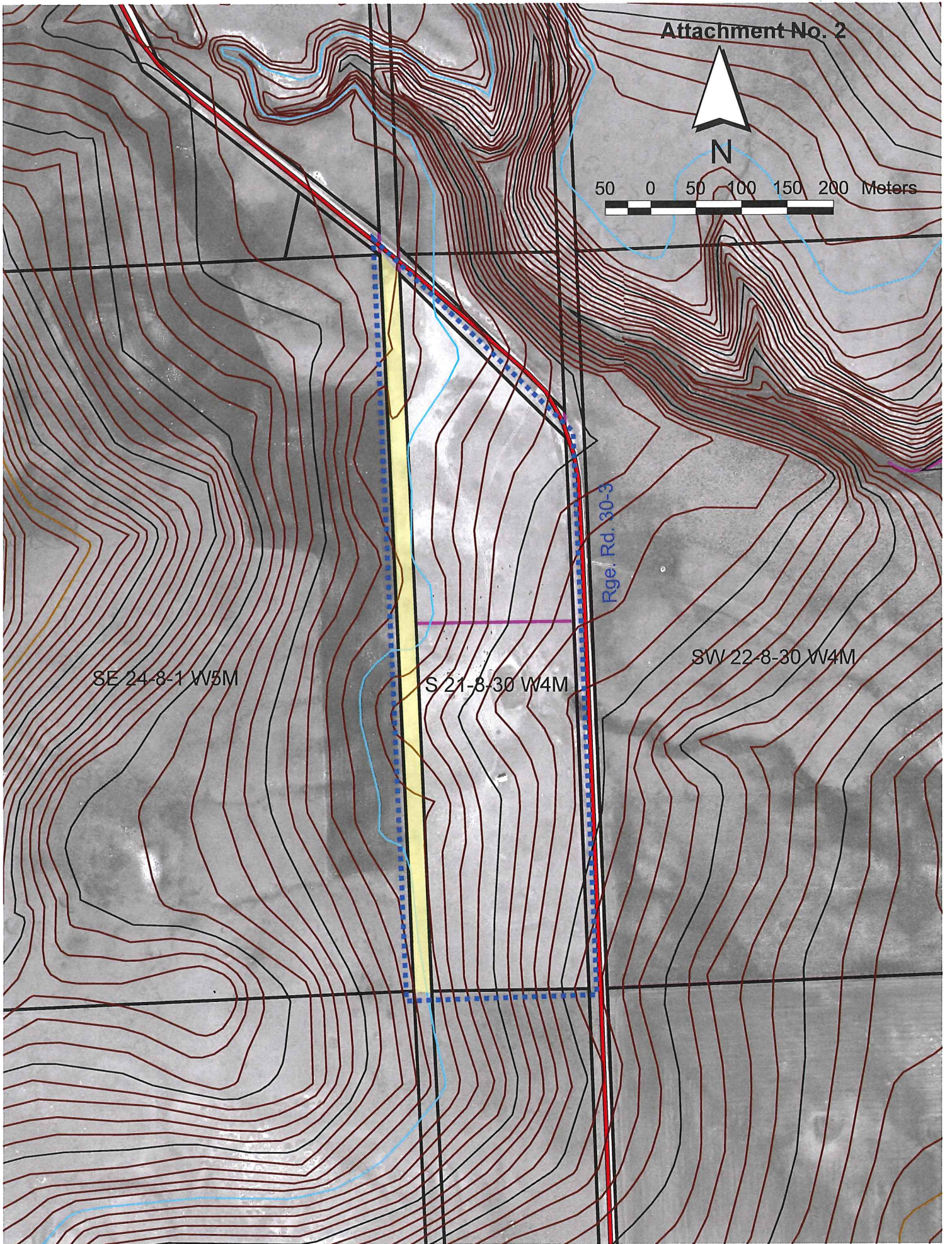
Distances are shown in metres and decimal parts thereof.  
Portion to be registered is shaded in heavy black lines and contains 13.71 ha.  
No field observations were obtained and the boundaries  
thereof are shown as indicated on this plan.  
Prepared in accordance with Section 80(1)(b) of the Land Titles Act.

Consolidation information:  
S1/2 of Fractional S. 1/2 SEC. 21 (Government),  
Adjoining Lot 104, RT. Sec. 15-8-15 to 17/4 Sec. 15-8-1-5  
Date bearing 20/07/15  
PROSPECT NO. 104  
DISTANCE, METRES = 119  
DISTANCE, METRES = 879994  
Lot = Government part shown that  
Consolidation area for Government part is 13.71 ha (13.71)

TABLE OF AREAS

Lot 104 (Government part shown that)	13.71 ha
Lot 104 (Government part shown that)	13.71 ha
Lot 104 (Government part shown that)	13.71 ha

SURVEYOR NAME: T.C. PENNER, A.L.S. DATED: APRIL 12th, 2018		
REGISTERED OWNER DAVID BERKARD TAGGART		
DRAWING FILE: 19-14455.DWG CLIENT: DAVID TAGGART FILE NO.: 19-14455		CS: 18-0 54/15



SE 24-8-1 W5M

S 21-8-30 W4M

SW 22-8-30 W4M

Rge. Rd. 30-3

# Recommendation to Council

G2d

<b>TITLE:</b> Designations Pursuant to the <i>Environmental Protection and Enhancement Act</i>			
<b>PREPARED BY:</b> Lindsey Davidson		<b>DATE:</b> August 9, 2019	
<b>DEPARTMENT:</b> AES			
Roland Milligan		<b>ATTACHMENTS:</b>	
<b>Department Supervisor</b>	<b>Date</b>	1. Email and notice from Alberta Environment and Parks dated August 7, 2019	
<b>APPROVALS:</b>			
 _____ Department Director	2019/09/04 _____ Date	 _____ CAO	04 Sept 2019 _____ Date

**RECOMMENDATION:**  
**THAT Council formally request the Ministry of Environment and Parks approve the designation of the M.D. Bylaw Officer, the Director of Development and Community Services and AES staff as Inspectors for the purposes of Part 6 (Conservation and Reclamation) under the *Environmental Protection and Enhancement Act*.**  
**AND FURTHER THAT Council request those individuals that may still have designations be removed.**

**BACKGROUND:** The M.D. of Pincher Creek has not designated inspectors pursuant to the *Environmental Protection and Enhancement Act* (EPEA) since 2000. We recently received notification from the province, requesting that the information be updated (see attachment 1.). Although having designated inspectors of the act within municipalities is not a requirement, it does allow municipal governments the authority to reasonably access property for the purpose of inspection and to issue an enforcement notice under EPEA requiring the cleanup and/or reclamation of a site deemed to be contaminated by a harmful substance. Although there is no anticipation of this authority being exercised regularly, certain circumstances may exist where it would be beneficial to the M.D. in the interest of reducing environmental risk and damages. Designated persons will exercise authority solely in circumstances which are identified by and concerning the M.D. of Pincher Creek.

**FINANCIAL IMPLICATIONS:**  
 There are no foreseen financial implications at this time. Any orders for cleanup/reclamation would be carried out at the expense of the landowner or individual found at fault. Should training be made available, designated staff would take advantage of it but it is expected that it would be offered at a minimal cost.

## Troy MacCulloch

---

**From:** MDInfo  
**Sent:** August 7, 2019 9:11 AM  
**To:** Troy MacCulloch  
**Subject:** FW: Designations Pursuant to the Environmental Protection and Enhancement Act  
**Attachments:** PPB Designation Notice.doc

**From:** Norma Campbell <[norma.campbell@gov.ab.ca](mailto:norma.campbell@gov.ab.ca)>  
**Sent:** Tuesday, August 6, 2019 11:14 AM  
**To:** MDInfo <[MDInfo@mdpincercreek.ab.ca](mailto:MDInfo@mdpincercreek.ab.ca)>  
**Subject:** Designations Pursuant to the Environmental Protection and Enhancement Act

For the M.D. of Pincher Creek

As the attached notice indicates, we are trying to update our database of those individuals who have been assigned a designation as either an inspector or investigator or both under the Environmental Protection and Enhancement Act (EPEA) under the Ministry of Alberta Environment and Parks.

The database shows that for the M.D. of Pincher Creek the following individuals may still have designations under EPEA:

Inspector	Municipal District of Pincher Creek No. 9	Ralph	Bourque	EPEA	Part 5
Inspector	Municipal District of Pincher Creek No. 9	Alan	Jacklin	EPEA	Part 5

If you could please forward this to the person responsible for requesting and updating this information and have it provided to me as per the notice; with respect to these designations or any changes the M.D. requires as soon as possible.

Thank you

*Norma Campbell*

Training and Program Specialist  
Operations Division  
Provincial Programs Branch  
Environment and Parks

15<sup>th</sup> Floor, Oxbridge Place  
9820 – 106<sup>th</sup> Street  
Edmonton, AB T5K 2J6  
Tel: 780-638-1257; Cell: 780-686-0834

[norma.campbell@gov.ab.ca](mailto:norma.campbell@gov.ab.ca)

June 13, 2019

Our records indicate that you have or did have individuals that were supplied with designations pursuant to the *Environmental Protection and Enhancement Act*.

It has been some time since these records were updated and it is hoped through this notice that the names of past and current designates can be collected and our database updated to reflect the present status of designated individuals.

The *Environmental Protection and Enhancement Act* RSA 2000. C.E.-12 requires the municipality to annually notify Alberta Environment and Parks on the status of individuals designated under the legislation as Inspectors/Investigators.




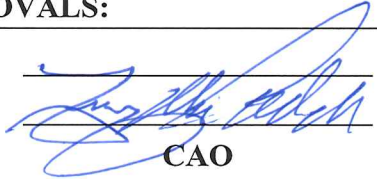
Pursuant to section 27 of the *Environmental Protection and Enhancement Act*, please notify Norma Campbell immediately at [norma.campbell@gov.ab.ca](mailto:norma.campbell@gov.ab.ca) with the names of individuals still requiring designations. We will also need the names of those who no longer require a designation (may no longer work in area or their work position has changed). Also, if you require any changes to the designations you presently have for your local authority.

Sincerely,

Faye Hutchings  
Senior Provincial Compliance Manager  
Provincial Programs Branch

# Recommendation to Council

G2e

<b>TITLE:</b> Rural to Rural Intermunicipal Development Plans First Reading of Bylaws		
<b>PREPARED BY:</b> Roland Milligan		<b>DATE:</b> September 4, 2019
<b>DEPARTMENT:</b> Planning and Development		
		<b>ATTACHMENTS:</b> 1) Bylaw Reading Pages: Bylaws 1308-19, 1309-19, 1310-19, and 1311-19. 2) Draft Bylaws: a. Cardston County IDP b. Crowsnest Pass IDP c. MD Willow Creek IDP d. MD Ranchland IDP
<b>Department Supervisor</b>	<b>Date</b>	
<b>APPROVALS:</b>		
		
Department Director	Date	Date

**RECOMMENDATION (Four Separate Resolutions of Council)**

That Council give First Reading to Bylaw 1308-19, being the Intermunicipal Development Plan for the Municipal District of Pincher Creek No. 9 and Cardston County, and set a date for the required Public Hearing.

That Council give First Reading to Bylaw 1309-19, being the Intermunicipal Development Plan for the Municipal District of Pincher Creek No. 9 and the Municipality of Crowsnest Pass, and set a date for the required Public Hearing.

That Council give First Reading to Bylaw 1310-19, being the Intermunicipal Development Plan for the Municipal District of Pincher Creek No. 9 and the Municipal District of Ranchland No. 66, and set a date for the required Public Hearing.

That Council give First Reading to Bylaw 1311-19, being the Intermunicipal Development Plan for the Municipal District of Pincher Creek No. 9 and the Municipal District of Willow Creek No. 26, and set a date for the required Public Hearing.

## Recommendation to Council

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### **BACKGROUND:**

In cooperation with the Oldman River Regional Services Commission and our neighboring rural municipalities, four draft Intermunicipal Development Plans have been prepared to meet the requirements of the Municipal Government Act.

The four draft bylaws are being presented for first reading prior to setting a date for the required public hearings.

### **FINANCIAL IMPLICATIONS:**



**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
IN THE PROVINCE OF ALBERTA**

**BYLAW NO. 1308-19**

BEING a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to adopt an Intermunicipal Development Plan between the Municipal District of Pincher Creek No. 9 and Cardston County pursuant to sections 631 and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

WHEREAS municipalities are required by the province to expand intermunicipal planning efforts to address planning matters that transcend municipal boundaries through an intermunicipal development plan;

AND WHEREAS both the Councils of the Municipal District of Pincher Creek No. 9 and Cardston County agree that it is to their mutual benefit to establish joint planning policies and this negotiation and agreement reflects a continuing cooperative approach between the two municipalities and the desire to see well-planned, orderly, and managed growth.

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 Municipal District of Pincher Creek No. 9 duly assembled hereby enacts the following:

1. That the Municipal District of Pincher Creek No. 9 and Cardston County Intermunicipal Development Plan, attached hereto, be adopted.
2. This plan, upon adoption, shall be cited as the Municipal District of Pincher Creek No. 9 and Cardston County Intermunicipal Development Plan Bylaw No. 1308-19 and Bylaw No. 726.2019.
3. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

READ a **second** time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

READ a **third** time and finally PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

Municipal District of  
Pincher Creek No. 9  
&  
Cardston County

# Intermunicipal Development Plan

Bylaw No. 1308-19 & Bylaw No. 726.2019

September 2019





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Prepared for the Municipal District of Pincher Creek No. 9 and Cardston County**

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# Table of Contents

<b>1   INTRODUCTION .....</b>	<b>1</b>
1.1 Purpose of the Plan .....	1
1.2 Plan Preparation and Shared Values .....	2
1.3 Municipal Profiles .....	2
<i>Municipal District of Pincher Creek No. 9</i> .....	2
<i>Cardston County</i> .....	3
1.4 Legislative Requirements .....	3
<b>2   PLAN AREA .....</b>	<b>5</b>
2.1 Study Area Analysis .....	5
2.2 Key Characteristics of the Plan Area .....	5
<i>Waterton River Valley</i> .....	5
<i>Land Use and Residential Development</i> .....	6
<i>Transportation Infrastructure</i> .....	6
<i>Natural Environment and Historic Resources</i> .....	6
<i>Natural Resource Extraction and Energy Development</i> .....	6
<b>3   POLICIES .....</b>	<b>7</b>
3.1 General .....	7
3.2 Land Use .....	7
<i>Agriculture</i> .....	8
<i>Confined Feeding Operations (CFOs)</i> .....	8
<i>Rural Recreational and Grouped Country Residential</i> .....	9
<i>Resource Extraction</i> .....	9
<i>Industry and Energy Development</i> .....	9
<i>Utilities / Telecommunications Towers</i> .....	10
3.3 Transportation and Road Networks .....	10
3.4 Natural Environment .....	11
3.5 Interpretation .....	12

<b>4   PLAN ADMINISTRATION &amp; IMPLEMENTATION .....</b>	<b>13</b>
4.1 Intermunicipal Development Plan Committee Policies .....	13
4.2 Referral Policies .....	14
<i>General</i> .....	14
<i>Municipal Development Plans</i> .....	15
<i>Other Statutory Plans</i> .....	15
<i>Land Use Bylaws</i> .....	15
<i>Design Concepts</i> .....	16
<i>Subdivision and Development</i> .....	16
<i>Response Timelines</i> .....	16
<i>Consideration of Responses</i> .....	16
4.3 Plan Validity and Amendment Policies .....	17
<b>5   DISPUTE RESOLUTION POLICIES .....</b>	<b>18</b>
5.1 General Dispute Process .....	18
<i>General Agreement</i> .....	18
<i>Dispute Resolution</i> .....	18
<i>Filing an Intermunicipal Dispute under the Municipal Government Act</i> .....	19
<i>Dispute Resolution Flowchart</i> .....	20

**APPENDIX A | MAPS**

# Municipal District of Pincher Creek No. 9 & Cardston County

## Intermunicipal Development Plan

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### 1 | INTRODUCTION

#### 1.1 Purpose of the Plan

The purpose of the Municipal District of Pincher Creek No. 9 (MD of Pincher Creek) and Cardston County Intermunicipal Development Plan (IDP or the Plan) is to foster ongoing collaboration and cooperation regarding planning matters and issues of mutual interest and address and clarify land use expectations within the agreed upon intermunicipal development plan area (Plan Area).

This IDP serves as a planning tool providing guidance to decision-makers through the agreed upon planning policies that apply to the land within the Plan Area. The IDP contains policy that is to be used as a framework for working cooperatively, communicating and making decisions in each municipality. Each municipality is ultimately responsible for making decisions within their own municipal jurisdiction.

The intended goals of the IDP are:

- To promote consultation, coordination and cooperation regarding planning matters of joint interest within the Plan Area.
- To provide a framework for addressing land use concerns with regard to joint planning matters within the Plan Area.
- To provide a clear policy framework that serves to guide future planning decisions for land located within the Plan Area, affording enhanced coordination of development within the Plan Area.

The preparation and implementation of an IDP can result in many benefits to both municipalities including, but not limited to, the following:

- To establish an approach to identify possible joint ventures for infrastructure and service sharing to promote efficient planning and potential delivery of services.
- To reinforce and protect each municipality's development philosophies and goals while minimizing the potential for future intermunicipal conflict.
- To provide policy addressing plan administration, amendment and dispute resolution procedures.

## **1.2 Plan Preparation and Shared Values**

The formation of the Plan was guided by the IDP Review Committee which was composed of two Council members from each municipality. Senior administration and ORRSC Planners from both municipalities were also involved throughout the process as technical advisors. With respect to committee decision making, both parties agreed at the outset of the process that their chosen decision-making model would be based on reaching consensus on the issues discussed.

A background analysis was undertaken which served as the foundation from which both municipalities could review the existing land use conditions and determine the relevant issues, goals and objectives. Through thoughtful discussion, it was determined that a series of fundamental shared values would inform and guide the document. These values are the foundation from which the policy of the IDP has been developed and will inform municipal decision making going forward in the Plan Area. The shared values include:

- Shared Stewardship
- Transportation Linkages
- Protection of Water Resources – both surface and groundwater
- Supporting a Healthy Agricultural Economy

A draft document was prepared with input from the IDP Review Committee and presented to each municipal Council for review prior to consultation with affected landowners, stakeholders and the general public. Upon completing the consultation phase, a refined document was prepared and a final draft forwarded to each Council for approval through the bylaw process. As required by the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA)*, separate public hearings were held by each Council and subsequent to the public hearings, the IDP was adopted by each municipality.

## **1.3 Municipal Profiles**

### ***Municipal District of Pincher Creek No. 9***

The MD of Pincher Creek encompasses an area of approximately 352,000 hectares (869,000 acres) with a population of 2,965 (Alberta Municipal Affairs, 2018). The Municipal District surrounds two urban municipalities, contains five hamlets, and is bordered by three rural municipalities, a specialized municipality, national park and a First Nations Reserve. The economy is largely agricultural, with ranching predominant in the eastern slopes. Alternative energy developments, particularly wind turbine development has been locating in the municipality in the past several decades. The MD of Pincher Creek is home to the Oldman Dam and Reservoir, an on-stream storage facility operated by the Government of Alberta.

## Cardston County

Cardston County encompasses an area of approximately 341,500 hectares (843,865 acres) with a population of 4,481 (Alberta Municipal Affairs, 2018). The County surrounds eleven hamlets, two villages, two towns and is bordered by four municipalities, one First Nations Reserve, Waterton Lakes National Park and the United States. Agriculture is a prime economic force in the County which includes a combination of dryland and irrigation farming in addition to ranching.

### 1.4 Legislative Requirements

This Plan has been prepared in accordance with the requirements of the *MGA*, and complies with the South Saskatchewan Regional Plan (SSRP).

Specifically the *MGA* requires:

*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.*

*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, and*
- 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.*

The South Saskatchewan Regional Plan 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 through 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.

### **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 the IDP.

## 2 | PLAN AREA

### 2.1 Study Area Analysis

Given the vast size of the municipalities, in order to focus on the border area and potential impacts, a series of maps was developed, with emphasis on the area adjacent to the shared border. The purpose was to identify opportunities and constraints, as well as influences which may affect land use planning in proximity of the boundary between the two municipalities.

The following features were displayed on the maps and considered by the IDP Review Committee:

- Residences and Urban Areas
- Transportation Corridors
- Land Use and Natural Characteristics
- Agricultural uses and Confined Feeding Operations (CFOs)
- Surface Materials Extraction and Energy Development
- Natural Environment and Water
- Environmentally Significant Areas (ESAs)
- Historical Resource Value (HRV) Sites

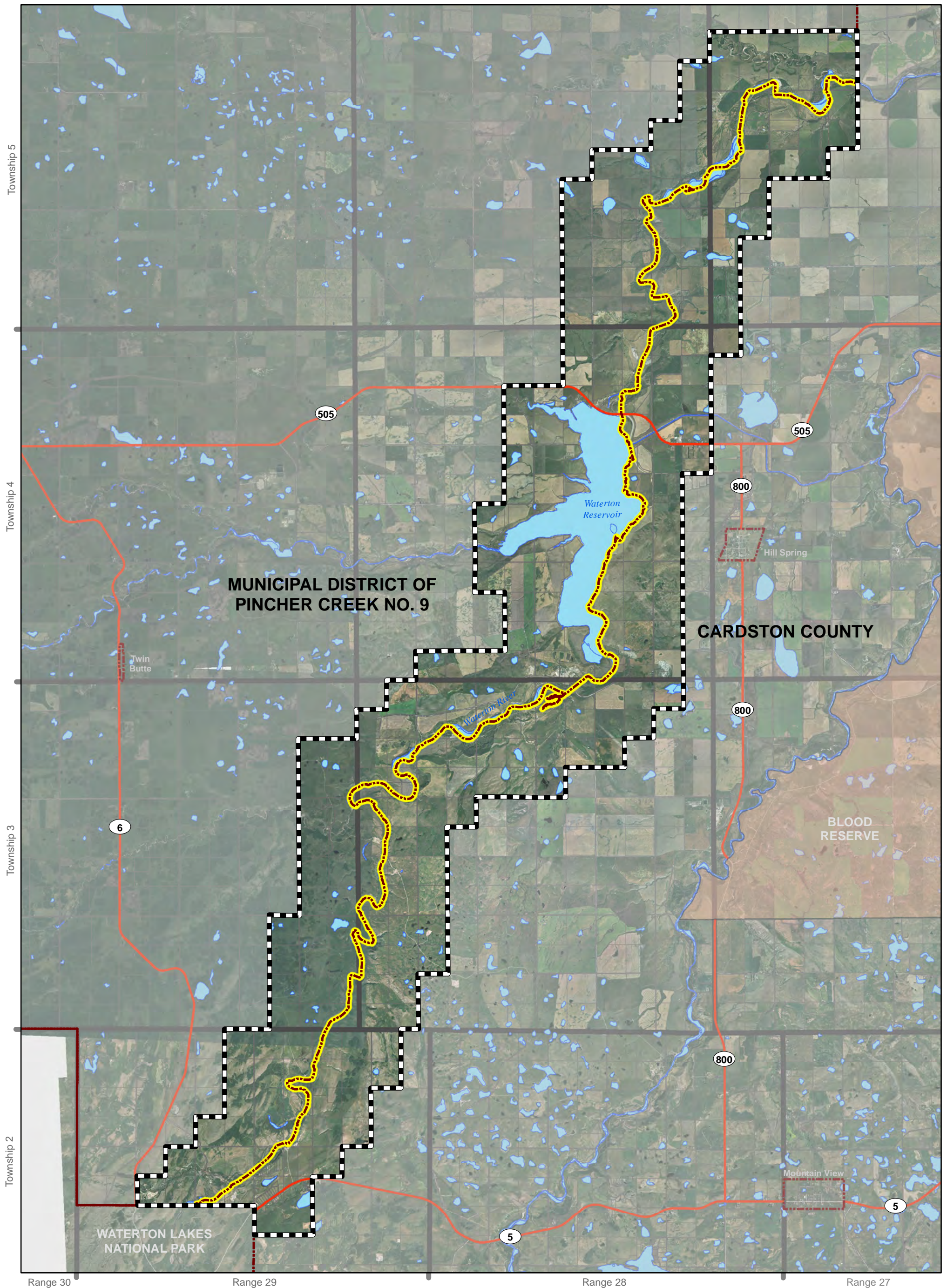
After consideration of social, economic and physical features listed below, it was determined that a Plan Area of approximately 1.6 km (1 mile) on each side of the municipal boundary was adequate (refer to Map 1 for illustration of the Plan Area). Additional lands have been included in the Plan Area to ensure that a minimum of a full 1.6 km (1 mile) on each side of the border was captured due to the meandering of the Waterton River.

### 2.2 Key Characteristics of the Plan Area

The MD of Pincher Creek and Cardston County Intermunicipal Plan Area encompasses approximately 17,197 hectares (42,494 acres). Key characteristics of the Plan Area include the following, some of which are illustrated on Maps 2-4 in Appendix A.

#### *Waterton River Valley*

- The Waterton River defines the border between the two municipalities.
- In some places the river valley creates topographic challenges.
- The Waterton Reservoir, owned and operated by the Province of Alberta, is a key feature within the Plan Area and the Plan Boundary was expanded to encompass the reservoir and adjacent lands.



**MUNICIPAL DISTRICT OF  
PINCHER CREEK NO. 9**

**CARDSTON COUNTY**

**WATERTON LAKES  
NATIONAL PARK**

**BLOOD  
RESERVE**

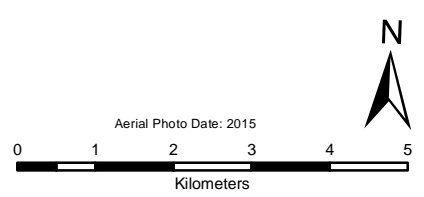
**Municipal District of Pincher Creek and Cardston County  
Intermunicipal Development Plan**

**Map 1**

**Plan Area Boundary**

-  Plan Area
-  M.D. of Pincher Creek/Cardston County Border
-  Provincial Highway
-  Waterbodies
-  Reserve

Municipal District of Pincher Creek  
(Bylaw No. 1308-19) &  
Cardston County  
(Bylaw No. 726.2019)



### ***Land Use and Residential Development***

- Agriculture is the primary land use of the area, with a mix of farming and ranching agricultural operations. The Waterton Colony confined feeding operation is located within the Plan Area. Soil classes 2 through 6 are present, resulting in a diversity of agricultural practices.
- A small amount of land within the Plan Area is under control and ownership of the Province of Alberta.
- The Nature Conservancy of Canada (NCC) and Southern Alberta Land Trust Society (SALTS) have conservation easements on lands located within the Plan Area.
- No urban municipalities exist within the Plan Area, but the Village of Hill Spring is situated ½ mile east of the plan boundary. Farmsteads are found throughout with a cluster of country residences located near the border of Waterton National Park in Cardston County.

### ***Transportation Infrastructure***

- Highway 505 runs east and west and links the two municipalities north of the Waterton Reservoir. Highway 5 and Highway 6 are located within the southerly portion of the Plan Area.
- One municipal road, Township Road 4-0 in the MD of Pincher Creek and Township Road 40 in Cardston County, connects the two municipalities south of the Waterton Reservoir.

### ***Natural Environment and Historic Resources***

- A substantial portion of land within the Plan Area is identified as environmentally significant which includes water bodies, riparian and natural habitats that function as wildlife corridors adjacent to the Waterton River.
- HRV sites ranking 4 and 5, which have the potential to contain historic resources are mainly concentrated along the Waterton River and Reservoir within the Plan Area. Lands with the higher ranking HRV 3 value are located adjacent to the Waterton Reservoir, which contain resources that require avoidance of disturbance.

### ***Natural Resource Extraction and Energy Development***

- Sand and gravel potential has been assumed in the northerly and southerly portions of the Plan Area along the Waterton River.
- The BA (Gulf) Pincher Creek Gas Plant is located in the MD of Pincher Creek west of the 1 mile Plan Area.
- Several oil and gas pipelines connect the two municipalities and both active and abandoned gas wells are located within the Plan Area.
- A 69 KV transmission line is located north of the Waterton Reservoir.

## 3 | POLICIES

The land use policies contained in this Plan are intended to provide direction to the MD of Pincher Creek and Cardston County Councils, subdivision and development authorities and administrations to encourage and manage the future development of lands contained within the Plan Area as displayed in Map 1.

### 3.1 General

#### **INTENT**

To provide administrative policies within the Plan Area which foster intermunicipal communication, consultation and cooperation.

#### **POLICIES**

- 3.1.1 The MD of Pincher Creek and Cardston County shall strive to engage in effective dialogue when considering land use, while still maintaining jurisdiction on lands within their own boundaries.
- 3.1.2 The municipalities will continue to build partnerships and foster a collaborative relationship with the adjacent municipality to promote regional interests, where deemed appropriate, including the support of mutually beneficial service agreements and shared environmental, economic and social outcomes.
- 3.1.3 Both municipalities agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.
- 3.1.4 The MD of Pincher Creek and Cardston County shall strive, to the best of their ability and knowledge, to refer notices of government projects to each other.
- 3.1.5 Both municipalities are encouraged to share with the adjacent municipality, the results of all publicly available technical analyses required by a Subdivision and Development Authority as part of an application, where there is the potential for impacts on lands and bodies of water within the adjacent municipality.

### 3.2 Land Use

#### **INTENT**

To provide policies on land use within the Plan Area which reflect the development philosophies of both municipalities.

## **POLICIES**

### **Agriculture**

- 3.2.1 Agriculture will continue to be the predominant land use in the Plan Area. The impact on agricultural uses should be a consideration when determining suitability of non-agricultural land uses in the Plan Area.
- 3.2.2 Both municipalities will strive to work cooperatively to encourage good neighbour farming practices, such as dust, soil erosion, weed and insect control, adjacent to developed areas through best management practices and Alberta Agriculture guidelines.
- 3.2.3 If disputes or complaints in either municipality should arise between landowners and agricultural operators, the municipality receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or municipality for consultation or resolution wherever necessary.

### **Confined Feeding Operations (CFOs)**

- 3.2.4 Existing permitted CFOs will be allowed to continue to operate under acceptable operating practices and within the requirements of the *Agricultural Operation Practices Act and Regulations*.
- 3.2.5 If either the MD of Pincher Creek or Cardston County are in receipt of a notice of application from the Natural Resources Conservation Board (NRCB) for new or expanded CFOs, they will forward a copy of the notification to the other municipality.
- 3.2.6 Both municipalities recognize the importance of the CFO exclusion/restricted areas identified within the Plan Area. New CFOs will be prohibited or restricted in accordance with the respective municipality's Municipal Development Plan policies.
- 3.2.7 Cardston County recognizes the importance of the CFO exclusion area around the Village of Hill Spring and along the Waterton River and has agreed to establish a complementary confined feeding operation restricted area within their jurisdiction.
- 3.2.8 If either municipality proposes an amendment to a CFO exclusion/restricted area within the Plan Area or proposes additional CFO exclusion/restricted areas within the Plan Area, the proposal will be circulated to the other municipality for comment in accordance with this Plan.
- 3.2.9 Prior to issuing comment on a notice of application to the NRCB for a new or expanded CFO within the Plan Area, the municipalities will consult with one another regarding the applicant's proposed haul routes to and from the CFO.

### ***Rural Recreational and Grouped Country Residential***

- 3.2.10 Proposals to designate or develop land within the Plan Area for rural recreational use will be referred to the other municipality for comment in accordance with this Plan.
- 3.2.11 Any proposal to designate land, adopt an Area Structure Plan, or approve a conceptual design scheme within the Plan Area for grouped country residential use will be referred to the other municipality for comment in accordance with this Plan.
- 3.2.12 The MD of Pincher Creek and Cardston County acknowledge that their municipal land use policies differ regarding land use and agree that municipal autonomy on land use matters within this area will continue.
- 3.2.13 With respect to grouped country residential development and rural recreational use in the vicinity of the Waterton River and Reservoir, both municipalities agree to consider the potential impacts and cumulative effects of such development on the area prior to designation of land, adoption of an Area Structure Plan, or approval of a conceptual design.
- 3.2.14 Applicants proposing grouped country residential and rural recreational developments adjacent to the Waterton River or Waterton Reservoir should consult with Alberta Environment and Parks during preparation of their proposal.

### ***Resource Extraction***

- 3.2.15 The municipalities will consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for new gravel pits, or other extractive activities, where they maintain jurisdiction.
- 3.2.16 Either municipality may require an agreement regarding the construction, repair, and maintenance of any municipal roads which may be impacted by resource development, when the development requires access from the other municipality's road.
- 3.2.17 If either the MD of Pincher Creek or Cardston County are in receipt of a notice or application for a new or expanded public or privately owned gravel pit within the Plan Area, they shall forward a copy of the notice to the other municipality.

### ***Industry and Energy Development***

- 3.2.18 The municipalities may consider the location of renewable energy developments and other industrial development where compatible with existing land uses and each municipality's planning documents.

- 3.2.19 The municipalities may consider renewable energy developments (e.g. solar, wind, water, biofuel, etc.) and other industrial development where deemed compatible with existing land uses and will circulate development applications to one another in accordance with this Plan.
- 3.2.20 If an application is received for a renewable energy project that transcends a municipal boundary, both municipalities agree to consult and coordinate with each other regarding the proposal, wherever possible. In such a circumstance, the applicant of the development is required:
- a) to apply to each municipality separately for development approval and is subject to the respective development processes, fee schedules, and requirements of each municipality;
  - b) to report the findings to both municipalities of any public consultation activity, such as an open house or other public consultation meeting, conducted with respect to the proposal.

### ***Utilities / Telecommunications Towers***

- 3.2.21 When providing comments to provincial and federal departments regarding utility development, the MD of Pincher Creek and Cardston County will request that consideration be given to the establishment of utility corridors with multiple users.
- 3.2.22 Where there is an application for a new, expanded or retrofitted telecommunications tower within the Plan Area, the MD of Pincher Creek and Cardston County will notify the other municipality to seek their comments.
- 3.2.23 It is the preference of both municipalities that co-location of telecommunication facilities be undertaken where technically feasible.

## ***3.3 Transportation and Road Networks***

### ***INTENT***

The two municipalities are connected via Highway 505, an essential agricultural transportation corridor between the MD of Pincher and Cardston County. Highways 5 and 6 are also located in the southerly portion of the Plan Area and serve as important transportation corridors for both municipalities. Road infrastructure is limited due to the Waterton River which marks the boundary line between municipalities. It is important that both municipalities take into consideration the impact of development on municipal and provincial road infrastructure within the Plan Area.



## ***POLICIES***

- 3.3.1 Each municipality shall be notified of any subdivision or development proposal in the other municipality that will result in access being required from a road under its control or management. The affected municipality must give its approval in writing prior to the application being considered as complete by the other municipality.
- 3.3.2 When required by Alberta Transportation, developers shall conduct traffic studies with respect to the impact and access onto the highway. Any upgrading identified by a traffic study conducted by a developer with respect to a highway shall be implemented by the developer at its sole cost and to the satisfaction of Alberta Transportation.
- 3.3.3 Both municipalities agree to consult and work with Alberta Transportation regarding the implementation of this Plan and consider how development may impact the highways within the Plan Area.
- 3.3.4 The municipalities should endeavor to maintain open dialogue with Alberta Transportation regarding the provincial highways in the Plan Area, including any changes to the highways that may have impacts on the municipalities.
- 3.3.5 The municipalities may explore negotiating road use agreements as necessary for the maintenance and upkeep of local roads connecting the municipalities.

## ***3.4 Natural Environment***

### ***INTENT***

Both municipalities recognize the connection between the natural environment and quality of life and strive to protect, preserve and enhance natural systems and environmentally significant areas, while promoting appropriate development.

