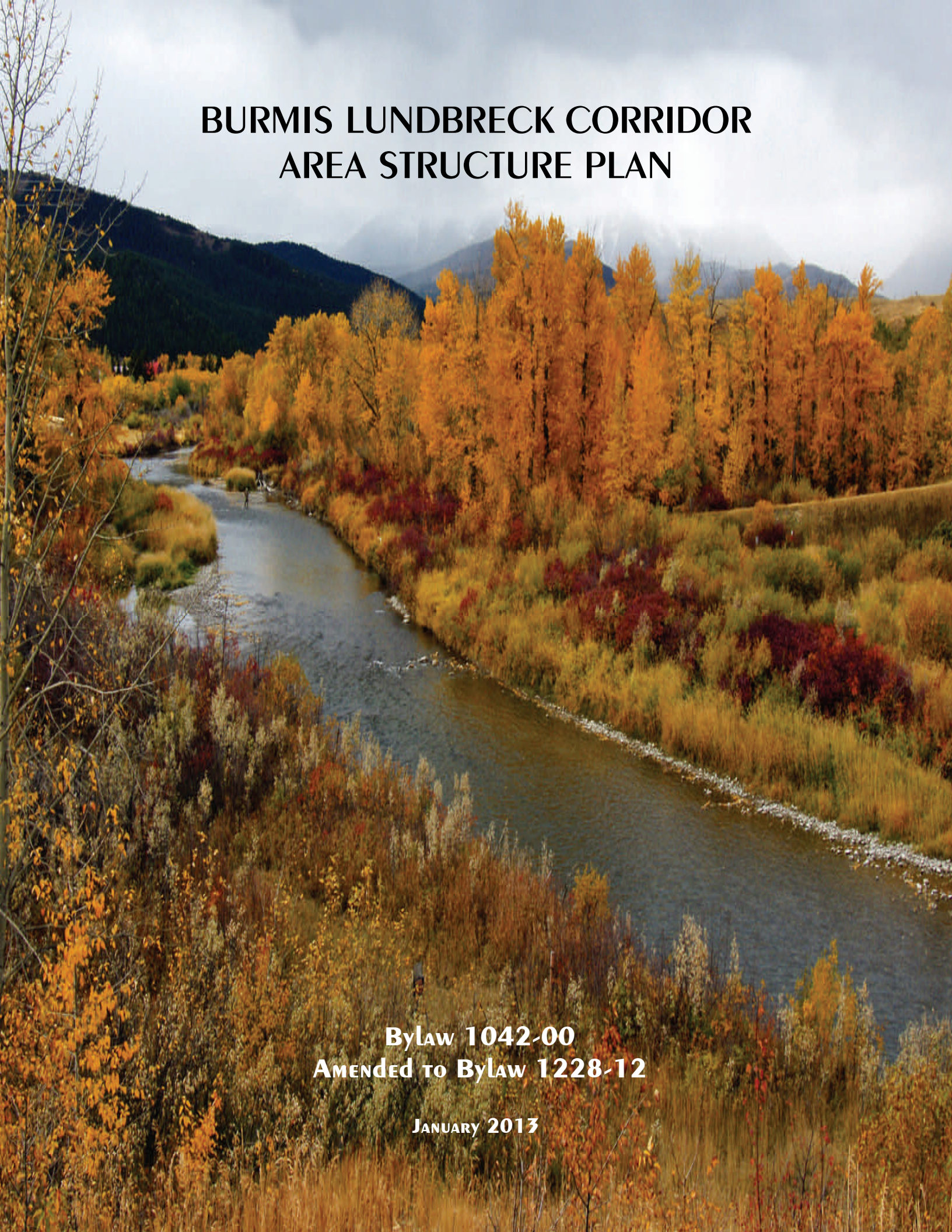
BURMIS LUNDBRECK CORRIDOR AREA STRUCTURE PLAN



Bylaw 1042-00
Amended to Bylaw 1228-12

January 2013

Prepared for the

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

Cover Photography Courtesy of Clive Schaupmeyer of Coaldale, Alberta

Oldman River Regional Services Commission

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1228-12

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to amend Bylaw 1042-00, being the Burmis Lundbreck Corridor Area Structure Plan.

WHEREAS The municipality having reviewed the existing plan is prepared to adopt an amended Burmis Lundbreck Corridor Area Structure Plan;

WHEREAS The municipal council wishes to adopt a comprehensive plan which governs land use within the Burmis Lundbreck Corridor;

WHEREAS The purpose of proposed Bylaw No. 1228-12 is to amend the Burmis Lundbreck Corridor Area Structure Plan which would govern the future subdivision and development of the lands within the plan boundaries while still accommodating agricultural pursuits within this identified area;

WHEREAS The municipality must prepare an amending 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, Statutes of Alberta, Chapter M-26, 2000*, as amended, the Council of the Municipal District of Pincher Creek No. 9 in the Province of Alberta duly assembled does hereby enact the following:

1. Council adopts a revised area structure plan in accordance with the provisions of the *Municipal Government Act.*

2. This amended plan, upon adoption, shall be known as the Burmis Lundbreck Corridor Area Structure Plan.

3. This bylaw shall come into effect upon third and final reading hereof.

READ a first time this 10th day of September, 2012.

A PUBLIC HEARING was held this 9th day of October, 2012.

READ a second time this 8th day of January, 2013.

READ a third time and finally PASSED this 8th day of January, 2013.

Reeve – *Bjorn Berg*

Chief Administrative Officer - *Wendy Kay*

Attachment - "Schedule A"

BURMIS LUNDBRECK CORRIDOR AREA STRUCTURE PLAN

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1.0 INTRODUCTION

1.1 Purpose of the Plan

The Burmis Lundbreck Corridor Area Structure Plan (ASP) defines a planning and development framework to guide future growth in the Plan Area by establishing a range of appropriate and compatible land uses, within a comprehensive development strategy. The Burmis Lundbreck Corridor ASP supports both the M.D. of Pincher Creek Municipal Development Plan and Land Use Bylaw by adding another layer of detail to this particular area. The Burmis Lundbreck Corridor ASP considers existing land uses, surrounding developments, potential future land uses, public input, physical and environmental characteristics, infrastructure requirements, and growth trends. The Burmis Lundbreck Corridor ASP outlines a vision, and the plan structure and policies promote the vision.

1.2 Background of the Plan

The 2000 Burmis Lundbreck Corridor ASP had not been reviewed since its adoption. The main objective of review is to ensure conformance and compliance of the ASP with prevailing provincial and municipal policies. In addition, there have been increases in development in the corridor since 2000 and needs and aspirations of landowners have changed over time.

A Scope of Work, prepared by the Municipality, identified specific issues of municipal concern with regard to the Burmis Lundbreck Corridor. These include:

- The density policies found in the Plan relating to the number of parcels which can be created per quarter section needs to be reviewed. This should involve the review of density policies which are based upon land use planning constraints as opposed to a fixed number of lots per parcel or quarter section.

- The goals and objectives of the Plan need to be reviewed in the context of current development trends.

- The terminology and policies of the Plan need to be updated to reflect current legislation and the current Municipal Development Plan and Land Use Bylaw.

- The effectiveness of the Burmis Lundbreck Corridor – BLC as a separate land use district in the Land Use Bylaw should be examined.

- The boundary of the area structure plan should be reviewed to determine if it is still suitable.

This Plan is the result of a review process which included a significant public consultation process and stakeholder input.

1.3 Provincial Legislative Framework

An ASP is a planning document adopted as a municipal bylaw. It is intended to provide direction to Council, landowners, and developers on an area's future land uses. As an ASP is adopted by municipal bylaw, a maximum of public input is sought. Section 633 of the *Municipal Government Act* outlines the statutory contents of an ASP. It describes an ASP as follows:

> *633(1) For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may, by bylaw, adopt an area structure plan.*
>
> *(2) An area structure plan*
>
> *(a) must describe*
>
> *(i) the sequence of development proposed for the area*
>
> *(ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,*
>
> *(iii) the density of the population proposed for the area either generally or with respect to specific parts of the area, and*
>
> *(iv) the general location of major transportation routes and public utilities,*
>
> *and*
>
> *(b) any other matters the council considers necessary.*

In addition, s. 638 of the MGA requires that all statutory plans adopted by the Municipality be consistent with one another. This includes consistency in content, policy implementation and method of amendment.

Additional requirements for an ASP that may be suggested by municipalities include such items as: internal subdivision road standards, access points, right-of-way, municipal and environmental reserve dedication, developers' obligations, and assessed costs of development.

1.4 Public Participation

A multi-pronged approach was utilized for the public participation in the revision of the plan. A 13 question questionnaire was circulated to all landowners within the BLC and all those within one (1) mile of the boundary. Of the 480 questionnaires sent out, 115 were returned for a response rate of 24%. The goal of the questionnaire was to solicit the issues and opportunities from landowners on 5 broad categories of land use.

The list of issues was then used at an open house to discuss the current plan's goal and objectives. The 'charette' style meeting allowed participants to voice opinion on the 5 broad land use categories. The steering committee and staff provided technical advice to questions and reviewed the objectives of the plan with participants. There were 18 members of the public in attendance.

The final public participation exercise prior to the rewrite addressed the public's preferences for the current objectives. The language of the objectives was tested to determine whether the plan represents the general development attitudes of area residents.

The final draft of the plan was taken to the public for review of the process and introduction to the changes.

A statutory Public Hearing was held September 2012 where upon an amendment to the ASP was adopted by Municipal District of Pincher Creek Council (Bylaw No.1228-12).

2.0 THE PLAN AREA

2.1 General Description of the Plan Area

The Burmis Lundbreck Corridor is an area experiencing country residential development pressures due to both its proximity to recreational areas (i.e. - trout fishing in the Crowsnest River, skiing at Castle Mountain Resort) and the natural attributes offered in the area, and also because it is identified in the MDP as an area eligible for Group Country Residential development. The corridor is bisected by Highway 3, a scenic highway through the municipal district, which requires careful planning and development consideration. In addition, the Plan Area contains four (4) environmentally sensitive areas that require policy consideration and need to be balanced with the overall growth of the area. The Burmis Lundbreck Corridor supports a range of land uses (i.e. – agriculture, country residential, recreational commercial, sand and gravel pits, campgrounds, bed and breakfasts) each of which need to be included in a framework for growth and development of the corridor.

2.2 The Plan Area Municipal / Local Context

Figure 1 identifies the Plan Area in a regional context within the Municipal District of Pincher Creek No. 9. The Plan Area is immediately adjacent to the municipal boundary on the west side and contains the Crowsnest River as it parallels Highway 3. The Plan Area is adjacent to the Oldman River Reservoir Area Structure Plan Boundary to the east but does not include the Hamlet of Lundbreck.

Figure 2 identifies the physical Plan Area for the Burmis Lundbreck Corridor Area Structure Plan. The Plan Area consists of all legal subdivision plans and lands contained within the following:

Township 7, Range 3, West of the Fifth Meridian:

- All of Sections 12, 13, and 14
- East ½ of Section 24
- That portion of the Northwest quarter of Section 11 which lies to the north of the Crowsnest River

Township 7, Range 2, West of the Fifth Meridian:

- West half of Section 7
- All of Sections 17,18,19, 20, 21, 22, 27
- Those portions of the South half of 25 that lie north of Highway 3
- Portion of Section 26 north of Highway 3
- The South half of Section 34
- The South half of Section 35
- The South half of Section 28 and the NE quarter of Section 28

2.3 Population Projection for the Plan Area

An Area Structure Plan is required to contain a population projection, either generally or specifically, for the Plan Area. Based on federal census information, the Municipal District of Pincher Creek experienced 0.7 percent population growth between 1986 and 1991 due primarily to the conversion of land to country residential uses. Comparatively, the MD growth rate between 2001 and 2006 was 3.5% and between 2006 and 2011 was -4.6%. This equates to a flat long term growth rate that can be applied to the Burmis Lundbreck Plan Area and will likely continue.

The population growth rate in the Plan Area will be determined by a number of factors including planning and development policies contained in the Burmis Lundbreck ASP, market demand, land owner decisions, and the availability of services and infrastructure. To provide some indication of future population potential, the following scenario could be considered:

Current, grouped county residential development in the Plan Area consists of 169 lots which vary in size from 1.07 acres to 25.72 acres. 129 of these lots are developed with residences. There are also 47 Agricultural parcels with residential dwellings. The majority of this growth has occurred over the last 40 years. Thirty of those years have had the benefit of a planning document in place to guide development.

As residential development occurs, a population estimate for the current level of development is 405 persons.

If the Plan Area was fully developed residentially, as outlined in the ASP, the total Plan Area population is estimated at approximately 993 persons. This projection assumes an average household size of 2.3 persons – the average household size in the 2006 federal census – and that 50 percent of the available land is developable allowing for environmental considerations and road reserves at a density of 16 lots per quarter section.

Water supply is one of the most important short-term growth considerations. Both the quality and quantity of the resource will affect long-term growth and development of the Plan Area. The provincial *Water Act (W-3., 2000)* puts more emphasis on provincial groundwater licensing and approvals for all future development.