### ***POLICIES***

- 3.4.1 When making land use decisions, each municipality will:
  - a) utilize and incorporate measures which minimize possible impacts to the Waterton River and Waterton Reservoir;
  - 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.

- 3.4.2 Lands that have been identified that may contain an environmentally significant site may be required to conduct an environmental impact assessment (EIA) and the proponent should contact Alberta Environment and Parks.
- 3.4.3 Lands that have been identified that may contain a historic resource may be required to conduct a historical resource impact assessment (HRIA) and the proponent should consult the *Historical Resources Act* and Alberta Culture and Tourism.
- 3.4.4 Both municipalities should consider the provincial Water for Life Strategy and Wetland Policy when making land use decisions with the goal of sustaining environment and economic benefits.

### **3.5 Interpretation**

#### **INTENT**

To ensure the policies and language within this Plan are communicated in the proper context to ensure the intent of the Plan is as clear and concise as possible.

#### **POLICIES**

- 3.5.1 Unless otherwise required by the context, words used in the present tense include the future tense, words used in the singular include the plural, and the word person includes a corporation as well as an individual. Unless otherwise stipulated, the *Interpretation Act, Chapter 1-8, RSA 2000* as amended, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.
- 3.5.2 All references to a specific agency, body, or department were accurate at the time of writing. It is understood that agency, body and department names change from time to time. All references throughout the Plan shall therefore be considered to be applicable to the current relevant agency, body or department.
- 3.5.3 The geographical or relative boundaries or any variable presented on the maps contained in this Plan, with the exception of the boundaries of the Plan Area, shall be interpreted as a rough approximation and not an accurate depiction of its actual or full extension.

## 4 | PLAN ADMINISTRATION & IMPLEMENTATION

### 4.1 Intermunicipal Development Plan Committee Policies

#### **INTENT**

The implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. An Intermunicipal Development Plan Committee with joint representation will ensure continued dialogue and cooperation, as the purpose of this committee is to promote active cooperation and conflict resolution through a consensus-based approach.

#### **POLICIES**

- 4.1.1 For the purposes of administering and monitoring the IDP, the MD of Pincher Creek and Cardston County establish the Intermunicipal Development Plan Committee (the Committee).
- 4.1.2 Both Councils agree the Intermunicipal Development Plan Committee will be an advisory body and may make comments or recommendations to the MD of Pincher Creek and Cardston County. In its advisory capacity, the Committee does not have decision making authority or powers with respect to planning matters in either municipality.
- 4.1.3 The Committee will be comprised of two (2) members of Council from both the MD of Pincher Creek and Cardston County. Each municipality may appoint an alternate Committee member in the event a regular member cannot attend a scheduled meeting. Alternate Committee members shall have standing. Quorum shall consist of four (4) voting members.
- 4.1.4 Members of the Committee shall be appointed by their respective Councils at the Organizational Meeting. If a Council wishes to appoint a new member to the Committee (including the alternate), they must do so by motion of Council at a regular Council meeting. The municipalities shall notify one another upon appointing members and alternate members to the Committee.
- 4.1.5 The municipalities agree that the purpose of the Committee is to:
  - a) provide a forum for discussion of land use matters within the Plan Area,
  - b) provide recommendation(s) for proposed amendments to the Plan,
  - c) discuss and address issues regarding Plan implementation,
  - d) review and provide comment on referrals under Section 4.2 and any other matters referred to the Committee,
  - e) provide recommendation(s) regarding intermunicipal issues in an effort to avoid a dispute, and

- f) provide a forum for discussion of any other matter of joint interest identified by either municipality.
- 4.1.6 Meetings of the Committee may be held at the request of either municipality to discuss land use or other planning matters, dispute resolution, or any other matter of intermunicipal importance and may be closed to the public in accordance with Section 197 of the *MGA*. Additionally, any matter in Section 4.2 may be referred by either municipality to the Committee for comment prior to a decision being rendered.
- 4.1.7 A municipality may call a meeting of the Committee at any time upon not less than five (5) days' notice of the meeting being given to all members of the Committee and support personnel, stating the date, the time, purpose and the place of the proposed meeting. The five (5) days' notice may be waived with  $\frac{3}{4}$  of the Committee members' agreement noted.
- 4.1.8 The municipality that called the meeting of the Committee shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.
- 4.1.9 At least one (1) member of each municipality's administrative staff shall attend each meeting in the capacity of technical, non-voting advisor.
- 4.1.10 Any changes to the Committee format, composition, roles, responsibilities or any aspect of its existence or operation may be requested by either municipality.
- 4.1.11 Where a matter has been referred to the Committee and a resolution cannot be found, the Dispute Resolution process in Section 5 of this Plan should be adhered to.

## **4.2 Referral Policies**

### **INTENT**

To establish a process for consistent and transparent sharing of information necessary to make decisions in accordance with the intent of the Plan.

### **POLICIES**

#### **General**

- 4.2.1 Where an intermunicipal referral is required by the *MGA* or the policies contained in this Plan, both municipalities agree to share mailing address and property ownership information for circulation purposes with the adjacent municipality, and where applicable, the municipality's processing agency.

- 4.2.2 Where a plan or bylaw, including amendments, or application, requires notifications to be sent to a municipality that is external to this IDP, the referring municipality shall follow the referral requirements outlined in the *MGA*, and where applicable, those contained in a relevant Intermunicipal Development Plan.
- 4.2.3 Administrative staff or representatives for the MD of Pincher Creek and Cardston County are encouraged to discuss with one another forthcoming Statutory Plans and Land Use Bylaws, including amendments, which may impact the Plan Area.
- 4.2.4 Administrative staff or representatives for the MD of Pincher Creek and Cardston County are encouraged to discuss with one another forthcoming subdivision and development applications that may impact lands within the Plan Area.
- 4.2.5 The municipalities are encouraged to refer to each other for comment on 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 Plan Area.

### ***Municipal Development Plans***

- 4.2.6 A newly proposed Cardston County Municipal Development Plan or amendment shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.7 A newly proposed MD of Pincher Creek Municipal Development Plan or amendment shall be referred to Cardston County for comment prior to a public hearing.

### ***Other Statutory Plans***

- 4.2.8 A newly proposed Cardston County statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.9 A newly proposed MD of Pincher Creek statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to Cardston County for comment prior to a public hearing.

### ***Land Use Bylaws***

- 4.2.10 All Land Use Bylaw amendments in Cardston County that affect lands in the Plan Area shall be referred to the MD. of Pincher Creek for comment prior to a public hearing.
- 4.2.11 All Land Use Bylaw amendments in the MD of Pincher Creek that affect lands in the Plan Area shall be referred to Cardston County for comment prior to a public hearing.

4.2.12 All redesignation applications affecting the Plan Area shall be referred to the other municipality for comment prior to a public hearing.

4.2.13 A newly proposed Land Use Bylaw from either municipality shall be referred to the other for comment prior to a public hearing.

### ***Design Concepts***

4.2.14 All design concepts in support of a subdivision or development in Cardston County that will affect lands in the Plan Area shall be referred to the MD of Pincher Creek for comment prior to Council resolution.

4.2.15 All design concepts in support of a subdivision or development in the MD of Pincher Creek that will affect lands in the Plan Area shall be referred to Cardston County for comment prior to Council resolution.

### ***Subdivision and Development***

4.2.16 All subdivision applications for lands within the Plan Area shall be referred to the other municipality for comment prior to a decision being rendered.

4.2.17 Cardston County shall refer all discretionary use development applications within the Plan Area to the MD of Pincher Creek for comment prior to a decision being rendered.

4.2.18 The MD of Pincher Creek shall refer all discretionary use development applications within the Plan Area to Cardston County for comment prior to a decision being rendered.

### ***Response Timelines***

4.2.19 The responding municipality shall, from the date of mailing, have the following timelines to review and provide comment on intermunicipal referrals:

- a) 15 calendar days for all development applications,
- b) 19 calendar days for subdivision applications, and
- c) 30 calendar days for all other intermunicipal referrals.

4.2.20 In the event that either municipality or the Committee does not reply within, or request an extension by, the response time for intermunicipal referrals stipulated in this Section, it is presumed that the responding municipality and/or Committee has no comment or objection to the referred planning application or matter.

### **Consideration of Responses**

- 4.2.21 Comments from the responding municipality and/or the Committee regarding proposed Municipal Development Plans, other statutory plans, and Land Use Bylaws, or amendments to any of those documents, shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered.
- 4.2.22 Comments from the responding municipality and/or the Committee regarding subdivision and development applications shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered on the application.

### **4.3 Plan Validity and Amendment Policies**

#### **INTENT**

This Plan may require amendments from time to time to accommodate unforeseen situations, and to keep the Plan relevant.

#### **POLICIES**

- 4.3.1 This Plan comes into effect on the date it is adopted by both municipalities.
- 4.3.2 Amendments shall be adopted by both Councils using the procedures outlined in the *MGA*. No amendment shall come into force until such time as both municipalities adopt the amending bylaw.
- 4.3.3 Applications for amendments to this Plan by parties other than the MD of Pincher Creek and Cardston County (e.g. landowners and developers) shall be made to both municipalities along with the applicable fee as established by each municipality for processing amendments to a statutory plan.
- 4.3.4 Administrative staff should review the policies of the Plan annually and discuss land use matters, issues and concerns on an on-going basis. Administrative staff may make recommendations to their respective Councils for amendment to the Plan to ensure the policies remain relevant and continue to meet the needs of both municipalities.
- 4.3.5 A formal review of the Plan will occur within 10 years from the date the IDP is adopted by both municipalities.

## 5 | DISPUTE RESOLUTION POLICIES

### 5.1 *General Dispute Process*

#### **INTENT**

The intent of the dispute resolution process is to maximize opportunities for discussion and review in order to resolve areas of disagreement early in the process. Despite the best efforts of both municipalities, it is understood that disputes may arise from time to time affecting land use within the Plan boundary. The following process is intended to settle disputes through consensus and minimize the need for formal mediation.

#### **POLICIES**

##### **General Agreement**

The municipalities agree that:

- 5.1.1 It is important to avoid dispute by ensuring that the Plan is adhered to as adopted, including full circulation of any permit or application that may affect the municipality as required in the Plan and prompt enforcement of the Plan policies.
- 5.1.2 Prior to the meeting of the Committee, each municipality through its administration will ensure the facts of the issue have been investigated and clarified, and information is made available to both parties. Staff meetings are encouraged to discuss possible solutions.
- 5.1.3 The Committee should discuss the issue or dispute with the intent to seek a recommended solution by consensus.

##### **Dispute Resolution**

In the case of a dispute, the following process will be followed to arrive at a solution:

- 5.1.4 When a potential intermunicipal issue comes to the attention of either municipality relating to a technical or procedural matter, such as inadequate notification or prescribed timelines, misinterpretation of Plan policies, or a clerical error regarding the policies of this Plan, either municipality's Land Use Bylaw, or any other plan affecting lands in the Plan Area, it will be directed to the administrators of each municipality. The administrators will review the technical or procedural matter and if both administrators are in agreement, take action to rectify the matter.



- 5.1.5 Should either municipality identify an issue related to this Plan that may result in a dispute that cannot be administratively resolved under Section 5.1.4 or any other issue that may result in a dispute, the municipality should contact the other and request that an Intermunicipal Development Plan Committee meeting be scheduled to discuss the issue. The Committee will review the issue and attempt to resolve the matter by consensus.
- 5.1.6 Should the Intermunicipal Development Plan Committee be unable to arrive at a consensus, the administration of each municipality will schedule a joint meeting of the two Councils to discuss possible solutions and attempt to reach consensus on the issue.
- 5.1.7 Should the Councils be unable to resolve the matter, either municipality may initiate a formal mediation process to facilitate resolution of the issue.

### ***Filing an Intermunicipal Dispute under the Municipal Government Act***

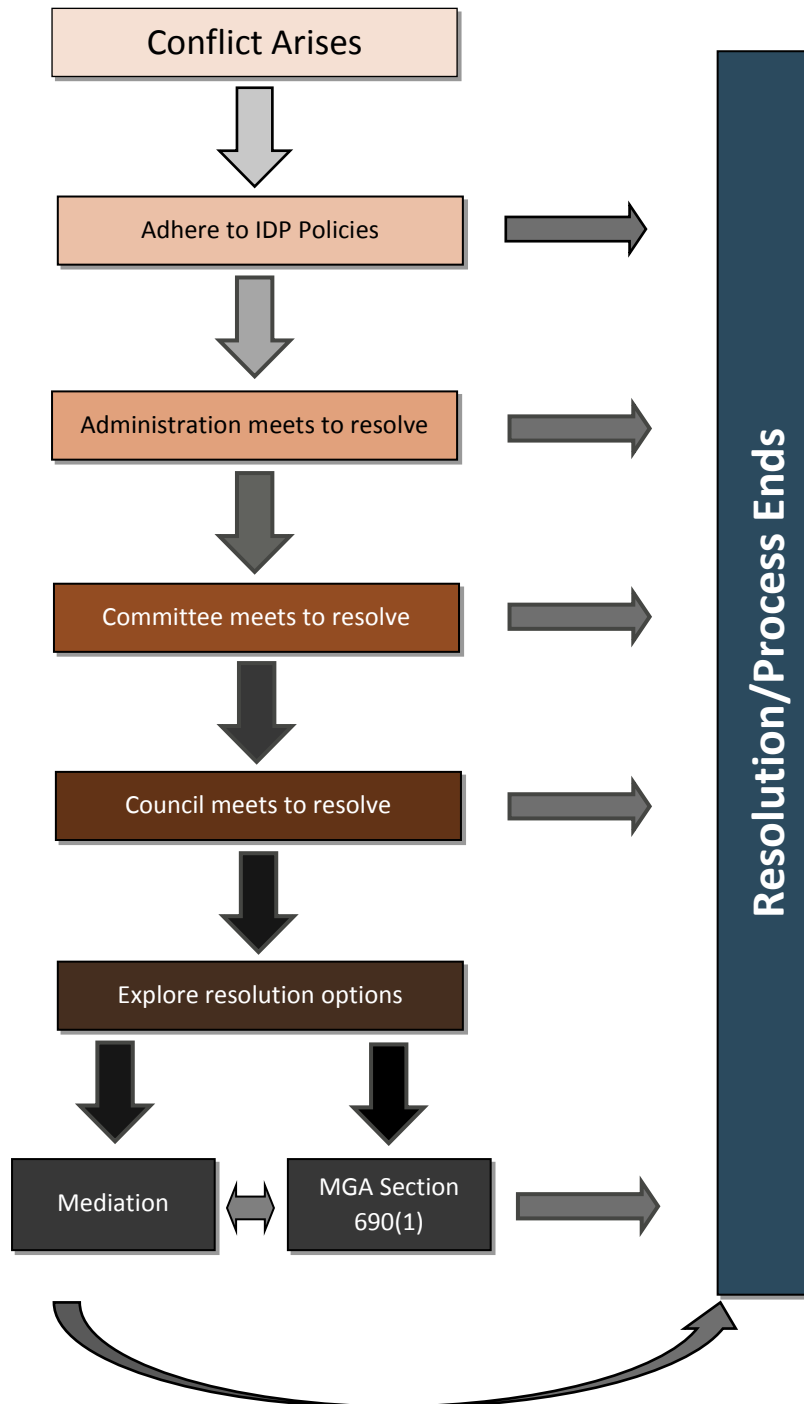
- 5.1.8 In the case of a dispute involving the adoption of a statutory plan, Land Use Bylaw or amendment to such, within 30 days of adoption, the municipality initiating the dispute may, without prejudice, file an appeal to the Municipal Government Board under section 690(1) of the *MGA* so that the provincial statutory right and timeframe to file an appeal is not lost.
- 5.1.9 The appeal may then be withdrawn, without prejudice, if a solution or agreement is reached between the two municipalities prior to the Municipal Government Board meeting. This is to acknowledge and respect that the time required to seek resolution or mediation may not be able to occur within the 30 day appeal filing process as outlined in the *MGA*.

**Note:** *Using section 690(1) of the MGA is the final stage of dispute settlement, where the municipalities request the Municipal Government Board to intercede and resolve the issue.*



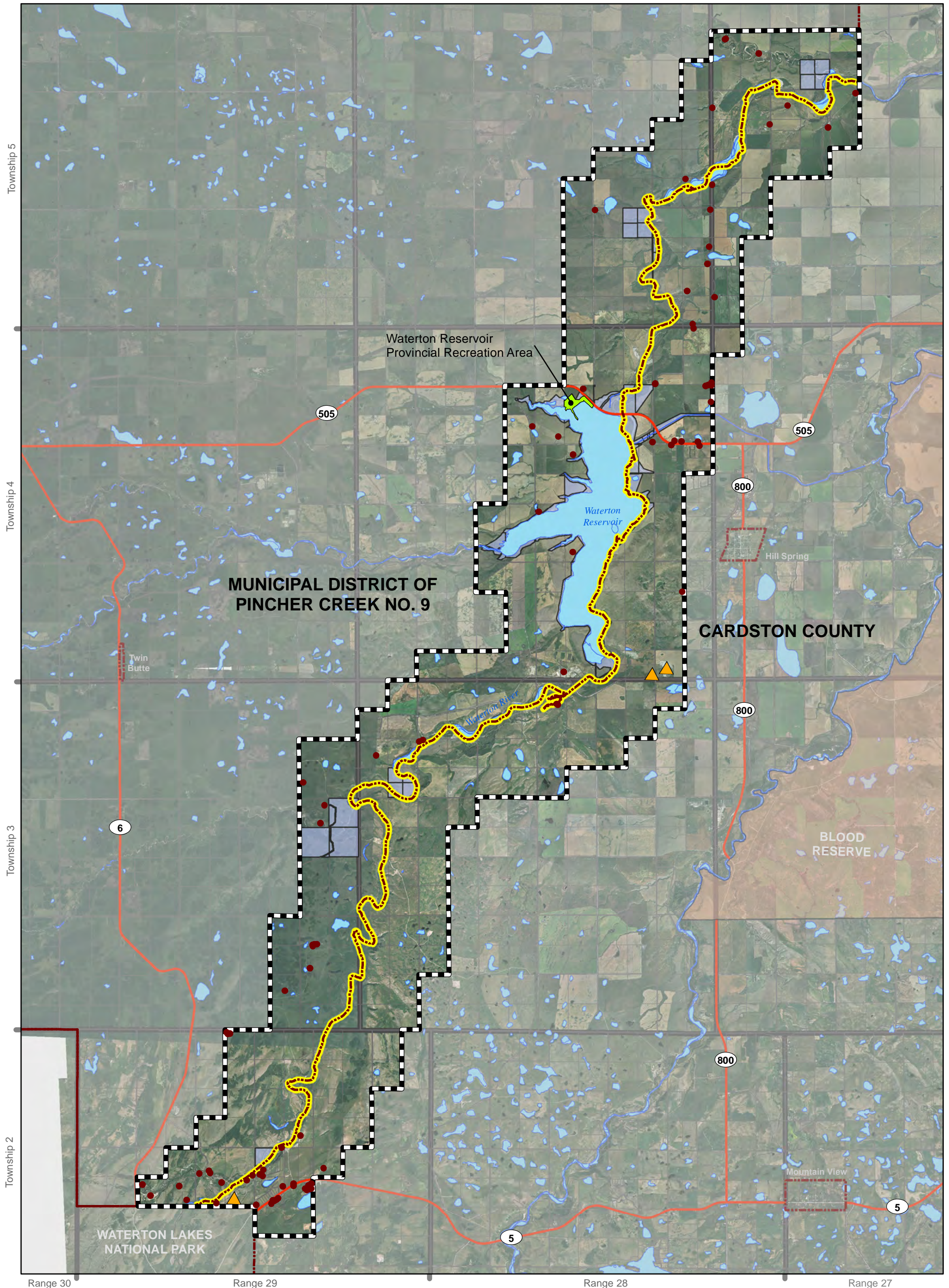
### Dispute Resolution Flow Chart

The dispute resolution flow chart presented here is for demonstration purposes only and shall not limit the ability of either municipality to explore other methods of resolution or to choose one method in place of another.



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## APPENDIX A | MAPS



**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**

**CARDSTON COUNTY**

Waterton Reservoir  
Provincial Recreation Area


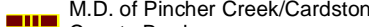




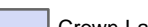


WATERTON LAKES  
NATIONAL PARK

BLOOD  
RESERVE

Mountain View

**Municipal District of Pincher Creek and Cardston County  
Intermunicipal Development Plan  
Physical Characteristics & Ownership**


**Map 2**

-  Plan Area Boundary
-  M.D. of Pincher Creek/Cardston County Border
-  Provincial Highway
-  Waterbodies
-  Reserve
-  Residences or Other Addressed Parcels<sup>1,2</sup>
-  Crown Land<sup>3,4</sup>
-  Provincial Recreation Area<sup>5</sup>
-  Gravel Pit

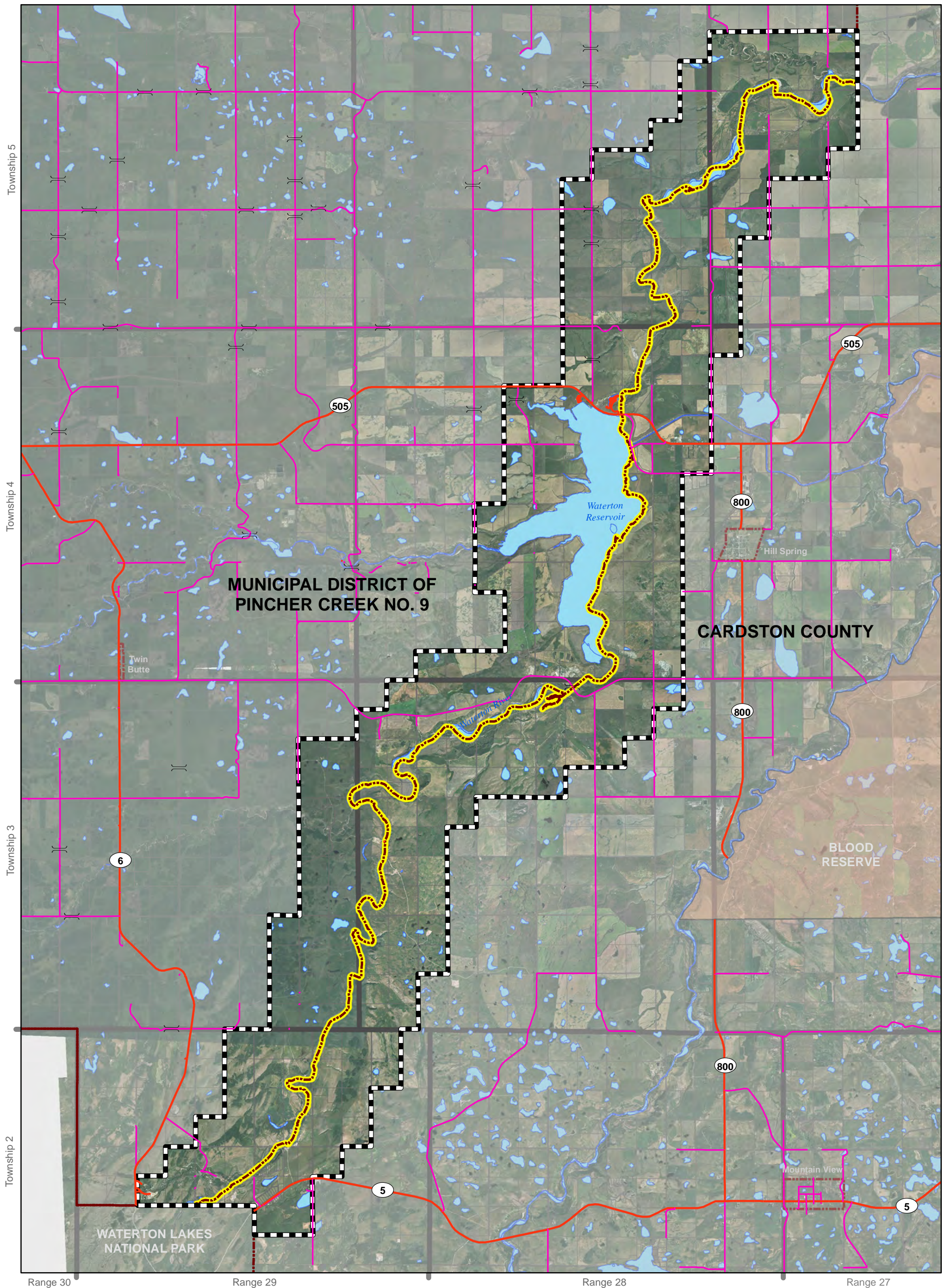
Source:  
<sup>1</sup> Alberta Municipal Data Sharing Partnership, April 2018  
<sup>2</sup> M.D. of Pincher Creek, from 2015 Aerial Photo  
<sup>3</sup> For Cardston County - ORRSC, July 2018  
<sup>4</sup> For MD of Pincher Creek - Altalis, June 2018  
<sup>5</sup> Altalis, March 2018

Aerial Photo Date: 2015

0 1 2 3 4 5  
Kilometers







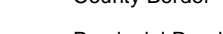

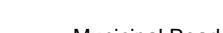
Municipal District of Pincher Creek  
(Bylaw No. 1308-19) &  
Cardston County  
(Bylaw No. 726.2019)



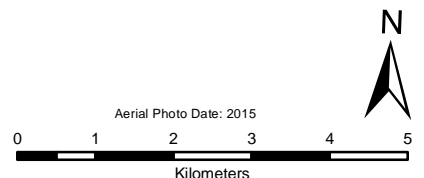
**Municipal District of Pincher Creek and Cardston County  
Intermunicipal Development Plan**

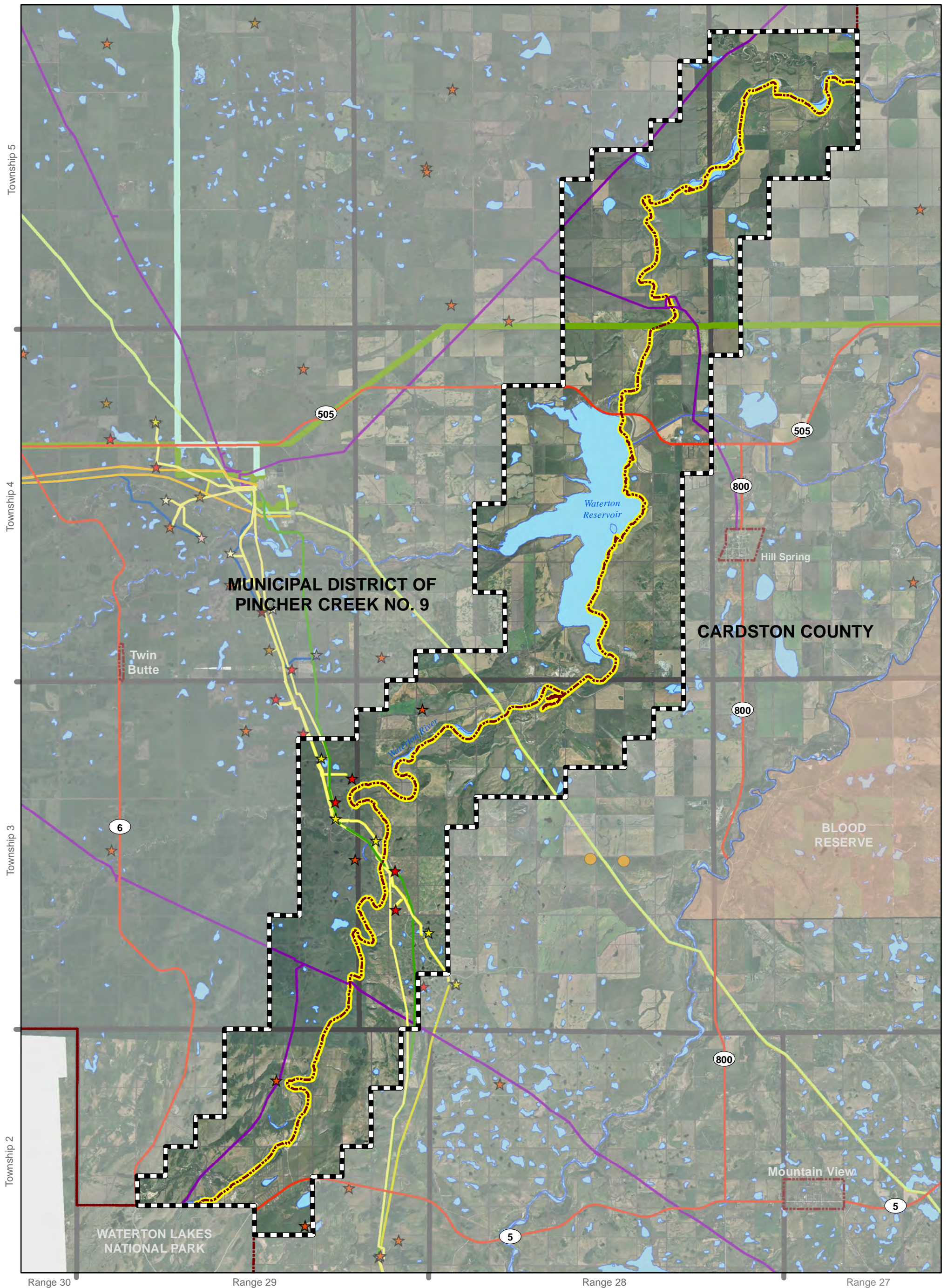
**Map 3**

**Transportation Network**

- |  |   |
|--|---|
|  Plan Area Boundary                           |  Bridge      |
|  M.D. of Pincher Creek/Cardston County Border |  Waterbodies |
|  Provincial Road                              |  Reserve     |
|  Municipal Road                               |   |

Municipal District of Pincher Creek  
(Bylaw No. 1308-19) &  
Cardston County  
(Bylaw No. 726.2019)





**Municipal District of Pincher Creek and Cardston County  
Intermunicipal Development Plan  
Energy Infrastructure**

**Map 4**

- |  |  |   |
|--|--|---|
| <ul style="list-style-type: none"> <li> Plan Area Boundary</li> <li> M.D. of Pincher Creek/Cardston County Border</li> <li> Provincial Highway</li> <li> Waterbodies</li> <li> Reserve</li> <li> Wind Turbine</li> </ul> | <p><b>Transmission Lines<sup>1</sup></b></p> <ul style="list-style-type: none"> <li> 69 kv</li> <li> 138 kv</li> </ul> <p><b>Pipelines - Substance<sup>2</sup></b></p> <ul style="list-style-type: none"> <li> Condensate</li> <li> Crude Oil</li> <li> Fresh Water</li> <li> Fuel Gas</li> <li> HV Other</li> <li> HVP Products</li> <li> LVP Products</li> <li> Natural Gas</li> <li> Oil-Well Effluent</li> <li> Salt Water</li> <li> Sour Natural Gas</li> </ul> | <p><b>Well - Status<sup>2</sup></b></p> <ul style="list-style-type: none"> <li> Abandoned</li> <li> Abandoned Gas</li> <li> Abandoned Oil</li> <li> Disposal</li> <li> Drilled and Cased</li> <li> Gas</li> <li> Injection</li> <li> Suspended Gas</li> <li> Suspended Oil</li> <li> Undefined</li> </ul> |
|--|--|---|

Municipal District of Pincher Creek  
(Bylaw No. 1308-19) &  
Cardston County  
(Bylaw No. 726.2019)

**Source:**  
<sup>1</sup> Digitized by ORRSC, 2018  
<sup>2</sup> Alberta Energy Regulator, 2016

Aerial Photo Date: 2015

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
IN THE PROVINCE OF ALBERTA**

**BYLAW NO. 1309-19**

BEING a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to adopt an Intermunicipal Development Plan between the Municipal District of Pincher Creek No. 9 and Municipality of Crowsnest Pass pursuant to sections 631 and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

WHEREAS municipalities are required by the province to expand intermunicipal planning efforts to address planning matters that transcend municipal boundaries through an intermunicipal development plan;

AND WHEREAS both the Councils of the Municipal District of Pincher Creek No. 9 and Municipality of Crowsnest Pass agree that it is to their mutual benefit to establish joint planning policies and this negotiation and agreement reflects a continuing cooperative approach between the two municipalities and the desire to see well-planned, orderly, and managed growth.

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 Municipal District of Pincher Creek No. 9 duly assembled hereby enacts the following:

1. That the Municipal District of Pincher Creek No. 9 and Municipality of Crowsnest Pass Intermunicipal Development Plan, attached hereto, be adopted.
2. This plan, upon adoption, shall be cited as the Municipal District of Pincher Creek No. 9 and Municipality of Crowsnest Pass Intermunicipal Development Plan Bylaw No. 1309-19 and Bylaw No. 1035, 2019.
3. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

READ a **second** time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

READ a **third** time and finally PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

Municipal District of  
Pincher Creek No. 9  
&  
Municipality of  
Crowsnest Pass

**Intermunicipal  
Development Plan**

Bylaw No. 1309-19 & Bylaw No. 1035, 2019

September 2019







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**Prepared for the Municipal District of Pincher Creek No. 9 and Municipality of Crowsnest Pass**

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# Table of Contents

<b>1   INTRODUCTION</b>	<b>1</b>
1.1 Purpose of the Plan	1
1.2 Plan Preparation	2
1.3 Municipal Profiles	2
<i>Municipal District of Pincher Creek No. 9</i>	2
<i>Municipality of Crowsnest Pass</i>	3
1.4 Legislative Requirements	3
1.5 Other Statutory Documents and Plans	5
<i>Burmis Lundbreck Corridor Area Structure Plan (ASP)</i>	5
<b>2   PLAN AREA</b>	<b>6</b>
2.1 Study Area Analysis	6
2.2 Key Characteristics of the Plan Area	6
<i>Land Use and Residential Development</i>	6
<i>Transportation Infrastructure</i>	7
<i>Natural Environment and Historic Resources</i>	7
<i>Natural Resource Extractions and Energy Development</i>	7
<b>3   POLICIES</b>	<b>8</b>
3.1 General	8
<i>Burmis Lundbreck Corridor Area Structure Plan</i>	8
3.2 Land Use	9
<i>Agriculture</i>	9
<i>Rural Recreational and Grouped Country Residential</i>	9
<i>Commercial and Industrial Development</i>	10
<i>Resource Extraction and Energy Development</i>	10
<i>Utilities / Telecommunications Towers</i>	10
3.3 Transportation and Road Networks	11
3.4 Natural Environment	11
3.5 Interpretation	12

<b>4   PLAN ADMINISTRATION &amp; IMPLEMENTATION .....</b>	<b>13</b>
4.1 Intermunicipal Development Plan Committee Policies .....	13
4.2 Referral Policies .....	14
<i>General</i> .....	14
<i>Municipal Development Plans</i> .....	15
<i>Other Statutory Plans</i> .....	15
<i>Land Use Bylaws</i> .....	15
<i>Design Concepts</i> .....	16
<i>Subdivision and Development</i> .....	16
<i>Response Timelines</i> .....	16
<i>Consideration of Responses</i> .....	17
4.3 Plan Validity and Amendment Policies .....	17
<b>5   DISPUTE RESOLUTION POLICIES .....</b>	<b>18</b>
5.1 General Dispute Process .....	18
<i>General Agreement</i> .....	18
<i>Dispute Resolution</i> .....	18
<i>Filing an Intermunicipal Dispute under the Municipal Government Act</i> .....	19
<i>Dispute Resolution Flowchart</i> .....	20

## APPENDIX A | MAPS

# Municipal District of Pincher Creek No. 9 & Municipality of Crowsnest Pass

## Intermunicipal Development Plan

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### 1 | INTRODUCTION

#### 1.1 Purpose of the Plan

The purpose of the Municipal District of Pincher Creek No. 9 (MD of Pincher Creek) and Municipality of Crowsnest Pass (Crowsnest Pass) Intermunicipal Development Plan (IDP or the Plan) is to foster ongoing collaboration and cooperation regarding planning matters and issues of mutual interest and address and clarify land use expectations within the agreed upon intermunicipal development plan area (Plan Area).

This IDP serves as a planning tool providing guidance to decision-makers through the agreed upon planning policies that apply to the land within the Plan Area. The IDP contains policy that is to be used as a framework for working cooperatively, communicating and making decisions in each municipality. Each municipality is ultimately responsible for making decisions within their own municipal jurisdiction.

The intended goals of the IDP are:

- To promote consultation, coordination and cooperation regarding planning matters of joint interest within the Plan Area.
- To provide a framework for addressing land use concerns with regard to joint planning matters within the Plan Area.
- To provide a clear policy framework that serves to guide future planning decisions for land located within the Plan Area, affording enhanced coordination of development within the Plan Area.

The preparation and implementation of an IDP can result in many benefits to both municipalities including, but not limited to, the following:

- To establish an approach to identify possible joint ventures for infrastructure and service sharing to promote efficient planning and potential delivery of services.
- To reinforce and protect each municipality's development philosophies and goals while minimizing the potential for future intermunicipal conflict.
- To provide policy addressing plan administration, amendment and dispute resolution procedures.

## **1.2 Plan Preparation**

The formation of the Plan was guided by the IDP Review Committee which was composed of two Council members from each municipality. Senior administration and ORRSC planners from both municipalities were also involved throughout the process as technical advisors. With respect to committee decision making, both parties agreed at the outset of the process that their chosen decision-making model would be based on reaching consensus on the issues discussed.

A background analysis was undertaken which served as the foundation from which both municipalities could review the existing land use conditions and determine the relevant issues, goals and objectives. Through thoughtful discussion, it was determined that a series of fundamental shared values would inform and guide the document. These values are the foundation from which the policy of the IDP has been developed and will inform municipal decision making going forward in the Plan Area. The shared values include:

- Shared Stewardship
- Protecting the Watershed – both surface and groundwater resources
- Fostering On-going Dialogue.

A draft document was prepared with input from the IDP Review Committee and presented to each municipal Council for review prior to consultation with affected landowners, stakeholders and the general public. Upon completing the consultation phase, a refined document was prepared and a final draft forwarded to each Council for approval through the bylaw process. As required by the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA)*, separate public hearings were held by each Council and subsequent to the public hearings, the IDP was adopted by each municipality.

## **1.3 Municipal Profiles**

### ***Municipal District of Pincher Creek No. 9***

The Municipal District of Pincher Creek No. 9 covers an area of approximately 352,000 hectares (869,000 acres) with a 2018 population of 2,965 (Alberta Municipal Affairs, 2018). The MD surrounds two urban municipalities, contains five hamlets, and is bordered by three rural municipalities, a specialized municipality, national park and a First Nations. The economy of the MD is largely agricultural, with ranching predominant in the eastern slopes. Alternative energy developments, particularly wind turbine development has been locating in the municipality in the past several decades. The MD is home to the Oldman Dam and Reservoir, an on-stream storage facility operated by the Government of Alberta.

## Municipality of Crowsnest Pass

Located in the heart of the Rocky Mountains, the Municipality of Crowsnest Pass encompasses approximately 37,919 hectares (93,697 acres) with a population of 5,589 (Alberta Municipal Affairs, 2018). Five urban communities are located within the Municipality of Crowsnest Pass including Blairmore, Coleman, Hillcrest, Bellevue and Frank. Highway 3 connects the municipalities in the Crowsnest Pass and is a major transportation route to British Columbia. The municipality has many historic attractions such as Frank Slide, Bellevue mining tours, and the Leitch Collieries. The economy of the municipality primarily includes coal mining and tourism.

### 1.4 Legislative Requirements

This Plan has been prepared in accordance with the requirements of the *MGA*, and complies with the South Saskatchewan Regional Plan (SSRP).

Specifically the *MGA* requires:

*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.*

*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, and*
- 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.*

The South Saskatchewan Regional Plan 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 through 2024. Pursuant to section

13 of the *Alberta Land Stewardship Act (ALSA)*, 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 Planning 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.

#### **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 the IDP.

### ***1.5 Other Statutory Documents and Plans***

One area structure plan has been adopted by the MD of Pincher Creek for specific lands within the Plan Area. The development of the plan policies must consider these more detailed plans when formulating a land use strategy for the larger area. As development occurs, additional ASPs or design schemes may be prepared to support site-specific development and must conform to the policies outlined in this IDP.

As this plan affects some land within the Plan Area boundary, the policies of this IDP must be congruent with the current land use.

#### ***Burmis Lundbreck Corridor Area Structure Plan (ASP)***

The Burmis Lundbreck Corridor Area Structure Plan was prepared to provide a guideline for future planning and development in the Burmis Lundbreck corridor with a balance of various human activities and the natural landscape. Focused on the area along Highway 3 between the Hamlet of Lundbreck to the boundary with the Municipality of Crowsnest Pass, the Burmis Lundbreck Corridor ASP outlines a development strategy, in addition to compatible land uses, existing land uses, land characteristics, growth trends and infrastructure needs.





## 2 | PLAN AREA

### 2.1 Study Area Analysis

Given the vast size of the municipalities, in order to focus on the border area and potential impacts, a series of maps was developed, with emphasis on the area adjacent to the shared border. The purpose was to identify opportunities and constraints, as well as influences which may affect land use planning in proximity of the boundary between the two municipalities. The following features were displayed on the maps and considered by the IDP Review Committee:

- Residences and Urban Areas
- Transportation Corridors
- Land Use and Natural Characteristics
- Agricultural uses and Confined Feeding Operations (CFOs)
- Surface Materials Extraction and Energy Development
- Natural Environment and Water
- Environmentally Significant Areas (ESAs)
- Historical Resource Value (HRV) Sites

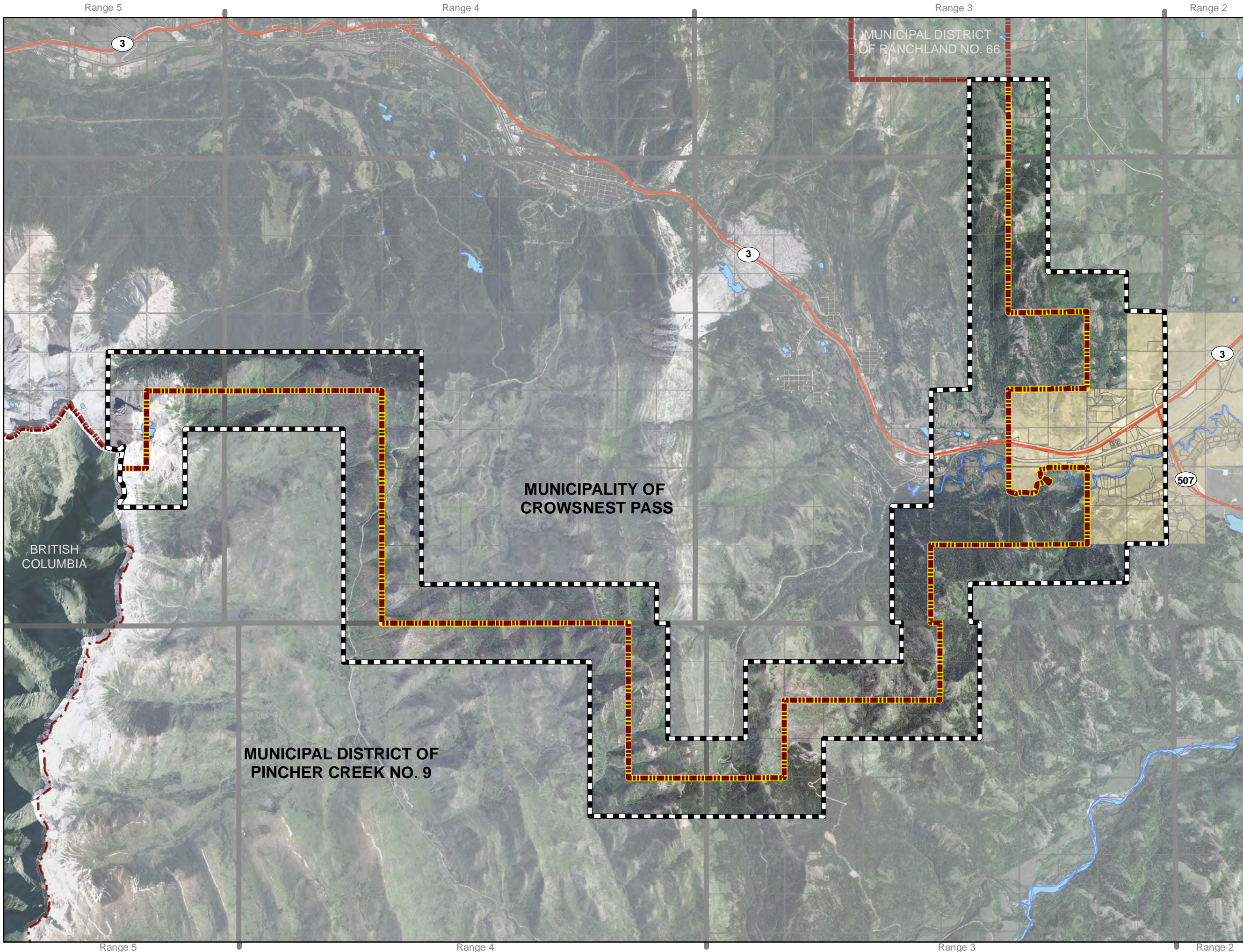
After consideration of social, economic and physical features listed below, it was determined that a Plan Area of approximately 0.8 km (½ mile) on each side of the municipal boundary was adequate for the greater part of the shared border with additional lands included near the Highway 3 Corridor (refer to Map 1 for illustration of the Plan Area).

### 2.2 Key Characteristics of the Plan Area

The MD of Pincher Creek and Municipality of Crowsnest Pass Intermunicipal Plan Area (Map 1) encompasses approximately 8,614 hectares (21,285 acres). Key characteristics of the Plan Area include the following, some of which are illustrated on Maps 2-4 in Appendix A.

#### *Land Use and Residential Development*

- The Rocky Mountains are the predominant land characteristic within the Plan Area and diverse vegetation and wildlife are prevalent in the natural landscape.
- A substantial amount of the land is under control and ownership of the Province of Alberta and the Castle Provincial Park, Castle Wildland Park, Livingstone Public Land Use Zone (PLUZ) comprise a large portion of land within the Plan Area.



## Municipal District of Pincher Creek and Municipality of Crowsnest Pass Intermunicipal Development Plan

### Plan Area Boundary

#### Map 1

- Plan Area Boundary
- M.D. of Pincher Creek/Crowsnest Pass Border
- Provincial Highway
- Waterbodies
- Burmis Lundbreck Corridor ASP

Aerial Photo Date: 2012

Municipal District of Pincher Creek  
(Bylaw No. \_\_\_\_\_) &  
Municipality of Crowsnest Pass  
(Bylaw No. \_\_\_\_\_)

- Few residences are situated in the area along Highway 3 and no substantial urban settlements exist within the Plan boundary.

### *Transportation Infrastructure*

- Provincial Highway 3 runs east and west and links the two municipalities and Highway 507 connects with Highway 3 in the MD of Pincher Creek.
- Road infrastructure is limited due to the mountain ranges and varying terrain within the Plan Area but two public roads (Satoris and Adanac Roads) link the municipalities in the southern portion of the Plan Area.

### *Natural Environment and Historic Resources*

- The adjacent mountains and valleys form the headwaters of many of the Province's major rivers systems. They are an important natural resource and have been identified as environmentally significant.
- Fire hazard in the area ranges from low fuel to high fuel, with the majority of the southwest portion being identified as a high fuel area.
- A substantial amount of land in the northern portion of the Plan Area has the potential to contain historic resources.

### *Natural Resource Extractions and Energy Development*

- Oil and gas pipelines are present within the Plan Area and both active and abandoned gas wells are located within the Plan Area.
- The lower slopes and valley bottoms consist of gravelly alluvial material associated with watercourses. Sand and gravel potential has been assumed along the Crowsnest River primarily south of Highway 3.
- A 138 KV transmission line runs along Highway 3 through the Plan Area and a 500 KV line runs north of Highway 3 near the MD of Ranchland border.

## 3 | POLICIES

The land use policies contained in this Plan are intended to provide direction to the MD of Pincher Creek and Municipality of Crowsnest Pass administrations, subdivision and development authorities and Councils to encourage and manage the future development of lands contained within the Plan Area as displayed in Map 1.

### 3.1 General

#### **INTENT**

The general land use policies are not intended for specific areas within the Plan, but rather are general policies that pertain to the entire Plan Area with the purpose of fostering intermunicipal communication, cooperation, and consultation.

#### **POLICIES**

- 3.1.1 The MD of Pincher Creek and Municipality of Crowsnest Pass will strive to engage in effective dialogue when considering land use, while maintaining jurisdiction on lands within their own boundaries.
- 3.1.2 The municipalities will continue to build partnerships and foster a collaborative relationship with the adjacent municipality to promote regional interests, where deemed appropriate, including the support of mutually beneficial service agreements and shared environmental, economic and social outcomes.
- 3.1.3 Both municipalities agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.
- 3.1.4 The MD of Pincher Creek and Municipality of Crowsnest Pass will strive, to the best of their ability and knowledge, to refer notices of government projects to each other.
- 3.1.5 Both municipalities are encouraged to share with each other the results of all publicly available technical analyses required by a Subdivision and Development Authority as part of an application, where there is the potential for impacts on lands and bodies of water.

#### ***Burmis Lundbreck Corridor Area Structure Plan***

- 3.1.6 The policies outlined in the Burmis Lundbreck Corridor Area Structure Plan apply exclusively to lands that fall within the Burmis Lundbreck Corridor Area Structure Plan (ASP) boundary as displayed in Map 1. If there is any discrepancy between the IDP policies and the policies within the Burmis Lundbreck Corridor ASP, the Burmis Lundbreck ASP will prevail.

## 3.2 Land Use

### INTENT

To provide policies on land use within the Plan Area which reflect the development philosophies of both municipalities.

### POLICIES

#### Agriculture

- 3.2.1 Although agriculture practices are limited within the Plan Area, both municipalities will strive to work cooperatively to encourage good neighbour farming practices, such as dust, weed and insect control through best management practices and Alberta Agriculture guidelines.
- 3.2.2 If disputes or complaints in either municipality should arise between ratepayers and agricultural operators, the municipality receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or municipality for consultation or resolution wherever necessary.
- 3.2.3 If either the MD of Pincher Creek or Municipality of Crowsnest Pass are in receipt of an application for new or expanded Confined Feeding Operation from the Natural Resources Conservation Board (NRCB) within the Plan Area, they shall forward a copy of the application to the other municipality.

#### Rural Recreational and Grouped Country Residential

- 3.2.4 Any proposal to designate or develop land within the Plan Area for rural recreational use will be referred to the other municipality for comment in accordance with this Plan.
- 3.2.5 Any proposal to designate land, adopt an Area Structure Plan, or approve a conceptual design scheme within the Plan Area for grouped country residential use will be referred to the other municipality for comment in accordance with this Plan.
- 3.2.6 The MD of Pincher Creek and Municipality of Crowsnest Pass acknowledge that their municipal land use policies differ regarding development of rural recreational and grouped country residential development and agree that municipal autonomy on land use matters within this area will continue.
- 3.2.7 With respect to grouped country residential development and rural recreational use in the Highway 3 and Crowsnest River corridor, both municipalities agree to consider the potential impacts and cumulative effects of such development on the area prior to adopting an Area Structure Plan or approving a conceptual design scheme.

- 3.2.8 Applicants proposing grouped country residential and rural recreational developments should consult with Alberta Transportation and Alberta Environment and Parks during preparation of their proposal.

### *Commercial and Industrial Development*

- 3.2.9 Any proposal to designate or develop land within the Plan Area for commercial or industrial use will be referred to the other municipality for comment in accordance with this Plan.
- 3.2.10 The municipalities may consider the location of commercial or industrial development where compatible with existing land uses and each municipality's planning documents.

### *Resource Extraction and Energy Development*

- 3.2.11 The municipalities will consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for extractive activities, where they maintain jurisdiction.
- 3.2.12 Either municipality may require an agreement regarding the construction, repair, and maintenance of any municipal roads which may be impacted by resource development, when the development requires access to come from the other municipality's road.
- 3.2.13 If either the MD of Pincher Creek or Municipality of Crowsnest Pass are in receipt of a notice or application for a new or expanded public or privately owned gravel pit, they will forward a copy of the notice to the other municipality.
- 3.2.14 The municipalities may consider the location of renewable energy developments where compatible with existing land uses and each municipality's planning documents.

### *Utilities / Telecommunications Towers*

- 3.2.15 When providing comments to provincial and federal departments regarding utility development, the MD of Pincher Creek and Municipality of Crowsnest Pass will request that consideration be given to the establishment of utility corridors with multiple users.
- 3.2.16 Where there is an application for a new, expanded or retrofitted telecommunications tower within the Plan Area, the MD of Pincher Creek and Municipality of Crowsnest Pass will notify the other municipality to seek their comments.
- 3.2.17 It is the preference of both municipalities that co-location of telecommunication facilities be undertaken where technically feasible.

### **3.3 Transportation and Road Networks**

#### **INTENT**

The two municipalities are connected via Highway 3 and two public roads. Highway 507 connects to Highway 3 within the Plan Area in the MD of Pincher Creek. It is important that the municipalities take into consideration the impact of development on municipal and provincial road infrastructure.

#### **POLICIES**

- 3.3.1 Both municipalities agree to consult and work with Alberta Transportation regarding the implementation of this Plan and, at the time of subdivision and development, consider how development may impact Highway 3 and Highway 507, as applicable.
- 3.3.2 When required by Alberta Transportation, developers shall conduct traffic studies with respect to the impact and access on the Highways. Any upgrading identified by a traffic study conducted by a developer with respect to the Highway shall be implemented by the developer at its sole cost and to the satisfaction of Alberta Transportation.
- 3.3.3 The municipalities should endeavor to maintain open dialogue with Alberta Transportation regarding Highway 3 and Highway 507, including any changes to the highways that may have important impacts on the municipalities.
- 3.3.4 The municipalities may explore negotiating road use agreements as necessary for the maintenance and upkeep of local roads connecting the municipalities.

### **3.4 Natural Environment**

#### **INTENT**

Both municipalities recognize the connection between the natural environment and quality of life and strive to protect, preserve and enhance natural systems and environmentally significant areas.

#### **POLICIES**

- 3.4.1 When making land use decisions, each municipality will:
  - a) utilize and incorporate measures which minimize possible impacts to important water resources;
  - b) determine appropriate land use patterns in the vicinity of any water resources or water features;
  - c) establish appropriate setbacks to maintain water quality, flood water conveyance and storage, bank stability and habitat.

- 3.4.2 Lands that have been identified that may contain an environmentally sensitive feature may be required to conduct an environmental impact assessment (EIA) and the proponent should contact Alberta Environment and Parks.
- 3.4.3 Lands that have been identified that may contain a historic resource may be required to conduct a historical resource impact assessment (HRIA) and the proponent should consult the *Historical Resources Act* and Alberta Culture and Tourism.
- 3.4.4 Both municipalities should consider the provincial Water for Life Strategy and Wetland Policy when making land use decisions with the goal of sustaining environment and economic benefits.
- 3.4.5 Both municipalities should consider making compatible land use decisions on lands adjacent to the existing Provincial Parks and Public Land Use Zone (PLUZ).

### **3.5 Interpretation**

#### **INTENT**

To ensure the policies and language within this Plan are communicated in the proper context to ensure the intent of the Plan is as clear and concise as possible.

#### **POLICIES**

- 3.5.1 Unless otherwise required by the context, words used in the present tense include the future tense, words used in the singular include the plural, and the word person includes a corporation as well as an individual. Unless otherwise stipulated, the *Interpretation Act, Chapter I-8, RSA 2000* as amended, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.
- 3.5.2 All references to a specific agency, body, or department were accurate at the time of writing. It is understood that agency, body and department names change from time to time. All references throughout the Plan shall therefore be considered to be applicable to the current relevant agency, body or department.
- 3.5.3 The geographical or relative boundaries or any variable presented on the maps contained in this Plan, with the exception of the boundaries of the Plan Area, shall be interpreted as a rough approximation and not an accurate depiction of its actual or full extension.



## 4 | PLAN ADMINISTRATION & IMPLEMENTATION

### 4.1 Intermunicipal Development Plan Committee Policies

#### **INTENT**

The implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. An Intermunicipal Development Plan Committee with joint representation will ensure continued dialogue and cooperation, as the purpose of this committee is to promote active cooperation and conflict resolution through a consensus-based approach.

#### **POLICIES**

- 4.1.1 For the purposes of administering and monitoring the IDP, the MD of Pincher Creek and Municipality of Crowsnest Pass establish the Intermunicipal Development Plan Committee (the Committee).
- 4.1.2 Both Councils agree the Intermunicipal Development Plan Committee will be an advisory body and may make comments or recommendations to the MD of Pincher Creek and Municipality of Crowsnest Pass. In its advisory capacity, the Committee does not have decision making authority or powers with respect to planning matters in either municipality.
- 4.1.3 The Committee will be comprised of two (2) members of Council from both the MD of Pincher Creek and Municipality of Crowsnest Pass. Each municipality may appoint an alternate Committee member in the event a regular member cannot attend a scheduled meeting. Alternate Committee members shall have standing. Quorum shall consist of four (4) voting members.
- 4.1.4 Members of the Committee shall be appointed by their respective Councils at the Organizational Meeting. If a Council wishes to appoint a new member to the Committee (including the alternate), they must do so by motion of Council at a regular Council meeting. The municipalities shall notify one another upon appointing members and alternate members to the Committee.
- 4.1.5 The municipalities agree that the purpose of the Committee is to:
  - a) provide a forum for discussion of land use matters within the Plan Area,
  - b) provide recommendation(s) for proposed amendments to the Plan,
  - c) discuss and address issues regarding Plan implementation,
  - d) review and provide comment on referrals under Section 4.2 and any other matters referred to the Committee,

- e) provide recommendation(s) regarding intermunicipal issues in an effort to avoid a dispute, and
  - f) provide a forum for discussion of any other matter of joint interest identified by either municipality.
- 4.1.6 Meetings of the Committee may be held at the request of either municipality to discuss land use or other planning matters, dispute resolution, or any other matter of intermunicipal importance. Additionally, any matter in Section 4.2 may be referred by either municipality to the Committee for comment prior to a decision being rendered.
- 4.1.7 A municipality may call a meeting of the Committee at any time upon not less than five (5) days' notice of the meeting being given to all members of the Committee and support personnel, stating the date, the time, purpose and the place of the proposed meeting. The five (5) days' notice may be waived with  $\frac{3}{4}$  of the Committee members' agreement noted.
- 4.1.8 The municipality that called the meeting of the Committee shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.
- 4.1.9 At least one (1) member of each municipality's administrative staff shall attend each meeting in the capacity of technical, non-voting advisor.
- 4.1.10 Any changes to the Committee format, composition, roles, responsibilities or any aspect of its existence or operation may be requested by either municipality.
- 4.1.11 Where a matter has been referred to the Committee and a resolution cannot be found, the Dispute Resolution process in Section 5 of this Plan should be adhered to.

## **4.2 Referral Policies**

### **INTENT**

To establish a process for consistent and transparent sharing of information necessary to make decisions in accordance with the intent of the Plan.

### **POLICIES**

#### **General**

- 4.2.1 Where an intermunicipal referral is required by the *MGA* or the policies contained in this Plan, both municipalities agree to share mailing address and property ownership information for circulation purposes with the adjacent municipality, and where applicable, the municipality's processing agency.

- 4.2.2 Where a plan or bylaw, including amendments, or application, requires notifications to be sent to a municipality that is external to this IDP, the referring municipality shall follow the referral requirements outlined in the *MGA*, and where applicable, those contained in a relevant Intermunicipal Development Plan.
- 4.2.3 Administrative staff or representatives for the MD of Pincher Creek and Municipality of Crowsnest Pass are encouraged to discuss with one another forthcoming Statutory Plans and Land Use Bylaws, including amendments, which may impact the Plan Area.
- 4.2.4 Administrative staff or representatives for the MD of Pincher Creek and Municipality of Crowsnest Pass are encouraged to discuss with one another forthcoming subdivision and development applications that may impact lands within the Plan Area.
- 4.2.5 The municipalities are encouraged to refer to each other for comment on 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 Plan Area.

### *Municipal Development Plans*

- 4.2.6 A newly proposed Municipality of Crowsnest Pass Municipal Development Plan or amendment shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.7 A newly proposed MD of Pincher Creek Municipal Development Plan or amendment shall be referred to the Municipality of Crowsnest Pass for comment prior to a public hearing.

### *Other Statutory Plans*

- 4.2.8 A newly proposed Municipality of Crowsnest Pass statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.9 A newly proposed MD of Pincher Creek statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to the Municipality of Crowsnest Pass for comment prior to a public hearing.

### *Land Use Bylaws*

- 4.2.10 All Land Use Bylaw amendments in the Municipality of Crowsnest Pass that affect lands in the Plan Area shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.11 All Land Use Bylaw amendments in the MD of Pincher Creek that affect lands in the Plan Area shall be referred to the Municipality of Crowsnest Pass for comment prior to a public hearing.

4.2.12 All redesignation applications affecting the Plan Area shall be referred to the other municipality for comment prior to a public hearing.

4.2.13 A newly proposed Land Use Bylaw from either municipality shall be referred to the other for comment prior to a public hearing.

### *Design Concepts*

4.2.14 All design concepts in support of a subdivision or development in the Municipality of Crowsnest Pass that will affect lands in the Plan Area shall be referred to the MD of Pincher Creek for comment prior to Council resolution.

4.2.15 All design concepts in support of a subdivision or development in the MD of Pincher Creek that will affect lands in the Plan Area shall be referred to the Municipality of Crowsnest Pass for comment prior to Council resolution.

### *Subdivision and Development*

4.2.16 All subdivision applications for lands within the Plan Area shall be referred to the other municipality for comment prior to a decision being rendered.

4.2.17 The Municipality of Crowsnest Pass shall refer all discretionary use development applications within the Plan Area to the MD of Pincher Creek for comment prior to a decision being rendered.

4.2.18 The MD of Pincher Creek shall refer all discretionary use development applications within the Plan Area to the Municipality of Crowsnest Pass for comment prior to a decision being rendered.

### *Response Timelines*

4.2.19 The responding municipality shall, from the date of mailing, have the following timelines to review and provide comment on intermunicipal referrals:

- a) 15 calendar days for all development applications,
- b) 19 calendar days for subdivision applications, and
- c) 30 calendar days for all other intermunicipal referrals.

4.2.20 In the event that either municipality or the Committee does not reply within, or request an extension by, the response time for intermunicipal referrals stipulated in this Section, it is presumed that the responding municipality and/or Committee has no comment or objection to the referred planning application or matter.

## Consideration of Responses

- 4.2.21 Comments from the responding municipality and/or the Committee regarding proposed Municipal Development Plans, other statutory plans, and Land Use Bylaws, or amendments to any of those documents, shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered.
- 4.2.22 Comments from the responding municipality and/or the Committee regarding subdivision and development applications shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered on the application.

## 4.3 Plan Validity and Amendment Policies

### **INTENT**

This Plan may require amendments from time to time to accommodate unforeseen situations, and to keep the Plan relevant.

### **POLICIES**

- 4.3.1 This Plan comes into effect on the date it is adopted by both municipalities.
- 4.3.2 Amendments shall be adopted by both Councils using the procedures outlined in the *MGA*. No amendment shall come into force until such time as both municipalities adopt the amending bylaw.
- 4.3.3 Applications for amendments to this Plan by parties other than the MD of Pincher Creek and Municipality of Crowsnest Pass (e.g. landowners and developers) shall be made to both municipalities along with the applicable fee as established by each municipality for processing amendments to a statutory plan.
- 4.3.4 Administrative staff should review the policies of the Plan annually and discuss land use matters, issues and concerns on an on-going basis. Administrative staff may make recommendations to their respective Councils for amendment to the Plan to ensure the policies remain relevant and continue to meet the needs of both municipalities.
- 4.3.5 A formal review of the Plan will occur within 10 years from the date the IDP is adopted by both municipalities.

## 5 | DISPUTE RESOLUTION POLICIES

### 5.1 General Dispute Process

#### **INTENT**

The intent of the dispute resolution process is to maximize opportunities for discussion and review in order to resolve areas of disagreement early in the process. Despite the best efforts of both municipalities, it is understood that disputes may arise from time to time affecting land use within the Plan boundary. The following process is intended to settle disputes through consensus and minimize the need for formal mediation.

#### **POLICIES**

##### **General Agreement**

The municipalities agree that:

- 5.1.1 It is important to avoid dispute by ensuring that the Plan is adhered to as adopted, including full circulation of any permit or application that may affect the municipality as required in the Plan and prompt enforcement of the Plan policies.
- 5.1.2 Prior to the meeting of the Committee, each municipality through its administration, will ensure the facts of the issue have been investigated and clarified, and information is made available to both parties. Staff meetings are encouraged to discuss possible solutions.
- 5.1.3 The Committee should discuss the issue or dispute with the intent to seek a recommended solution by consensus.

##### **Dispute Resolution**

In the case of a dispute, the following process will be followed to arrive at a solution:

- 5.1.4 When a potential intermunicipal issue comes to the attention of either municipality relating to a technical or procedural matter, such as inadequate notification or prescribed timelines, misinterpretation of Plan policies, or a clerical error regarding the policies of this Plan, either municipality's Land Use Bylaw, or any other plan affecting lands in the Plan Area, it will be directed to the administrators of each municipality. The administrators will review the technical or procedural matter and if both administrators are in agreement, take action to rectify the matter.

- 5.1.5 Should either municipality identify an issue related to this Plan that may result in a dispute that cannot be administratively resolved under Section 5.1.4 or any other issue that may result in a dispute, the municipality should contact the other and request that an Intermunicipal Development Plan Committee meeting be scheduled to discuss the issue. The Committee will review the issue and attempt to resolve the matter by consensus.
- 5.1.6 Should the Intermunicipal Development Plan Committee be unable to arrive at a consensus, the administration of each municipality will schedule a joint meeting of the two Councils to discuss possible solutions and attempt to reach consensus on the issue.
- 5.1.7 Should the Councils be unable to resolve the matter, either municipality may initiate a formal mediation process to facilitate resolution of the issue.

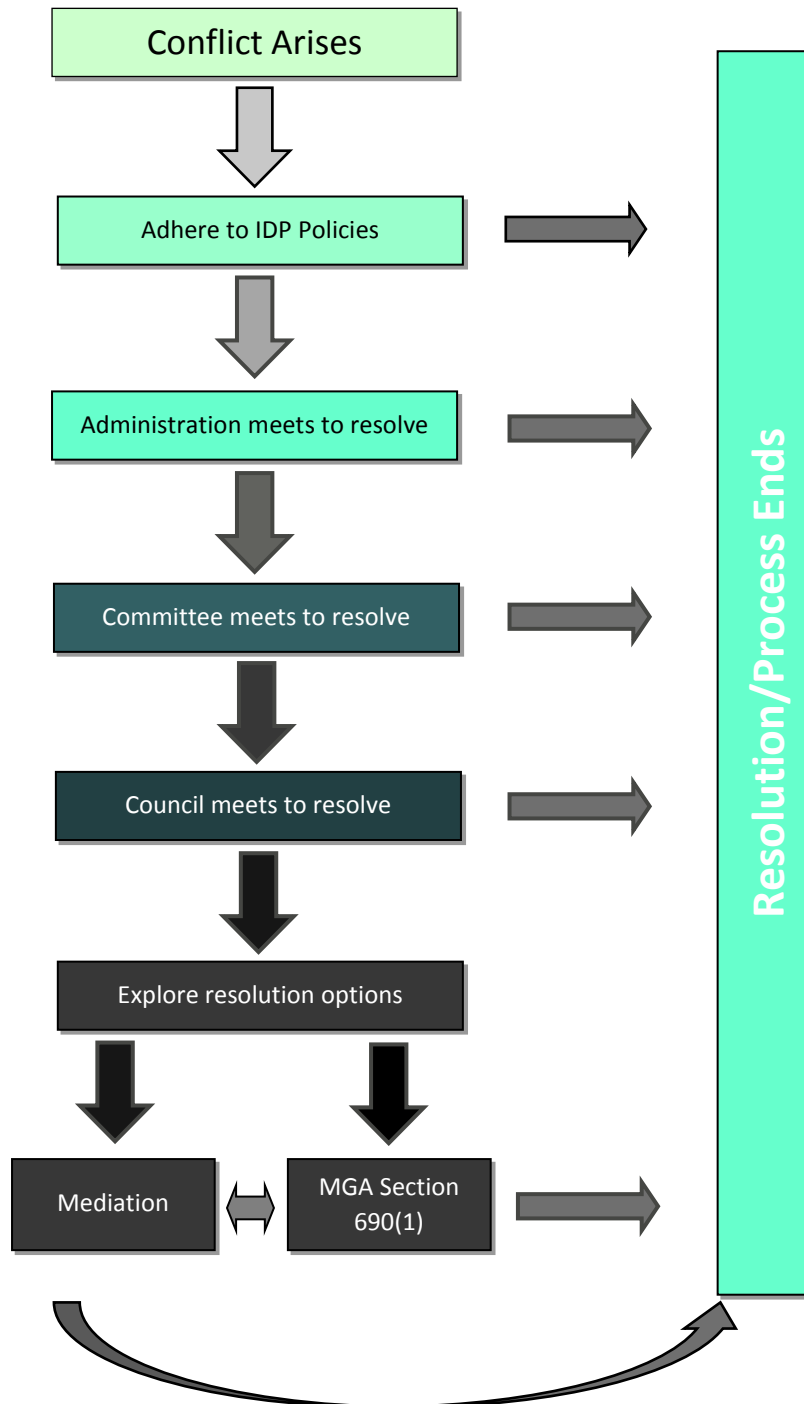
### *Filing an Intermunicipal Dispute under the Municipal Government Act*

- 5.1.8 In the case of a dispute involving the adoption of a statutory plan, Land Use Bylaw or amendment to such, within 30 days of adoption, the municipality initiating the dispute may, without prejudice, file an appeal to the Municipal Government Board under section 690(1) of the *MGA* so that the provincial statutory right and timeframe to file an appeal is not lost.
- 5.1.9 The appeal may then be withdrawn, without prejudice, if a solution or agreement is reached between the two municipalities prior to the Municipal Government Board meeting. This is to acknowledge and respect that the time required to seek resolution or mediation may not be able to occur within the 30 day appeal filing process as outlined in the *MGA*.

**Note:** *Using section 690(1) of the MGA is the final stage of dispute settlement, where the municipalities request the Municipal Government Board to intercede and resolve the issue.*

### Dispute Resolution Flow Chart

The dispute resolution flow chart presented here is for demonstration purposes only and shall not limit the ability of either municipality to explore other methods of resolution or to choose one method in place of another.