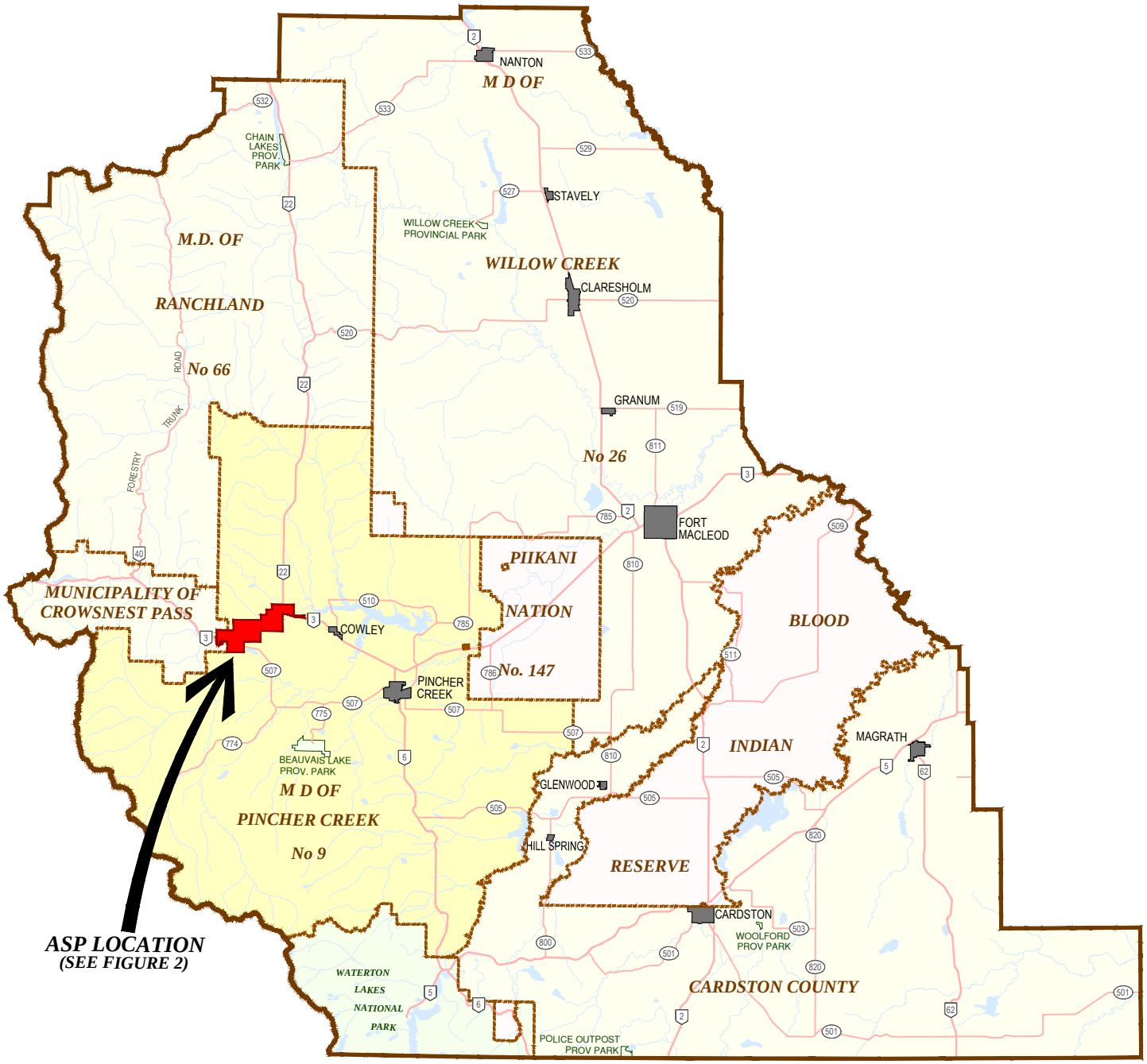

FIGURE 1
PLAN AREA - REGIONAL CONTEXT

BURMIS LUNDBRECK CORRIDOR
AREA STRUCTURE PLAN

BYLAW No. 1042-00
DATE: SEPTEMBER, 2000

AMENDING BYLAW NO. 1228-12

M.D. of PINCHER CREEK

OLDMAN RIVER REGIONAL SERVICES COMMISSION

December 12, 2012
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BurmisLundbreckCorridor - ASP Maps - March 2012 - FIGURE 1.dwg

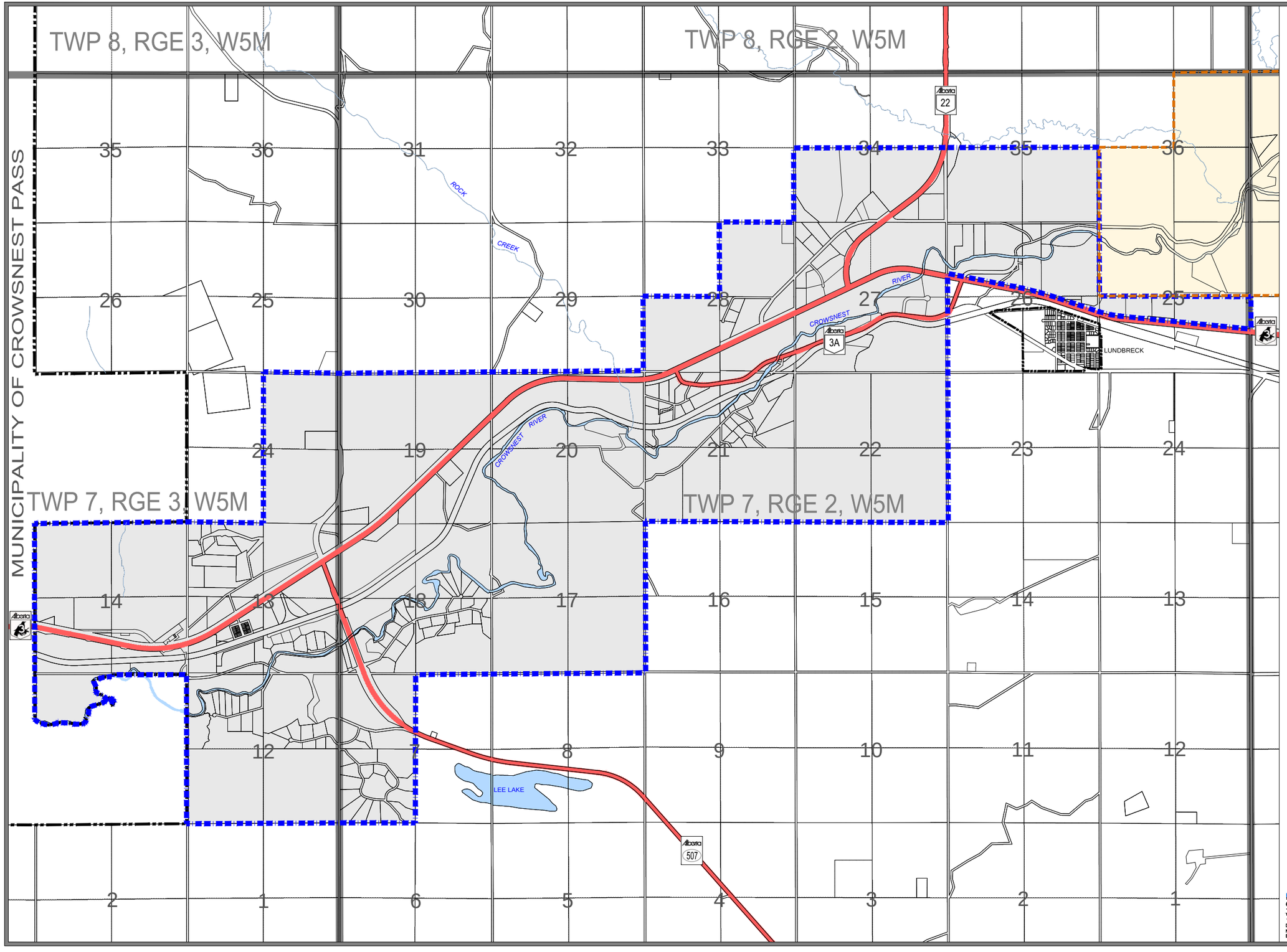

FIGURE 2
PLAN AREA

BURMIS LUNDBRECK CORRIDOR AREA STRUCTURE PLAN

BYLAW No. 1042-00
DATE: SEPTEMBER, 2000

AMENDING BYLAW NO. 1228-12

LEGEND

- BURMIS LUNDBRECK CORRIDOR ASP BOUNDARY
- OLDMAN RIVER RESERVOIR ASP BOUNDARY

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OLDMAN RIVER REGIONAL SERVICES COMMISSION

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December 12, 2012
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3.0 PLAN VISION, GOAL AND OBJECTIVES

3.1 Plan Vision

A Plan Area vision was developed from public feedback and Steering Committee input. The vision for the corridor and the corresponding Land Use map (**Figure 3**), help to guide and direct the Plan goal, objectives, and land use policies. The vision for the Burmis Lundbreck Corridor is as follows:

> *"The Burmis Lundbreck Corridor area structure plan will strive to achieve an appropriate balance between community growth, a variety of lifestyles, and the natural features that promote visual, historical, cultural and environmental harmony."*

Figure 3 is the foundation of the Land Use and helps to provide the context for implementation of the policies of this Plan.

3.2 Plan Goal

The objectives and policies of this plan shall be governed by the following overriding goal:

> To ensure subdivision and development is measured against open spaces and is balanced within the landscape working in harmony with the natural environment.

3.3 Plan Objectives

The following objectives shall be used as a framework for the policies of this plan and its implementation.

a. To identify and promote the retention of the area's natural attributes, aesthetics and features by developing locational and environmental policies which sustain the natural environment.

b. To maintain the natural aesthetics of valuable corridors in the Plan Area – the Crowsnest River and the area's principal highways – by implementing policies which complement the natural aesthetics and maintain the visual attributes of these corridors.

c. To provide access and protection along the Crowsnest River through enhanced setbacks from the bed and shore of the river upon subdivision and development of land.

d. To protect environmentally significant and historic resource areas (as identified in "Environmentally Significant Areas in the Oldman River Region, Municipal District of Pincher Creek" - February 1987) within the Plan Area by identifying these areas and limiting the intensity of subdivision and development in the vicinity.

e. To provide an efficient and safe road network to address existing traffic issues for both provincial and municipal roads.

f. To encourage residential development that is secluded from other development whenever possible, and that general residential privacy considerations are given full attention when any development or subdivision is being considered.

g. To encourage that the effects of noise, dust, smoke, glare and other hazardous impacts are minimised, and to provide that:

   (i) such effects are given full attention when a development or subdivision is considered, and

   (ii) such effects do not erode the quiet enjoyment of a residential environment.

h. To prevent development on lands which are unstable or subject to flooding. Specific additional study on the land to be developed may be required to delineate the extent of the 1:100 year flood way.

i. To limit industrial and commercial development in the Corridor while making the best use of the area's resources by careful consideration of future needs.

j. To rationalize land ownership pattern and small parcel sizes in the historical Burmis settlement, and its vicinity, and at other locations where appropriate.

k. To ensure that development in the vicinity of the Lundbreck Falls campground is compatible with the area.

l. To implement policies which:

   (i) allow careful monitoring and review of development and subdivision in the area;

   (ii) ensure that this plan and its implementing mechanisms, once adopted, are reviewed in the future;

   (iii) limit the density of subdivision and development within the area; and

   (iv) promote agricultural uses, wildlife crossings, and ungulate wintering ranges.

4.0 THE LAND USE STRATEGY

4.1 General Land Use Policies

Upon adoption of this plan, the sequence of development for each land use shall follow the specific policies outlined in the remainder of this document and those policies and provisions found within the MD of Pincher Creek Municipal Development Plan and Land Use bylaw. The following policies apply to the entire Plan Area, regardless of specific uses proposed for development.

a. Applications for local area structure plans, redesignation, subdivision or development in the Plan Area shall conform with the Goal and Objectives of the Municipal District of Pincher Creek No. 9 Municipal Development Plan and be compatible with the policies of this Plan.

b. Applications for local area structure plans, redesignation, subdivision or development in the Plan Area, should reference the land use illustrated in **Figure 3** and shall be compatible with the policies of this Plan.

c. "Short-term", "medium-term" and "long-term" growth projections in the plan area will be dependent upon a number of site-specific factors including:

   (i) the proximity of the area to urban services or the ability of the area to be serviced from collective sewer and water systems;

   (ii) the ability of the existing transportation network to handle additional capacity proposed by a new use in the Plan Area; and

   (iii) the proximity of existing uses to the proposed use, and the extent of contiguous build out in the area.

4.2 Agricultural Land Use Policies

The continuation of agricultural land use in the Plan Area is encouraged. Nevertheless, the Plan Area is subject to unique pressures including increases in the amount of sour gas extraction and pipelines in the area, increasing non-agricultural land values; demand for country residential development, and conflicts between residential and agricultural land uses.

a. Lands identified as Agriculture Transitional on the Land Use map (**Figure 3**) represent primarily full quarter sections and smaller farmable units. These areas hold long term potential for conversion to non-agricultural uses upon development of adjacent, non-agriculturally designated, lands in accordance with the policies of this Plan.

b. Applications for separation of a farmstead or country residence from an un-subdivided quarter section, subdivision of a fragmented parcel, and subdivision of land for extensive agricultural use are subject to the policies of the Municipality's Municipal Development Plan and Land Use Bylaw.

c. Cattle producers are encouraged to follow the principles and best management practises of programs like Cows and Fish which strive to protect the riparian lands within the corridor to the benefit of all.

d. Confined Feeding Operations (CFOs) shall be prohibited in the Burmis Lundbreck Corridor Area Structure Plan boundary and should be included on the MDP Confined Feeding Operations Prohibited Areas map.

e. Introduction of new agricultural activities with potential to create significant negative offsite impacts should not be permitted.

f. Agricultural land uses should be promoted and encouraged to continue within the Plan area. In consultation with the landowner, land should be protected and enhanced through land conservation programs that improve their economic viability, such as land trusts, conservation easements and transfer of development credits (if endorsed by the Municipality).

g. Where development of agricultural lands with non-agricultural uses is deemed appropriate, the resulting subdivision design shall accommodate an appropriate transition and buffer from any existing agricultural operation.