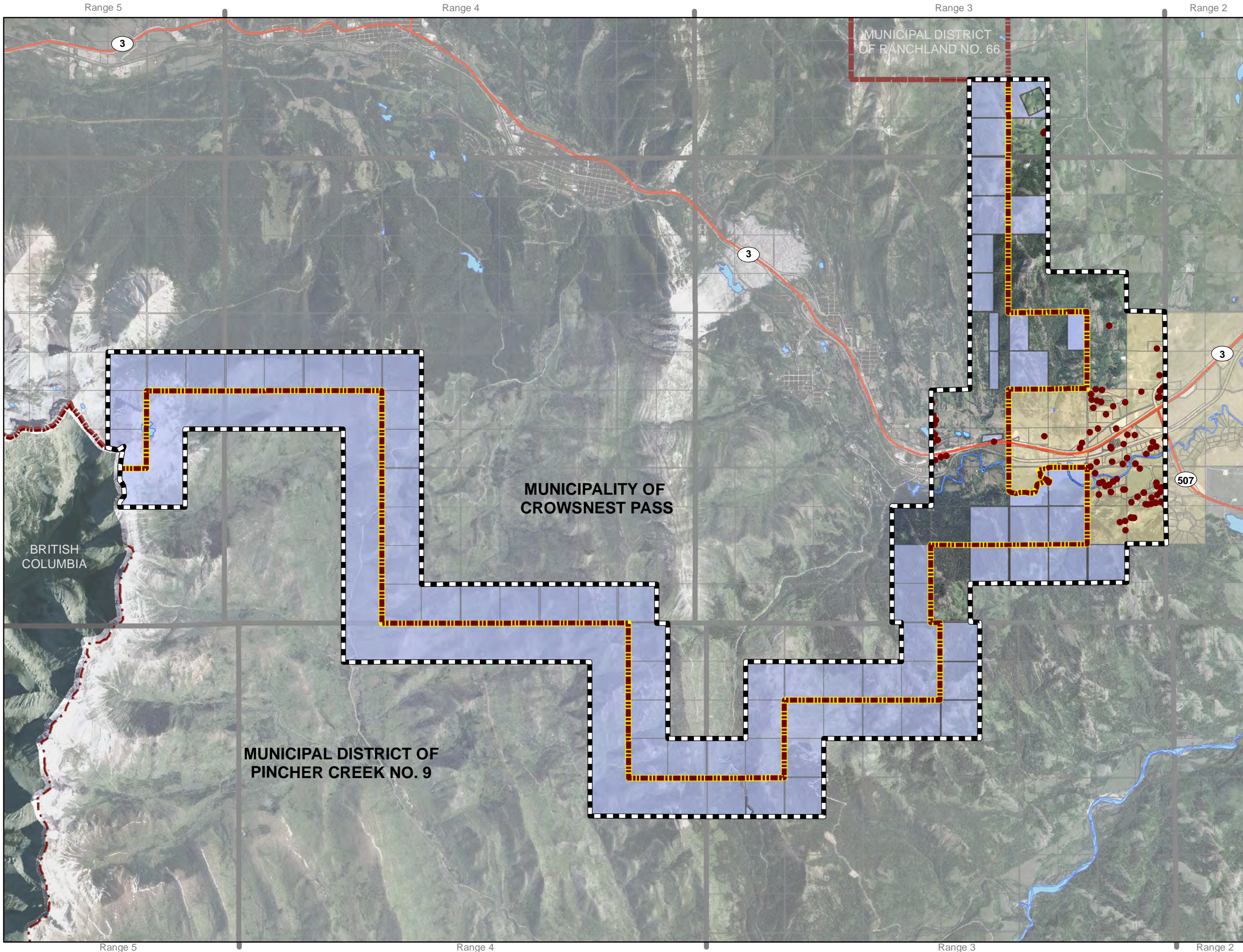




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## APPENDIX A | MAPS





## Municipal District of Pincher Creek and Municipality of Crowsnest Pass Intermunicipal Development Plan

### Physical Characteristics and Ownership Map 2

- Plan Area
- M.D. of Pincher Creek/Crowsnest Pass Border
- Provincial Highway
- Waterbodies
- Burmis Lundbreck Corridor
- Residences or Other Addressed Parcels<sup>1,2</sup>
- Crown Land<sup>3,4</sup>

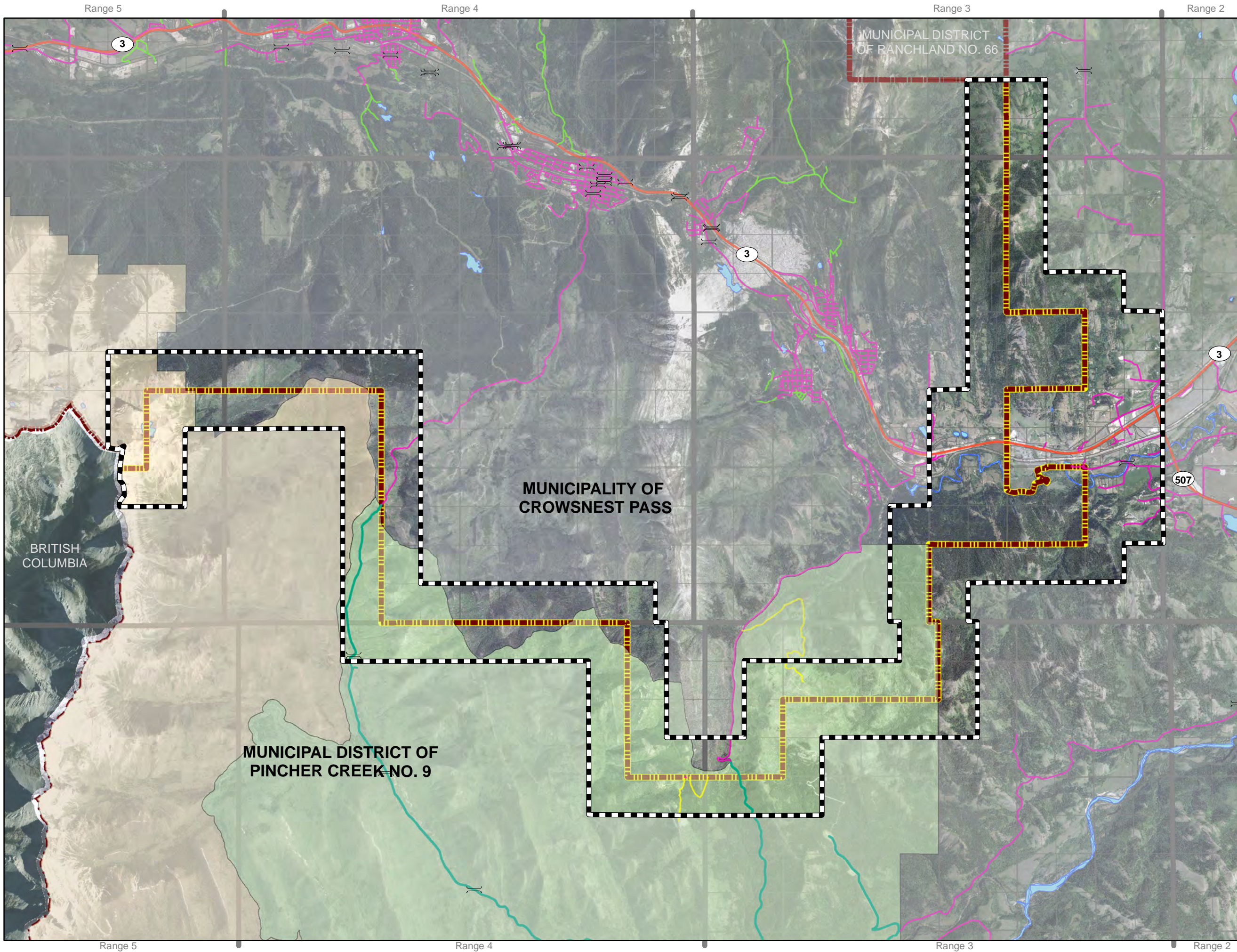
Source:

- <sup>1</sup> Alberta Municipal Data Sharing Partnership, December 2017
- <sup>2</sup> M.D. of Pincher Creek, From 2015 Aerial Photo
- <sup>3</sup> For Crowsnest Pass - ORRSC, July 2018
- <sup>4</sup> For MD of Pincher Creek - Altalis, June 2018

Aerial Photo Date: 2012

Municipal District of Pincher Creek (Bylaw No. \_\_\_\_\_) & Municipality of Crowsnest Pass (Bylaw No. \_\_\_\_\_)

Kilometers



## Municipal District of Pincher Creek and Municipality of Crowsnest Pass Intermunicipal Development Plan

### Road Network Map 3

- Plan Area Boundary
- M.D. of Pincher Creek/Crowsnest Pass Border

**Roads**

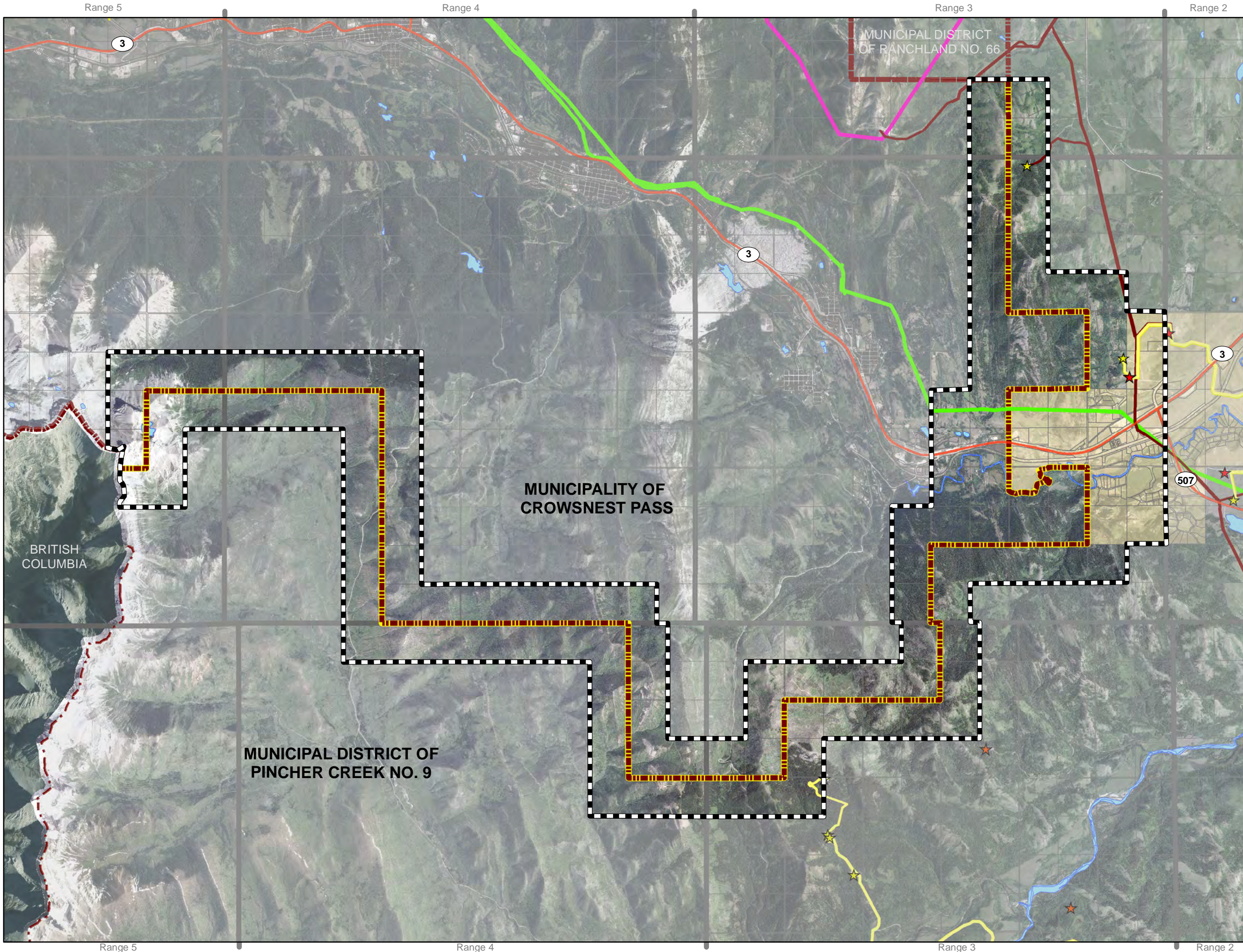
- Provincial Highway
- Municipal Roads
- Private Roads
- Public Roads
- Provincial Roads

- Bridge
- Waterbodies
- Castle Provincial Park
- Castle Wildland

Aerial Photo Date: 2012

Municipal District of Pincher Creek (Bylaw No. \_\_\_\_\_) & Municipality of Crowsnest Pass (Bylaw No. \_\_\_\_\_)

0 1 2 3 4  
Kilometers



## Municipal District of Pincher Creek and Municipality of Crowsnest Pass Intermunicipal Development Plan

### Energy Infrastructure

#### Map 4

- Plan Area Boundary
- M.D. of Pincher Creek/Crowsnest Pass Border
- Provincial Highway
- Waterbodies
- Burmis Lundbreck Corridor ASP

#### Transmission Lines<sup>1</sup>

- 138 kv
- 500 kv

#### Pipelines - Substance<sup>2</sup>

- Fuel Gas
- Natural Gas
- Sour Natural Gas

#### Well - Status<sup>2</sup>

- Abandoned
- Abandoned Gas
- Gas
- Suspended Gas

**Source:**  
<sup>1</sup> Digitized by ORRSC, 2018  
<sup>2</sup> Alberta Energy Regulator, 2016

Aerial Photo Date: 2012

Municipal District of Pincher Creek (Bylaw No. \_\_\_\_\_) & Municipality of Crowsnest Pass (Bylaw No. \_\_\_\_\_)

0 1 2 3 4  
Kilometers

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
IN THE PROVINCE OF ALBERTA**

**BYLAW NO. 1311-19**

BEING a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to adopt an Intermunicipal Development Plan between the Municipal District of Pincher Creek No. 9 and the Municipal District of Ranchland No. 66 pursuant to sections 631 and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

WHEREAS municipalities are required by the province to expand intermunicipal planning efforts to address planning matters that transcend municipal boundaries through an intermunicipal development plan;

AND WHEREAS both the Councils of the Municipal District of Pincher Creek No. 9 and the Municipal District of Ranchland No. 66 agree that it is to their mutual benefit to establish joint planning policies and this negotiation and agreement reflects a continuing cooperative approach between the two municipalities and the desire to see well-planned, orderly, and managed growth.

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 Municipal District of Pincher Creek No. 9 duly assembled hereby enacts the following:

1. That the Municipal District of Pincher Creek No. 9 and Municipal District of Ranchland No. 66 Intermunicipal Development Plan, attached hereto, be adopted.
2. This plan, upon adoption, shall be cited as the Municipal District of Pincher Creek No. 9 and Municipal District of Ranchland No. 66 Intermunicipal Development Plan Bylaw No. 1311-19 and Bylaw No. 2019-04.
3. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

READ a **second** time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

READ a **third** time and finally PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

Municipal District  
of Pincher Creek No. 9  
&  
Municipal District  
of Ranchland No. 66

## **Intermunicipal Development Plan**

Bylaw No. 1311-19 & Bylaw No. 2019-04

September 2019





*OLDMAN RIVER REGIONAL SERVICES COMMISSION*

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**Prepared for the Municipal District of Pincher Creek No. 9 and Municipal District of Ranchland No. 66**

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# Table of Contents

<b>1   INTRODUCTION</b> .....	<b>1</b>
1.1 Purpose of the Plan .....	1
1.2 Plan Preparation and Shared Values .....	2
1.3 Municipal Profiles.....	2
<i>Municipal District of Pincher Creek No. 9</i> .....	2
<i>Municipal District of Ranchland No. 66</i> .....	3
1.4 Legislative Requirements .....	3
<b>2   PLAN AREA</b> .....	<b>6</b>
2.1 Study Area Analysis .....	6
2.2 Key Characteristics of the Plan Area .....	6
<i>Land Use and Residential Development</i> .....	6
<i>Transportation Infrastructure</i> .....	7
<i>Natural Environment and Historic Resources</i> .....	7
<i>Natural Resource Extraction and Energy Development</i> .....	7
<i>Soil Characteristics</i> .....	7
<b>3   POLICIES</b> .....	<b>8</b>
3.1 General .....	8
3.2 Land Use .....	8
<i>Agriculture</i> .....	9
<i>Confined Feeding Operations (CFOs)</i> .....	9
<i>Resource Extraction</i> .....	9
<i>Industry and Energy Development</i> .....	10
<i>Utilities / Telecommunications Towers</i> .....	10
3.3 Transportation and Road Networks .....	10
3.4 Natural Environment .....	11
3.5 Interpretation .....	11



<b>4   PLAN ADMINISTRATION &amp; IMPLEMENTATION .....</b>	<b>13</b>
4.1 Intermunicipal Development Plan Committee Policies .....	13
4.2 Referral Policies .....	14
<i>General</i> .....	14
<i>Municipal Development Plans</i> .....	15
<i>Other Statutory Plans</i> .....	15
<i>Land Use Bylaws</i> .....	15
<i>Design Concepts</i> .....	16
<i>Subdivision and Development</i> .....	16
<i>Response Timelines</i> .....	16
<i>Consideration of Responses</i> .....	16
4.3 Plan Validity and Amendment Policies .....	17
<b>5   DISPUTE RESOLUTION POLICIES .....</b>	<b>18</b>
5.1 General Dispute Process .....	18
<i>General Agreement</i> .....	18
<i>Dispute Resolution</i> .....	18
<i>Filing an Intermunicipal Dispute under the Municipal Government Act</i> .....	19
<i>Dispute Resolution Flowchart</i> .....	20

## **APPENDIX A | MAPS**

# Municipal District of Pincher Creek No. 9 & Municipal District of Ranchland No. 66

## Intermunicipal Development Plan

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### 1 | INTRODUCTION

#### **1.1 Purpose of the Plan**

The purpose of the Municipal District of Pincher Creek No. 9 (MD of Pincher Creek) and Municipal District of Ranchland No. 66 (MD of Ranchland) Intermunicipal Development Plan (IDP or the Plan) is to foster ongoing collaboration and cooperation regarding planning matters and issues of mutual interest and address and clarify land use expectations within the agreed upon intermunicipal development plan area (Plan Area).

This IDP serves as a planning tool providing guidance to decision-makers through the agreed upon planning policies that apply to the land within the Plan Area. The IDP contains policy that is to be used as a framework for working cooperatively, communicating and making decisions in each municipality. Each municipality is ultimately responsible for making decisions within their own municipal jurisdiction.

The intended goals of the IDP are:

- To promote consultation, coordination and cooperation regarding planning matters of joint interest within the Plan Area.
- To provide a framework for addressing land use concerns with regard to joint planning matters within the Plan Area.
- To provide a clear policy framework that serves to guide future planning decisions for land located within the Plan Area, affording enhanced coordination of development within the Plan Area.

The preparation and implementation of an IDP can result in many benefits to both municipalities including, but not limited to, the following:

- To establish an approach to identify possible joint ventures for infrastructure and service sharing to promote efficient planning and potential delivery of services.
- To reinforce and protect each municipality's development philosophies and goals while minimizing the potential for future intermunicipal conflict.
- To provide policy addressing plan administration, amendment and dispute resolution procedures.

## **1.2 Plan Preparation and Shared Values**

The formation of the Plan was guided by the IDP Review Committee which was composed of two Council members from each municipality. Senior administration and ORRSC Planners from both municipalities were also involved throughout the process as technical advisors. With respect to committee decision making, both parties agreed at the outset of the process that their chosen decision-making model would be based on reaching consensus on the issues discussed.

A background analysis was undertaken which served as the foundation from which both municipalities could review the existing land use conditions and determine the relevant issues, goals and objectives. Through thoughtful discussion, it was determined that a series of fundamental shared values would inform and guide the document. These values are the foundation from which the policy of the IDP has been developed and will inform municipal decision making going forward in the Plan Area. The shared values include:

- Shared Stewardship
- Protecting the Watershed – both surface and groundwater resources
- Supporting a Healthy Agricultural Economy

A draft document was prepared with input from the IDP Review Committee and presented to each municipal Council for review prior to consultation with affected landowners, stakeholders and the general public. Upon completing the consultation phase, a refined document was prepared and a final draft forwarded to each Council for approval through the bylaw process. As required by the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA)*, separate public hearings were held by each Council and subsequent to the public hearings, the IDP was adopted by each municipality.

## **1.3 Municipal Profiles**

### ***Municipal District of Pincher Creek No. 9***

The Municipal District of Pincher Creek covers an area of approximately 352,000 hectares (869,000 acres) with a 2018 population of 2,965 (Alberta Municipal Affairs, 2018). The MD surrounds two urban municipalities, contains five hamlets, and is bordered by three rural municipalities, a specialized municipality, national park and a First Nations. The economy of the MD is largely agricultural, with ranching predominant in the eastern slopes. Alternative energy developments, particularly wind turbine development has been locating in the municipality in the past several decades. The MD is home to the Oldman Dam and Reservoir, an on-stream storage facility operated by the Government of Alberta.

## ***Municipal District of Ranchland No. 66***

The Municipal District of Ranchland covers an area of approximately 250,000 hectares (617,763 acres) with a 2018 population of 92 (Alberta Municipal Affairs, 2018). The MD of Ranchland contains no designated Urban Areas, but rather encompasses vast lands of forest reserve, protected areas and open rangeland that are intended to be used for agricultural purposes and conservation. The MD of Ranchland is bordered by three rural municipalities, one improvement district and the Municipality of Crowsnest Pass.

### **1.4 Legislative Requirements**

This Plan has been prepared in accordance with the requirements of the *MGA*, and complies with the South Saskatchewan Regional Plan (SSRP).

Specifically the *MGA* requires:

*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.*

*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, and*
- 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.*

The South Saskatchewan Regional Plan 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 through 2024. Pursuant to section 13 of the *Alberta Land Stewardship Act (ALSA)*, 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 Planning 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.

#### **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 interest 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 plan 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 the IDP.

## 2 | PLAN AREA

### 2.1 Study Area Analysis

Given the vast size of the municipalities, in order to focus on the border area and potential impacts, a series of maps was developed, with emphasis on the area approximately 1.6 km (1 mile) on each side of the shared border. The purpose was to identify opportunities and constraints which may affect land use planning as well as influences beyond the 1.6 km (1 mile) area of the shared border.

The following features were displayed on the maps and considered by the IDP Review Committee:

- Residences and Urban Areas
- Transportation Corridors
- Land Use and Natural Characteristics
- Agricultural uses and Confined Feeding Operations (CFOs)
- Surface Materials Extraction and Energy Development
- Natural Environment and Water
- Environmentally Significant Areas (ESAs)
- Historical Resource Value (HRV) Sites

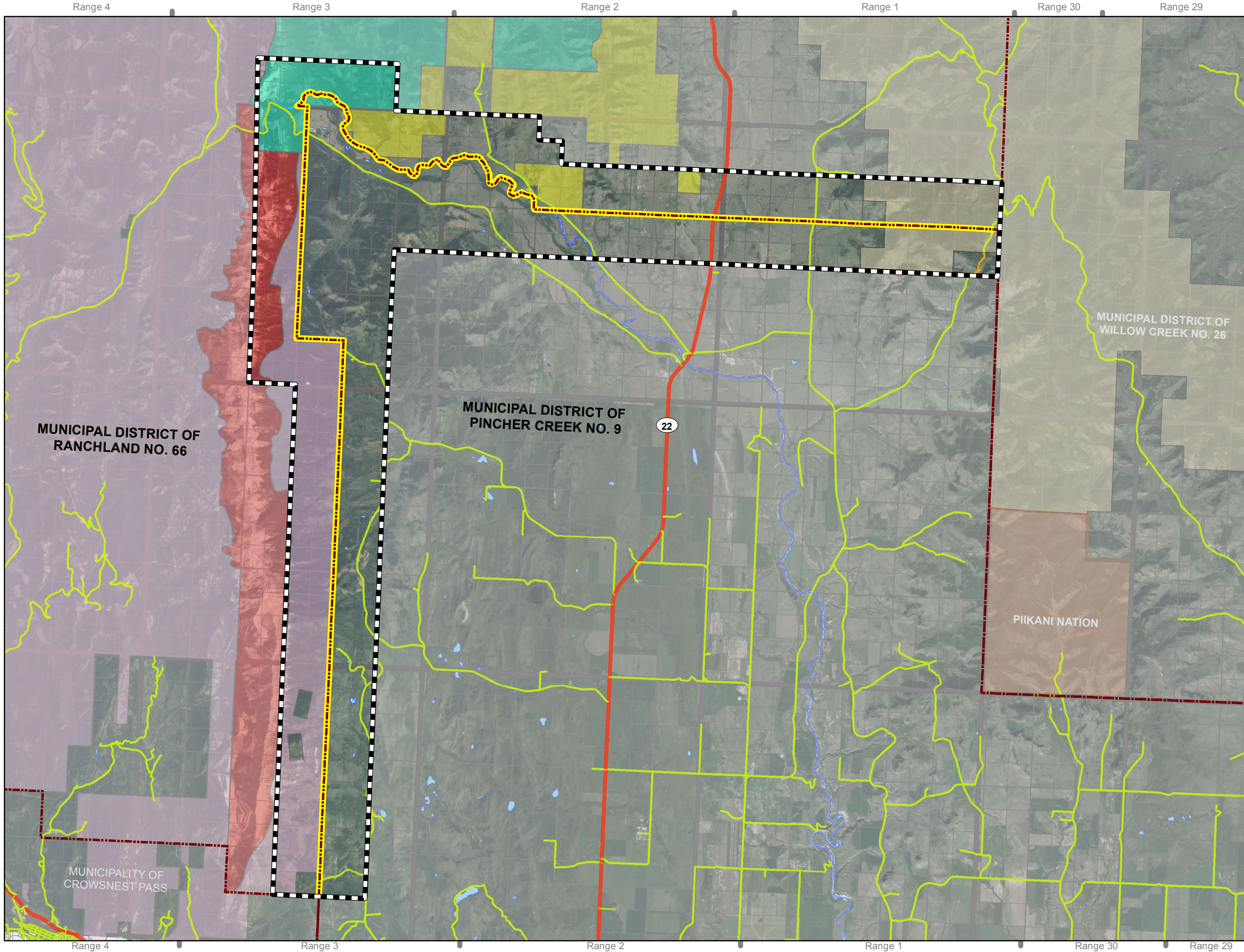
After consideration of social, economic and physical features listed below, it was determined that a Plan Area of approximately 1.6 km (1 mile) on each side of the municipal boundary was adequate (refer to Map 1 for illustration of the Plan Area).

### 2.2 Key Characteristics of the Plan Area

The MD of Pincher Creek and MD of Ranchland Intermunicipal Plan Area encompasses approximately 19,015 hectares (46,986 acres). Key characteristics of the Plan Area include the following, some of which are illustrated on Maps 2-4 in Appendix A.

#### *Land Use and Residential Development*

- Agriculture is the primary land use of the area, with a mix of agricultural operations including farming and ranching. There are no confined feeding operations located within the Plan Area.
- A significant amount of land within the Plan Area is under control and ownership of the Province of Alberta.
- The Livingstone Public Land Use Zone (PLUZ), Bob Creek Wildland, and Black Creek Heritage Rangeland encompass a significant portion of land within the Plan Area.
- Few residences, approximately 14 dwellings, are located within the Plan Area boundary and no hamlets or other urban municipalities exist.



# Municipal District of Pincher Creek and Municipal District of Ranchland Intermunicipal Development Plan

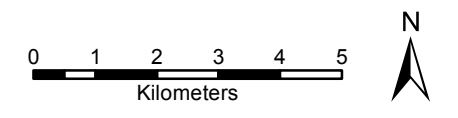
## Plan Area Boundary Map 1

- Plan Area Boundary
- M.D. of Pincher Creek/M.D. of Ranchland Border
- Waterbodies
- Provincial Highway
- Municipal Roads
- Private Roads (No Road Plan)
- Black Creek Heritage Rangeland<sup>1</sup>
- Bob Creek Wildland Provincial Park<sup>1</sup>
- Livingstone Public Land Use Zone<sup>2</sup>
- Porcupine Hills Public Land Use Zone<sup>2</sup>
- Livingstone Range Wildland Provincial Park (Proposed)<sup>2</sup>

**Source:**  
<sup>1</sup> Altalis, March 2018  
<sup>2</sup> Alberta Environment and Parks Government of Alberta, October 2018

Aerial Photo Date: 2015

Municipal District of Pincher Creek (Bylaw No. \_\_\_\_\_) & Municipal District of Ranchland (Bylaw No. \_\_\_\_\_)





- The land in the eastern slopes of the Rockies has been the focus of conservation groups and conservation easements have been registered on lands within the Plan Area.

### ***Transportation Infrastructure***

- Road infrastructure is limited due to the mountain range that runs north and south close to the border between the two municipalities.
- Highway 22 runs north and south and connects the two municipalities.
- Several municipal roads travel to the west of Highway 22 towards the Bob Creek Wildland Provincial Park. Two municipal roads are situated east of Highway 22 and provide access north into the MD of Ranchland, with one containing a portion of a private road in the MD of Pincher Creek which crosses the border and travels into the MD of Willow Creek.

### ***Natural Environment and Historic Resources***

- Within the Plan Area, the mountains and valleys form the headwaters of many of the Province's major rivers, which are provincially significant and an important natural resource.
- Portions of the Livingstone Range Public Land Use Zone (PLUZ) and the Porcupine Hills PLUZ are found within the Plan Area, which are managed by the Province.
- The majority of the land is identified as environmentally significant.
- Almost all of the land has the potential to contain historic resources, either archaeological or paleontological, and the DU Ranch Cabin is located within in the MD of Pincher Creek.

### ***Natural Resource Extraction and Energy Development***

- The lower slopes and valley bottoms consist of gravely alluvial material associated with watercourses. Sand and gravel potential has been confirmed along the Oldman River with the majority of the deposits located in the MD of Pincher Creek.
- Several oil and gas pipelines connect the municipalities and both active and abandoned gas wells are located within the Plan Area.
- A 500 KV transmission line is located in the southerly portion of the Plan Area near the border of the Municipality of Crowsnest Pass and runs through the northern portion of the Plan Area. A 69 KV line is also located east of Highway 22 within the MD of Pincher Creek.
- Renewable energy projects, wind or solar, are not currently located within the Plan Area.

### ***Soil Characteristics***

- The Canada Land Inventory (CLI) indicates moderate to severe crop limitations for most of the land.
- Soil classes 1 through 7 are present, resulting in a diversity of agricultural practices.

## 3 | POLICIES

The policies contained in this Plan are intended to provide direction to the MD of Pincher Creek and Municipal District of Ranchland Councils, subdivision and development authorities and administrations to manage the lands contained within the Plan Area. The policies of this Plan apply to all land within the Plan Area boundary delineated in Map 1.

### 3.1 General

#### *INTENT*

To provide administrative policies within the Plan Area which foster intermunicipal communication, consultation and cooperation.

#### *POLICIES*

- 3.1.1 The MD of Pincher Creek and MD of Ranchland will strive to engage in effective dialogue when considering land use, while maintaining jurisdiction on lands within their own boundaries.
- 3.1.2 The municipalities will continue to build partnerships and foster a collaborative relationship with the adjacent municipality to promote regional interests, where deemed appropriate, including the support of mutually beneficial service agreements and shared environmental, economic and social outcomes.
- 3.1.3 Both municipalities agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.
- 3.1.4 The MD of Pincher Creek and MD of Ranchland will strive, to the best of their ability and knowledge, to refer notices of government projects to each other.
- 3.1.5 Both municipalities shall share with each other the results of all publicly available technical analyses required by a Subdivision and Development Authority as part of an application, where there is the potential for impacts on lands and bodies of water.
- 3.1.6 Both municipalities will endeavor to work together with conservation organizations and government agencies on lands within the Plan Area containing conservation easements that may impact critical infrastructure.

## **3.2 Land Use**

### **INTENT**

To provide policies on land use within the Plan Area which reflect the development philosophies of both municipalities.

### **POLICIES**

#### **Agriculture**

- 3.2.1 Agriculture will continue to be the predominant land use in the Plan Area. The impact on agricultural uses should be a consideration when determining suitability of non-agricultural land uses in the Plan Area.
- 3.2.2 Both municipalities will strive to work cooperatively to encourage good neighbour agricultural practices, such as dust, weed and insect control, through best management practices and Alberta Agriculture guidelines.
- 3.2.3 If disputes or complaints in either municipality arise between ratepayers and agricultural operators, the municipality receiving the complaint will direct the affected parties to the appropriate agency, government department or municipality for consultation or resolution wherever necessary.

#### **Confined Feeding Operations (CFOs)**

- 3.2.4 If either the MD of Pincher Creek or MD of Ranchland are in receipt of a notice of application from the Natural Resources Conservation Board for new or expanded CFOs, they will forward a copy of the notification to the other municipality.

#### **Resource Extraction**

- 3.2.5 The municipalities will consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for new gravel pits, or other extractive activities, where they maintain jurisdiction.
- 3.2.6 Either municipality may require an agreement regarding the construction, repair, and maintenance of any municipal roads which may be impacted by resource development when the development requires access to come from the other municipality's road.
- 3.2.7 If either the MD of Pincher Creek or MD of Ranchland are in receipt of a notice or application for a new or expanded public or privately owned gravel pit, they will forward a copy of the notice to the other municipality.

## ***Industry and Energy Development***

- 3.2.8 The municipalities may consider the location of renewable energy developments and other industrial development where compatible with existing land uses and each municipality's planning documents.

## ***Utilities / Telecommunications Towers***

- 3.2.9 When providing comments to provincial and federal departments regarding utility development, the MD of Pincher Creek and MD of Ranchland will request that consideration be given to the establishment of utility corridors with multiple users.
- 3.2.10 Where there is an application for a new, expanded or retrofitted telecommunications tower within the Plan Area, the MD of Pincher Creek and MD of Ranchland will notify the other municipality to seek their comments.
- 3.2.11 It is the preference of both municipalities that co-location of telecommunication facilities be undertaken where technically feasible.

## ***3.3 Transportation and Road Networks***

### ***INTENT***

The two municipalities are connected via Highway 22, as well as local roads including the Maycroft Road, Bob Creek Road, Heath Creek Road, North Burmis Road and West Sharples Road. It is important that the municipalities take into consideration the impact of development on municipal and provincial road infrastructure.

### ***POLICIES***

- 3.3.1 Both municipalities agree to consult and work with Alberta Transportation regarding the implementation of this Plan and, at the time of subdivision and development, consider how development may impact Highway 22, as applicable.
- 3.3.2 When required by Alberta Transportation, developers shall conduct traffic studies with respect to the impact and access on the Highway. Any upgrading identified by a traffic study conducted by a developer with respect to the Highway shall be implemented by the developer at its sole cost and to the satisfaction of Alberta Transportation.
- 3.3.3 The municipalities should endeavor to maintain open dialogue with Alberta Transportation regarding Highway 22, including any changes to the highway that may have important impacts on the municipalities.

- 3.3.4 Current agreements are in place regarding the maintenance and upkeep of the local roads connecting the municipalities. The municipalities will continue to work together regarding these roads and will negotiate road use agreements as necessary.
- 3.3.5 Both municipalities should engage with the Municipal District of Willow Creek and the Government of Alberta regarding future access and maintenance of the privately owned portion of the Beaver Creek/Heath Creek road.

### **3.4 Natural Environment**

#### **INTENT**

Both municipalities recognize the connection between the natural environment and quality of life and strive to protect, preserve and enhance natural systems and environmentally significant areas.

#### **POLICIES**

- 3.4.1 When making land use decisions, each municipality will:
- a) utilize and incorporate measures which minimize possible impacts to important water resources;
  - 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.
- 3.4.2 Lands that have been identified that may contain an environmentally significant site may be required to conduct an environmental impact assessment (EIA) and the proponent should contact Alberta Environment and Parks.
- 3.4.3 Lands that have been identified that may contain a historic resource may be required to conduct a historical resource impact assessment (HRIA) and the proponent should consult the *Historical Resources Act* and Alberta Culture and Tourism.
- 3.4.4 Both municipalities should consider the provincial Water for Life Strategy and Wetland Policy when making land use decisions with the goal of sustaining environment and economic benefits.

### **3.5 Interpretation**

#### **INTENT**

To ensure the policies and language within this Plan are communicated in the proper context to ensure the intent of the Plan is as clear and concise as possible.

## **POLICIES**

- 3.5.1 Unless otherwise required by the context, words used in the present tense include the future tense, words used in the singular include the plural, and the word person includes a corporation as well as an individual. Unless otherwise stipulated, the *Interpretation Act, Chapter 1-8, RSA 2000* as amended, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.
- 3.5.2 All references to a specific agency, body, or department were accurate at the time of writing. It is understood that agency, body and department names change from time to time. All references throughout the Plan shall therefore be considered to be applicable to the relevant agency, body or department.
- 3.5.3 The geographical or relative boundaries or any variable presented on the maps contained in this Plan, with the exception of the boundaries of the Plan Area, shall be interpreted as a rough approximation and not an accurate depiction of its actual or full extension.

## 4 | PLAN ADMINISTRATION & IMPLEMENTATION

### 4.1 Intermunicipal Development Plan Committee Policies

#### **INTENT**

The implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. An Intermunicipal Development Plan Committee with joint representation will ensure continued dialogue and cooperation, as the purpose of this committee is to promote active cooperation and conflict resolution through a consensus-based approach.

#### **POLICIES**

- 4.1.1 For the purposes of administering and monitoring the IDP, the MD of Pincher Creek and the MD of Ranchland establish the Intermunicipal Development Plan Committee (the Committee).
- 4.1.2 Both Councils agree the Intermunicipal Development Plan Committee will be an advisory body and may make comments or recommendations to the MD of Pincher Creek and MD of Ranchland. In its advisory capacity, the Committee does not have decision making authority or powers with respect to planning matters in either municipality.
- 4.1.3 The Committee will be comprised of two (2) members of Council from both the MD of Pincher Creek and MD of Ranchland. Each municipality may appoint an alternate Committee member in the event a regular member cannot attend a scheduled meeting. Alternate Committee members shall have standing. Quorum shall consist of four (4) voting members.
- 4.1.4 Members of the Committee shall be appointed by their respective Councils at the Organizational Meeting. If a Council wishes to appoint a new member to the Committee (including the alternate), they must do so by motion of Council at a regular Council meeting. The municipalities shall notify one another upon appointing members and alternate members to the Committee.
- 4.1.5 The municipalities agree that the purpose of the Committee is to:
  - a) provide a forum for discussion of land use matters within the Plan Area,
  - b) provide recommendation(s) for proposed amendments to the Plan,
  - c) discuss and address issues regarding Plan implementation,
  - d) review and provide comment on referrals under section 4.2 and any other matters referred to the Committee,
  - e) provide recommendation(s) regarding intermunicipal issues in an effort to avoid a dispute, and

- f) provide a forum for discussion of any other matter of joint interest identified by either municipality.
- 4.1.6 Meetings of the Committee may be held at the request of either municipality to discuss land use or other planning matters, dispute resolution, or any other matter of intermunicipal importance. Additionally, any matter in Section 4.2 may be referred by either municipality to the Committee for comment prior to a decision being rendered.
- 4.1.7 A municipality may call a meeting of the Committee at any time upon not less than five (5) days' notice of the meeting being given to all members of the Committee and support personnel, stating the date, the time, purpose and the place of the proposed meeting. The five (5) days' notice may be waived with  $\frac{3}{4}$  of the Committee members' agreement noted.
- 4.1.8 The municipality that called the meeting of the Committee shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.
- 4.1.9 At least one (1) member of each municipality's administrative staff shall attend each meeting in the capacity of technical, non-voting advisor.
- 4.1.10 Any changes to the Committee format, composition, roles, responsibilities or any aspect of its existence or operation may be requested by either municipality.
- 4.1.11 Where a matter has been referred to the Committee and a resolution cannot be found, the Dispute Resolution process in Section 5 of this Plan should be adhered to.

## **4.2 Referral Policies**

### **INTENT**

To establish a process for consistent and transparent sharing of information necessary to make decisions in accordance with the intent of the Plan.

### **POLICIES**

#### **General**

- 4.2.1 Where an intermunicipal referral is required by the *MGA* or the policies contained in this Plan, both municipalities agree to share mailing address and property ownership information for circulation purposes with the adjacent municipality and, where applicable, the municipality's processing agency.
- 4.2.2 Where a plan or bylaw, including amendments, or application, requires notifications to be sent to a municipality that is external to this IDP, the referring municipality shall follow the



referral requirements outlined in the *MGA*, and where applicable, those contained in a relevant Intermunicipal Development Plan.

- 4.2.3 Administrative staff or representatives for the MD of Pincher Creek and MD of Ranchland are encouraged to discuss with one another forthcoming Statutory Plans and Land Use Bylaws, including amendments, which may impact the Plan Area.
- 4.2.4 Administrative staff or representatives for the MD of Pincher Creek and MD of Ranchland are encouraged to discuss with one another forthcoming subdivision and development applications that may impact lands within the Plan Area.
- 4.2.5 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 Plan Area.

### ***Municipal Development Plans***

- 4.2.6 A newly proposed MD of Ranchland Municipal Development Plan or amendment shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.7 A newly proposed MD of Pincher Creek Municipal Development Plan or amendment shall be referred to MD of Ranchland for comment prior to a public hearing.

### ***Other Statutory Plans***

- 4.2.8 A newly proposed MD of Ranchland statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.9 A newly proposed MD of Pincher Creek statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to the MD of Ranchland for comment prior to a public hearing.

### ***Land Use Bylaws***

- 4.2.10 All Land Use Bylaw amendments in the MD of Ranchland that affect lands in the Plan Area shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.11 All Land Use Bylaw amendments in the MD of Pincher Creek that affect lands in the Plan Area shall be referred to MD of Ranchland for comment prior to a public hearing.
- 4.2.12 All redesignation applications affecting the Plan Area shall be referred to the other municipality for comment prior to a public hearing.

- 4.2.13 A newly proposed Land Use Bylaw from either municipality shall be referred to the other for comment prior to a public hearing.

### ***Design Concepts***

- 4.2.14 All design concepts in support of a subdivision or development in the MD of Ranchland that will affect lands in the Plan Area shall be referred to the MD of Pincher Creek for comment prior to Council resolution.
- 4.2.15 All design concepts in support of a subdivision or development in the MD of Pincher Creek that will affect lands in the Plan Area shall be referred to the MD of Ranchland for comment prior to Council resolution.

### ***Subdivision and Development***

- 4.2.16 All subdivision applications for lands within the Plan Area shall be referred to the other municipality for comment prior to a decision being rendered.
- 4.2.17 The MD of Ranchland shall refer all discretionary use development applications within the Plan Area to the MD of Pincher Creek for comment prior to a decision being rendered.
- 4.2.18 The MD of Pincher Creek shall refer all discretionary use development applications within the Plan Area to the MD of Ranchland for comment prior to a decision being rendered.

### ***Response Timelines***

- 4.2.19 The responding municipality shall, from the date of mailing, have the following timelines to review and provide comment on intermunicipal referrals:
- a) 15 calendar days for all development applications,
  - b) 19 calendar days for subdivision applications, and
  - c) 30 calendar days for all other intermunicipal referrals.
- 4.2.20 In the event that either municipality or the Committee does not reply within, or request an extension by, the response time for intermunicipal referrals stipulated in this Section, it is presumed that the responding municipality and/or Committee has no comment or objection to the referred planning application or matter.

### ***Consideration of Responses***

- 4.2.21 Comments from the responding municipality and/or the Committee regarding proposed Municipal Development Plans, other statutory plans, and Land Use Bylaws, or amendments to any of those documents, shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered.

- 4.2.22 Comments from the responding municipality and/or the Committee regarding subdivision and development applications shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered on the application.

### **4.3 Plan Validity and Amendment Policies**

#### **INTENT**

This Plan may require amendments from time to time to accommodate unforeseen situations, and to keep the Plan relevant.

#### **POLICIES**

- 4.3.1 This Plan comes into effect on the date it is adopted by both municipalities.
- 4.3.2 Amendments shall be adopted by both Councils using the procedures outlined in the *MGA*. No amendment shall come into force until such time as both municipalities adopt the amending bylaw.
- 4.3.3 Applications for amendments to this Plan by parties other than the MD of Pincher Creek and the MD of Ranchland (e.g. landowners and developers) shall be made to both municipalities along with the applicable fee as established by each municipality for processing amendments to a statutory plan.
- 4.3.4 Administrative staff should review the policies of the Plan annually and discuss land use matters, issues and concerns on an on-going basis. Administrative staff may make recommendations to their respective Councils for amendment to the Plan to ensure the policies remain relevant and continue to meet the needs of both municipalities.
- 4.3.5 A formal review of the Plan will occur within 10 years from the date the IDP is adopted by both municipalities.

## 5 | DISPUTE RESOLUTION POLICIES

### 5.1 General Dispute Process

#### **INTENT**

The intent of the dispute resolution process is to maximize opportunities for discussion and review in order to resolve areas of disagreement early in the process. Despite the best efforts of both municipalities, it is understood that disputes may arise from time to time affecting land use within the Plan boundary. The following process is intended to settle disputes through consensus and minimize the need for formal mediation.

#### **POLICIES**

##### **General Agreement**

The municipalities agree that:

- 5.1.1 It is important to avoid dispute by ensuring that the Plan is adhered to as adopted, including full circulation of any permit or application that may affect the municipality as required in the Plan and prompt enforcement of the Plan policies.
- 5.1.2 Prior to the meeting of the Committee, each municipality through its administration will ensure the facts of the issue have been investigated and clarified, and information is made available to both parties. Staff meetings are encouraged to discuss possible solutions.
- 5.1.3 The Committee should discuss the issue or dispute with the intent to seek a recommended solution by consensus.

##### **Dispute Resolution**

In the case of a dispute, the following process will be followed to arrive at a solution:

- 5.1.4 When a potential intermunicipal issue comes to the attention of either municipality relating to a technical or procedural matter, such as inadequate notification or prescribed timelines, misinterpretation of Plan policies, or a clerical error regarding the policies of this Plan, either municipality's Land Use Bylaw, or any other plan affecting lands in the Plan Area, it will be directed to the administrators of each municipality. The administrators will review the technical or procedural matter and if both administrators are in agreement, take action to rectify the matter.

- 5.1.5 Should either municipality identify an issue related to this Plan that may result in a dispute that cannot be administratively resolved under Section 5.1.4 or any other issue that may result in a dispute, the municipality shall contact the other and request that an Intermunicipal Development Plan Committee meeting be scheduled to discuss the issue. The Committee will review the issue and attempt to resolve the matter by consensus.
- 5.1.6 Should the Intermunicipal Development Plan Committee be unable to arrive at a consensus, the administration of each municipality will schedule a joint meeting of the two Councils to discuss possible solutions and attempt to reach consensus on the issue.
- 5.1.7 Should the Councils be unable to resolve the matter, either municipality shall initiate a formal mediation process to facilitate resolution of the issue.

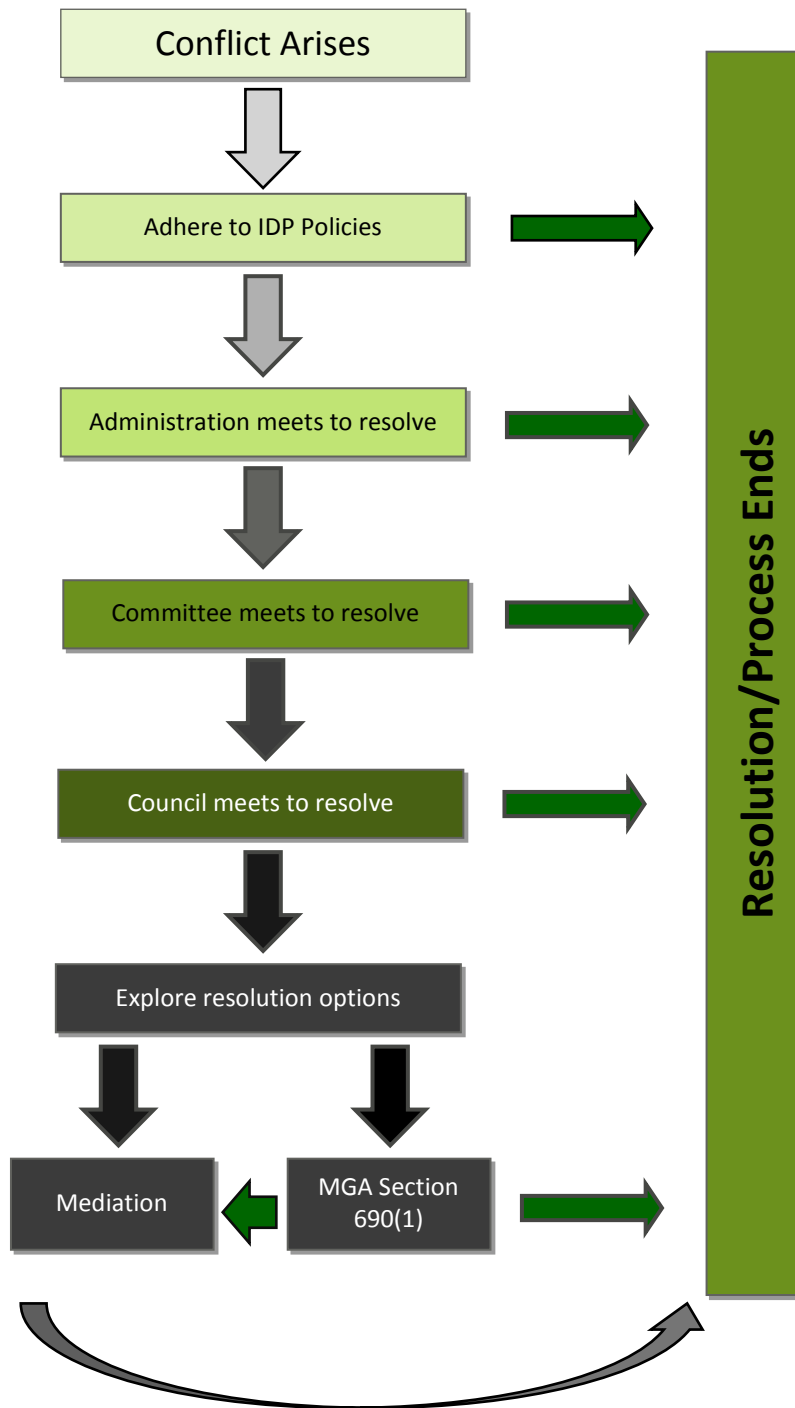
### ***Filing an Intermunicipal Dispute under the Municipal Government Act***

- 5.1.8 In the case of a dispute involving the adoption of a statutory plan, Land Use Bylaw or amendment to such, within 30 days of adoption, the municipality initiating the dispute may, without prejudice, file an appeal to the Municipal Government Board under section 690(1) of the *MGA* so that the provincial statutory right and timeframe to file an appeal is not lost.
- 5.1.9 The appeal may then be withdrawn, without prejudice, if a solution or agreement is reached between the two municipalities prior to the Municipal Government Board meeting. This is to acknowledge and respect that the time required to seek resolution or mediation may not be able to occur within the 30 day appeal filing process as outlined in the *MGA*.

**Note:** *Using section 690(1) of the MGA is the final stage of dispute settlement, where the municipalities request the Municipal Government Board to intercede and resolve the issue.*

### Dispute Resolution Flow Chart

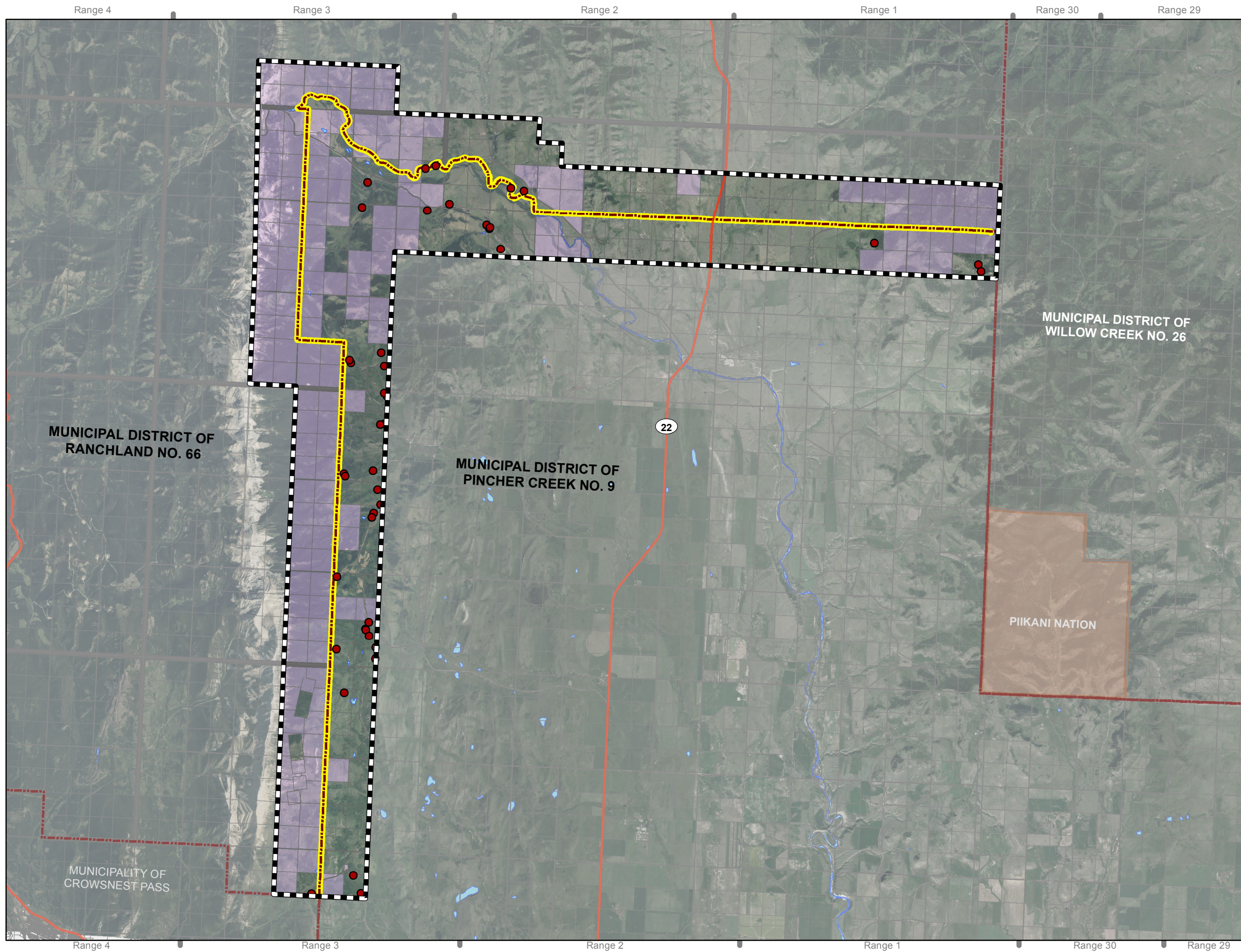
The dispute resolution flow chart presented here is for demonstration purposes only and shall not limit the ability of either municipality to explore other methods of resolution or to choose one method in place of another.



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## APPENDIX A | MAPS





# Municipal District of Pincher Creek and Municipal District of Ranchland Intermunicipal Development Plan

## Physical Characteristics Map 2

-  Plan Area Boundary
-  M.D. of Pincher Creek/M.D. of Ranchland Border
-  Provincial Highway
-  Waterbodies
-  Residences & Other Addressed Parcels <sup>1 2</sup>
- Land Ownership<sup>2 3</sup>**
  -  Crown Land

**Source:**

<sup>1</sup> MD of Ranchland - Alberta Municipal Data Sharing Partnership, April 2018  
 MD of Pincher Creek - Digitized from 2015 Aerial Photo

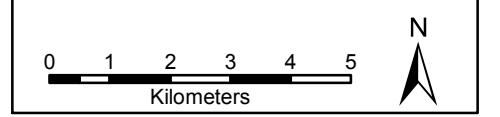
<sup>2</sup> M.D. of Pincher Creek - Altalis, June 2018  
 Willow Creek - Altalis, May 2017

<sup>3</sup> Altalis, July 2018

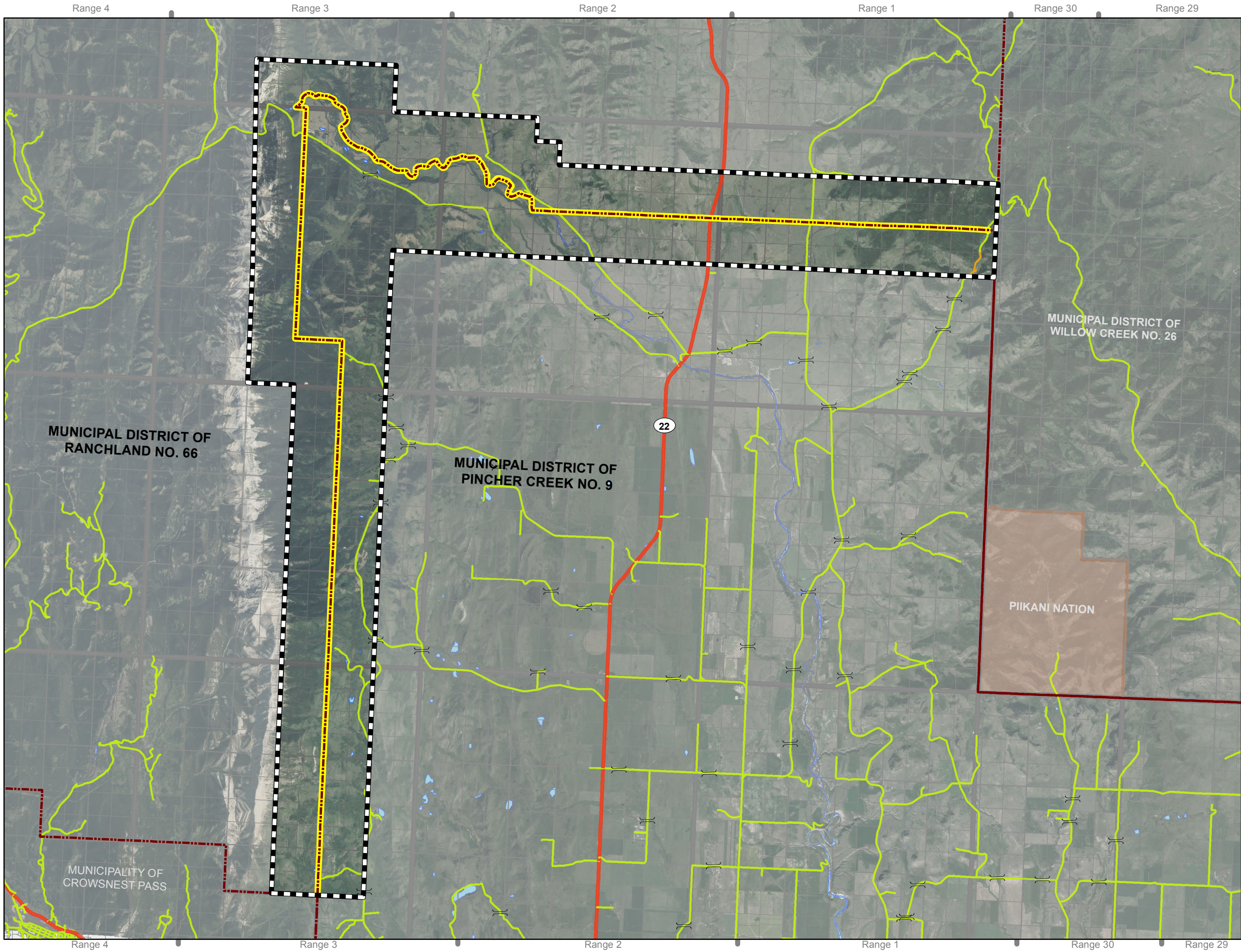
<sup>4</sup> Alberta Environment and Parks  
 Government of Alberta, October 2018

Aerial Photo Date: 2015

Municipal District of Pincher Creek  
 (Bylaw No. \_\_\_\_ ) &  
 Municipal District of Ranchland  
 (Bylaw No. \_\_\_\_ )







## Municipal District of Pincher Creek and Municipal District of Ranchland Intermunicipal Development Plan

### Road Network Map 3

- Plan Area Boundary
- M.D. of Pincher Creek/M.D. of Ranchland Border
- Provincial Highway
- Municipal Roads
- Private Roads (No Road Plan)
- Bridge
- Waterbodies

**Source:**

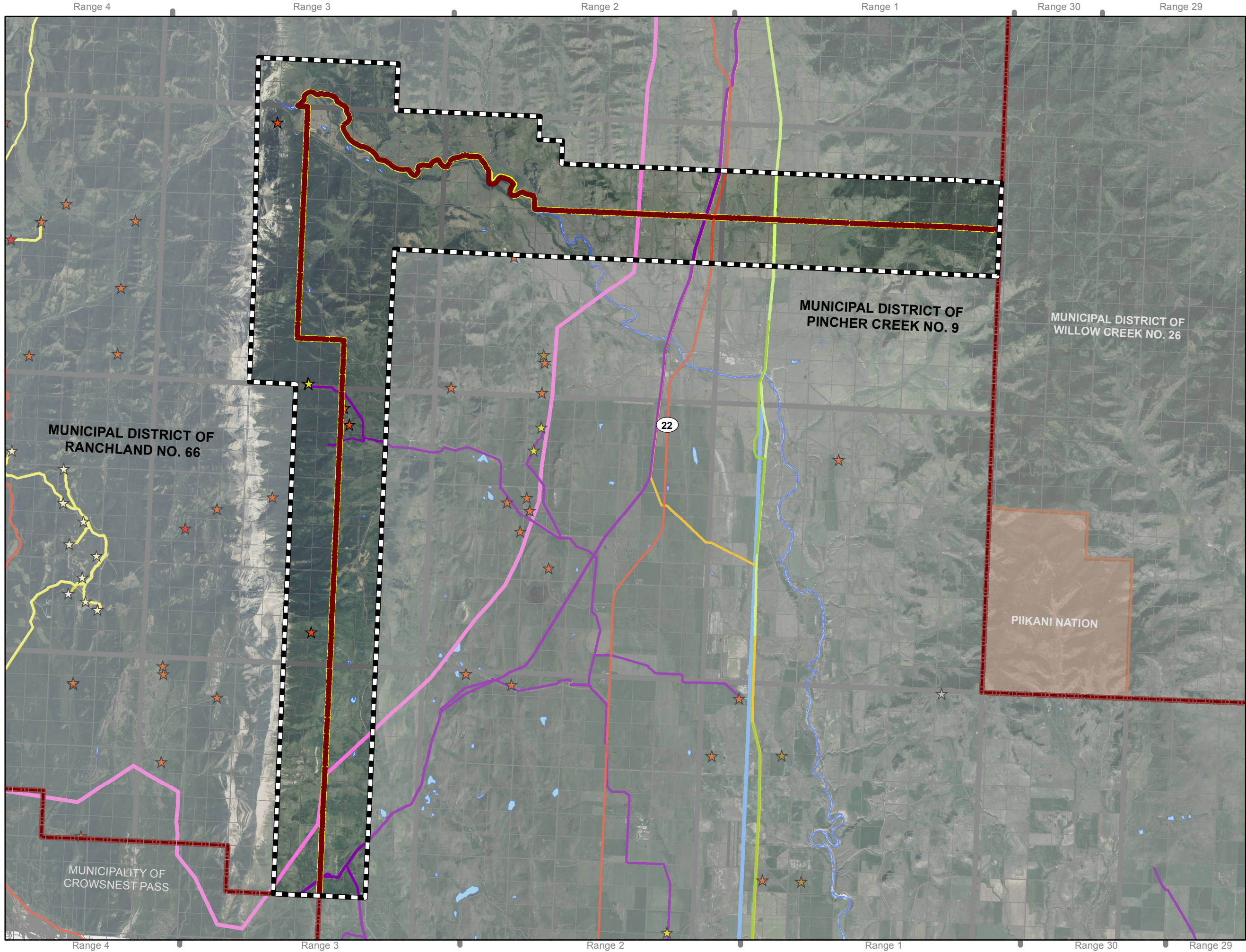
<sup>1</sup> Altalis, March 2018

<sup>2</sup> Alberta Environment and Parks  
Government of Alberta, October 2018

Aerial Photo Date: 2015

Municipal District of Pincher Creek  
(Bylaw No. \_\_\_\_ ) &  
Municipal District of Ranchland  
(Bylaw No. \_\_\_\_ )

0 1 2 3 4 5  
Kilometers



**Municipal District of Pincher Creek and  
Municipal District of Ranchland Intermunicipal  
Development Plan**

**Energy Infrastructure  
Map 4**

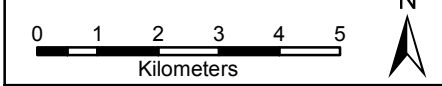
- Plan Area Boundary
- M.D. of Pincher Creek/M.D. of Ranchland Border
- Provincial Highway
- Waterbodies
- Transmission Lines<sup>1</sup>**
  - 69 kv
  - 500 kv
- Pipelines - Substance<sup>2</sup>**
  - Crude Oil
  - HV Other
  - HVP Products
  - LVP Products
  - Natural Gas
- Well - Status<sup>2</sup>**
  - Abandoned
  - Abandoned Gas
  - Drilled and Cased
  - Gas
  - Suspended Gas
  - Undefined

**Source:**

<sup>1</sup> Digitized by ORRSC, 2018  
<sup>2</sup> Alberta Energy Regulator, 2016  
<sup>3</sup> Altalis March 2018

Aerial Photo Date: 2015

Municipal District of Pincher Creek  
(Bylaw No. \_\_\_\_\_) &  
Municipal District of Ranchland  
(Bylaw No. \_\_\_\_\_)



**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
IN THE PROVINCE OF ALBERTA**

**BYLAW NO. 1310-19**

BEING a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to adopt an Intermunicipal Development Plan between the Municipal District of Pincher Creek No. 9 and the Municipal District of Willow Creek No. 26 pursuant to sections 631 and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

WHEREAS municipalities are required by the province to expand intermunicipal planning efforts to address planning matters that transcend municipal boundaries through an intermunicipal development plan;

AND WHEREAS both the Councils of the Municipal District of Pincher Creek No. 9 and the Municipal District of Willow Creek No. 26 agree that it is to their mutual benefit to establish joint planning policies and this negotiation and agreement reflects a continuing cooperative approach between the two municipalities and the desire to see well-planned, orderly, and managed growth.

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 Municipal District of Pincher Creek No. 9 duly assembled hereby enacts the following:

1. That the Municipal District of Pincher Creek No. 9 and Municipal District of Willow Creek No. 26 Intermunicipal Development Plan, attached hereto, be adopted.
2. This plan, upon adoption, shall be cited as the Municipal District of Pincher Creek No. 9 and Municipal District of Willow Creek No. 26 Intermunicipal Development Plan Bylaw No. 1310-19 and Bylaw No. 1842.
3. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

READ a **second** time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

READ a **third** time and finally PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*Reeve – Brian Hammond*

\_\_\_\_\_  
*Chief Administrative Officer – Troy MacCulloch*

Municipal District of  
Pincher Creek No. 9  
&  
Municipal District of  
Willow Creek No. 26

# **Intermunicipal Development Plan**

Bylaw No. 1310-19 & Bylaw No. 1842

September 2019





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**Prepared for the Municipal District of Pincher Creek No. 9 and Municipal District of Willow Creek No. 26**

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# Table of Contents

<b>1   INTRODUCTION</b>	<b>1</b>
1.1 Purpose of the Plan	1
1.2 Plan Preparation and Shared Values	2
1.3 Municipal Profiles	2
<i>Municipal District of Pincher Creek No. 9</i>	2
<i>Municipal District of Willow Creek No. 26</i>	3
1.4 Legislative Requirements	3
<b>2   PLAN AREA</b>	<b>6</b>
2.1 Study Area Analysis	6
2.2 Key Characteristics of the Plan Area	6
<i>Land Use and Residential Development</i>	6
<i>Transportation Infrastructure</i>	7
<i>Natural Environment and Historic Resources</i>	7
<i>Natural Resource Extraction and Energy Development</i>	7
<b>3   POLICIES</b>	<b>8</b>
3.1 General	8
3.2 Land Use	9
<i>Agriculture</i>	9
<i>Confined Feeding Operations (CFOs)</i>	9
<i>Resource Extraction</i>	9
<i>Industry and Energy Development</i>	10
<i>Utilities / Telecommunications Towers</i>	10
3.3 Transportation and Road Networks	11
3.4 Natural Environment	11
3.5 Interpretation	12
<b>4   PLAN ADMINISTRATION &amp; IMPLEMENTATION</b>	<b>13</b>
4.1 Intermunicipal Development Plan Committee Policies	13

4.2 Referral Policies .....	14
<i>General</i> .....	14
<i>Municipal Development Plans</i> .....	15
<i>Other Statutory Plans</i> .....	15
<i>Land Use Bylaws</i> .....	15
<i>Design Concepts</i> .....	16
<i>Subdivision and Development</i> .....	16
<i>Response Timelines</i> .....	16
<i>Consideration of Responses</i> .....	16
4.3 Plan Validity and Amendment Policies .....	17
<b>5   DISPUTE RESOLUTION POLICIES .....</b>	<b>18</b>
5.1 General Dispute Process .....	18
<i>General Agreement</i> .....	18
<i>Dispute Resolution</i> .....	18
<i>Filing an Intermunicipal Dispute under the Municipal Government Act</i> .....	19
<i>Dispute Resolution Flowchart</i> .....	20

## APPENDIX A | MAPS

# Municipal District of Pincher Creek No. 9 & Municipal District of Willow Creek No. 26

## Intermunicipal Development Plan

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### 1 | INTRODUCTION

#### *1.1 Purpose of the Plan*

The purpose of the Municipal District of Pincher Creek No. 9 (MD of Pincher Creek) and Municipal District of Willow Creek No. 26 (MD of Willow Creek) Intermunicipal Development Plan (IDP or the Plan) is to foster ongoing collaboration and cooperation regarding planning matters and issues of mutual interest and address and clarify land use expectations within the agreed upon intermunicipal development plan area (Plan Area).

This IDP serves as a planning tool providing guidance to decision-makers through the agreed upon planning policies that apply to the land within the Plan Area. The IDP contains policy that is to be used as a framework for working cooperatively, communicating and making decisions in each municipality. Each municipality is ultimately responsible for making decisions within their own municipal jurisdiction.

The intended goals of the IDP are:

- To promote consultation, coordination and cooperation regarding planning matters of joint interest within the Plan Area.
- To provide a framework for addressing land use concerns with regard to joint planning matters within the Plan Area.
- To provide a clear policy framework that serves to guide future planning decisions for land located within the Plan Area, affording enhanced coordination of development within the Plan Area.

The preparation and implementation of an IDP can result in many benefits to both municipalities including, but not limited to, the following:

- To establish an approach to identify possible joint ventures for infrastructure and service sharing to promote efficient planning and potential delivery of services.
- To reinforce and protect each municipality's development philosophies and goals while minimizing the potential for future intermunicipal conflict.
- To provide policy addressing plan administration, amendment and dispute resolution procedures.



## **1.2 Plan Preparation and Shared Values**

The formation of the Plan was guided by the IDP Review Committee which was composed of two Council members from each municipality. Senior administration and ORRSC Planners from both municipalities were also involved throughout the process as technical advisors. With respect to committee decision making, both parties agreed at the outset of the process that their chosen decision-making model would be based on reaching consensus on the issues discussed.