4.3 Grouped Country Residential Land Use Policies

The development of healthy, safe, and viable communities compatible with the natural environment is encouraged. The Plan encourages the expansion of country residential uses in a contiguous manner. Grouped Country Residential Land Use Policies shall be determined on its own merits subject to more detailed local area structure plans, *Water Act* requirements, and the suitability of the proposed development.

Proposals for residential development should proceed in accordance with the policies of this section. Visual impacts both from the Transportation corridors (Figure 3) and within neighbourhoods shall be considered. Density and housing types should protect and conserve the natural scenic attributes of the land. Rural density developments with integration of open space and larger lot sizes are preferred over urban forms of development.

4.3.1 General Grouped Country Residential Land Use Policies

a. Minimum parcel size shall be three (3.0) acres or a lesser area if the proposed lots are serviced with sewer and water, provided that the densities prescribed in this plan are not exceeded.

b. Grouped Country Residential land use is preferred in the Burmis Lundbreck Country Residential Area identified in the Land Use map (**Figure 3**). The Municipality may consider applications for Grouped Country Residential development outside of the identified area provided that the available services and infrastructure adequately service permitted levels of development. Further, that the applicant demonstrates through professional reports or

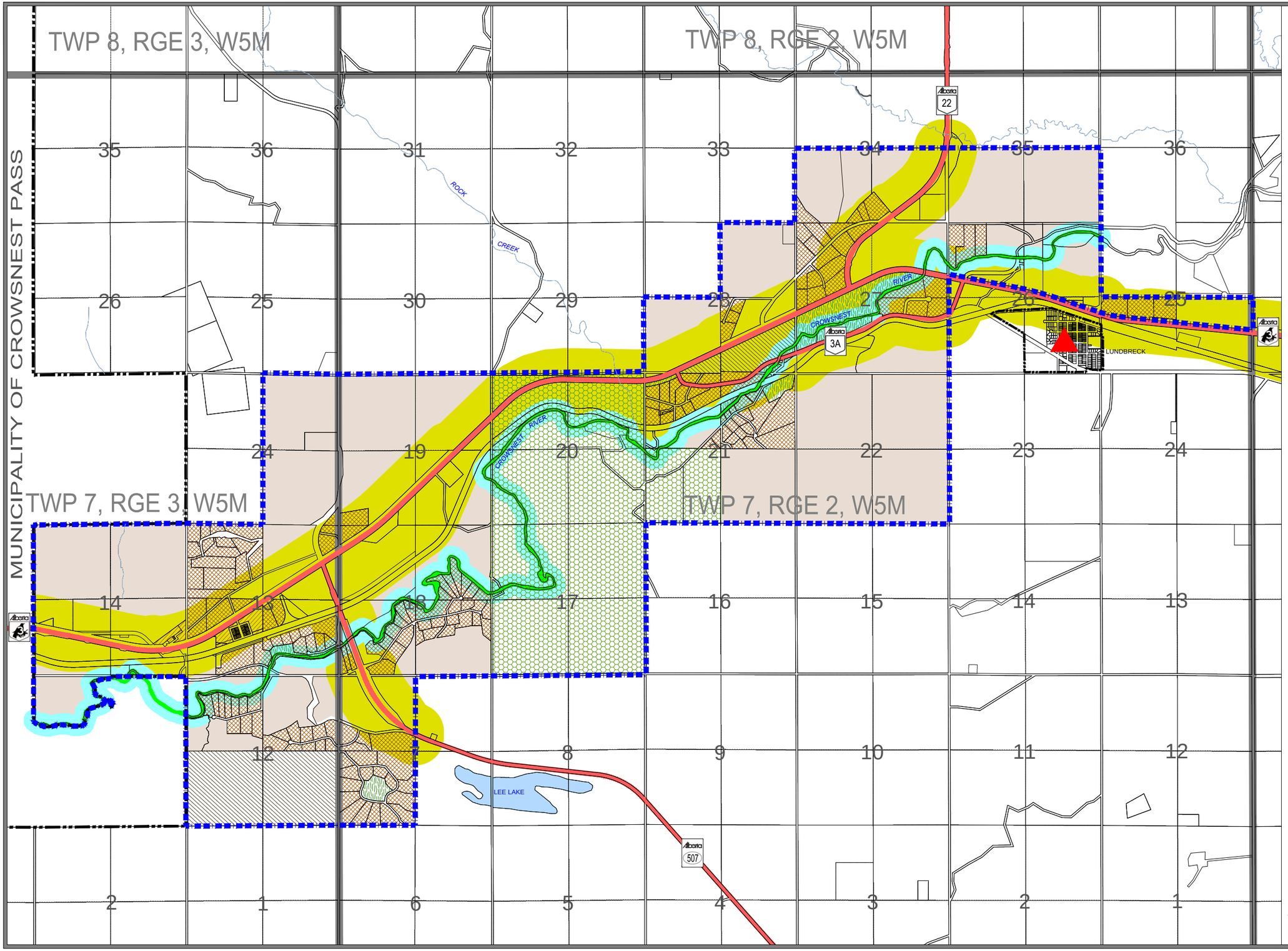

FIGURE 3
LAND USE

BURMIS LUNDBRECK CORRIDOR
AREA STRUCTURE PLAN

BYLAW No. 1042-00
DATE: SEPTEMBER, 2000

AMENDING BYLAW NO. 1228-12

LEGEND

- BURMIS LUNDBRECK CORRIDOR ASP BOUNDARY
- AGRICULTURE TRANSITIONAL
- COMMERCIAL NODE
- COUNTRY RESIDENTIAL
- CROWSNEST RIVER ENVIRONMENTAL RESERVE SYSTEM
- DIRECT CONTROL
- HISTORIC BURMIS SETTLEMENT POLICY AREA
- ENVIRONMENTALLY SENSITIVE CORRIDOR
- REC - COMMERCIAL OPEN SPACE
- RIPARIAN AREA
- TRANSPORTATION CORRIDOR

M.D. of PINCHER CREEK

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December 12, 2012
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studies how impacts on the environment, and adjoining landowners are being mitigated.

c. All local area structure plan proposals for grouped country residential must provide at the time of application a water report in accordance with the *Water Act*.

d. Grouped country residential lots shall contain dwellings that are consistent with the Land Use Bylaw.

e. Local area structure plan applications for grouped country developments shall demonstrate that the proposal will not negatively impact the development of a future road network on surrounding lands.

f. Panhandles or Flag Lots are generally discouraged except where site constraints exist or where panhandles may accommodate future internal subdivision roads. All new grouped country developments should have direct, physical, and legal access to a public roadway.

g. Prior to approving local area structure plans, redesignation or subdivision for grouped country residential, Council may provide an opportunity for public input over and above the statutory requirements.

h. The preferred density of grouped country residential parcels should not be more than 16 parcels per quarter section. The 16 parcels is a benchmark which has to be understood in the context of the carrying capacity of the land. Not every quarter is suitable for 16 parcels and some may be able to handle more. Carrying capacity will be dependent on the professional reports for water, septic soils analysis, geotechnical analysis, environmental assessment, historical/archaeological assessment and any other matter deemed necessary by the Municipality.

4.3.2 Grouped Country Residential Local Area Structure Plan Policies (2 lots or more)

In addition to the General Grouped Country Residential Policies listed above, the Municipality will require a local area structure plan which addresses all policy requirements contained in Section III. M of the Municipal Development Plan. Particular attention should be given to the following:

a. an evaluation of any on-site hydrological conditions including confirmation of sufficient water supply in accordance with municipal and provincial requirements;

b. an evaluation of sanitary servicing in accordance with municipal and provincial requirements;

c. compliance with Section 5.0 of the Plan which may require an evaluation of on-site geotechnical, archaeological, and historical features in accordance with municipal and provincial requirements. In addition, applicants should

refer to M.D. of Pincher Creek Environmentally Significant Areas in the Oldman River Region (1987) for more detailed data;

d. a demonstration that a reasonable attempt has been made, where possible and practical, to retain and utilize natural features;

e. a site plan outlining the staging and sequencing of the development with identification of a building site on each lot; and

f. any other matter deemed necessary by the Municipality.

4.4 Historic Burmis Settlement Policy Area

The **Historic Burmis Settlement Policy**, identified on the Land Use Map (Figure 3), consists of historic subdivision plans (c. 1910 & c. 1912) which subdivided urban size lots for a future settlement in support of the railroad. Existing residences in the area appear to straddle titles or are located outside of the titled residential lot area.

a. The Municipality shall endeavour to cancel unnecessary streets and lanes within Registered Plan 3688AE and Registered Plan 5510AL in order to promote a more logical pattern of land ownership, and reduce the number of separate titles.

b. Existing Residences in the Historic Burmis Settlement Policy Area should not be issued development permits for renovation, construction or addition until such time as the Municipality is satisfied that the dwelling meets setbacks, within the confines of the parcel.

c. No new development permits or building permits shall be issued within the Historic Burmis Settlement Policy Area unless it can be demonstrated, to the satisfaction of the Municipality, that the method of servicing (i.e. - water, septic, road access, electrical and plumbing) can meet provincial and municipal requirements.

4.5 Commercial Land Use Policies

Land use within the Burmis Lundbreck Corridor may include some small-scale commercial uses. The commercial component should be designed with sensitivity to the local residents and the design should be sensitive to both the visual impact from highway corridors and the area's natural features.

a. Small-scale Commercial land uses(s) may be appropriate in the Plan Area provided they promote amenity and diversity to the Plan Area while being compatible with adjacent uses. Commercial use(s) should be small-scale and offer services to the local residential and agricultural community and business area residents. Small-scale commercial uses include those commercial uses found within the Agriculture – A, Rural Recreational 1 – RR1, and Grouped Country Residential – GCR land use bylaw districts.

b. Large-scale commercial uses are encouraged to locate in the Hamlet of Lundbreck or Crowsnest Pass and discouraged from locating within the Burmis Lundbreck Corridor. Large-scale commercial uses include those commercial uses found within the Rural Highway Commercial – RC land use bylaw district.

c. Applications for redesignation, subdivision or development for commercial uses shall be subject to Performance Standards and Development Guidelines. Performance Standards and Development Guidelines are intended to provide guidelines for the development of Commercial development within the Plan Area and to establish standards for the management of potential nuisances that may result from activities occurring therein. The Performance Standards and Development Guidelines may be addressed and incorporated into a development agreement. The development agreement may include but not be limited to all aspects of the Land Use Bylaw.

d. In support of a proposal, applicants may be required to submit the following information to the Municipality:

   (i) the proposed internal road hierarchy and, if within the vicinity of Highway 3, 3A, 22 or 507, the preparation of a cross-section from the highway to the maximum height of any proposed development in order to demonstrate the visual impact of any proposed development on these lots;

   (ii) an Operational Plan detailing the hours of operation, number of employees, nature of the commercial operation, and a landscaping and site lighting scenario. The Operational Plan shall indicate how the commercial use is compatible with both the safe function of the Highway and adjacent residential uses;

   (iii) a Traffic Impact Assessment (TIA), prepared by a professional engineer of The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA) , based on building size, anticipated land uses, and number of proposed lots. The TIA shall include a clear set of conclusions and recommendations for improvements to the transportation system.

e. The landowner may be required to register a caveat or restrictive covenant respecting architectural control including, but not limited to, incorporation of environmentally sustainable principles for development, building design, appearance, character, and detailed landscaping requirements.

4.6 Recreational Commercial Land Use Policies

A Recreational Commercial area has been identified at the Lundbreck Falls location. Lundbreck Falls itself is a designated Environmentally Sensitive Area. The Falls, due to their proximity to a major highway, experience a large number of short-term visitors and overnight campers. The physical area available to accommodate visitors appears to require improved planning and future expansion. The Land Use Map (**Figure 3**) identifies a future Recreational Commercial area in the vicinity of Lundbreck Falls that should be considered for new campground locations and visitor amenities. The future Recreational Commercial area lies south of Highway 3 to the Crowsnest River.

Expansion of the Lundbreck Falls Campground Area should be considered on land identified on Figure 3 as Rec-Commercial Open Space. The use of these lands should provide for a buffer around Lundbreck Falls, allow for future expansion or diversification of public facilities as the need arises, and link the existing campground area with other public lands and open space systems, where appropriate.

4.7 Industrial Land Use Policies

The Municipality discourages industrial uses in the Plan Area. Industrial uses are more appropriately located in the Hamlet of Lundbreck.

Natural Resource Extraction includes facilities such as gravel pits (and associated operations), asphaltic processing, sand pits, clay or marl pits, peat extraction, and stripping of topsoil. A number of active and inactive Gravel Pits currently exist in the Burmis Lundbreck Corridor; current permitted locations are identified in Appendix B.

Sour gas pipelines and facilities exist within or near to the Plan Area. These facilities are identified on **Appendix B.** The community has expressed concern regarding the number of sour gas facilities being developed in the Plan Area and the overall safety of these operations. The Energy Resources Conservation Board (ERCB) is responsible for ensuring a sour gas well operator has conducted due diligence with the community prior to any approvals.

a. Industrial uses shall be subject to the Performance Standards and Development Guidelines. Performance Standards and Development Guidelines are intended to provide guidelines for the development of industrial development within the Plan Area and to establish standards for the management of potential nuisances that may result from activities occurring therein. The Performance Standards and Development Guidelines may be addressed and incorporated into a development agreement.

b. Category 3 WECS, as defined in the Land Use Bylaw, are prohibited within the Burmis Lundbreck Corridor Area Structure Plan Boundary.

c. Applications in support of establishing a new or expanded sand/gravel operation in the Plan Area shall first apply to designate the land to the Direct Control district of the Land Use Bylaw.

d. All new sand/gravel pit operations shall submit a reclamation plan as part of the development application process and shall be subject to a development agreement. Progressive reclamation is recommended during pit operation as it may take two to three years to return the land to an equivalent capability. Once a development stage is completed, overburden and subsoil can be directly placed into depleted pit areas to achieve the contour grade for reclamation. Reclamation should focus on restoring gentle landforms, establishing equivalent drainage and reconstructing an acceptable soil. Reclaimed land surfaces must be at least one metre above the water table's shallowest depth.