A background analysis was undertaken which served as the foundation from which both municipalities could review the existing land use conditions and determine the relevant issues, goals and objectives. Through thoughtful discussion, it was determined that a series of fundamental shared values would inform and guide the document. These values are the foundation from which the policy of the IDP has been developed and will inform municipal decision making going forward in the Plan Area. The shared values include:

- Supporting a Healthy Agricultural Economy
- Protecting the Watershed – both surface and groundwater resources
- Fostering On-going Dialogue

A draft document was prepared with input from the IDP Review Committee and presented to each municipal Council for review prior to consultation with affected landowners, stakeholders and the general public. Upon completing the consultation phase, a refined document was prepared and a final draft forwarded to each Council for approval through the bylaw process. As required by the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA)*, separate public hearings were held by each Council and subsequent to the public hearings, the IDP was adopted by each municipality.

## **1.3 Municipal Profiles**

### ***Municipal District of Pincher Creek No. 9***

The Municipal District of Pincher Creek No. 9 covers an area of approximately 352,000 hectares (869,000 acres) with a 2018 population of 2,965 (Alberta Municipal Affairs, 2018). The MD surrounds two urban municipalities, contains five hamlets, and is bordered by three rural municipalities, a specialized municipality, national park and a First Nations. The economy of the MD is largely agricultural, with ranching predominant in the eastern slopes. Alternative energy developments, particularly wind turbine development has been locating in the municipality in the past several decades. The MD is home to the Oldman Dam and Reservoir, an on-stream storage facility operated by the Government of Alberta.

## **Municipal District of Willow Creek No. 26**

The Municipal District of Willow Creek No. 26 covers an area of approximately 450,000 hectares (1.1 million acres) with a 2018 population of 5,179 (Alberta Municipal Affairs, 2018). The MD surrounds five urban municipalities, contains four hamlets, and is bordered by six rural municipalities and two First Nations. The economy of the MD is primarily agricultural, with ranching towards the eastern slopes. Natural resource, utility, and alternative energy developments have begun to provide non-agricultural land use pressures. The MD contains several large reservoirs including Twin Valley, Clear Lake and Pine Coulee.

### **1.4 Legislative Requirements**

This Plan has been prepared in accordance with the requirements of the *MGA*, and complies with the South Saskatchewan Regional Plan (SSRP).

Specifically the *MGA* requires:

*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.*

*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, and*
- 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.*

The South Saskatchewan Regional Plan 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 through 2024. Pursuant to section

13 of the *Alberta Land Stewardship Act (ALSA)*, 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 Planning 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.

#### **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 the IDP.

## 2 | PLAN AREA

### 2.1 Study Area Analysis

Given the vast size of the municipalities, in order to focus on the border area and potential impacts, a series of maps was developed, with emphasis on the area adjacent to the shared border. The purpose was to identify opportunities and constraints, as well as influences which may affect land use planning in proximity of the boundary between the two municipalities.

The following features were displayed on the maps and considered by the IDP Review Committee:

- Residences and Urban Areas
- Transportation Corridors
- Land Use and Natural Characteristics
- Agricultural uses and Confined Feeding Operations (CFOs)
- Surface Materials Extraction and Energy Development
- Natural Environment and Water
- Environmentally Significant Areas (ESAs)
- Historical Resource Value (HRV) Sites

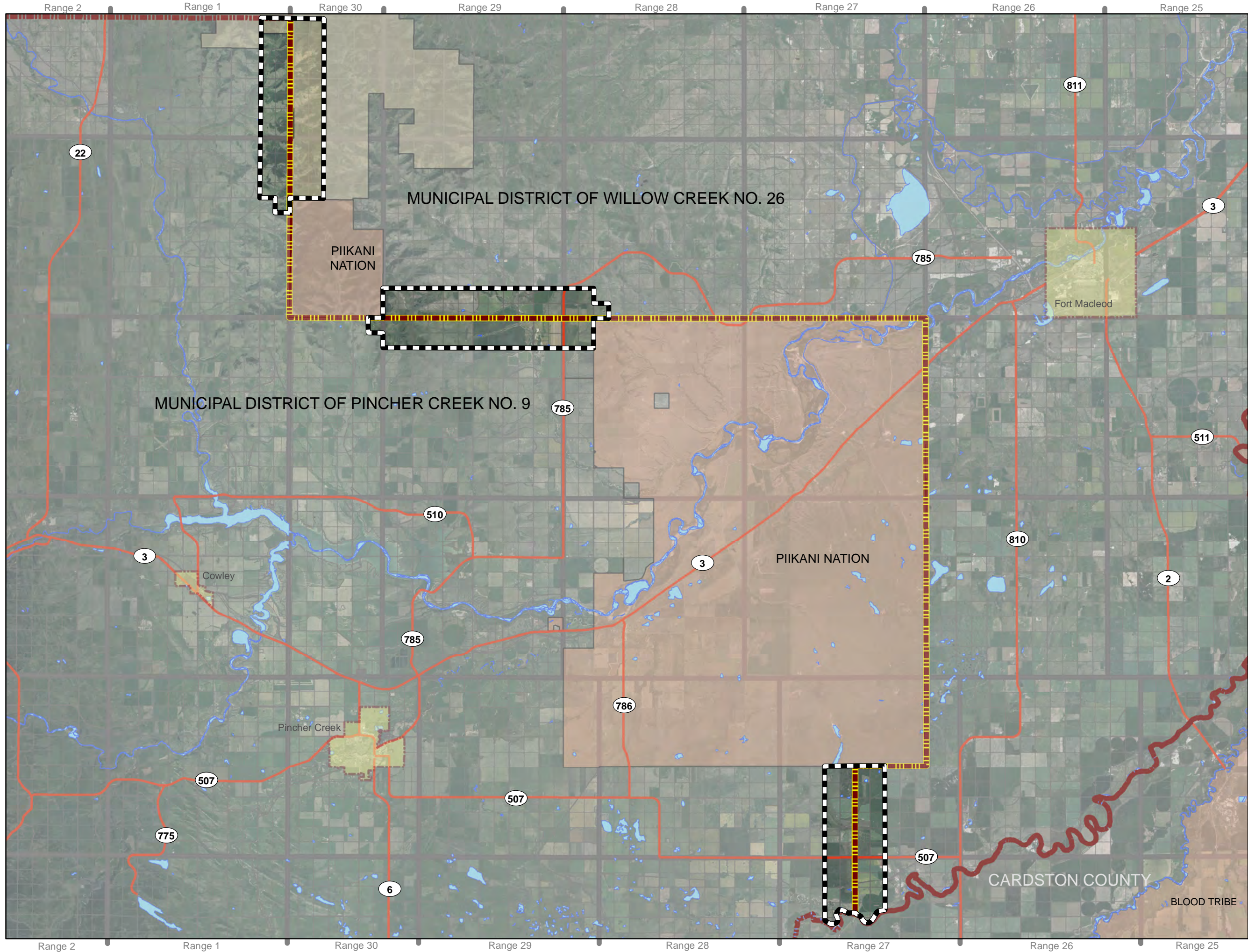
After consideration of social, economic and physical features listed below, the Plan Area was determined to consist of three separate areas which include only shared borders between the two municipalities. The Piikani Reserve buffers a considerable amount of land between the two municipalities. The Plan Area is approximately 1.6 km (1 mile) on each side of the joint municipal boundary.

### 2.2 Key Characteristics of the Plan Area

The MD of Pincher Creek and MD of Willow Creek Intermunicipal Plan Area (Map 1) encompasses approximately 9,848 hectares (24,336 acres). Key characteristics of the Plan Area include the following, some of which are illustrated on Maps 2-4 in Appendix A.








#### *Land Use and Residential Development*

- Agriculture is the primary land use of the area, with a mix of dryland and irrigated farming as well as ranching. One confined feeding operation is located within the Plan Area.
- A small portion of land within the Plan Area is under control and ownership of the Province of Alberta.
- The Porcupine Hills Public Land Use Zone (PLUZ) encompasses a small portion of land within the Plan Area.



**Municipal District of Pincher Creek and Municipal District of Willow Creek Intermunicipal Development Plan**


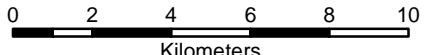
**Plan Area Boundary Map 1**

-  Plan Area Boundary
-  M.D. of Pincher Creek/M.D. of Willow Creek Border
-  Provincial Highway
-  Waterbodies
-  Reserve
-  Porcupine Hills Public Land Use Zone
-  Town/Village

Aerial Photo Date: 2012/2015

Municipal District of Pincher Creek (Bylaw No. 1310-19) & Municipal District of Willow Creek (Bylaw No. 1842)

N

0 2 4 6 8 10  
Kilometers

- Approximately six dwellings are located within the Plan Area boundary and no urban municipalities exist.

### ***Transportation Infrastructure***

- Road infrastructure is limited in the northern portion of the area due to the rolling topography of land in both municipalities.
- Highways 3, 507 and 785 provide connectivity between the two municipalities.
- Two municipal roads found within the Plan Area link the municipalities which are primarily used by rural residents and agricultural operations.

### ***Natural Environment and Historic Resources***

- A large portion of land within the Plan Area has the potential to contain historic resources, either archaeological or paleontological as well as a substantial amount of the Plan Area consists of environmentally significant land.
- No protected areas or provincial parks are located within the Plan Area.

### ***Natural Resource Extraction and Energy Development***

- Sand and gravel potential has been assumed through the Alberta Geological Survey in the southerly portion of the Plan Area along the Cardston County border.
- Two natural gas pipelines run through both municipalities in the southerly portion of the Plan Area.

## 3 | POLICIES

The land use policies contained in this Plan are intended to provide direction to the MD of Pincher Creek and MD of Willow Creek Councils, subdivision and development authorities and administrations to manage the lands contained within the Plan Area. The policies of this Plan apply to all land within the Plan Area boundary delineated in Map 1.

### 3.1 General

#### **INTENT**

To provide administrative policies within the Plan Area which foster intermunicipal communication, consultation and cooperation.

#### **POLICIES**

- 3.1.1 The MD of Pincher Creek and MD of Willow Creek will strive to engage in effective dialogue when considering land use, while still maintaining complete jurisdiction on lands within their own boundaries.
- 3.1.2 The municipalities will collaborate and foster partnerships with the adjacent municipality to promote regional interests, support projects that may mutually benefit and enhance the quality of life of residents from both municipalities. This could be in the form of mutually beneficial service agreements or shared economic, environmental, and social outcomes.
- 3.1.3 Both municipalities agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.
- 3.1.4 The MD of Pincher Creek and MD of Willow Creek shall strive, to the best of their ability and knowledge, to refer notices of government projects to each other.
- 3.1.5 Both municipalities are encouraged to share with the adjacent municipality, the results of all publicly available technical analyses required by a Subdivision and Development Authority as part of an application, where there is the potential for impacts on lands and bodies of water within the adjacent municipality.



## 3.2 Land Use

### INTENT

To provide policies on land use within the Plan Area which reflect the development philosophies of both municipalities.

### POLICIES

#### Agriculture

- 3.2.1 Agriculture will continue to be the predominant land use in the Plan Area. The impact on agricultural uses should be a consideration when determining suitability of non-agricultural land uses in the Plan Area.
- 3.2.2 Both municipalities will strive to work cooperatively to encourage good neighbour farming practices, such as dust, soil erosion, weed and insect control, through best management practices and Alberta Agriculture guidelines.
- 3.2.3 If disputes or complaints in either municipality arise between ratepayers and agricultural operators, the municipality receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or municipality for consultation or resolution wherever necessary.

#### Confined Feeding Operations (CFOs)

- 3.2.4 Existing CFOs will be allowed to continue to operate under acceptable operating practices and within the requirements of the *Agricultural Operation Practices Act and Regulations*.
- 3.2.5 If either the MD of Pincher Creek or MD of Willow Creek are in receipt of a notice of application from the Natural Resources Conservation Board (NRCB) for new or expanded CFOs, they will forward a copy of the notification to the other municipality.
- 3.2.6 If either municipality proposes an amendment to a CFO exclusion/restricted area within the Plan Area or proposes additional CFO exclusion/restricted areas within the Plan Area, the proposal will be circulated to the other municipality for comment in accordance with this Plan.

#### Resource Extraction

- 3.2.7 The municipalities will consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for new or expanded gravel pits, or other extractive activities, where they maintain jurisdiction.

- 3.2.8 Either municipality may require an agreement regarding the construction, repair, and maintenance of any municipal roads which may be impacted by resource development, when the development requires access from the other municipality's road.
- 3.2.9 If either municipality is in receipt of a notice or application for a new or expanded public or privately owned gravel pit, they will forward a copy of the notice to the other municipality.

### ***Industry and Energy Development***

- 3.2.10 The municipalities may consider the location of renewable energy developments and other industrial development where compatible with existing land uses and each municipality's planning documents.
- 3.2.11 The municipalities may consider renewable energy developments (e.g. solar, wind, water, biofuel, etc.) and other industrial development where deemed compatible with existing land uses and will circulate redesignation, subdivision or development applications to one another in accordance with this Plan.
- 3.2.12 If an application is received for a renewable energy project that transcends a municipal boundary, both municipalities agree to consult and coordinate with each other regarding the proposal, wherever possible. In such a circumstance, the applicant of the development is required:
- a) to apply to each municipality separately for development approval and is subject to the respective development processes, fee schedules, and requirements of each municipality;
  - b) to report the findings to both municipalities of any public consultation activity, such as an open house or other public consultation meeting, conducted with respect to the proposal.

### ***Utilities / Telecommunications Towers***

- 3.2.13 When providing comments to provincial and federal departments regarding utility development, the MD of Pincher Creek and MD of Willow Creek will request that consideration be given to the establishment of utility corridors with multiple users.
- 3.2.14 Where there is an application for a new, expanded or retrofitted telecommunications tower within the Plan Area, the MD of Pincher Creek and MD of Willow Creek will notify the other municipality to seek their comments.
- 3.2.15 It is the preference of both municipalities that co-location of telecommunication facilities be undertaken where technically feasible.

### **3.3 Transportation and Road Networks**

#### **INTENT**

Highways 3, 507, 785 and two municipal roads link the two municipalities. It is important that the municipalities take into consideration the impact of development on municipal and provincial road infrastructure.

#### **POLICIES**

- 3.3.1 Both municipalities agree to consult and work with Alberta Transportation regarding the implementation of this Plan and consider how development may impact Highway 507 and Highway 785, as applicable.
- 3.3.2 When required by Alberta Transportation, developers shall conduct traffic studies with respect to the impact and access onto the highway. Any upgrading identified by a traffic study conducted by a developer with respect to a highway shall be implemented by the developer at its sole cost and to the satisfaction of Alberta Transportation.
- 3.3.3 The municipalities should endeavor to maintain open dialogue with Alberta Transportation regarding Highway 507 and Highway 785, including any changes to the highways that may have important impacts on the municipalities.
- 3.3.4 The municipalities may explore negotiating road use agreements as necessary for the maintenance and upkeep of local roads connecting the municipalities.

### **3.4 Natural Environment**

#### **INTENT**

Both municipalities recognize the connection between the natural environment and quality of life and strive to protect, preserve and enhance natural systems and environmentally significant areas.

#### **POLICIES**

- 3.4.1 When making land use decisions, each municipality will:
  - a) utilize and incorporate measures which minimize possible impacts important water resources;
  - 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.

- 3.4.2 Lands that have been identified that may contain an environmentally significant area (ESA) may be required to conduct an environmental impact assessment (EIA) and the proponent should contact Alberta Environment and Parks.
- 3.4.3 Lands that have been identified that may contain a historic resource value (HRV) may be required to conduct a historical resource impact assessment (HRIA) and the proponent should consult the *Historical Resources Act* and Alberta Culture and Tourism.
- 3.4.4 Both municipalities should consider the provincial Water for Life Strategy and the Wetland Policy when making land use decisions with the goal of sustaining environment and economic benefits.
- 3.4.5 Both municipalities should consider making compatible land use decisions on lands adjacent to the Public Land Use Zone (PLUZ).

### **3.5 Interpretation**

#### **INTENT**

To ensure the policies and language within this Plan are communicated in the proper context to ensure the intent of the Plan is as clear and concise as possible.

#### **POLICIES**

- 3.5.1 Unless otherwise required by the context, words used in the present tense include the future tense, words used in the singular include the plural, and the word person includes a corporation as well as an individual. Unless otherwise stipulated, the *Interpretation Act, Chapter I-8, RSA 2000* as amended, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.
- 3.5.2 All references to a specific agency, body, or department were accurate at the time of writing. It is understood that agency, body and department names change from time to time. All references throughout the Plan shall therefore be considered to be applicable to the current relevant agency, body or department.
- 3.5.3 The geographical or relative boundaries or any variable presented on the maps contained in this Plan, with the exception of the boundaries of the Plan Area, shall be interpreted as a rough approximation and not an accurate depiction of its actual or full extension.

## 4 | PLAN ADMINISTRATION & IMPLEMENTATION

### 4.1 Intermunicipal Development Plan Committee Policies

#### **INTENT**

The implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. An Intermunicipal Development Plan Committee with joint representation will ensure continued dialogue and cooperation, as the purpose of this committee is to promote active cooperation and conflict resolution through a consensus-based approach.

#### **POLICIES**

- 4.1.1 For the purposes of administering and monitoring the IDP, the MD of Pincher Creek and MD of Willow Creek establish the Intermunicipal Development Plan Committee (the Committee).
- 4.1.2 Both Councils agree the Intermunicipal Development Plan Committee will be an advisory body and may make comments or recommendations to the MD of Pincher Creek and MD of Willow Creek. In its advisory capacity, the Committee does not have decision making authority or powers with respect to planning matters in either municipality.
- 4.1.3 The Committee will be comprised of two (2) members of Council from both the MD of Pincher Creek and MD of Willow Creek. Each municipality may appoint an alternate Committee member in the event a regular member cannot attend a scheduled meeting. Alternate Committee members shall have standing. Quorum shall consist of four (4) voting members.
- 4.1.4 Members of the Committee shall be appointed by their respective Councils at the Organizational Meeting. If a Council wishes to appoint a new member to the Committee (including the alternate), they must do so by motion of Council at a regular Council meeting. The municipalities shall notify one another upon appointing members and alternate members to the Committee.
- 4.1.5 The municipalities agree that the purpose of the Committee is to:
  - a) provide a forum for discussion of land use matters within the Plan Area,
  - b) provide recommendation(s) for proposed amendments to the Plan,
  - c) discuss and address issues regarding Plan implementation,
  - d) review and provide comment on referrals under Section 4.2 and any other matters referred to the Committee,
  - e) provide recommendation(s) regarding intermunicipal issues in an effort to avoid a dispute, and
  - f) provide a forum for discussion of any other matter of joint interest identified by either municipality.

- 4.1.6 Meetings of the Committee may be held at the request of either municipality to discuss land use or other planning matters, dispute resolution, or any other matter of intermunicipal importance. Additionally, any matter in Section 4.2 may be referred by either municipality to the Committee for comment prior to a decision being rendered.
- 4.1.7 A municipality may call a meeting of the Committee at any time upon not less than five (5) days' notice of the meeting being given to all members of the Committee and support personnel, stating the date, the time, purpose and the place of the proposed meeting. The five (5) days' notice may be waived with  $\frac{3}{4}$  of the Committee members' agreement noted.
- 4.1.8 The municipality that called the meeting of the Committee shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.
- 4.1.9 At least one (1) member of each municipality's administrative staff shall attend each meeting in the capacity of technical, non-voting advisor.
- 4.1.10 Any changes to the Committee format, composition, roles, responsibilities or any aspect of its existence or operation may be requested by either municipality.
- 4.1.11 Where a matter has been referred to the Committee and a resolution cannot be found, the Dispute Resolution process in Section 5 of this Plan shall be adhered to.

## **4.2 Referral Policies**

### **INTENT**

To establish a process for consistent and transparent sharing of information necessary to make decisions in accordance with the intent of the Plan.

### **POLICIES**

#### **General**

- 4.2.1 Where an intermunicipal referral is required by the *MGA* or the policies contained in this Plan, both municipalities agree to share mailing address and property ownership information for circulation purposes with the adjacent municipality, and where applicable, the municipality's processing agency.
- 4.2.2 Where a plan or bylaw, including amendments, or application, requires notifications to be sent to a municipality that is external to this IDP, the referring municipality shall follow the referral requirements outlined in the *MGA*, and where applicable, those contained in a relevant Intermunicipal Development Plan.

- 4.2.3 Administrative staff or representatives for the MD of Pincher Creek and MD of Willow Creek are encouraged to discuss with one another forthcoming Statutory Plans and Land Use Bylaws, including amendments, which may impact the Plan Area.
- 4.2.4 Administrative staff or representatives for the MD of Pincher Creek and MD of Willow Creek are encouraged to discuss with one another forthcoming subdivision and development applications that may impact lands within the Plan Area.
- 4.2.5 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 Plan Area.

### ***Municipal Development Plans***

- 4.2.6 A newly proposed MD of Willow Creek Municipal Development Plan or amendment shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.7 A newly proposed MD of Pincher Creek Municipal Development Plan or amendment shall be referred to MD of Willow Creek for comment prior to a public hearing.

### ***Other Statutory Plans***

- 4.2.8 A newly proposed MD of Willow Creek statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.9 A newly proposed MD of Pincher Creek statutory plan (excluding a Municipal Development Plan) or amendment that will have an impact on the Plan Area shall be referred to the MD of Willow Creek for comment prior to a public hearing.

### ***Land Use Bylaws***

- 4.2.10 All Land Use Bylaw amendments in the MD of Willow Creek that affect lands in the Plan Area, shall be referred to the MD of Pincher Creek for comment prior to a public hearing.
- 4.2.11 All Land Use Bylaw amendments in the MD of Pincher Creek that affect lands in the Plan Area, shall be referred to MD of Willow Creek for comment prior to a public hearing.
- 4.2.12 All redesignation applications affecting the Plan Area shall be referred to the other municipality for comment prior to a public hearing.
- 4.2.13 A newly proposed Land Use Bylaw from either municipality shall be referred to the other for comment prior to a public hearing.

### ***Design Concepts***

- 4.2.14 All design concepts in support of a subdivision or development in the MD of Willow Creek that will affect lands in the Plan Area shall be referred to the MD of Pincher Creek for comment prior to Council resolution.
- 4.2.15 All design concepts in support of a subdivision or development in the MD of Pincher Creek that will affect lands in the Plan Area shall be referred to the MD of Willow Creek for comment prior to Council resolution.

### ***Subdivision and Development***

- 4.2.16 All subdivision applications for lands within the Plan Area shall be referred to the other municipality for comment prior to a decision being rendered.
- 4.2.17 The MD of Willow Creek shall refer all discretionary use development applications within the Plan Area to the MD of Pincher Creek for comment prior to a decision being rendered.
- 4.2.18 The MD of Pincher Creek shall refer all discretionary use development applications within the Plan Area to the MD of Willow Creek for comment prior to a decision being rendered.

### ***Response Timelines***

- 4.2.19 The responding municipality shall, from the date of mailing, have the following timelines to review and provide comment on intermunicipal referrals:
  - a) 15 calendar days for all development applications,
  - b) 19 calendar days for subdivision applications, and
  - c) 30 calendar days for all other intermunicipal referrals.
- 4.2.20 In the event that either municipality or the Committee does not reply within, or request an extension by, the response time for intermunicipal referrals stipulated in this Section, it is presumed that the responding municipality and/or Committee has no comment or objection to the referred planning application or matter.

### ***Consideration of Responses***

- 4.2.21 Comments from the responding municipality and/or the Committee regarding proposed Municipal Development Plans, other statutory plans, and Land Use Bylaws, or amendments to any of those documents, shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered.
- 4.2.22 Comments from the responding municipality and/or the Committee regarding subdivision and development applications shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered on the application.



### **4.3 Plan Validity and Amendment Policies**

#### **INTENT**

This Plan may require amendments from time to time to accommodate unforeseen situations, and to keep the Plan relevant.

#### **POLICIES**

- 4.3.1 This Plan comes into effect on the date it is adopted by both municipalities.
- 4.3.2 Amendments shall be adopted by both Councils using the procedures outlined in the *MGA*. No amendment shall come into force until such time as both municipalities adopt the amending bylaw.
- 4.3.3 Applications for amendments to this Plan by parties other than the MD of Pincher Creek and MD of Willow Creek (e.g. landowners and developers) shall be made to both municipalities along with the applicable fee as established by each municipality for processing amendments to a statutory plan.
- 4.3.4 Administrative staff should review the policies of the Plan annually and discuss land use matters, issues and concerns on an on-going basis. Administrative staff may make recommendations to their respective Councils for amendment to the Plan to ensure the policies remain relevant and continue to meet the needs of both municipalities.
- 4.3.5 A formal review of the Plan will occur within 10 years from the date the IDP is adopted by both municipalities.

## 5 | DISPUTE RESOLUTION POLICIES

### 5.1 General Dispute Process

#### **INTENT**

The intent of the dispute resolution process is to maximize opportunities for discussion and review in order to resolve areas of disagreement early in the process. Despite the best efforts of both municipalities, it is understood that disputes may arise from time to time affecting land use within the Plan boundary. The following process is intended to settle disputes through consensus and minimize the need for formal mediation.

#### **POLICIES**

##### **General Agreement**

The municipalities agree that:

- 5.1.1 It is important to avoid dispute by ensuring that the Plan is adhered to as adopted, including full circulation of any permit or application that may affect the municipality as required in the Plan and prompt enforcement of the Plan policies.
- 5.1.2 Prior to the meeting of the Committee, each municipality through its administration, will ensure the facts of the issue have been investigated and clarified, and information is made available to both parties. Staff meetings are encouraged to discuss possible solutions.
- 5.1.3 The Committee should discuss the issue or dispute with the intent to seek a recommended solution by consensus.

##### **Dispute Resolution**

In the case of a dispute, the following process will be followed to arrive at a solution:

- 5.1.4 When a potential intermunicipal issue comes to the attention of either municipality relating to a technical or procedural matter, such as inadequate notification or prescribed timelines, misinterpretation of Plan policies, or a clerical error regarding the policies of this Plan, either municipality's Land Use Bylaw, or any other plan affecting lands in the Plan Area, it will be directed to the administrators of each municipality. The administrators will review the technical or procedural matter and if both administrators are in agreement, take action to rectify the matter.

- 5.1.5 Should either municipality identify an issue related to this Plan that may result in a dispute that cannot be administratively resolved under Section 5.1.4 or any other issue that may result in a dispute, the municipality should contact the other and request that an Intermunicipal Development Plan Committee meeting be scheduled to discuss the issue. The Committee will review the issue and attempt to resolve the matter by consensus.
- 5.1.6 Should the Intermunicipal Development Plan Committee be unable to arrive at a consensus, the administration of each municipality will schedule a joint meeting of the two Councils to discuss possible solutions and attempt to reach consensus on the issue.
- 5.1.7 Should the Councils be unable to resolve the matter, either municipality shall initiate a formal mediation process to facilitate resolution of the issue.

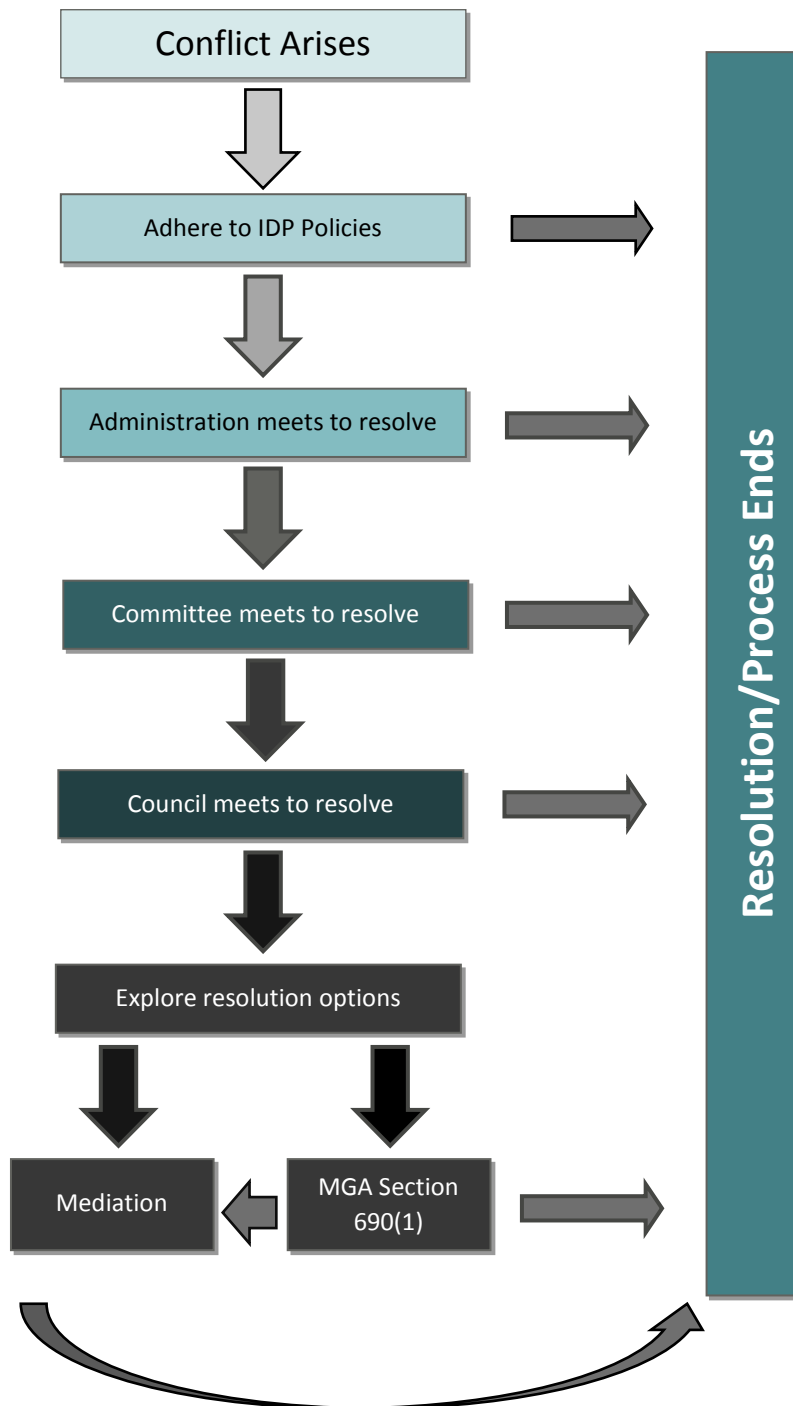
### ***Filing an Intermunicipal Dispute under the Municipal Government Act***

- 5.1.8 In the case of a dispute involving the adoption of a statutory plan, Land Use Bylaw or amendment to such, within 30 days of adoption, the municipality initiating the dispute may, without prejudice, file an appeal to the Municipal Government Board under section 690(1) of the *MGA* so that the provincial statutory right and timeframe to file an appeal is not lost.
- 5.1.9 The appeal may then be withdrawn, without prejudice, if a solution or agreement is reached between the two municipalities prior to the Municipal Government Board meeting. This is to acknowledge and respect that the time required to seek resolution or mediation may not be able to occur within the 30 day appeal filing process as outlined in the *MGA*.

**Note:** *Using section 690(1) of the MGA is the final stage of dispute settlement, where the municipalities request the Municipal Government Board to intercede and resolve the issue.*

### Dispute Resolution Flow Chart

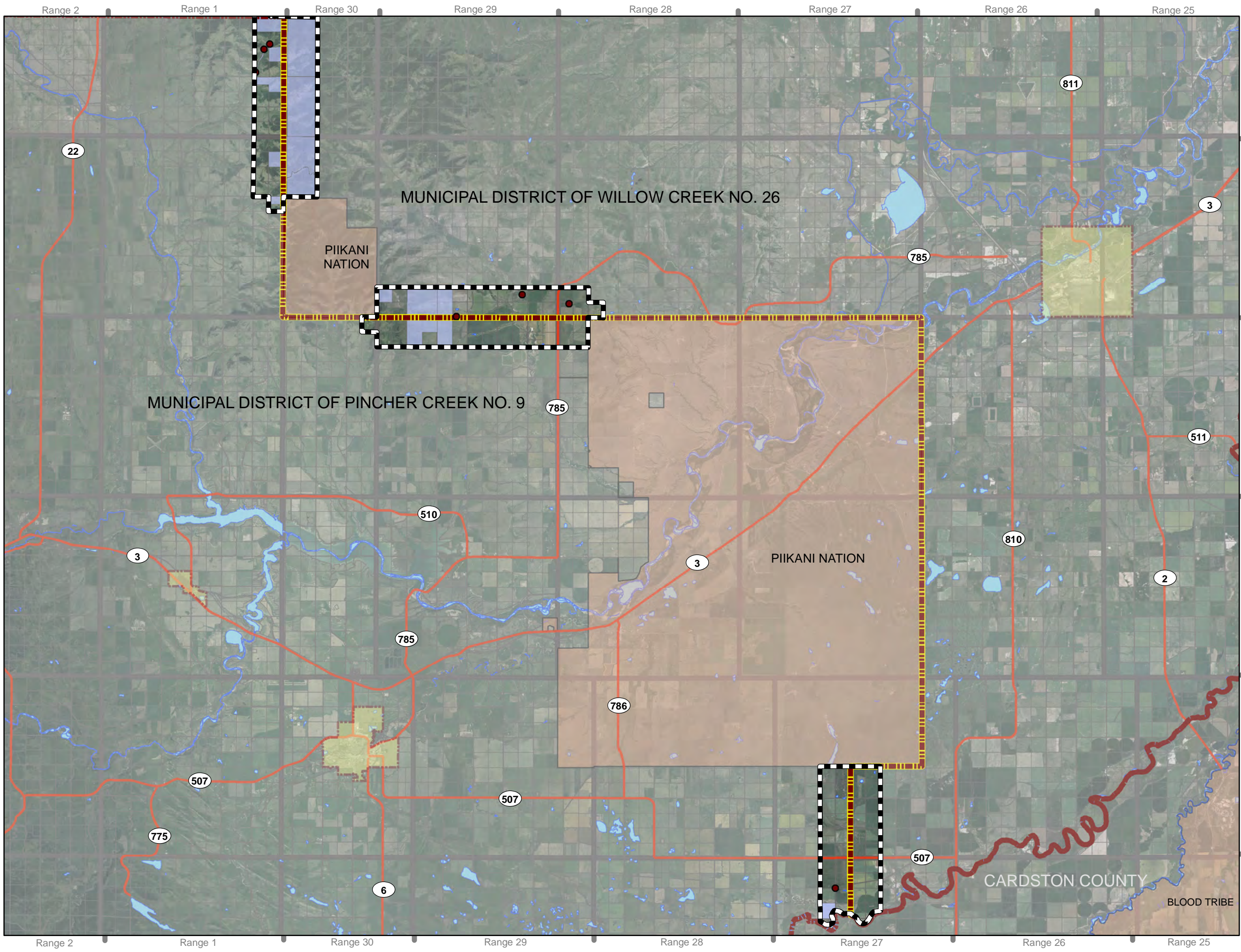
The dispute resolution flow chart presented here is for demonstration purposes only and shall not limit the ability of either municipality to explore other methods of resolution or to choose one method in place of another.