The end land use for the pit should be decided during the planning stage, in consultation with the municipality. This is based on an assessment of the type of operation, its location and surrounding uses. The end use usually dictates the sloping requirements. Some typical end uses include: cultivation, hay land, pasture, native grassland, forest, wildlife habitat, water bodies, and industrial or residential subdivisions.

e. Existing sand/gravel operations shall not expand beyond their original permit parameters without approval of the Municipal Planning Commission.

f. Applications for subdivision or development within the Plan Area shall be required to maintain appropriate setbacks from sour gas pipelines within the Plan Area as determined by the provincial referral agency (ERCB). See Appendix C.

g. Natural resource exploration and refining facilities in the Plan Area are permitted at the discretion of the provincial referral agencies. The Municipality encourages community consultation and public involvement in the decision-making process.

4.8 Institutional Land Use

The determination of appropriate long-term locations for Institutional land uses (i.e. libraries, schools, cemeteries, churches, long-term care facilities, places of worship, public utility buildings, etc.) in the Plan Area are difficult. Institutional land uses should be integrated with the landscape and compatible with surrounding land uses.

5.0 ENVIRONMENTAL POLICIES

5.1 Environmentally Significant Areas (ESAs)

The Burmis Lundbreck corridor contains four (4) identified ESAs. They include the Connelly Creek Ridges, the Crowsnest Ridges, the Crowsnest River, and the Rock – Cow Creek Wetlands. Each of these ESAs is rated in terms of its National, Provincial or Regional Significance. Nationally Significant ESAs contain features which are limited in distribution in Canada or which are the best or only representatives at a national level. Provincially significant ESAs contain features which are limited in distribution at a provincial level. Regional ESAs are limited in distribution or are the best examples of a feature in the Oldman River Region. Each of the four ESAs are identified on **Figure 4** with a notation regarding the characteristics that make the area qualify as an ESA. The M.D. of Pincher Creek Environmentally Significant Areas in the Oldman River Region (1987) study should be consulted for more detailed information (an excerpt is provided in Appendix A).

a. Applications for local area structure plans, redesignation, subdivision or development within an identified ESA (**Figure 4**) shall be required to satisfy the Municipality that appropriate site management practices are being undertaken and that the application does not diminish the significance of the natural environment in the subject location or as part of a comprehensive ecosystem.

b. The Municipality may impose conditions of approval, where applicable, with respect to:

   (i) the regulation of development in proximity to water bodies or other natural features that, in the opinion of the Municipality, will serve to mitigate or avoid potential environmental consequences and potential hazards to proposed development; and

   (ii) the protection of fish and wildlife habitat.

5.2 Crowsnest River Environmental Reserve System

The Crowsnest River is a major drainage course in the Plan Area and is considered to be a significant trout fishery and tributary to the Oldman River basin. Maintenance of the water quality of the Crowsnest River and the land adjacent to the River is a high priority.

An updated and more detailed Crowsnest River flood study should be undertaken by Alberta Environment to permit informed decisions regarding riparian protection and any proposed adjacent development.

a. For applications within the Crowsnest River watershed, the Municipality may request that the developer prepare an Environmental Impact Assessment that describes impact of the proposed development on the Crowsnest River. The Environmental Assessment should find conclusively that the development would cause no negative effect upon the Crowsnest River and its habitat.

b. Redesignation, subdivision or development proposed within the 1:100 year flood plain is prohibited.

c. The Municipality may request the developer, at their sole expense, to undertake specific study on the land to be developed to delineate the extent of the 1:100 year flood plain. This report shall be prepared and contain the seal and signature of a professional engineer of The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA).

d. The Land Use Bylaw shall be amended to incorporate a development setback of 100m from the Crowsnest River and Rock Creek (see Figure 3). Existing grouped country residential lots will not be required to meet the setback, but should be encouraged to preserve all riparian habitats in a natural state. The setback shall apply to all newly proposed developments.

e. The Municipality, during the local area structure plan process or at the time of subdivision, may require the dedication of additional Environmental Reserve lands to ensure satisfactory protection of the Crowsnest River and its habitat.

f. Developments shall comply with provincial and federal regulations that restrict development activities which are likely to impact fish and fish habitat.

5.3 Open Space

The role of open space in the BLC seeks to address Community expectations. The role has three components – to preserve the rural character of the area, to preserve the natural environment and to provide the Area with recreational amenities. Privately held "Open Landscapes" and publicly designated "Open Spaces" have a role to play in maintaining the community character.

5.3.1 Policies to Preserve Rural Character

a. Proposals to develop existing private open landscapes should:

(i) sensitively help preserve and enhance the visual integrity of the site (e.g. discourage locating new building sites within the center of a meadow, maintain irregular field edges when they occur, etc.);

(ii) implement "cluster" subdivision designs that are less visually intrusive because they minimize the footprint of development;

(iii) avoid development along ridgelines and other visually prominent locations; and

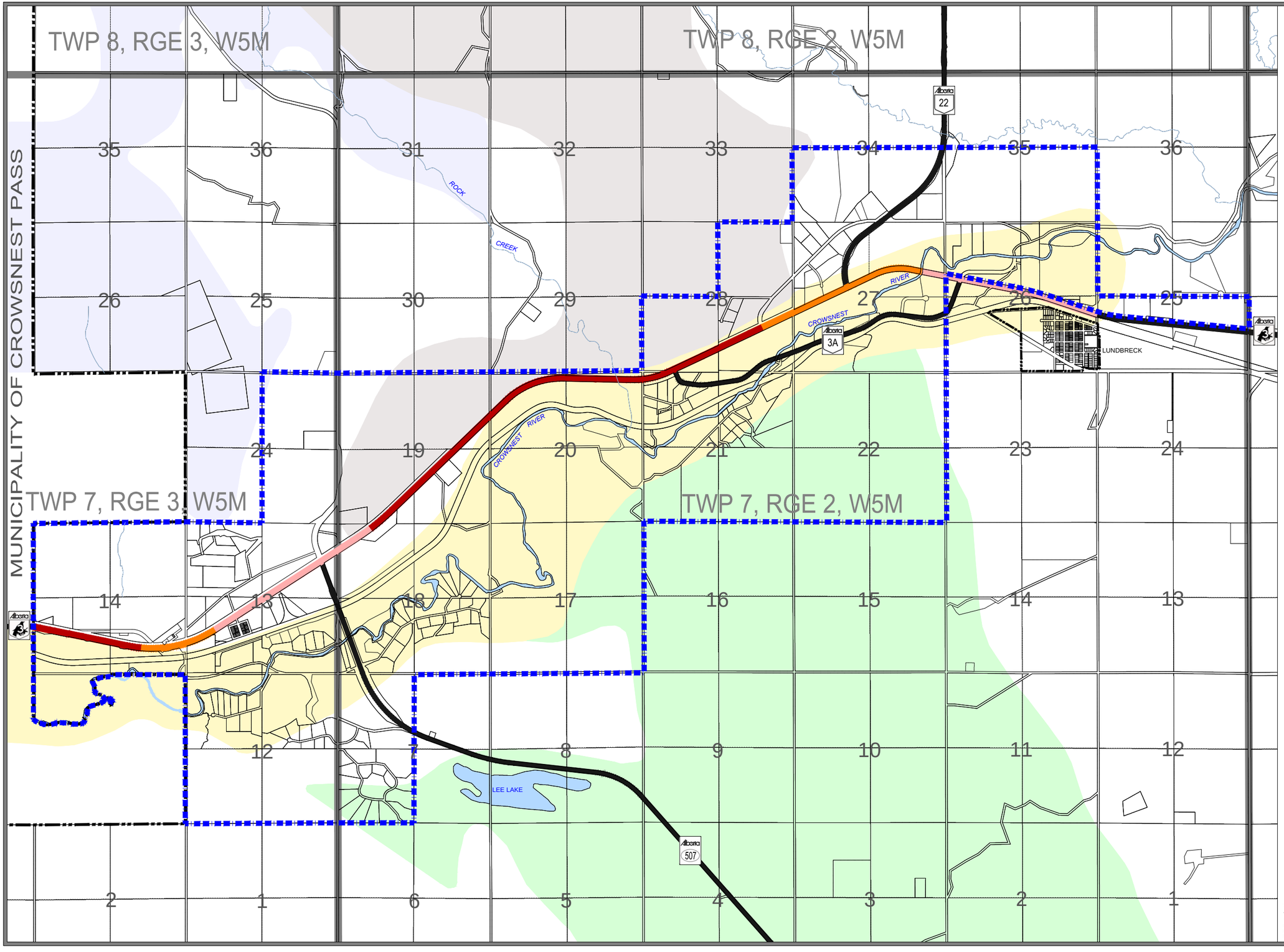

FIGURE 4

ENVIRONMENTALLY SENSITIVE AREAS

BURMIS LUNDBRECK CORRIDOR AREA STRUCTURE PLAN

BYLAW No. 1042-00
DATE: SEPTEMBER, 2000

AMENDING BYLAW NO. 1228-12

LEGEND

- BURMIS LUNDBRECK CORRIDOR ASP BOUNDARY
- CONNELLY CREEK RIDGES (PROVINCIALLY SIGNIFICANT)
- CROWSNEST RIDGES (REGIONALLY SIGNIFICANT)
- CROWSNEST RIVER (NATIONALLY SIGNIFICANT)
- ROCK - COW CREEK WETLANDS (REGIONALLY SIGNIFICANT)

WILDLIFE VEHICLE HIGH COLLISION ZONE

- MEDIUM
- HIGH
- VERY HIGH

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SCALE 1:40000

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 500 1000 1500 2000

December 12, 2012
N:\Pincher-Creek-MD\Pincher-Creek-MD Projects\BurmisLundbreckCorridor\BurmisLundbreckCorridor - ASP Maps - March 2012.dwg

(iv) avoid clear-cutting of existing vegetation during site preparation. Rather, selective tree removal and pruning of limbs should be encouraged through consideration of Fire Smart development practices, community education, land use bylaw amendments, developing other municipal bylaws, etc.

b. Dedication of Municipal Reserves may be considered to:

(i) protect prominent rural vistas and culturally significant points-of-interest;

(ii) provide a visual buffer between existing and new developments; or

(iii) provide appropriate separations between potentially conflicting land uses.

5.3.2. Policies to Preserve the Natural Environment

a. In accordance with the MGA, public open space (Environmental or Municipal Reserves) should be dedicated to preserve or integrate environmentally significant areas.

b. For purposes of this Plan, environmentally sensitive lands within private open landscapes include riparian areas, the Environmentally Sensitive Corridor defined by Figure 3, and upland areas with steep or unstable slopes, as well as any other lands that qualify as Environmental Reserve under the *Municipal Government Act*. These lands should be protected and enhanced through implementation of various mechanisms, which are at the discretion of the Municipality, that create areas of Open Space and restrict development from these lands (e.g. Conservation Easements and Land Trusts).

c. Unless identified for active recreational amenities, public open spaces should remain in their natural "undisturbed" state. Strategies should be implemented to appropriately maintain public open spaces should they become a nuisance (e.g. risk of fire, weeds, etc.).

d. Development occurring in proximity to the provincial lease lands located west of the Plan area should respect and buffer the natural integrity of these lands.

e. The plan encourages the use of conservation easements by landowners to preserve ungulate travel corridors and wintering ranges.

f. Dedication of Environmental Reserve (ER) in the Plan Area shall be determined by the Municipality in accordance with MDP policy and s. 664 of the *Municipal Government Act*. Environmental Reserve Easement (ERE) is another option that should be determined on a site-specific basis by the Municipality. ER or ERE may be required, at the discretion of the Municipality, including but not limited to the bed and shore of the Crowsnest River, steep slopes, areas adjacent to secondary drainage courses, and surrounding Lundbreck Falls. An Environmental Reserve Easement will include a requirement for public access.

g. Although most of the Plan Area provides year-round deer habitat, it is the winter range that provides the food and shelter. An application for subdivision or development in the Environmentally Sensitive Corridor defined by Figure 3 shall consider the following in the development proposal, to the satisfaction of the Municipality:

(i) the application demonstrates avoidance of those lands identified as part of the Environmentally Sensitive Corridor defined by Figure 3, where possible;

(ii) that the footprint of subdivision or development be kept as small as possible;

(iii) that the proposal meets any conditions of Alberta Sustainable Resource Development.

5.3.3. Policies to Provide Community Recreational Amenities

a. Municipal Reserves should be dedicated as land rather than cash-in-lieu of land where the municipality envisions a need for recreational activity and connectivity.

b. When considering dedication of Municipal Reserves, the location and function should be carefully considered to maximize opportunities for improving or enhancing the communal recreation benefit provided by existing open spaces and public facilities.

c. The long-term capital needs of existing recreational facilities should be evaluated when considering cash-in-lieu funding requests within the Plan area.

d. The Municipality supports retention and enhancement of open space and recreational space in the Plan Area. Linkages between, and continuity of, these spaces are also encouraged.

5.4 Historic and Archaeological Features within the Plan Area

The Crowsnest River area originally supported First Nations people and vestiges of tipi rings, stone cairns, surface camps, terrace camps, and bison kill sites were discovered in the river valley.

a. Applicants for redesignation, subdivision or development within the Plan Area should consult Alberta Culture's Listing of Historic Resources to determine if there may be an impact on identified historic and archaeological resources as a result of the development proposal.

b. The applicant/developer may be required to submit a Historical Resources Impact Assessment that may be requested by provincial departments (i.e. Alberta Culture) when within the vicinity of historical features, archaeological features or both.

6.0 INFRASTRUCTURE

Infrastructure includes the hierarchy of road networks, rail lines, private water systems, septic systems, solid waste management systems, corporate utility services, police, fire, and ambulance service.

6.1 All Infrastructure

The quality of infrastructure is a fundamental part of the well-being of a community and its ability to sustain growth over time. To improve the quality of life in the Municipality as a whole, it is important that the Municipality occasionally assess infrastructure as it relates to the planning of communities. The Plan contains policies that recommend improvements, and triggers for assessment of infrastructure over time as the community continues to grow.

a. The Municipality has developed a set standard for roads and infrastructure servicing that follows a general hierarchy. The Municipality may require an assessment of necessary infrastructure when considering local area structure plans, redesignation, subdivision, or development proposals.

b. At the time of subdivision, the Municipality shall require a 3.5 metre frontage easement for all grouped country developments and may require the same easement for all other types of development within the Burmis Lundbreck Corridor.

6.2 Road Systems

The Corridor contains two (2) provincial highways (3 and 22) with an adjoining Secondary Highway (507). **Figure 5** identifies where intersections with these Highways are permitted in the Plan Area. The overall safety and function of the transportation network should not be compromised by new development. In addition, the visual impact of development along the highway corridor should be complementary to the area's natural amenities.

6.2.1 Highways 3, and 22 and 507

Highways 3 and 22 are Provincial highways administered by Alberta Transportation (AT). It is important to ensure that future land uses within the Plan Area do not impair the function and safety of these highways. AT has additional influence over permitted developments within 0.8 km of the right-of-way of Highways.

Secondary Highway (SH) 507 is a major corridor and provides the majority of direct access to Castle Mountain Ski Resort. The majority of residential development in the Plan area gains access to the primary highway system from SH 507 which, if not addressed properly, may cause traffic problems long-term.

a. Unless authorized by Alberta Transportation, no new or direct access to Highway 3, 22 or 507 shall be permitted. The Road Systems (Figure 5) identifies where existing intersections on these Highways are located.

b. In addition to Municipal Building and Development Permits, an application within 0.8 kilometres (½ mile) of the Highways 507, 3 and 22 require a Provincial Roadside Development Permit from Alberta Transportation.

c. The Province may request a 30 metre (100 foot) dedication of land adjacent to the Highway right-of-way, where applicable. In addition, the Province may request the construction of parallel service roads to existing access points along the highway to reduce the number of accesses onto the provincial road system.

d. In light of the importance of the Transportation corridor (Figure 3) as a gateway to the Crowsnest Pass and as a scenic transportation route, the province, the Municipality or both may require that the visual impact of development be demonstrated prior to any approval being granted. Building form and character should integrate with the surrounding landscape and adjacent building forms.

e. Close working relationships between the Province, the Municipality, local developers, industry representatives and area residents should coordinate any required short and long-term improvements to the provincial transportation system.

6.2.2 Local Roads

The Burmis Lundbreck Corridor contains areas where potential exists to develop new internal roads and linkages to accommodate new development. New development will be required to pay for, or contribute to, the upgrading of the local road network.

a. All new internal roads developed to service country residential development in the Burmis Lundbreck Corridor shall be provided at the sole expense of the

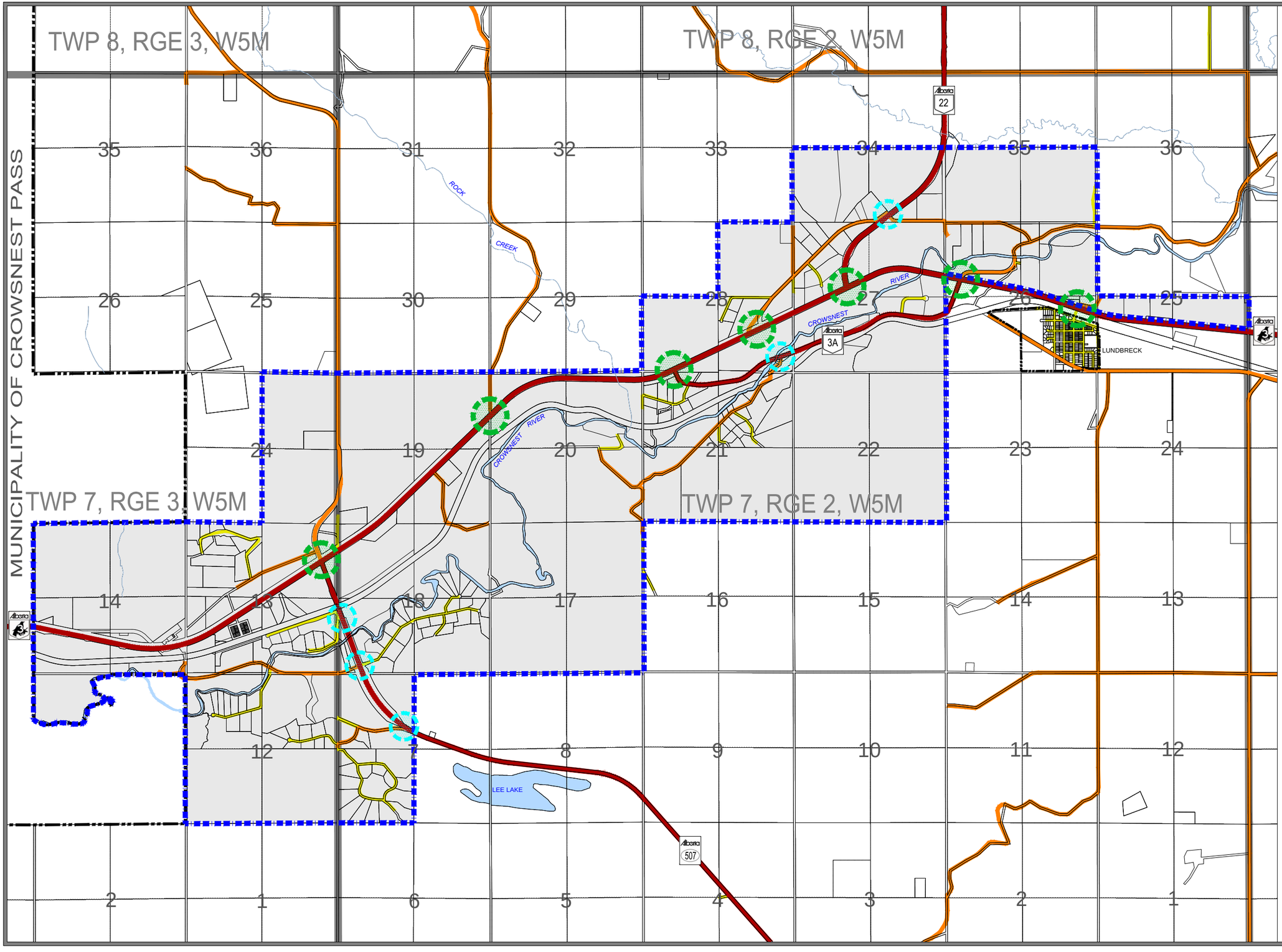

FIGURE 5
ROAD SYSTEMS

BURMIS LUNDBRECK CORRIDOR
AREA STRUCTURE PLAN

BYLAW No. 1042-00
DATE: SEPTEMBER, 2000

AMENDING BYLAW NO. 1228-12

LEGEND

BURMIS LUNDBRECK
CORRIDOR ASP BOUNDARY

ALBERTA TRANSPORTATION
ROAD HIERARCHY

ARTERIAL
COLLECTOR
LOCAL

INTERSECTIONS

MAJOR
SECONDARY

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3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
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"NOT RESPONSIBLE FOR ERRORS OR OMMISSIONS"

SCALE 1:40000

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 500 1000 1500 2000

December 12, 2012
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developer and may be developed to a specific standard identified in MD policy and will be included as part of a Development Agreement.

b. Applications for subdivision or development in the Plan Area that require new road development may, at the discretion of the Municipality, be required to provide a traffic impact assessment prepared by a professional engineer of The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA).

c. New subdivision or developments should accommodate at least two points of access/egress. New subdivisions with "cul-de-sac" local roads should accommodate an emergency access to an alternate local road via an all-weather surface that is maintained year-round.

d. Protection and maintenance of healthy riparian environments, viable ecosystems and natural habitats shall be a priority when additional municipal roads are developed.

6.2.3 Rail Line

A Canadian Pacific Rail line runs east west adjacent to the Highway 3 alignment and forms part of the Transportation Corridor shown on Figure 3. The rail line causes a constraint to country residential development and creates access problems to the provincial and municipal road system.

a. Adequate setbacks shall be maintained from the rail line in accordance with CPR regulations.

b. Any rail line crossing requires both Municipal and Federal (Transport Canada) approval. Developers proposing to cross the rail line, may be required to take additional safety factors into consideration at the discretion of the Municipality and the Federal Government. Consultation with CP Rail should occur early in the planning process for any proposed rail crossing.

6.3 Water Sources and Resources

The Alberta provincial government approved the Water Management Plan for the South Saskatchewan River Basin (SSRB) in August 2006. As a result of this plan, the Province stopped accepting applications for new allocations of water in the Oldman, Bow, and South Saskatchewan sub-basins in southern Alberta. The Plan Area is entirely serviced by groundwater sources. More restrictive water policies for groundwater sources have been implemented under the provincial *Water Act*. The regulations of the *Water Act* regarding licensing and distribution of groundwater may result in the increased utilisation of privately operated central water distribution systems within the Plan Area.

a. The Municipality encourages the development of central groundwater water systems for the servicing of grouped country residential developments. Licensing and approval of these systems are subject to Alberta Environment.

b. Individual Groundwater sources must be approved and/or licensed in accordance with municipal or provincial policy.

6.4 Sanitary Sources and Resources

The Plan Area has historically relied on conventional field septic systems. Some areas of the Burmis Lundbreck Corridor are subject to high percolation rates, due to subsurface gravel concentrations, which require alternative septic systems. High Percolation rates in the vicinity of the Crowsnest River should be considered for their long-term impact on the river and its water quality.

On-site sewage disposal systems shall be developed to the standards of Alberta Safety Codes Council or Alberta Environment, whichever is applicable to the type of development.

6.5 Shallow Utilities

Shallow utilities include natural gas, telephone, and electricity. Gas service to the area is provided by ATCO Gas. Telus provides telephone service. Electrical service is provided by Fortis.

a. Provision of Shallow Utilities in applications for subdivision or development shall be at the sole expense of the developer and may be developed to a specific standard identified in a development agreement.

b. Provision of Shallow Utilities in applications shall be at an approved location when placed on municipally owned land.

6.6 Solid Waste Management System

The Plan Area currently relies on individual landowner's being responsible for solid waste disposal. The MD landfill is within 16 km (10 miles) of the BLC.

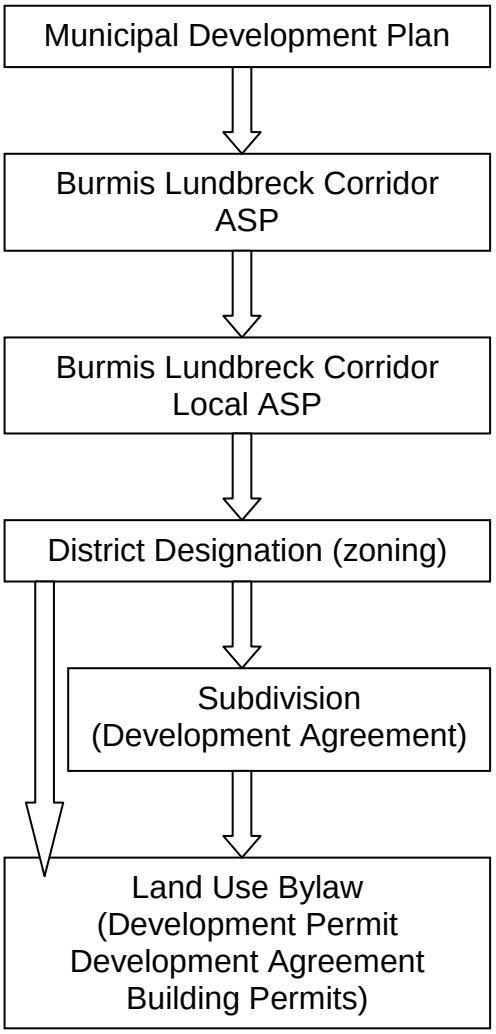
a. Ongoing opportunities for public education programs should be encouraged, to promote an understanding of leading edge strategies designed to reduce the amount of solid waste directed into municipal landfills from the Plan area.

b. The MD should explore a method that would allow for future subdivision and developments to contribute to the capital costs of providing solid waste disposal facilities within the Plan area.

7.0 IMPLEMENTATION, REVIEW AND AMENDMENT

7.1 Plan Implementation

The Burmis Lundbreck Corridor Area Structure Plan falls within a hierarchy of applicable planning processes as illustrated below. The M.D. of Pincher Creek No. 9 *Municipal Development Plan* (MDP) is the guiding document for all development within the Municipality. The *Land Use Bylaw* (LUB) establishes the land use rules and regulations. The Burmis Lundbreck Corridor Area Structure Plan presents a greater level of planning detail within the specific Plan Area and must be consistent with the MDP and any other statutory plan as required by Section 638 of the MGA. Development in the Plan Area should be consistent with policy contained within the Burmis Lundbreck Corridor Area Structure Plan and any Local ASP. The Burmis Lundbreck Corridor Area Structure Plan does not supersede, repeal, replace or otherwise diminish any other statutory plan in effect in the Plan Area.