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## APPENDIX A | MAPS





### Municipal District of Pincher Creek and Municipal District of Willow Creek Intermunicipal Development Plan

#### Physical Characteristics and Ownership

#### Map 2

- Plan Area Boundary
- M.D. of Pincher Creek/M.D. of Willow Creek Border
- Provincial Highway
- Reserve
- Waterbodies
- Town/Village
- Residences or other Addressed Parcels<sup>1 2</sup>
- Crown Land<sup>2</sup>

**Source:**

<sup>1</sup> Alberta Municipal Data Sharing Partnership, April 2018

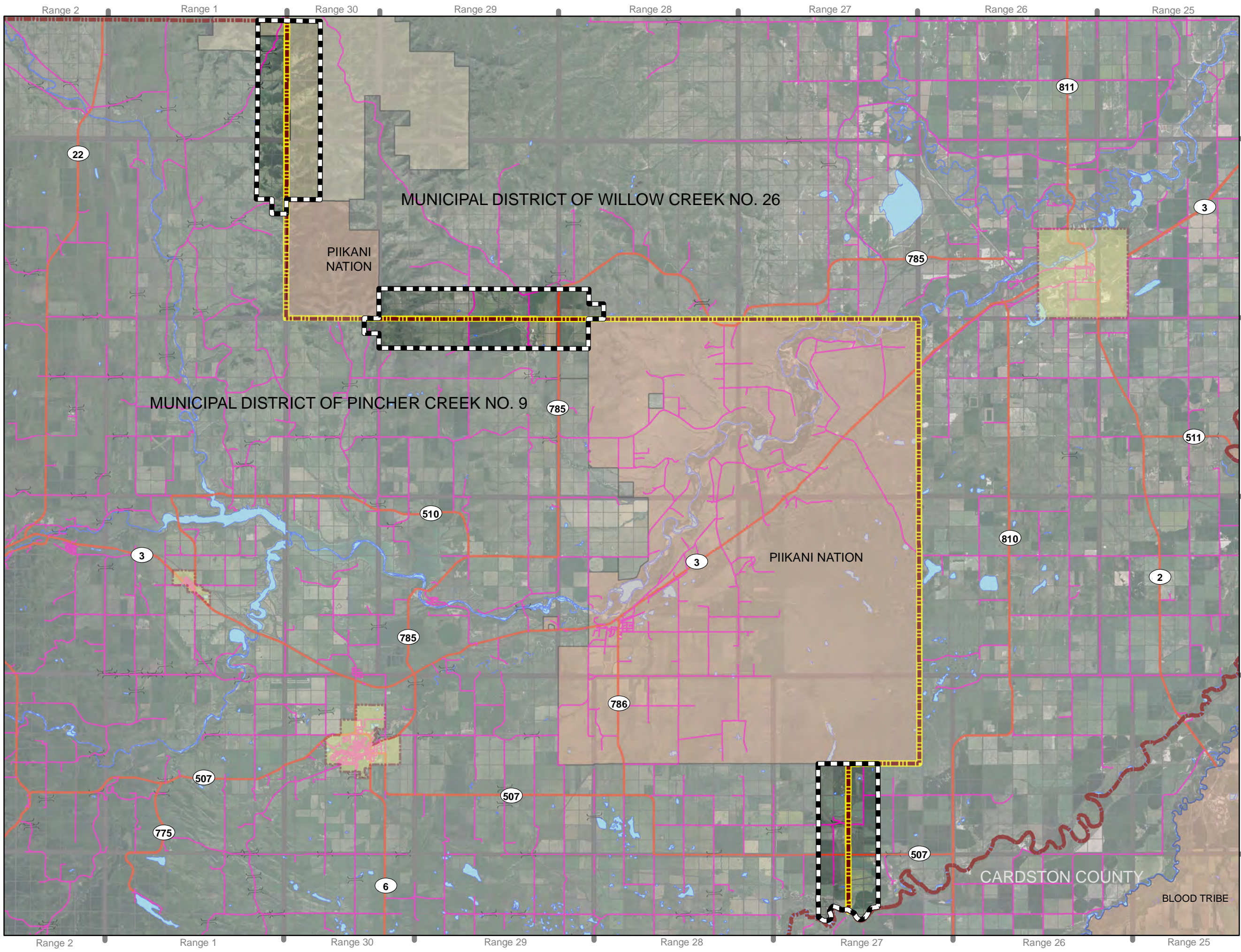
<sup>2</sup> M.D. of Pincher Creek - Altalis, June 2018  
Willow Creek - Altalis, May 2017

Aerial Photo Date: 2012/2015

Municipal District of Pincher Creek (Bylaw No. 1310-19) & Municipal District of Willow Creek (Bylaw No. 1842)

N

0 2 4 6 8 10  
Kilometers



### Municipal District of Pincher Creek and Municipal District of Willow Creek Intermunicipal Development Plan

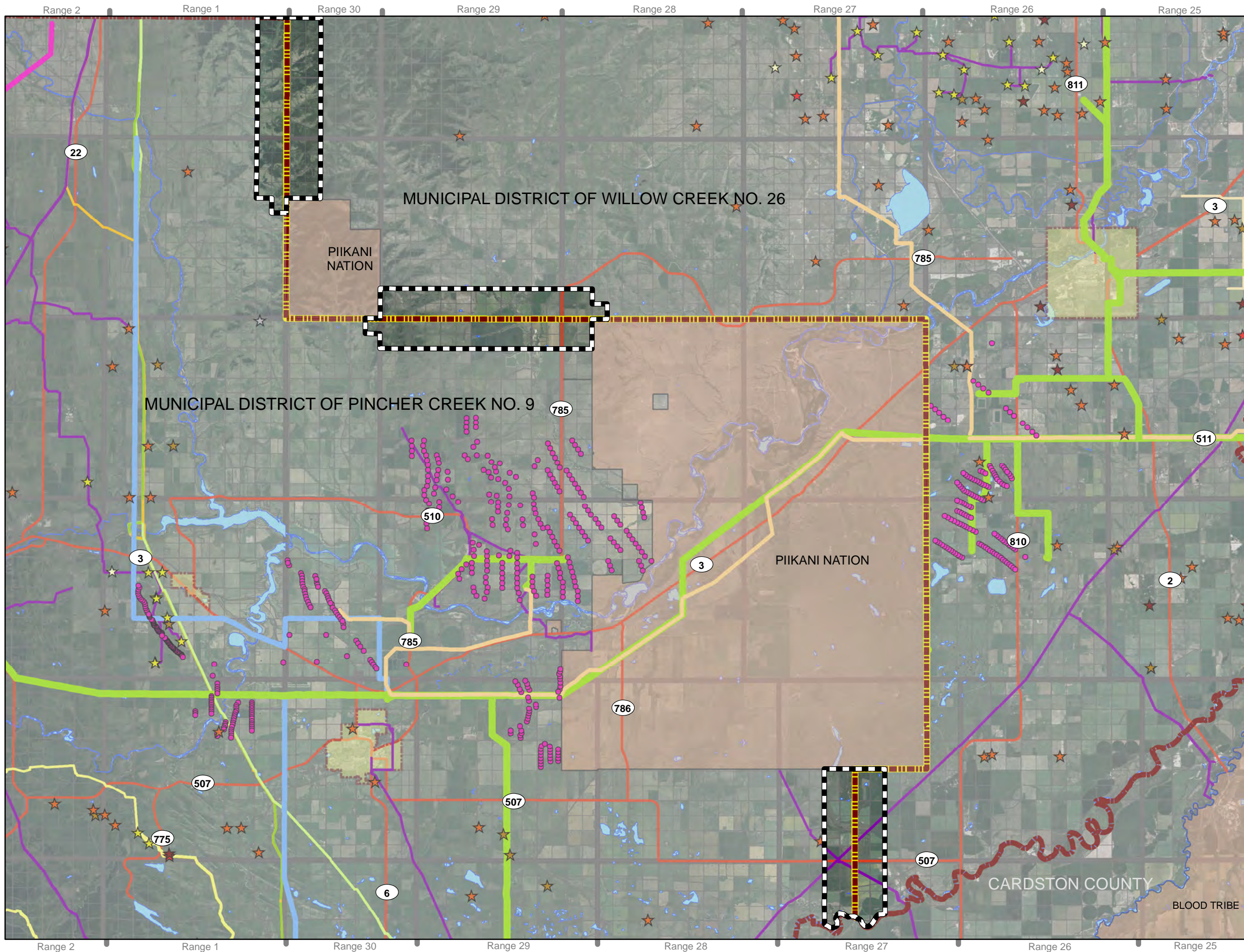
#### Road Network Map 3

- Plan Area Boundary
- M.D. of Pincher Creek/M.D. of Willow Creek Border
- Provincial Highway
- Municipal Roads
- Bridge
- Waterbodies
- Town/Village
- Reserve
- Porcupine Hills Public Land Use Zone

**Source:**  
Aerial Photo Date: 2012/2015

Municipal District of Pincher Creek (Bylaw No. 1310-19) & Municipal District of Willow Creek (Bylaw No. 1842)

0 2 4 6 8 10  
Kilometers



### Municipal District of Pincher Creek and Municipal District of Willow Creek Intermunicipal Development Plan

#### Energy Infrastructure

#### Map 4

- Plan Area Boundary
- M.D. of Pincher Creek/M.D. of Willow Creek Border
- Provincial Highway
- Reserve
- Waterbodies
- Town/Village
- Windmills

#### Transmission Lines<sup>1</sup>

- 69 kv
- 138 kv
- 240 kv
- 500 kv

#### Pipelines - Substance<sup>2</sup>

Crude Oil	LVP Products
Fuel Gas	Natural Gas
HV Other	Oil-Well Effluent
HVP Products	Sour Natural Gas

#### Well - Status<sup>2</sup>

Abandoned	Gas
Abandoned Gas	Suspended Gas
Abandoned Oil	Suspended Oil
Drilled and Cased	Undefined

**Source:**  
<sup>1</sup> Digitized by ORRSC, 2018  
<sup>2</sup> Alberta Energy Regulator, 2016

Aerial Photo Date: 2012/2015

Municipal District of Pincher Creek (Bylaw No. 1310-19) & Municipal District of Willow Creek (Bylaw No. 1842)




N

0 2 4 6 8 10  
 Kilometers



# Recommendation to Council

G2f

<b>TITLE:</b> Proclamation of Alberta Development Officers Week		
<b>PREPARED BY:</b> Roland Milligan		<b>DATE:</b> September 4, 2019
<b>DEPARTMENT:</b> Planning and Development		
		<b>ATTACHMENTS:</b>
<b>Department Supervisor</b>	<b>Date</b>	1. Email from ADOA, 2019-08-28 2. Proclamation
<b>APPROVALS:</b>		
<u>Roland Milligan</u> 	2019-09-04	
Department Director	Date	CAO
		04 Sept. 2019
		Date

**RECOMMENDATION:**

That Council proclaim the week of September 23<sup>rd</sup> to September 28<sup>th</sup>, 2019, to be designated as the Alberta Development Officers Week within the Municipal District of Pincher Creek No. 9.

**BACKGROUND:**

On August 28, 2019, the MD received the attached email (*Attachment No. 1*) from the Alberta Development Officers Association.

The Alberta Development Officers Association provides an opportunity for discussion, communication and education for Development Officers, and those persons designated as a development authority, in the Province of Alberta.

**FINANCIAL IMPLICATIONS:**

None

**Roland Milligan**

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**From:** Diane Burtnick <admin@adoa.net>  
**Sent:** August 28, 2019 9:19 AM  
**To:** ADOA  
**Subject:** Proclamation Week  
**Attachments:** Proclamation for Alberta Development Officers Week Sept.docx

Hi Everybody

It's that time of year again when we ask our Mayor and Council Members to declare the week of the ADOA Conference from September 23rd to September 28th as a time to recognize the work that is done by all Development Officers throughout the province.

A draft copy of the Proclamation is attached for you to add your information to it and pretty it up to however you feel you want to present to your next Council meeting.

If your Council approves, can you please send an email to let the Executive know how many approvals actually happen.

Thanks and hopefully happy Development Officers Week.

*Diane Burtnick  
Executive Assistant  
Alberta Development Officers Association*

*email: [admin@adoa.net](mailto:admin@adoa.net)  
phone: 780 913-4214*

**PROCLAMATION**  
**ALBERTA DEVELOPMENT OFFICERS WEEK**  
**SEPTEMBER 23<sup>rd</sup> TO SEPTEMBER 28<sup>th</sup>, 2019**

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**WHEREAS**, A Development Officer is a current planning and development specialist with knowledge in current legislation, policy and bylaws, systems and technical requirements for physical development within communities in the Province of Alberta. A Development Officer enforces and administers land use regulations and policies on behalf of a municipality and is designated to the position of Development Authority by the municipality as defined by the Municipal Government Act, RSA 2000, Chapter M-26.

**WHEREAS** the Alberta Development Officers Association, representing professional Development Officers in Alberta, endorses Alberta Development Officers Week to recognize sound development and planning practices and the contribution made by Development Officers to the quality of development within our communities and environment; and,

**WHEREAS** Alberta Development Officers Week helps us to publicly recognize the work of our municipal colleagues in planning and development for the improvement of the Municipal District of Pincher Creek No. 9 ; and,

**WHEREAS** we recognize Development Officers and their commitment to public service; and,

**NOW, THEREFORE**, I, \_\_\_\_\_, do hereby proclaim the week of September 23<sup>rd</sup> to September 28<sup>th</sup>, 2019, to be designated as Alberta Development Officers Week in the Municipal District of Pincher Creek No. 9 .






Proclaimed this \_\_\_\_ day of \_\_\_\_\_, 2019

SEAL

\_\_\_\_\_  
Reeve

# Recommendation to Council

G2g

<b>TITLE:</b> <b>Exemption from An Intermunicipal Development Plan with Improvement District No. 4 (Waterton)</b>							
<b>PREPARED BY:</b> Roland Milligan		<b>DATE:</b> September 4, 2019					
<b>DEPARTMENT:</b> Planning and Development							
<b>ATTACHMENTS:</b> 1) 2019-08-23 Email rom I.D. No. 4 2) Municipal Affairs Letter to I.D. No. 4, dated July 25, 2019		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; padding: 5px;">Department Supervisor</th> <th style="width: 50%; padding: 5px;">Date</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"> </td> <td> </td> </tr> </tbody> </table>		Department Supervisor	Date		
Department Supervisor	Date						
<b>APPROVALS:</b>							
							
Department Director	Date	CAO	Date				

**RECOMMENDATION:**

**That Council exercise the option to be exempt from an Intermunicipal Development Plan with Improvement District No. 4 (Waterton), as per Ministerial Order No. MSL:047/18.**

**BACKGROUND:**

On August 23, 2019, the MD received an email from Abe Tinney, Director of Legislative Services, with the Town of Raymond (*Attachment No. 1*). The Town of Raymond provided legislative services for Improvement District No. 4 (Waterton).

From *The Municipal Government Act* regarding Intermunicipal Development Plans:

**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, by order, exempt one or more councils from the requirement to adopt an and the order may contain any terms and conditions that the Minister considers necessary.

Ministerial Order No. MSL:047/18 (*within Attachment No. 2*) states that:

- 1) Two or more councils of municipalities that have common boundaries where the entire area along one or both sides of the common boundary is composed entirely of federal

## **Recommendation to Council**

or provincial crown land are exempt from the requirements of Section 631 of the MGA on the condition that all parties to the framework agree to apply the exemption by resolution and file copies of the resolutions with the Minister within 90 days of the date each resolution is passed.

On July 19 2019, ID. No. 4 passed a resolution exercising the option to be exempt from the IDP requirement.

### **FINANCIAL IMPLICATIONS:**

None

**From:** [Roland Milligan](#)  
**To:** [Troy MacCulloch](#)  
**Subject:** FW: ICF and IDP w/Improvement District 4  
**Date:** August 23, 2019 1:01:00 PM  
**Attachments:** [MO ID4.pdf](#)

---

**From:** Abe Tinney <[abetinney@raymond.ca](mailto:abetinney@raymond.ca)>  
**Sent:** August 23, 2019 12:45 PM  
**To:** Roland Milligan <[AdminDirDev@mdpincercreek.ab.ca](mailto:AdminDirDev@mdpincercreek.ab.ca)>  
**Subject:** Fwd: ICF and IDP w/Improvement District 4

Hello Murray and Roland,

I am looking to follow up on the IDP and ICF conversation I had with each of you back in July. Please see attached ministerial order, granting ID4 an exemption from the requirement for an IDP with its neighbouring municipalities -- Cardston and Pincher. Each municipal council affected must approve the exemption. Although the MO does not grant exemption for the ICF, it does extend the deadline by 1 year, to April 1, 2121.

Given the very limited role ID4 plays in planning and development within the townsite, ID4 wishes to exercise the IDP exemption with the MD and County. At its last council meeting, ID4 council passed the following motions:

04-07-19-19 MOVED by Brian Baker that I.D. 4 Council exercise the option to be exempt from an Intermunicipal Development Plan with Cardston County, as per Ministerial Order No. MSL: 047/18.  
UNANIMOUSLY CARRIED

05-07-19-19 MOVED by Brian Baker that I.D. 4 Council exercise the option to be exempt from an Intermunicipal Development Plan with the Municipal District of Pincher Creek, as per Ministerial Order No. MSL: 047/18.  
UNANIMOUSLY CARRIED

Can you bring this item to your respective councils, seeking the same?

We are still required to go through the process of passing the ICF bylaw, however. We have a time extension to allow you to prioritize your ICF agreements with other municipalities. But, we might be able to knock off our ICF fairly easily, due to the nature of ID4's services, or lack thereof. Can you advise if you would like to begin the ICF process at the moment, or if you would like to postpone for, say, six months?

Thanks,

**Abe Tinney | Director of Legislative Services | Town of Raymond**  
(p) 403.752.3322 ext. 1007 (f) 403.752.4379



ALBERTA  
MUNICIPAL AFFAIRS

*Office of the Minister  
MLA, Leduc-Beaumont*

AR93928

July 25, 2018

Ms. Judy Thaeil  
Chairperson  
I.D. No. 04 (Waterton)  
Municipal Services Branch 17th Floor, 10155 - 102 Street  
Edmonton AB T5J 4L4

Dear Chairperson Thaeil,

As you are aware, recent changes to the *Municipal Government Act* will require all municipalities to create intermunicipal collaboration frameworks (ICF) and intermunicipal development plans (IDP) with their neighbours. This work reflects our mutual priority of ensuring all Albertans benefit from the efficient delivery of local services and effective co-ordination of development, and I am pleased to see the progress already made.

The two-year period set out in legislation to accomplish this task is challenging, but I am confident the existing legacy of intermunicipal co-operation has placed us in a position to be successful. I am nevertheless aware of some specific challenges that can be addressed at this time, and gratefully acknowledge the practical solutions that have been proposed during discussions with the municipal associations, the administrative associations, and municipalities.

As a result of these discussions, I have signed Ministerial Order No. MSL:047/18 (attached), which makes the following changes:

- Exempts parties from the requirement to create an IDP where the entire area along one or both sides of the common boundary between the parties is composed entirely of federal or provincial Crown land. This change recognizes the limited value in the creation of an IDP where development is restricted.
- Extends the timeline by one year (to April 1, 2021) for all ICFs and IDPs between municipal districts, special areas, improvement districts, or rural specialized municipalities. This change will allow rural municipalities to focus their efforts on working with their urban neighbours during the initial two-year period.

.../2

Chairperson Judy Thaeil

- 2 -

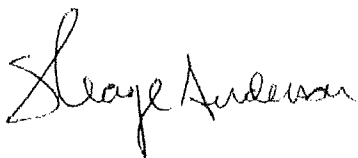
- Extends the timeline by one year (to April 1, 2021) for all ICFs and IDPs between municipalities that are members of the same growth management board (GMB). This change will allow GMB member municipalities to harmonize their ICFs and IDPs with their growth and service plan, and provide an opportunity to address through an ICF or IDP any matters not addressed in a growth or servicing plan.
- Extends the timeline by one year (to April 1, 2021) for all ICFs and IDPs between a municipality that is a member of a GMB, and a municipality that is not a member of the GMB, but is located within the boundaries of the member municipality. This change will allow GMB member municipalities to create their ICFs and IDPs within the context of their growth and servicing plan.

In each case, all parties to a framework or plan must agree to apply the exemption or extension by council resolution, and the resolution must be filed with the Minister within 90 days of the date the resolution is passed.

In the event other circumstances arise that are beyond your control, I will consider specific requests for an exemption or time extension. However, based on the importance of this work to all Albertans, I encourage you to make every effort to work with your neighbours and to meet the legislated timelines.

I trust these changes will provide some practical efficiencies as we work toward improved intermunicipal solutions.

Sincerely,



Hon. Shaye Anderson  
Minister of Municipal Affairs

Attachment: Ministerial Order No. MSL:047/18

cc: J. Scott Barton, Chief Administrative Officer, I.D. No. 04 (Waterton)





ALBERTA  
MUNICIPAL AFFAIRS

Office of the Minister  
MLA, Leduc-Beaumont

MINISTERIAL ORDER NO. MSL:047/18

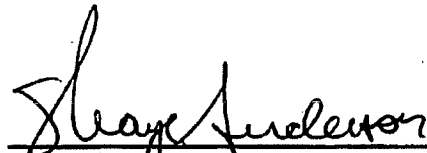
I, Shaye Anderson, Minister of Municipal Affairs, pursuant to Sections 605 and 631 of the *Municipal Government Act (MGA)*, make the following order:

- 1) Two or more councils of municipalities that have common boundaries where the entire area along one or both sides of the common boundary is composed entirely of federal or provincial crown land are exempt from the requirements of Section 631 of the *MGA* on the condition that all parties to the framework agree to apply the exemption by resolution and file copies of the resolutions with the Minister within 90 days of the date each resolution is passed.
- 2) That the time for an intermunicipal collaboration framework to be created pursuant to Section 708.28(1) of the *MGA* or an intermunicipal development plan to be adopted pursuant to Section 631(3) of the *MGA* is April 1, 2021, where the framework or plan is between municipalities that are municipal districts or specialized municipalities referred to in Section 77 of the *MGA* (excluding the Municipality of Jasper), improvement districts referred to in Section 581 of the *MGA*, or special areas as defined in Section 1 of the *Special Areas Act*, and on the condition that all parties to the framework agree to apply the extension by resolution and file copies of the resolutions with the Minister within 90 days of the date each resolution is passed.
- 3) That the time for an intermunicipal collaboration framework to be created pursuant to Section 708.28(1) of the *MGA* or an intermunicipal development plan to be adopted pursuant to Section 631(3) of the *MGA* is April 1, 2021, where the framework or plan is between municipalities that are members of the same growth management board established pursuant to Section 708.02 of the *MGA* before April 1, 2018, and on the condition that all parties to the framework agree to apply the extension by resolution and file copies of the resolutions with the Minister within 90 days of the date each resolution is passed.

.../2


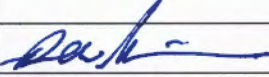
- 4) That the time for an intermunicipal collaboration framework to be created pursuant to Section 708.28(1) of the *MGA* or an intermunicipal development plan to be adopted pursuant to Section 631(3) of the *MGA* is April 1, 2021, where the framework or plan is between a municipality that is a member of a growth management board established pursuant to Section 708.02 of the *MGA* before April 1, 2018 and a municipality that is not a member of the growth management board but is located entirely within the boundaries of the member municipality, and on the condition that all parties to the framework agree to apply the extension by resolution and file copies of the resolutions with the Minister within 90 days of the date each resolution is passed.
- 5) That the time for an arbitrator to create an intermunicipal collaboration framework or an intermunicipal development plan pursuant to Section 708.36(1)(a) of the *MGA* is April 1, 2022, where the time to create the framework or adopt the plan is modified by this Order.

Dated at Edmonton, Alberta, this 19<sup>th</sup> day of July, 2018.

  
\_\_\_\_\_  
Shaye Anderson  
Minister of Municipal Affairs

# Recommendation to Council

G2h

<b>TITLE:</b> Request for Land Swap Hamlet of Pincher Station			
<b>PREPARED BY:</b> Roland Milligan		<b>DATE:</b> September 5, 2019	
<b>DEPARTMENT:</b> Planning and Development			
		<b>ATTACHMENTS:</b> 1) Mapping Information 2) Email with Request from Applicant 3) Email with Comment from Public Works	
<b>Department Supervisor</b>	<b>Date</b>		
<b>APPROVALS:</b>			
	2019/09/05	_____	_____
<b>Department Director</b>	<b>Date</b>	<b>CAO</b>	<b>Date</b>

**RECOMMENDATION:**

That Council consider the applicants' and exchange portions of closed 5<sup>th</sup> Avenue for the closed portion of Yonge Street.

**BACKGROUND:**

On July 31, 2019, the MD received an email on behalf of the owner of the former Pincher Creek Auto Wreckers site (*Attachment No. 2*).

The previous site contains numerous titles compromised of original lots, portions of closed lanes and roads (*Attachment No. 1*).

The composition of the site includes two titled closed roads that still belong to the MD.

The owner is proposing to develop the site with the possibility of developing six (6) large lots. They are wishing to swap some closed portions of 5<sup>th</sup> Avenue that are still in tem MD's name, for the closed portion of Yonge Street. The owner would be developing that portion of Yonge Street to provide access to the proposed lots.

Prior to a subdivision application, the MD planner suggested that as a first step, the applicant should determine if the MD is willing to swap the lands.

Public Works has also supplied comment on the proposal (*Attachment No. 3*).

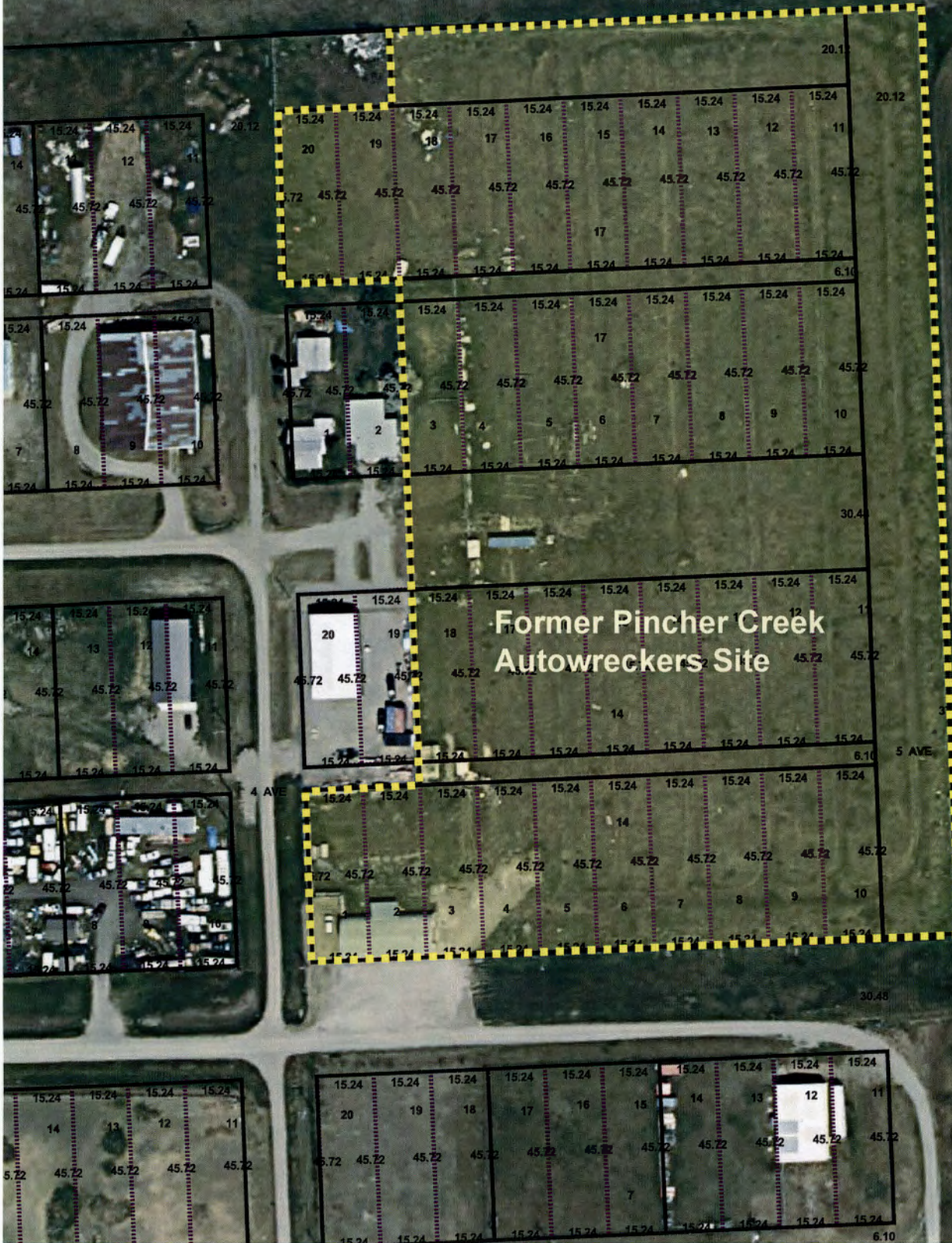
**FINANCIAL IMPLICATIONS:**  
None

# Attachment No. 1



N

10 0 10 20 30 40 50 Meters



Former Pincher Creek  
Autowreckers Site

Attachment No. 1



N

10 0 10 20 30 40 50 Meters



Attachment No. 1



N

10 0 10 20 30 40 50 Meters



## Attachment No. 2

**From:** [James Wager](#)  
**To:** [Roland Milligan](#)  
**Subject:** 401 Queen street  
**Date:** July 31, 2019 9:35:41 AM

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Hello Roland hope all is well, I realize we are all very busy but would like to move forward on this matter, just to clarify the subdivision is properly named (401 Queen st) ? moving forward this would be the proposal.

A proposal to the Council of the M.D. of Pincher Creek

Would like to submit :

Council would approve to give up the road allowance along the east side of the property in lieu of Younge ST that passes through the middle of the property. At this same time would like to receive approval to divide the property into 6 lots of approx. 1-1.4 acre once an approval is granted a Proper survey and proper Real property report will be conducted and submitted.

Thank you

James Wager

On behalf of Frank Marsh

**Roland Milligan**

---

**From:** Jared Pitcher  
**Sent:** July 15, 2019 8:11 AM  
**To:** Roland Milligan  
**Cc:** Eric Blanchard  
**Subject:** RE: Pincher Station Autowreckers Site.pdf

Roland,

As discussed, we need to retain ownership of the MD ROW for future development and future servicing of lots. We would be very open to having Yonge Street back in our system as well as the lanes if that is a possibility.

Thanks,

**Jared Pitcher, C.E.T.**  
Manager of Public Works  
Municipal District of Pincher Creek No. 9  
Box 279  
Pincher Creek, AB T0K 1W0  
[jpitcher@mdpincercreek.ab.ca](mailto:jpitcher@mdpincercreek.ab.ca)  
Phone (403) 627-3130  
Fax (403) 627-3474

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**From:** Roland Milligan <AdminDirDev@mdpincercreek.ab.ca>  
**Sent:** July 10, 2019 3:53 PM  
**To:** Aaron Benson <AdminDirOps@mdpincercreek.ab.ca>; Jared Pitcher <PWManager@mdpincercreek.ab.ca>; Eric Blanchard <PWAssistantManager@mdpincercreek.ab.ca>  
**Subject:** Pincher Station Autowreckers Site.pdf

Hello Operations,

I have been having some discussions with a developer who is looking at realigning the old Pincher Auto Wreckers site in Pincher Station.

They currently own the closed portion of Yonge Street that goes through the middle of the site. They would like to swap a portion of the closed street and exchange it for the two end portions of 5<sup>th</sup> Avenue that we closed and own. The attached sketch shows what they would like to do.

I would like to have your thoughts on what, from an Operations point of view, the MD may want to see in the future redevelopment of this site.

Thoughts on the future development of that portion of Yonge St., property realignment, and disposing of the portions of 5<sup>th</sup> St.

Regards,  
Roland Milligan  
Director of Development and Community Services  
M.D. of Pincher Creek No. 9  
1037 Herron Avenue  
PO Box 279, Pincher Creek, AB T0K 1W0  
Ph: 403.627.3130 Fx: 403.627.5070  
[rmilligan@mdpincercreek.ab.ca](mailto:rmilligan@mdpincercreek.ab.ca)



**CHIEF ADMINISTRATIVE OFFICER'S REPORT**

August 28, 2019 – September 10, 2019

**DISCUSSION:**

Aug 28	Post Council review and “todo” list prep DEM (Dir of Emerg Mgmt) review background and prep REMO Bylaw signing at Fire Station Agricultural Services team meeting
Aug 29	Tourism/Destination Webinar – Gov of Alberta/Vision XS Team (Staff and Council) Lunch and Safety Exercise Golf Tournament
Aug 30	Meeting with CAO of Town of PC Field Trip (510, Snake Trail, Waldron, Maycroft and Willow Valley)
Sept 02	Holiday
Sept 03	SMT (Senior Mgmt Team) meeting - B. Millis presented his report of the Bomag Incident to the SMT prior to submission to the Government, complete with corrective actions to be taken Field trip with Ag Services Specialists MPC and Sub Division Meeting
Sept 04	Monthly Safety Meeting at Public Works Monthly Staff Meeting in Chambers REMO DEM review on behalf of PCREMO
Sept 05	Municipal Affairs training in Lethbridge (Election Act, bylaws and library boards)
Sept 06	Shell meeting at Waterton Plant Police Webinar with Solicitor General Meeting with CAO of the Town at Town Hall
Sept 09	SMT meeting - B. Wuth will be going over REMO activation and possible roles different members of the staff will take to enhance our emergency preparedness Council Prep
Sept 10	Committee of Council and Council Meetings

**Upcoming Meetings**

Sept 11-13	AARMA Conference in Olds
Sept 14	Beaver Mines Open House for Water /Waste Water Project
Sept 16	Phase 3 – Goal Setting for Staff and final touches on Ladders
Sept 18-19	ICF
Sept 20	Foothills, Littlebow in Lethbridge

**RECOMMENDATION:**

That Council receive for information, the Chief Administrative Officer's report for the period of August 28, 2019 to September 10, 2019.

Prepared by: Troy MacCulloch, CAO

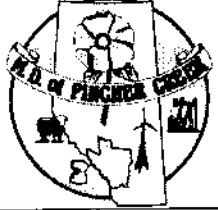
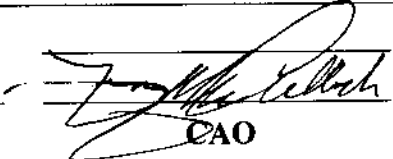
Date: September 04, 2019

Respectfully presented to: Council

Date: September 10, 2019

# Recommendation to Council

G4b

<b>TITLE: Bylaw 1312-19 Appointing a Bylaw Officer</b>		
<b>PREPARED BY: Jessica McClelland</b>		<b>DATE: September 4, 2019</b>
<b>DEPARTMENT: Administration</b>		
<b>Department Supervisor</b>	<b>Date</b>	<b>ATTACHMENT:</b> 1. Bylaw 1312-19 Appointing a Bylaw Officer
<b>APPROVALS:</b>		
		 CAO
<b>Department Director</b>	<b>Date</b>	04 Sept 2019 <b>Date</b>

**RECOMMENDATION:**

That Council repeal Bylaw 1306-19 and give Bylaw 1312-19, being the Bylaw to Appoint a Bylaw Officer, all three readings.

**BACKGROUND:**

During the Municipal Accountability Program, the M.D. of Pincher Creek was found to not have a Bylaw Enforcement Officer, which is a legislative requirement through the MGA sections 555-556. Council originally gave all 3 readings to Bylaw 1306-19 but it was found that there were sections missing in regards to penalties and process for the officer.

By appointing CAO Troy MacCulloch and Roland Milligan as a Bylaw Officer, the M.D. can start the process of updating bylaws to include fines and charges.

**FINANCIAL IMPLICATIONS:**

Nothing further at this time.