7.2 Application Referrals

When considering applications for local area structure plan or redesignation of lands, the application and relevant information shall be sent to the following agencies:

a. phone, electrical and natural gas utility providers,

b. local authorities:

- Livingstone Range School Division,

c. provincial government departments:

- Alberta Agriculture & Rural Development (when appropriate)
- Alberta Culture and Community Services
- Alberta Environment
- Alberta Health Services
- Alberta Sustainable Resource Development
- Natural Resources Conservation Board (when appropriate)
- Alberta Tourism, Parks, & Recreation
- Alberta Transportation (when appropriate),

d. others that Council may deem appropriate.

Council shall consider any responses received in a reasonable period of time.

7.3 Waiver of Area Structure Plan Policies

a. As allowed for in the Municipal Development Plan and Land Use Bylaw, the Subdivision Authority or Municipal Planning Commission may approve an application for subdivision, or development approval even though the proposed application does not comply with the area structure plan if, in its opinion, the proposed application would not:

   (i) unduly interfere with the amenities of the neighbourhood, or

   (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

b. When the Subdivision Authority or Municipal Planning Commission is considering a policy waiver as allowed for above, the authority shall consider the following:

   (i) whether the variance is minor and if it complies with other statutory plans and bylaws,

   (ii) the comments of the appropriate persons and agencies received through the referral process have been considered,

   (iii) effects on the operations of the municipality's road network,

   (iv) effects on the "Environmentally Sensitive Areas" outlined in Section 5.0,

(v) the professional plans or studies provided by the applicant which support the proposed need for waiver.

7.4 Plan Review and Amendment

As the Burmis Lundbreck Corridor Area Structure Plan is a bylaw of the Municipality, a formal process as outlined in the *Municipal Government Act* is required to amend the Plan.

a. The future land use and development outlined in the Burmis Lundbreck Corridor Area Structure Plan is intended to address a long-term time horizon. Periodic review and occasional amendment of the Burmis Lundbreck Corridor Area Structure Plan through public hearing may be required in accordance with the *Municipal Government Act*.

b. The Burmis Lundbreck Corridor Area Structure Plan is flexible enough to allow for review and amendment every five years or when the Municipality should deem it appropriate.

8.0 INTERPRETATION OF TERMS

For the purposes of this plan, the definitions stated below apply. If a word or term is not defined below, then the definition in the *MGA* or the land use bylaw applies.

8.1 **Area Structure Plan (ASP)** – A statutory plan, adopted by Bylaw, that provides a policy framework for the evaluation of proposals for redesignation, subdivision and development of a specified area of land in the Municipality.

8.2 **Archaeological/Historical Impact Assessment** – An analysis of the potential impacts of development on archaeological and historical resources.

8.3 **Confined Feeding Operation** – Has the same meaning as in the *Agricultural Operation Practices Act.*

8.4 **Council –** The Council of the Municipal District of Pincher Creek No. 9.

8.5 **Country Residence –** A residence and associated developments related to an unsubdivided quarter section or first parcel out of a quarter section.

8.6 **Direct Control District** – A district of the *Land Use Bylaw* that is subject to regulations established by Council for control over the use and development of a defined area and pursuant to the provisions of the *Municipal Government Act*.

8.7 **Environmental Assessment** – Refers to an area-specific study that may include, but is not limited to:

a. the identification and analysis of natural factors for the study area;

b. an evaluation of the potential impact that a subdivision or a development proposal may have on the factors identified; and

c. a program of avoidance, mitigation measures or a combination of both.

8.8 **Grouped Country Residential** – Existing or proposed residential uses on two or more adjoining parcels each of less than 70 acres in size.

8.9 **Infrastructure –** Public and private utility systems in the Municipality that may include, but are not limited to, the transportation network, water and sewage disposal systems, and utilities.

8.10 **Land Use Bylaw (LUB)** – A bylaw of the Municipality passed by Council as a Land Use Bylaw pursuant to the provisions of the *Municipal Government Act*. A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.

8.11 **Land Use District** – One or more divisions of the Land Use Bylaw establishing permitted and discretionary uses of land or buildings with attendant regulations.

8.12 **Local Area Structure Plans** – Whereas this document provides a broad overview of planning concerns, it is not site specific. The Local ASP shall provide the detailed requirements for an ASP as outlined in the MDP.

8.13 **Municipal Government Act (MGA)** – Refers to the *Municipal Government Act, Statutes of Alberta 2000, Chapter M-26* as amended from time to time.

8.14 **Municipal Development Plan (MDP)** – The Municipal District of Pincher Creek No. 9 *Municipal Development Plan* is the principal statutory land use plan for the entire Municipality, adopted by Council, in accordance with the provisions of the *Municipal Government Act*.

8.15 **Municipality** – The Municipal District of Pincher Creek No. 9 and, when the context requires, means the area contained within the boundaries of the Municipality.

8.16 **Natural Features** – Includes landscapes that are found in their natural state and may be remnant, undisturbed, diverse or contain unique environmental characteristics.

8.17 **Operational Plan** – An outline of the proposed operating practices for a commercial proposal including, but not limited to hours and days of operation and the methods proposed for site management.

8.18 **Panhandles or Flag Lots** – A lot that has access to a public right-of-way by means of a narrow strip of land.

8.19 **Plan** – Refers to the Burmis Lundbreck Corridor Area Structure Plan as adopted by Council and amended from time to time.

8.20 **Private Utility** – A utility service offered to the public by a private utility company or co-op including, but not limited to, the provision of gas, electricity, water or telephone services.

8.21 **Qualified Professional** – An individual with specialised knowledge recognised by the Municipality and/or licensed to practice in the Province of Alberta. Examples of qualified professionals include, but are not limited to, agrologists, engineers, geologists, hydrologists and surveyors.

8.22 **Recreational Commercial Land Use** – A business land use in which recreational activities or tourist related services and facilities are offered and a fee is charged for use of the services and facilities.

8.23 **Designate** – ”Redesignate”, “redistrict”, or “rezone” means changing the existing land use district on the official Land Use District Map in the land use bylaw.

8.24 **Traffic Impact Assessment** – An area-specific study that may include, but is not limited to, an analysis and evaluation of:

a. the potential impact of a proposed subdivision or development on the existing transportation network; and

b. a program of future expansion or improvement of the transportation network to accommodate the proposed growth and to preserve the function and integrity of the network.

APPENDIX A: ENVIRONMENTALLY SIGNIFICANT AREAS

9.0 ENVIRONMENTALLY SIGNIFICANT AREA CHECKSHEETS

CONNELLY CREEK RIDGES

M.D. OF PINCHER CREEK

SCALE - 1:125,000

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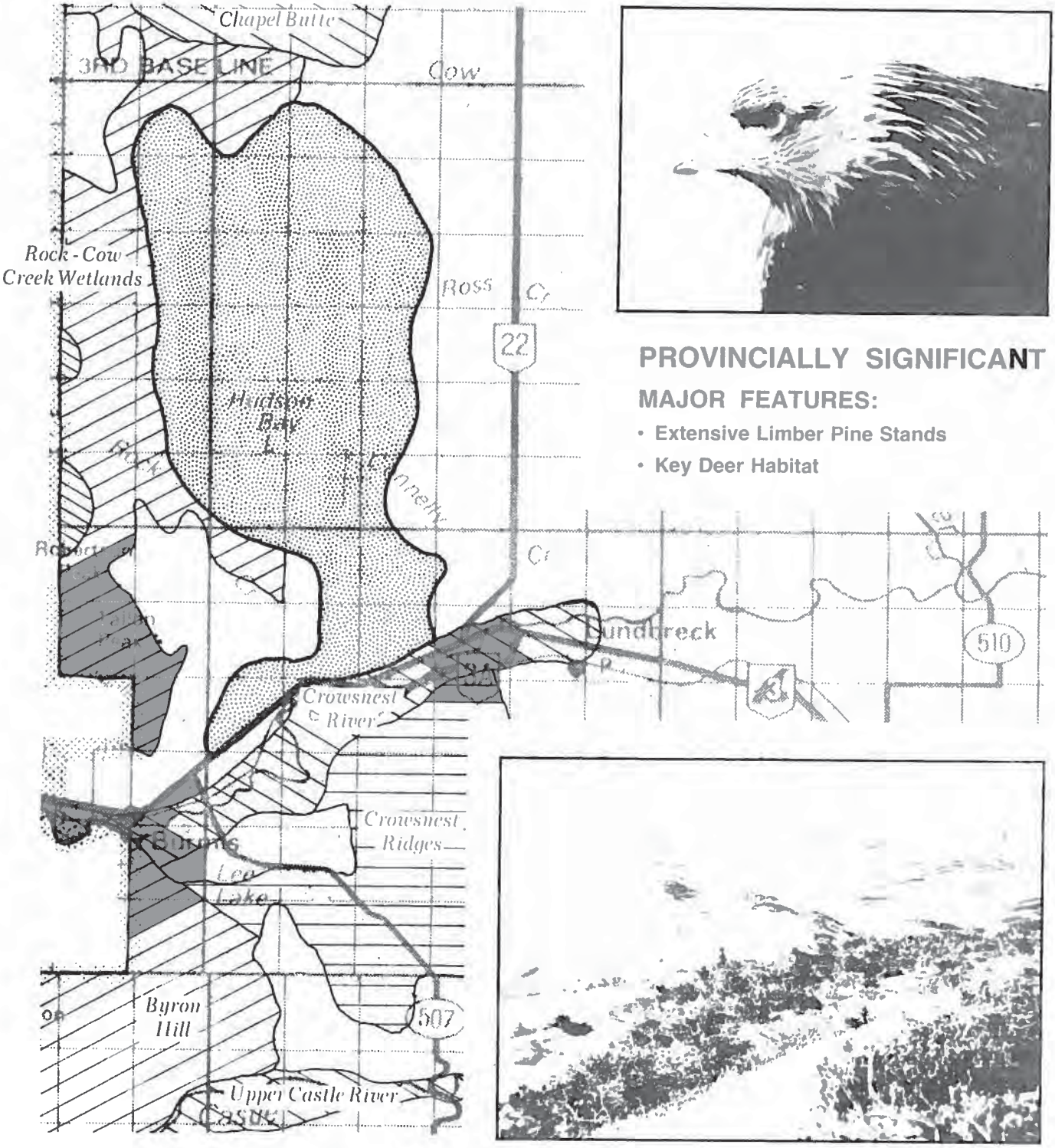
0 1 mi 2 3 5



PROVINCIALLY SIGNIFICANT

MAJOR FEATURES:

- Extensive Limber Pine Stands
- Key Deer Habitat

CONNELLY CREEK RIDGES
M.D. OF PINCHER CREEK

SITE LOCATION:

- 10 km north of Burmis
- Tp. 7 and 8 - Rge. 2 and 3 - W5

DESCRIPTION:

- dry montane ridges with grassland and extensive stunted limber pine habitats
- some small ponds are productive for waterfowl
- key Mule Deer habitat
- Golden Eagle feeding area, possibly nesting

SIGNIFICANCE: Provincial

- the most extensive limber pine stands in Alberta

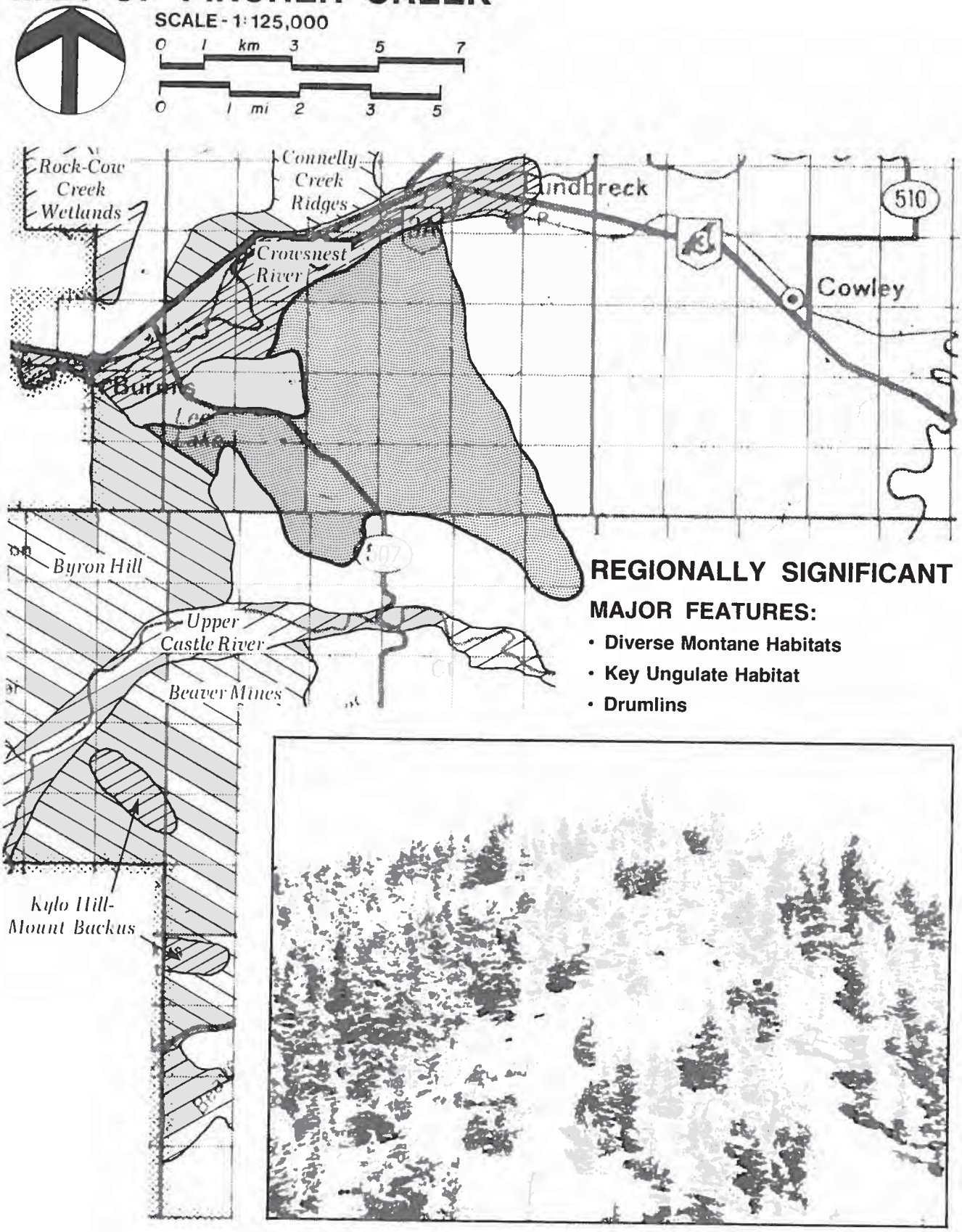
MANAGEMENT CONSIDERATIONS:

- heavy grazing reduces the suitability of these habitats for a variety of native plants and animals

REFERENCES:

- 1986 field program notes
- Fish and Wildlife key area maps

CROWSNEST RIDGES
M.D. OF PINCHER CREEK



REGIONALLY SIGNIFICANT

MAJOR FEATURES:

- Diverse Montane Habitats
- Key Ungulate Habitat
- Drumlins

CROWSNEST RIDGES
M.D. OF PINCHER CREEK

SITE LOCATION:

- ridges south of Crowsnest River valley, from southwest of Lundbreck to Lees Lake
- Tp. 6 and 7 - Rge. 2 - W5

DESCRIPTION:

- attractive montane ridges with diverse habitats including grassland, rock outcrops and woodlands of aspen, Douglas fir and limber pine
- key Mule Deer habitat
- key Moose habitat in western portion
- drumlins at southern tip of unit

SIGNIFICANCE: Regional

- diverse montane ridges and key ungulate habitats are local in the region

MANAGEMENT CONSIDERATIONS:

- heavy grazing reduces the suitability of these habitats for a variety of native plants and animals

REFERENCES:

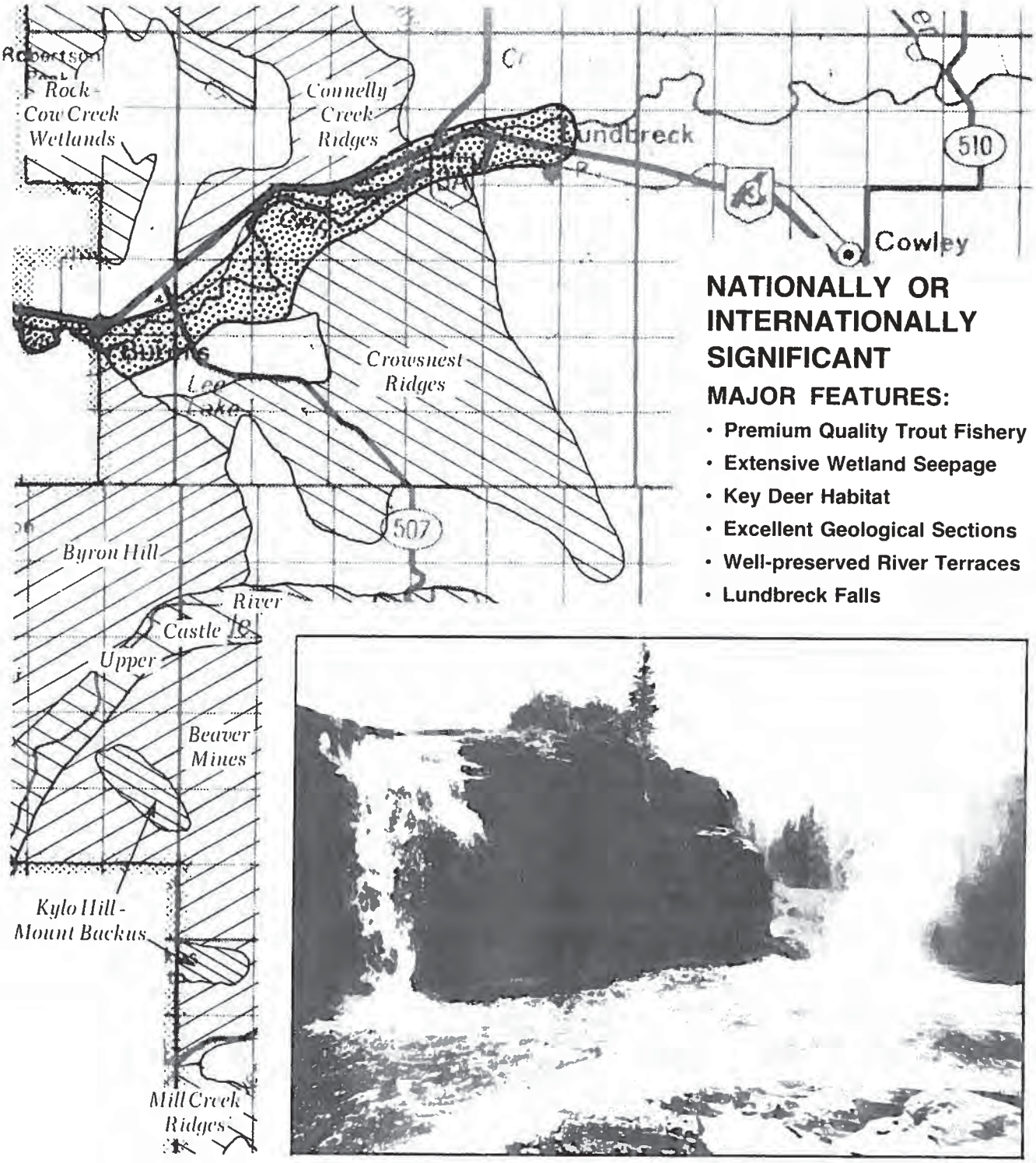
- Fish and Wildlife key area maps
- 1986 field program notes
- Stalker (1962) for drumlins

CROWSNEST RIVER
M.D. OF PINCHER CREEK

SCALE - 1:125,000

0 1 km 3 5 7

0 1 mi 2 3 5



NATIONALLY OR INTERNATIONALLY SIGNIFICANT

MAJOR FEATURES:

- Premium Quality Trout Fishery
- Extensive Wetland Seepage
- Key Deer Habitat
- Excellent Geological Sections
- Well-preserved River Terraces
- Lundbreck Falls

CROWSNEST RIVER
M.D. OF PINCHER CREEK

SITE LOCATION:

- Crowsnest River valley between Lundbreck Falls and Cow Creek
- Tp. 7 - Rge. 2 and 3 - W5

DESCRIPTION:

- shallow valley of the Crowsnest River with a variety of spectacular rock outcrops, grassland, shrubbery and coniferous woodland
- extensive wetland seepage in Sections 35 and 36 - Tp. 7 - Rge. 2 - W5
- key Mule Deer habitat
- premium quality trout fishery
- excellent geological sections
- well-preserved river terraces in the Burmis area
- small waterfall at Lundbreck Falls, 3 km west of Lundbreck

SIGNIFICANCE: National or International

- the trout fishery is among the best anywhere

MANAGEMENT CONSIDERATIONS:

- stream pollution from subsurface or surface sources and erosion and siltation can have significant impacts on fisheries

REFERENCES:

- Fish and Wildlife key area maps
- 1986 field program notes
- C. Bradley, Trout Unlimited (personal communication) for fish
- Hage (1945), Stalker (1963). Rutter and Christiansen (1972) and Shawa (1975) for terraces and geological sections

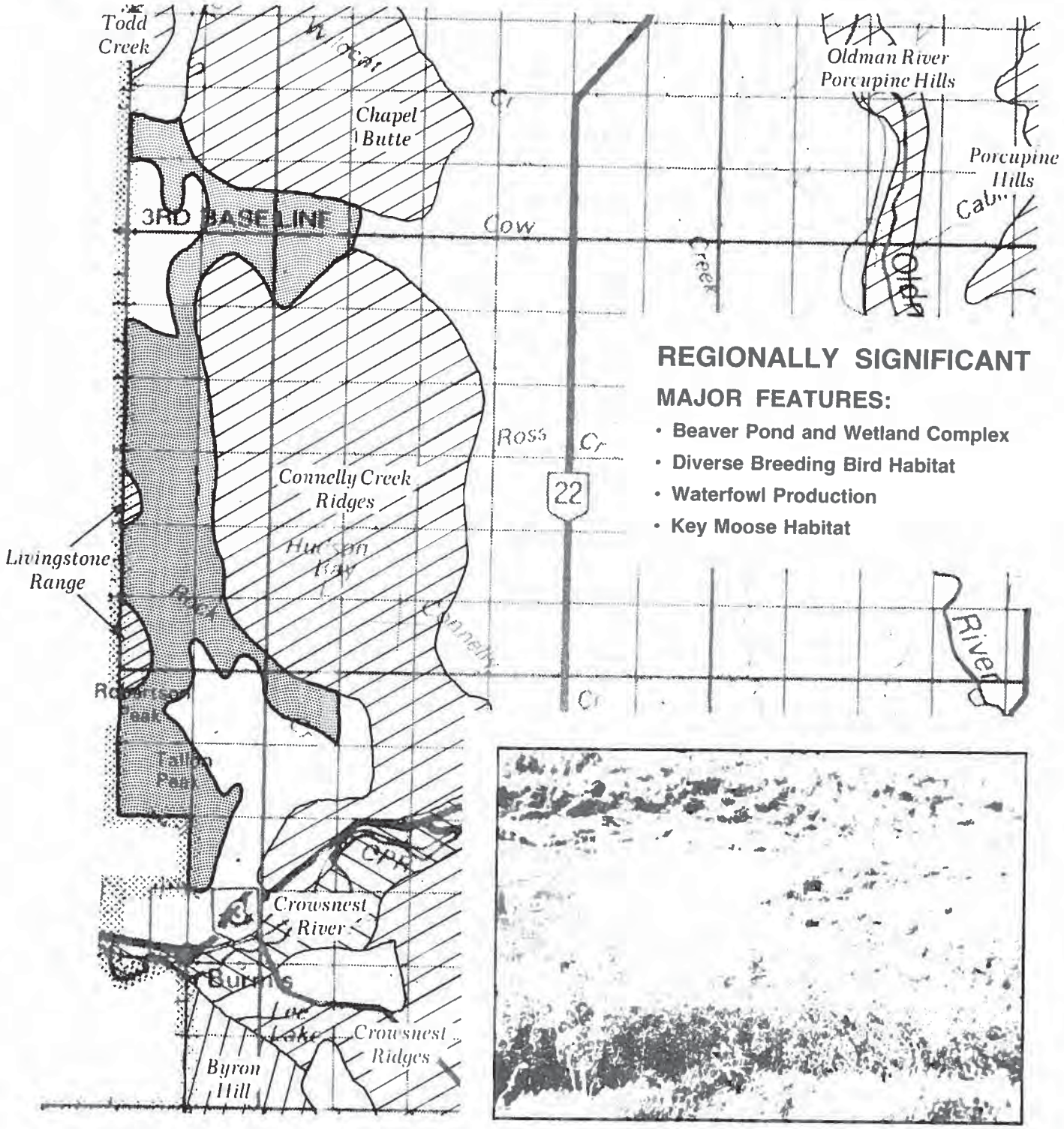
ROCK-COW CREEK WETLANDS

M.D. OF PINCHER CREEK

SCALE - 1:125,000

0 1 km 3 5 7

0 1 mi 2 3 5



REGIONALLY SIGNIFICANT

MAJOR FEATURES:

- Beaver Pond and Wetland Complex
- Diverse Breeding Bird Habitat
- Waterfowl Production
- Key Moose Habitat

ROCK-COW CREEK WETLANDS
M.D. OF PINCHER CREEK

SITE LOCATION:

- 16 km north of Burmis
- principally in Tp. 8 - Rge. 3 - W5

DESCRIPTION:

- extensive beaver pond and wetland complex along Rock Creek and Cow Creek
- diverse breeding bird habitat
- waterfowl production on larger ponds
- key Moose habitat
- some fish production

SIGNIFICANCE: Regional

- major beaver pond and wetland complexes are local in the region

MANAGEMENT CONSIDERATIONS:

- heavy cattle grazing reduces the suitability of these habitats for several wildlife species
- clearing and cultivation eliminate many native plants and animals
- stream pollution from subsurface or surface sources and erosion and siltation can have significant impacts on fisheries

REFERENCES:

- 1986 field program notes
- Fish and Wildlife key area maps
- C. Bradley, Trout Unlimited (personal communication) for fish

APPENDIX B: GRAVEL PITS, LAGOON & SOUR GAS PIPELINES

APPENDIX B

GRAVEL PITS, LAGOON & SOUR GAS PIPELINES

BURMIS LUNDBRECK CORRIDOR AREA STRUCTURE PLAN

BYLAW No. 1042-00
DATE: SEPTEMBER, 2000

AMENDING BYLAW NO. 1228-12

TWP 8, RGE 3, W5M

TWP 8, RGE 2, W5M

TWP 7, RGE 3, W5M

TWP 7, RGE 2, W5M

MUNICIPALITY OF CROWSNEST PASS

ROCK CREEK

CROWSNEST RIVER

LEE LAKE

LUNDBRECK

Alberta 22

Alberta 3A

Alberta 507

LEGEND

- BURMIS LUNDBRECK CORRIDOR ASP BOUNDARY
- GRAVEL PITS
- GRAVEL PIT 805m BUFFER
- DIRECT CONTROL
- SOUR GAS PIPELINE & SETBACK
- SEWAGE LAGOON
- SEWAGE LAGOON 300m BUFFER (NO RESIDENTIAL DEVELOPMENT)

M.D. of PINCHER CREEK

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL: 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMMISSIONS"

SCALE 1:40000

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 500 1000 1500 2000

December 12, 2012
N:\Pincher-Creek-MD\Pincher-Creek-MD Projects\BurmisLundbreckCorridor\BurmisLundbreckCorridor - ASP Maps - March 2012.dwg

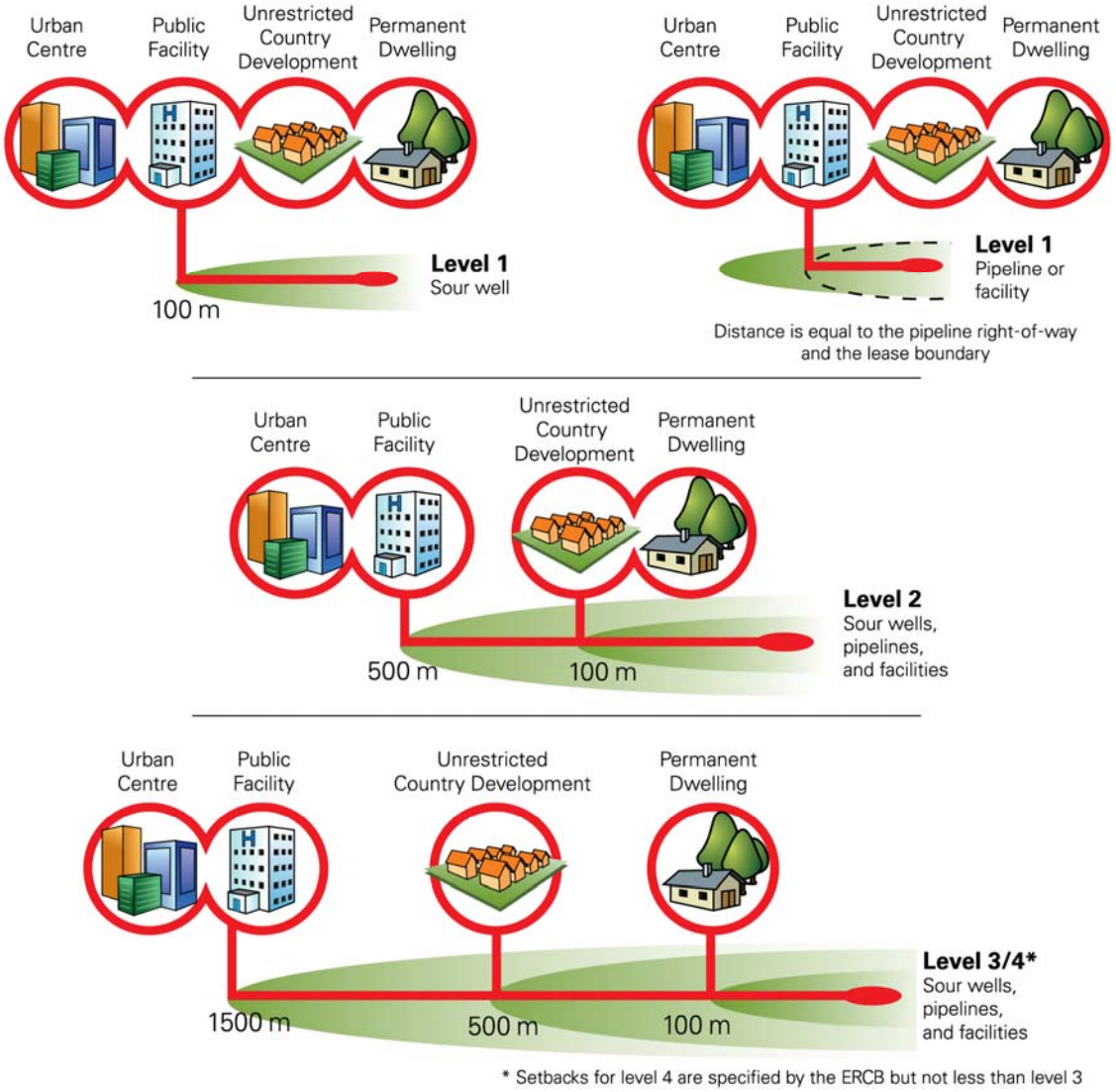
APPENDIX C: ERCB SETBACKS

Explaining ERCB Setbacks

This EnerFAQs explains setbacks in the energy industry, how they are determined, and how they may affect Alberta citizens and their communities.

What is a setback?

A setback is the **absolute minimum** distance that must be maintained between any energy facility (for example, a drilling or producing well, a pipeline, or a gas plant) and a dwelling, rural housing development, urban centre, or public facility. Setbacks vary according to the type of development and whether the well, facility, or pipeline contains sour gas.



What is the ERCB definition of a "public facility"?

The Energy Resources Conservation Board (ERCB) examines each specific situation to decide if something is a "public facility." When establishing setback distances, the ERCB does not consider simply any facility used by the public to be a public facility; it must also be a facility that is often used by a large number of people. Consideration is also given to the evacuation options that apply to that particular facility. For example, a large, year-round campground containing many individual campsites may be designated a public facility under the ERCB definition, whereas a small, seldom-used campground may not.

What is the ERCB definition of "unrestricted country development"?

Unrestricted country development refers to any collection of permanent dwellings outside of an urban centre that number more than eight per quarter section.

Why are setbacks necessary?

Setbacks prevent populated areas from developing too close to energy facilities and energy facilities from getting too close to people. In other words, setbacks provide a buffer zone between the public and the facility in the event of a problem. In order to better understand the principle of a setback, an interesting comparison can be made to the 30 kilometre per hour speed limit near a school playground. While this speed limit is not a "guarantee" of safety, statistics show that it is much safer than no speed limit at all, and the average driver can stop quickly at this speed if faced with an emergency, such as a child suddenly running into the street.

The child's safety isn't guaranteed, but the odds are strongly in the child's favour with the low speed limit in place. In a sense, the ERCB's setback distances function as the energy industry's "speed limits."

How long have setback distances been in effect?

Setback distances have existed, in various forms, for oil and gas operations since early production days (pipeline rights-of-way are a good example).

Established in 1976, new sour gas setback distances were immediately used by the energy industry. In 1979, Provincial Planning Authorities formally adopted the same setback distances, so both the energy industry and all Alberta municipalities use these same guidelines when proposing and approving developments of any kind.

How are setback distances determined?

Sour gas facilities are categorized by the ERCB into four hazard levels based on release rates for wells, release volumes for pipelines, and hydrogen sulphide (H_2S) content. There are predetermined setback distances for each level of sour gas facility. Once the appropriate level has been established for a particular facility, ERCB staff then examine the types of developments in the vicinity and how people typically use the general area. For example, ERCB staff would check to see if there are houses, schools, or hospitals close by. If necessary, a setback distance may be increased due to these types of developments.

What are release rates?

The concentration of H_2S and how fast it is coming out of the ground determine the release rate.

What are release volumes?

Release volumes are specific to pipelines. There is a fixed amount, or volume, of gas that can be released from any pipeline once the valves are closed—this is called the release volume. Pipelines are built with emergency shutdown valves installed at preset points along the pipeline. When the valves detect pressure drops in the pipeline, they close automatically, stopping the flow of gas through the pipeline and trapping the gas between the two valves closest to the rupture. That's all the gas that can escape, and the amount of escaping gas can be quickly calculated.

Why is H_2S content important?

The higher the concentration of H_2S and the rate that it is released, the greater the potential for risk. That is why H_2S content and release rates are important factors in setback distances.

Why are setback distances different for a farm home than for a large campground?

Extra space is built into setback distances in the case of towns and major campgrounds to ensure that a proper evacuation can be carried out if necessary. It is much easier to evacuate one family than a great number of people or an entire community.

What if I live near a sour facility?

ERCB setback distances are deliberately designed so that the actual risk to people from sour gas facilities will be reduced to the lowest levels possible.

What safety precautions does the ERCB require of industry?

The energy industry is required to maintain safe operations at all of its facilities. With pipelines, for example, the industry has developed a number of important safety practices, such as specially designed block valves and different kinds of pipeline monitoring systems. In the case of drilling wells, industry must comply with strict blowout prevention measures.

What if I am already living within a sour gas setback distance?

Such situations are rare, as both the industry and the municipal planning authorities have followed the same setback guidelines for some time. If you have reason to believe that such a problem does exist for you, contact the operator of the facility or the nearest ERCB Field Centre (see list on last page).

May I develop my land if it falls within an ERCB setback?

Municipal authorities oversee land development and do not permit development where people will be living within the setback. However, lands affected by the setback for a pipeline, for instance, could be landscaped and used as green space. Note that municipal authorities do have setback restrictions for developments other than sour gas, such as road allowance restrictions. This question and others like it should be directed to your local municipal authority. ERCB advice is available to these authorities with reference to specific projects, as required.

Is there any way I can change a setback distance that affects my land?

Setback distances may be changed when either the rate or volume of the energy facility changes or when the type of development in the setback area is altered. Release rates and release volumes may change over time due to dropping production from a well or the H_2S content changing.

An example of altering the purpose for which land is being used is if a landowner wishes to convert a large, year-round campground that had been designated a public facility back to farmland and then build a home on it for

the family. While the campground may have required a large setback by the planning authority because there could be many people in the camp, the single farm residence would usually require a smaller setback, because it would be easier to notify and evacuate one family.

How do setback distances affect the future development of my hometown?

Setbacks may restrict a community development to a greater extent than an individual dwelling. For example, if your town wanted to expand through annexation, a 500 metre setback distance from any level-2 sour gas facility would be recommended, rather than the 100 metre setback distance facing an individual residence.

What is the difference between a setback distance and an emergency planning zone?

A setback is the amount of land serving as a buffer zone between people and energy facilities. An emergency planning zone (EPZ) is the distance outward from a facility, where people and the environment could be affected by a potential worst-case incident.

What happens if an energy company wants to drill a well or build a facility close to my home?

The ERCB requires the companies to follow its *Directive 056* "Category Type and Minimum Consultation and Notification Requirements" when dealing with landowners and occupants. The company must provide affected landowners and occupants with factual information regarding the facility and explain the potential land-use restrictions that may occur as a result of the development.

What if I object to this development?

The ERCB requires the company to indicate whether any of the landowners contacted have objections to the application. If you have an objection to an application, the ERCB will request that the company contact you again to explore possible resolutions of your concerns. Failing a solution, the ERCB may have to consider your concerns at a formal public hearing. See *EnerFAQs No. 2: Having Your Say at an ERCB Hearing*.

Will I be compensated for the use of my land?

Decisions regarding compensation for placing energy facilities on your land do not fall under the ERCB's jurisdiction, but are the responsibility of the Alberta

Surface Rights Board. The Alberta Surface Rights Board may be reached at 780-427-2444.

Additional Information

For additional information on the ERCB or its processes or if you have general questions about oil and gas in the province of Alberta, contact the ERCB's Customer Contact Centre: Monday to Friday (8:00 a.m. - 4:30 p.m.) at 1-855-297-8311 (toll free) or 403-297-8311.

This EnerFAQs is one in a series.

No. 1: What Is the Energy Resources Conservation Board?
No. 2: Having Your Say at an ERCB Hearing
No. 3: Inspections and Enforcement of Energy Developments in Alberta
No. 4: All About Critical Sour Wells
No. 5: Explaining ERCB Setbacks
No. 6: Flaring and Incineration
No. 7: Proposed Oil and Gas Development: A Landowner's Guide

No. 8: Coalbed Methane
No. 9: The ERCB and You: Agreements, Commitments, and Conditions
No. 10: Public Health and Safety: Roles and Responsibilities of Agencies That Regulate Upstream Oil and Gas
No. 11: All About Appropriate Dispute Resolution (ADR)
No. 12: Oil Sands
No. 13: Emergency Response Preparedness in the Energy Industry
No. 14: Horizontal Multistage Hydraulic Fracturing
No. 15: Objecting to an Energy Resource Project

Every year the ERCB collects, compiles, and publishes a large amount of technical data and information about Alberta's energy development and resources for use by both industry and the general public. This includes raw data, statistics, information on regulations, policies, and decisions, and hearing materials.

Publications may either be viewed at the ERCB library or obtained from Information Services. Both are housed on the main floor of the ERCB head office in Calgary. Publications may also be downloaded free of charge from the ERCB Web site www.ercb.ca.

To obtain a print or CD copy of a specific publication, contact ERCB Information Services by phone (403-297-8190), fax (403-297-7040), or e-mail Infoservices@ercb.ca.

ERCB Offices

Head Office Suite 1000, 250 – 5 Street SW Calgary, Alberta T2P 0R4	1-855-297-8311 (toll free) 403-297-8311
Customer Contact Centre Inquiries@ercb.ca	1-855-297-8311 (toll free) 403-297-8311
Fort McMurray Regional Office 2nd Floor, Provincial Building 9915 Franklin Avenue Fort McMurray, Alberta T9H 2K4	780-743-7214
Edmonton (Alberta Geological Survey)	780-422-1927

Field Centres

Bonnyville	780-826-5352
Drayton Valley	780-542-5182
Grande Prairie	780-538-5138
High Level	780-926-5399
Medicine Hat	403-527-3385
Midnapore	403-297-8303
Red Deer	403-340-5454
St. Albert	780-460-3800
Wainwright	780-842-7570