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
BYLAW NO. 1312-19**

**A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9 IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF APPOINTING A BYLAW ENFORCEMENT OFFICER**

**WHEREAS**, Section 7(i) of the *Municipal Government Act*, RSA 2000 c.M-26 as amended, provides that a Council may pass bylaws respecting the enforcement of bylaws;

**WHEREAS**, Section 555 of the *Municipal Government Act*, a person who is appointed as a bylaw enforcement officer is, in the execution of those duties, responsible for the preservation and maintenance of the public peace;

**WHEREAS**, Section 556 of the *Municipal Government Act*, a council must pass a bylaw specifying the powers and duties of bylaw enforcement officers and establishing disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers;

**WHEREAS**, Part 13, division 4 of the *Municipal Government Act*, the municipality may carry out numerous enforcement powers and duties, which may be exercised by bylaw enforcement officers;

**NOW THEREFORE**, the Council of the MD of Pincher Creek No. 9, in the Province of Alberta, duly assembled hereby enacts:

1. Short Title:

1.1 This Bylaw may be cited as “MD of Pincher Creek Bylaw Enforcement Officer Bylaw”.

2. Definitions:

2.1 In this Bylaw:

- a) “CAO” shall mean the Chief Administrative Officer for the MD of Pincher Creek;
- b) “Bylaw Enforcement Officer” shall mean any person appointed as a Bylaw Enforcement Officer for the MD of Pincher Creek;
- c) “Council” shall mean the Council of MD of Pincher Creek as constituted from time to time;
- d) “MD” shall mean MD of Pincher Creek;
- e) Misuse of Power” by a Bylaw Enforcement Officer shall mean any one or more of the following:
  - i. Failure to perform or carryout his duties according to law;
  - ii. Failure to carry out the duties and responsibilities given to him within the terms of his appointment as a Bylaw Enforcement Officer;

### 3. Powers and Duties

#### 3.1 The CAO may:

- i) appoint individuals as Bylaw Enforcement Officers in accordance with this Bylaw, to be listed on “Schedule B”;
- ii) revoke, suspend, or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw;
- iii) monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers;
- iv) take whatever actions or measures are necessary to eliminate an emergency in accordance with section 551 of the *Municipal Government Act*;
- v) add any amounts to the MD tax roll in accordance with the *Municipal Government Act* or another enactment;
- vi) exercise all powers, duties and functions under the *Provincial Offences Procedure Act*;
- vii) grant written authorization to issue violation tickets under the *Provincial Offences Procedure Act*;
- viii) authorize or require bylaw enforcement officers to carry out any powers, duties, or functions necessary to fulfill their responsibility for the preservation and maintenance of public peace;
- ix) delegate any of the CAO’s powers, duties, or functions contained in this section to any employee of the MD, including the option to further delegate those powers, duties, or functions.

#### 3.2 A Bylaw Enforcement Officer shall:

- i) be responsible for the enforcement of all the Bylaws of the MD unless otherwise specified in a Bylaw or resolution of Council;
- ii) issue municipal tags and/or violation tickets for offences under Bylaws; and
- iii) exercise all powers, duties, and functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with section 542 of the *Municipal Government Act*;

#### 4. Complaints

##### 4.1 Receipt of Complaint:

- i. Any complaint concerning the misuse of power of a Bylaw Enforcement Officer shall be dealt with in accordance with the provisions set out in this Part and shall be directed to the CAO.
- ii. All complaints shall be in writing and any complaints received verbally shall be confirmed in writing by the complainant prior to being proceeded with.
- iii. Upon receipt of any complaint, it shall immediately be forwarded to the CAO.
- iv. The CAO shall provide written acknowledgement of the complaint, and to the person against whom the complaint was made.

##### 4.2 Investigation:

- i. The CAO, or their designate, shall investigate the complaint.
- ii. Upon conclusion of the investigation, the CAO shall provide notice in writing to the Bylaw Enforcement Officer of the allegations made and the findings of the investigation.
- iii. The Bylaw Enforcement Officer shall be given the opportunity to make a full response to the allegations and investigations. The response shall be in writing and directed to the CAO.
- iv. Upon review of the response of the Bylaw Enforcement Officer and any other information the CAO believes appropriate in the circumstances to determine the facts, the CAO shall either dismiss the complaint as unfounded or as unsubstantiated or find that the By-law Enforcement Officer has misused his or her power.
- v. If the CAO determines that a misuse of power has occurred, corrective disciplinary procedures shall be commenced.
- vi. The CAO may resolve complaints informally, arriving at a solution that is satisfactory to the complainant and the By-law Enforcement Officer against whom the complaint was directed.

##### 4.3 Disciplinary Action:

- i. If it has been determined that a misuse of power has been committed by the Bylaw Enforcement Officer, any one of the following measures may be taken by the CAO:
  - a. a reprimand of the Bylaw Enforcement Officer ;
  - b. a suspension of the Bylaw Enforcement Officer, with pay, for a period not to exceed seventy-two (72) hours;
  - c. A suspension of the Bylaw Enforcement Officer without pay

- for a period not to exceed seventy-two (72) hours;
- d. the Bylaw Enforcement Officer is dismissed.

4.4 Disposition:

- i. The CAO shall notify the complainant and the Bylaw Enforcement Officer, in writing, of the results of the investigation and the actions to be taken within sixty (60) days from the date of the receipt of the complaint.

5. Appeal Procedures:

- 5.1 If either the complainant or the Bylaw Enforcement Officer wishes to appeal the decision of the CAO, the appeal shall be delivered to the CAO within sixty (60) days of the date of receipt of notice of the results of the investigation.
- 5.2 Within sixty (60) days from the date of the receipt of the notice of appeal as provided for in paragraph 4.1, the CAO shall review the complaint, investigation report, speak to person(s) involved as deemed necessary and review any other related documents associated with the complaint.
- 5.3 The CAO, in considering the appeal, may dismiss the appeal or allow the appeal' and impose or varied discipline as outlined in paragraph 4.3.
- 5.4 The CAO shall, within sixty (60) days notify the complainant and the Bylaw Enforcement Officer, in writing as to the results of the appeal. The decision of the CAO with regard to the appeal is final.

6. Oath of Office:

- 6.1 Prior to commencing their duties, all Bylaw Enforcement Officers must take the official oath contained in Schedule A.

7. Number And Gender References:

- 7.1 All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

8. Repeal:

8.1 That Bylaw 1306-19 all amendments hereto are hereby repealed.

9. Effective Date:

9.1 That this Bylaw shall come into force and take effect upon the date of third reading.

Read a first time this            day of            , 2019.

Read a second time this            day of            , 2019.

Read a third and final time this            day of            , 2019.

---

REEVE

---

CHIEF ADMINISTRATIVE OFFICER

**Schedule A**

I, (name of Bylaw Enforcement Officer), swear that I will diligently, faithfully, and to the best of my ability execute according to law the office of Bylaw Enforcement Officer as stipulated on my appointment as a Bylaw Enforcement Officer of even date.

So help me God.

---

Signature of Bylaw Enforcement Officer

---

Date



## **Schedule B**

Names of Bylaw Enforcement Officers:

Troy MacCulloch

Roland Milligan



# TOWN OF PINCHER CREEK

962 St. John Ave. (BOX 159), PINCHER CREEK, AB. T0K 1W0

PHONE: 403-627-3156 FAX: 403-627-4784

e-mail: [reception@pinchercreek.ca](mailto:reception@pinchercreek.ca)

web page: [www.pinchercreek.ca](http://www.pinchercreek.ca)



**RECEIVED**

**AUG 28 2019**

**M.D. OF PINCHER CREEK**

August 23, 2019

Reeve and Council  
Municipal District Pincher Creek No. 9  
Box 279  
Pincher Creek, AB  
T0K 1W0

Dear Reeve and Council,

Please be advised that you are invited to attend a meeting with the following community organizations at the Town of Pincher Creek on Thursday October 24, 2019. Supper will be provided at 5 pm with the presentations to commence at 6:15 pm.

2020 to 2023 Budget Presentation Agenda:

- 6:15 pm Pincher Creek and District Municipal Library Board
- 6:45 pm Pincher Creek Search and Rescue
- 7:15 pm Pincher Creek Humane Society
- 7:45 pm Pincher Creek Food Bank
- 8:15 pm Regional Emergency Management Organization

I am requesting these organizations send me the information to be presented at this meeting by September 30, 2019. Once I receive this information, I will forward it to everyone to review before the meeting.

We look forward to seeing you there.

Yours truly,

**Wendy D. Catonio, CPA, CGA**

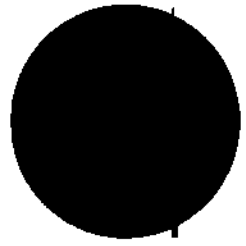
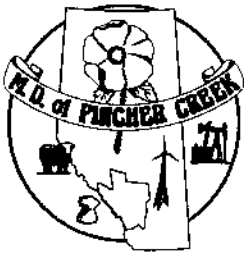
Director of Finance and Human Resources

Town of Pincher Creek

Telephone: (403) 627-3156

Fax: (403) 627-4784

Email: [finance@pinchercreek.ca](mailto:finance@pinchercreek.ca)



## **COMMUNITY ORGANIZATIONS PRESENTATIONS**

### **AGENDA**

**OCTOBER 24, 2019**

---

**1. Call to Order**

**2. Agenda Approval**

**3. Community Organizations Presentations**

**a. 6:15 pm – Pincher Creek & District Municipal Library**

**b. 6:45 pm – Pincher Creek Search and Rescue**

**c. 7:15 pm – Pincher Creek Humane Society**

**d. 7:45 pm – Pincher Creek Food Bank**

**e. 8:15 pm – Regional Emergency Management Organ.**



**RECEIVED**  
AUG 30 2019  
M.D. OF PINCHER CREEK

August 28, 2019

Castle Mountain Resort Shareholder,

Please note for those of you planning on travelling to Castle Mountain AGM on September 29, 2019 we have adjusted the time to 1 hour earlier than noted in the original notice. Check in time is now 1:00pm and the meeting will start at 1:30pm.

TAKE NOTICE THAT the annual meeting of the Shareholders will be held.

Place: Day Lodge at Castle Mountain Resort Inc.

Date: Sunday, September 29, 2019

Time: **1:00** p.m. (shareholder registration)

**1:30** p.m. (meeting start time)

Proxies – Shareholders who are unable to attend the meeting are encouraged to provide a signed proxy (page two (2) of notice that was mailed August 27, 2019 to a nominee who will attend the meeting. This will help to ensure a quorum for the transaction of business.

If you would prefer an electronic copy of the AGM notice, please send me an email [nancy.brush@skicastle.ca](mailto:nancy.brush@skicastle.ca)

If you have any questions or require further information please let me know.

Nancy Brush

Administration Assistant  
Castle Mountain resort  
403-627-5101 ext 224

**CASTLE MOUNTAIN RESORT**

PINCHER CREEK, AB., CANADA

SKICASTLE.CA

INFO@SKICASTLE.CA

403.627.5101

**CASTLE MOUNTAIN RESORT INC.  
NOTICE OF SHAREHOLDERS MEETING**

**RECEIVED**

AUG 30 2019

TAKE NOTICE THAT the annual meeting of the Shareholders will be held: **M.D. OF PINCHER CREEK**

Place: Day Lodge at Castle Mountain Resort Inc.  
Date: Sunday, September 29, 2019  
Time: 2:00 p.m. (shareholder registration)  
2:30 p.m. (meeting start time)

Business to be conducted at the meeting shall include:

1. Approval of Agenda
2. Approval of Scrutineer Report
3. Adoption of Minutes – AGM – September 29, 2018
4. Financial Report
5. Auditor's Report
6. Approval of Financial Statements
7. Appointment of Auditors
8. Nomination of Directors from the Floor
9. Election of Directors
10. Other Matters - None
11. Adjournment of the Annual General Meeting
12. Post Meeting Information Session
  - a. President's Remarks
  - b. Manager's Report
  - c. Questions Submitted

Any Shareholder wishing to add an item to the Agenda is requested to provide written notice no later than September 15, 2019, of such item to:

Castle Mountain Resort Inc.  
c/o 807, 400 - 4<sup>th</sup> Avenue South  
Lethbridge, Alberta T1J 4E1  
Fax: (403) 329-0395

Proxies – Shareholders who are unable to attend the meeting are encouraged to provide a signed proxy to a nominee who will attend the meeting. This will help to ensure a quorum for the transaction of business.

**CASTLE MOUNTAIN RESORT INC**  
**SHAREHOLDER PROXY**

Please choose one:

<u>    </u> initial	I appoint the President or his nominee as my proxy to act on my behalf as a shareholder of Castle Mountain Resort Inc. for the purpose of business arising at the shareholders meeting on September 29, 2019.
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OR

<u>    </u> initial	I appoint _____ as my proxy to act on my behalf as a shareholder of Castle Mountain Resort Inc. for the purpose of business arising at the shareholders meeting on September 29, 2019. (PLEASE LEGIBLY PRINT NAME OF APPOINTED PROXY)
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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Shareholder

Please have the proxy brought to the meeting or return proxy form to:

**VIA MAIL:**  
**Castle Mountain Resort Inc.**  
**PO Box 610**  
**Pincher Creek, Alberta T0K 1W0**

**VIA E-MAIL:**  
**brad.brush@skicastle.ca**

**MINUTES FOR THE ANNUAL GENERAL MEETING OF COMMON SHAREHOLDERS  
OF CASTLE MOUNTAIN RESORT INC.  
HELD ON THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2018**

**Chairman:** My name is **Brian McGurk**. I am The Chairman of the Board of Castle Mountain Resort and I will be Chairing this meeting. The meeting will be in two parts, the formal business of the meeting followed by an information report to the shareholders by management and questions. I would like to introduce the current members of the Board that are present **Ian Miller Vice Chair, Gayle Weeks Treasurer; Directors, Dennis Miller, Cheryl De Leeuw, Kevin Wright, Adam Judd, and Rod Lanier. Karen Harker** was unable to attend due to personal reasons and sends her regrets. I would also like to Introduce **Darren Adamson, CA** representing the corporation's auditor **AVAIL CPA; Lynn Lievers, Relationship Manager Business & Agriculture** from Alberta Treasury Branches; and **Quentin Stevie, Reeve** from the MD of Pincher Creek.

## **1. Shareholder Registration and Voting**

**Chairman:** "I would like to remind all present that those persons who are common shareholders or proxy holders should have registered with the Scrutineer.

Please be advised that pursuant to the Company's by-laws only those persons who are common shareholders or are validly appointed proxy holders, who have registered with the Scrutineer, are entitled to be at the meeting, or entitled to ask questions and vote at the meeting. With the consent of the meeting and at the invitation of the Chair, I would propose admitting all the guests who are present. Welcome to all. In terms of voting, we will be conducting the election of directors using the ballots distributed when you registered with the Scrutineer. Any individuals nominated from the floor will need to be added to your ballots prior to voting.

## **2. Formalities**

**Chairman:** "The annual meeting Castle Mountain Resort Inc. [CMR] will now come to order pursuant to the Corporation's By-Laws, I will act as Chairman of this meeting and with your approval I shall ask Cheryl De Leeuw to act as secretary of the meeting. Nancy Brush and Roger and Dixie McAdam of our office to act as Scrutinizers of the meeting".

## **3. Agenda**

The agenda for this meeting was circulated with the meeting notice; copies of the agendas are available at the door. This was done to expedite the business portion of the meeting.

For record keeping purposes can you **please state your first and last name if you are making or seconding a motion.** May I have a motion to adopt the Agenda?

**Moved - Karen Perry**

**Second - Doug Loughhead**

**Vote – Carried**

## **4. Notice & Scrutineer's Report**

**Chairman:**

"The Notice calling this meeting was mailed or e-mailed to common shareholders included an agenda, a copy of last year's minutes, an abbreviated financial report, the resolution and form of proxy, in accordance with the requirements of the Corporation's By-Laws and the Business Corporations Act of Alberta.

"Pursuant to the By-Laws of the Corporation, shareholders present in person or represented by proxy representing 35% of the outstanding



Common Shares of the Corporation constitutes a quorum for the transaction of business at this Annual Meeting of shareholders of Castle Mountain Resort Inc. I have been advised that a quorum is present. The Scrutineer's report shows that there are at least <> common shares present in person or by proxy representing a total greater than 19,729 common shares or 35% of the 56,370 issued and outstanding common shares of the Corporation."

**May I have a motion to adopt Scrutineer's report:**

**Moved - Michele Finn-Fraser**

**Second – Gerry de Leeuw**

**Vote – carried**

"The notice of the meeting having been given as required by the By-Laws of the Corporation and by the Business Corporation Act and a quorum being present, I declare this Annual Meeting of the shareholders of Castle Mountain Resort Inc. to be properly called and duly constituted for the transaction of business that may properly be brought before it in accordance with the notice of meeting.

"The minutes of the Corporation's last shareholders meeting are available for inspection, they were in the package which was mailed or e-mailed to all shareholders. I now ask for a motion to dispense with the reading of the minutes of the last shareholders meeting and that the minutes be taken as read and adopted."

**May I have a motion to adopt minutes?**

**Moved – Brian Hodgson**

**Second - Larry Kundrik**

**Vote – Carried**

**Chairman:** Is there any business arising from those minutes? No business arising

**5. Financial Statements**

**Chairman:** The first item of business is the matter of the financial statements of the Corporation for the year ended April 30, 2018 and the report of the auditors thereon. The abbreviated audited financial statements of the Corporation for the year ended April 30, 2018 were in the package that was mailed or e-mailed to all shareholders. We will dispense with the reading of those financial statements but we will review the highlights. If anyone present did not receive a copy or would like a copy, extra copies are available. Anyone with a question with respect of the financial statements may ask it immediately following the end of the more formal portion of this meeting.

[Ask Darren to review the financial statements]

**Financial Report:**     **Review Financial Statements - Darren Adamson from AVAIL CPA**

## **6. Auditors Report**

**Chairman:**             The second item of business is the auditor's report. Auditors report has been submitted from Darren Adamson of the firm Young Parkyn McNab

**May I have a motion to adopt financial statements for the year ended April 30, 2018**

**Moved – Kevin Finn**

**Second - Karen Perry**

**Vote – carried**

## **7. Appointment of Auditors**

**Chairman:**             The next item of business is the appointment of auditors of the Corporation. It is proposed that Avail, Chartered Professional Accountants, be re-appointed as the auditors of the Corporation and that the directors be authorized to set the auditor's remuneration for the ensuing year. May I have a motion to appoint Avail, Chartered Professional Accountants, as auditors of the Corporation for the ensuing year and to authorize the directors to set the auditor's remuneration.

**Moved – Darrel Murphy**

**Second – Ian Miller**

**Vote – carried**

I declare that the motion is carried, Avail, Chartered Professional Accountants has been appointed the Corporation's auditors for the ensuing year and the directors are authorized to set the auditors' remuneration."

## **8. Election of Directors**

**Chairman:** The next item of business is the election of directors. As Nominating Chair I will share the nominations.

**Brian McGurk, Nominating Chair**

**Nominating chair:** We have four vacancies on the board of directors this year.

As chair of the nominating committee I would like to nominate the following directors standing for re-election:

**Kevin Wright**

**Karen Harker**

**George Koch**

**Steve Mundell**

**David Carmichael**

**Myself, Brian McGurk**

**[The Biographies of the nominees were provided by email 3 weeks ago and hard copies are available at the sign in desk.]**

**Nominating Chairman:** The persons nominated are management's nominees for election as directors, as stated in the notice of meeting circular sent to shareholders. Are there any further nominations?

Are there any further nominations from the floor?

Are there any further nominations from the floor?

Are there any further nominations from the floor?

**Nominating Chairman:** "I declare nominations closed. 6 persons have been nominated to fill the five positions for Directors. Mr Chair, I request a brief adjournment of the meeting to complete and count the Ballots.

Introductions were made by Steve Mundell, David Carmichael, George Koch and Kevin Wright.

**Chairman:** May I have a motion to adjourn the meeting for a period of up to 30 minutes in order to conduct the vote for directors.

**Moved: Gerry de Leeuw**

**Seconded: Karen Perry**

**Vote: carried**

Indicate your choices for director clearly on the ballot by way of check mark beside the names of your preferred candidates.

Adjourned at 3:30. Informal Meeting from 3:34 to 4:45

Reconvened at 4:47

**Chairman:** Results of the vote:

1. Karen Harker
2. George Koch
3. Steve Mundell
4. Brian McGurk
5. David Carmichael

**Chairman:** May I have a single motion approving the election of Karen Harker, George Koch, Steve Mundell, Brian McGurk and David Carmichael as

Directors of the Corporation to hold office for the ensuing 2 years or until their successors are appointed or elected?"

**Moved – Kevin Wright**

**Second - Ian Miller**

**Vote – carried**

**Chairman:**

I declare that Karen Harker, George Koch, Steve Mundell, Brian McGurk and David Carmichael have been elected as Directors of the Corporation for the ensuing 2 years, until the next annual meeting of the shareholders of the Corporation or until their successors have been elected or appointed.

"Is there any further business to come before the meeting?"

There being none, the meeting is concluded."

Can I have a motion to adjourn

Moved – Karen Perry

Second – Ian Hurdle

Vote - carried

I declare that the 2018 Annual meeting of the common shareholders of Castle Mountain Resort Inc. is concluded. 4:50 pm.

## **INFORMATION CIRCULAR**

### **ITEM 1 - REVOCABILITY OF PROXY**

1. The person or company giving a Proxy has the power to revoke it.
2. Revocation of a Proxy must be in writing to be delivered to the registered office of the Corporation no later than 24 hours prior to the meeting.
3. Proxies are to be delivered to management at the mailing or e-mail address set forth on the proxy or presented at the meeting. Electronically reproduced documents without an original signature may be rejected at the discretion of the scrutineers.

### **ITEM 2 - PERSONS OR COMPANIES MAKING THE SOLICITATION**

1. This meeting has been called on behalf of the management of Castle Mountain Resort Inc.
2. No Director has informed management in writing that he/she intends to oppose any action intended to be taken by the management.
3. This solicitation is to be made directly at a meeting of the Shareholders in attendance on Sunday, September 29, 2019, at 3:30 p.m. – Daylodge – Castle Mountain Resort.

### **ITEM 3 - INTEREST OF CERTAIN PERSONS AND COMPANIES IN MATTERS TO BE ACTED UPON**

1. None.

### **ITEM 4 - VOTING SECURITIES AND PRINCIPAL HOLDERS OF VOTING SECURITIES**

1. There is one class of Common Voting Shares of the Corporation which have been issued of which there are 56,370 Shares outstanding as of August 15, 2019. Each Share is entitled to one vote.
2. Additional Preferred Shares have been issued and are outstanding, however, these are Non Voting Shares.
3. The record date for which security holders shall be entitled to vote shall be September 1, 2019.

**ITEM 5 - ELECTION OF DIRECTORS**

There are 4 positions open for election to the board of Directors.

The corporate bylaws provide that Directors are elected for a 2 year term. 4 of the 9 Director's positions are up for election in 2019. The 5 Directors who were elected for a 2 year term in 2018 and accordingly will continue to sit as Directors of the Corporation until the next Annual General Meeting in 2020 are:

**BRIAN MCGURK  
KAREN HARKER  
GEORGE KOCH  
STEVE MUNDELL  
DAVID CARMICHAEL**

The following individuals have agreed to allow their names to stand for election as Directors:

<b>NAME</b>	<b>POSITION HELD (CURRENTLY)</b>	<b>PRINCIPAL OCCUPATION(S)</b>	<b>TERM OF PREVIOUS SERVICE</b>	<b>SECURITIES HELD OR CONTROLLED</b>
Rod Lanier Alberta, Canada	Director	Farmer	6 years	385 Common
Adam Judd Alberta, Canada	Director	Businessman	4 years	85 Common

Further nominations for directors will be accepted prior to the meeting (by written notice sent to 807 Melcor Centre, 400 4th Avenue South, Lethbridge, Alberta, T1J 4E1) or from the floor at the annual meeting.

The 4 positions will be for a term of 2 years.

No proposed director, is, as at the date hereof, or has been in the last ten years, a director, chief executive officer or chief financial officer of any company (including the Corporation) that (a) was the subject of a cease trade order or similar order or an order that denied the company access to any exemption under securities legislation, for a period of more than 30 consecutive days, that was issued while the proposed director was acting in that capacity, or (b) was subject to a cease trade order or similar order or any order that denied the company access to any exemption under securities legislation, that was in effect for a period of more than 30 consecutive days, that was issued after the proposed director ceased to be a director, chief executive officer or chief financial officer and which resulted from an event that occurred while that person was acting in that capacity.

No proposed director is, as at the date hereof, or has been in the last ten years, a director or executive officer of any company (including the Corporation) that, while that person was acting in that capacity, or within a year of that person ceasing to act in that capacity,

became bankrupt, made a proposal under any legislation relating to bankruptcy or insolvency or was subject to or instituted any proceedings, arrangement or compromise with creditors or had a receiver, receiver manager or trustee appointed to hold its assets.

No proposed director has, within the last ten years, become bankrupt, made a proposal under any legislation relating to bankruptcy or insolvency, or become subject to or instituted any proceedings, arrangement or compromise with creditors, or had a receiver, receiver manager or trustee appointed to hold his or her assets.

No proposed director has been subject to (a) any penalties or sanctions imposed by a court relating to securities legislation or by a securities regulatory authority or has entered into a settlement agreement with a securities regulatory authority, or (b) any other penalties or sanctions imposed by a court or regulatory body that would likely be considered important to a reasonable security holder in deciding whether to vote for a proposed director.

**ITEM 6 - EXECUTIVE COMPENSATION**

No compensation has been paid or is contemplated to be paid to the Directors.

**ITEM 7 - INDEBTEDNESS OF DIRECTORS AND SENIOR OFFICERS**

No indebtedness requiring disclosure.

**ITEM 8 - INTEREST OF INSIDERS IN MATTERS TO BE ACTED UPON**

None of the directors or officers of the Corporation or nominees has any material interest in any matter to be acted upon other than the election of directors.

**ITEM 9 - INTEREST OF INSIDERS IN MATERIAL TRANSACTIONS**

The following Directors are leaseholders or have a material interest in a lease at the Resort:

Brian McGurk  
Rod Lanier  
Adam Judd  
Karen Harker  
David Carmichael  
Steve Mundell



**ITEM 10 - APPOINTMENT OF AUDITOR**

The current auditor of the corporation is:

Auditor: Avail CPA (formerly Young Parkyn McNab Chartered Accountants)  
Appointed: 1996

The appointment of an auditor for the next financial year end will be determined by the direction of the Shareholders at the meeting.

**ITEM 11 - NOTICES OF MOTION**

None at this time. Any shareholder wishing to bring a matter forward requiring a vote of the shareholders must do so in sufficient time to allow proper notice to the shareholders, otherwise the matter will be adjourned to a future meeting.

**ITEM 12 - PARTICULARS OF MATTERS TO BE ACTED ON**

The meeting Agenda is enclosed, on page 1 of this Notice.

No action is contemplated to be taken at the meeting on any item other than those previously described.

**ITEM 13 - CERTIFICATE**

The foregoing contains no untrue statement of a material fact and does not omit to state a material fact that is required to be stated or that is necessary to make a statement not misleading in the light of the circumstances in which it was made.

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Brad Brush  
General Manager

**CASTLE MOUNTAIN RESORT INC.**  
**SUMMARY BALANCE SHEET**  
As at April 30, 2019

	2019	2018
<b>ASSETS</b>		
Current assets	\$ 596,444	\$ 1,793,579
Capital assets	11,183,522	11,000,382
<b>Total assets</b>	<b>\$ 11,779,966</b>	<b>\$ 12,793,961</b>
<b>LIABILITIES AND SHAREHOLDERS' EQUITY</b>		
Current liabilities	\$ 1,340,968	\$ 1,484,975
Callable debt	768,958	1,102,957
	<b>2,109,927</b>	<b>2,587,932</b>
Capital lease obligation	-	-
Deferred revenue	4,225,987	4,228,988
Preferred shares	484,300	469,900
Future income taxes	337,547	396,823
	<b>5,027,834</b>	<b>5,095,711</b>
<b>Total liabilities</b>	<b>7,137,761</b>	<b>7,683,643</b>
Shareholders' equity		
Common shares	3,089,380	3,089,380
Retained earnings	1,552,825	2,020,938
<b>Total shareholders' equity</b>	<b>4,642,205</b>	<b>5,110,318</b>
<b>Total liabilities and shareholders' equity</b>	<b>\$ 11,779,966</b>	<b>\$ 12,793,961</b>

**REPORT OF THE INDEPENDENT AUDITOR ON THE SUMMARY FINANCIAL STATEMENTS**

To the Board of Directors of Castle Mountain Resort Inc.

*Opinion*

The summary financial statements, which comprise the summary balance sheet as at April 30, 2019, the summary statements of income and retained earnings and cash flows, and related notes, are derived from the audited financial statements of Castle Mountain Resort Inc. for the year ended April 30, 2019. In our opinion, the accompanying summary financial statements are a fair summary of the audited financial statements, in accordance with Canadian accounting standards for private enterprises.

*Summary Financial Statements*

The summary financial statements do not contain all the disclosures required by Canadian accounting standards for private enterprises. Reading the summary financial statements and the auditor's report thereon, therefore, is not a substitute for reading the audited financial statements and the auditor's report thereon. The summary financial statements and the audited financial statements do not reflect the effects of events that occurred subsequent to the date of our report on the audited financial statements.

*The Audited Financial Statements and Our Report Thereon*

We expressed an unmodified audit opinion on the audited financial statements in our report dated July 18, 2019.

*Management's Responsibility for the Summary Financial Statements*

Management is responsible for the preparation of a summary of the audited financial statements in accordance with the criteria as described in note 1.

*Auditors' Responsibility*

Our responsibility is to express an opinion on whether the summary financial statements are a fair summary of the audited financial statements based on our procedures, which were conducted in accordance with Canadian Auditing Standard (CAS) 810, "Engagements to Report on Summary Financial Statements."

Lethbridge, Alberta  
July 18, 2019

*Avail LLP*  
Chartered Professional Accountants

**CASTLE MOUNTAIN RESORT INC.**  
**SUMMARY STATEMENT OF INCOME**  
For the year ended April 30, 2019  
Page 2 of 3

	2019	2018
<b>Revenue</b>		
Day lift tickets	\$ 2,109,155	\$ 2,689,779
Food services	174,718	1,353,239
Lot leases and maintenance	780,275	754,387
Season passes	983,857	679,290
Other	497,133	385,688
Ski school and rental shop	316,027	388,534
	<b>4,861,183</b>	<b>6,248,917</b>
<b>Expenses</b>		
Wages and benefits	2,715,380	2,758,620
Other	1,107,882	1,188,941
Food services	73,815	530,185
Repairs and maintenance	552,712	452,011
Advertising and promotion	337,363	313,615
Interest on callable debt	71,282	64,024
Amortization	495,777	541,455
	<b>5,354,221</b>	<b>5,849,051</b>
<b>(Loss) income from operations</b>	<b>(493,058)</b>	<b>399,866</b>
<b>Other expenses (income)</b>		
Dividends	6,431	74,929
2011 fuel spill remediation	27,900	-
(Gain) loss on disposal of capital assets	-	(35,541)
	<b>34,331</b>	<b>39,388</b>
<b>(Loss) income before income taxes</b>	<b>(527,389)</b>	<b>360,478</b>
<b>Income taxes</b>		
Future income taxes (recovered)	(59,276)	56,944
<b>Net (loss) income</b>	<b>(468,113)</b>	<b>303,534</b>
<b>Retained earnings, beginning of year</b>	<b>2,020,938</b>	<b>1,717,404</b>
<b>Retained earnings, end of year</b>	<b>\$ 1,552,825</b>	<b>\$ 2,020,938</b>

**CASTLE MOUNTAIN RESORT INC.**  
**SUMMARY STATEMENT OF CASH FLOWS**  
For the year ended April 30, 2019  
Page 3 of 3

	2019	2018
<b>Cash flows from operating activities</b>		
Net (loss) income	\$ (468,113)	\$ 303,534
Adjustment for items which do not affect cash		
Amortization	495,777	541,455
Future income taxes	(59,276)	56,944
(Gain) loss on disposal of capital assets	-	(35,541)
	(31,612)	866,392
Changes in non-cash working capital items	(333,820)	290,487
	(365,432)	1,156,879
<b>Cash flows from investing activities</b>		
Purchase of capital assets	(678,917)	(720,642)
Proceeds on disposal of capital assets	-	56,500
	(678,917)	(664,142)
<b>Cash flows from financing activities</b>		
Proceeds of debt	-	443,500
Repayment of debt	(338,830)	(404,259)
Redemption of preferred shares	(5,600)	(15,100)
Deferred revenue	(3,001)	158,957
	(347,431)	183,098
<b>Net (decrease) increase in cash</b>	<b>(1,391,780)</b>	<b>675,835</b>
<b>Cash, beginning of year</b>	<b>1,291,831</b>	<b>615,996</b>
<b>Cash (deficiency), end of year</b>	<b>\$ (89,949)</b>	<b>\$ 1,291,831</b>

**1. Summary financial statements**

Management prepared these summary financial statements using the following criteria:

- (a) the summary financial statements include a statement for each statement included in the audited financial statements;
- (b) information in the summary financial statements agrees with the related information in the completed set of audited financial statements;
- (c) major subtotals, totals and comparative information from the audited financial statements are included; and
- (d) the summary financial statements contain the information from the audited financial statements dealing with matters having a pervasive or otherwise significant effect on the summary financial statements.

The summary financial statements are derived from the audited financial statements, prepared in accordance with Canadian accounting standards for private enterprises, as at April 30, 2019 and for the year then ended.

The audited financial statements of the company are available on request by contacting the administration office.

**From:** [Troy MacCulloch](#)  
**To:** [Meghan Dobie](#)  
**Cc:** [Jessica McClelland](#)  
**Subject:** FW: FCSS Funding Request Process  
**Date:** Monday, August 26, 2019 10:19:10 AM  
**Attachments:** [image002.png](#)

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Fyi and Jessica please keep this for correspondence info – for sept 10<sup>th</sup> meeting

Thx

troy

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**From:** Arlene Wright <Arlene.Wright@gov.ab.ca>  
**Sent:** August 26, 2019 10:13 AM  
**To:** Arlene Wright <Arlene.Wright@gov.ab.ca>  
**Cc:** Ken Dropko <Ken.Dropko@gov.ab.ca>; Joyce Mellott <Joyce.Mellott@gov.ab.ca>; Connor Gaughan <Connor.Gaughan@gov.ab.ca>; Chris Wells <Chris.Wells@gov.ab.ca>; Colleen Burton-Ochocki <coordinator@fcssaa.org>; vjv003@shaw.ca; Judy Macknee <assistant@fcssaa.org>  
**Subject:** FCSS Funding Request Process

**Sent on behalf of Ken Dropko.**

Good morning FCSS folks,

We hope everyone is enjoying their summer. With fall approaching, FCSS is back on the forefront.

In the past, the **FCSS Funding Request** was the first online documentation released to all FCSS municipal programs for the coming budget year. Programs only submitted this documentation if they were requesting LESS than the maximum funding projected in their budget. If a program wanted the maximum budgeted amount, no action was required. Since very few programs use the FCSS Funding Request, we will not be releasing it this fall.

If a program wishes to request less funding than budgeted, please contact Joyce ([joyce.mellott@gov.ab.ca](mailto:joyce.mellott@gov.ab.ca)) and Ken ([ken.dropko@gov.ab.ca](mailto:ken.dropko@gov.ab.ca)) and cc' Connor ([connor.gaughan@gov.ab.ca](mailto:connor.gaughan@gov.ab.ca)).

By taking this approach, we're helping to reduce red tape by minimizing unnecessary documentation and processes.

If you have any questions or concerns, feel free to contact us.

Thank you and enjoy the rest of your summer.

[Arlene Wright](#) for

**Ken Dropko**, MEd

Executive Director, Community and Social Services  
Family and Community Services Branch

3<sup>rd</sup> Floor, 44 Capital Blvd.  
10044 108 Street  
Edmonton, Alberta T5J 5E6

Tel 780 644 2485

Cell 780 903 4712

[Ken.Dropko@gov.ab.ca](mailto:Ken.Dropko@gov.ab.ca)



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