

AGENDA
PUBLIC HEARING
Bylaw 1220-11 – Land Use Bylaw Amendment – Redesignation of Lands
December 13, 2011 – 1:00 pm
Council Chambers

1. Call Public Hearing to Order
2. Advertisement Requirements
3. Purpose of the Hearing
4. Overview of Bylaw
5. Verbal Presentations
6. Written Presentations
7. Adjournment

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1220-11**

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to amend Bylaw No. 1140-08, being the Land Use Bylaw.

WHEREAS Section 639 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality must pass a Land Use Bylaw; and

WHEREAS The Municipal District of Pincher Creek No. 9 is in receipt of a request to amend the land use designation of lands legally described as:

Portion of NE 10-6-2 W5M lying west of 3rd Street in the Hamlet of Beaver Mines;

And as shown on Schedule 'A' attached hereto, from "Agricultural - A" to "Direct Control -DC"; and

WHEREAS Council feels that the "Direct Control - DC" designation is appropriate for lands proposed for public use; and

WHEREAS The purpose of the proposed amendment is to allow for a fire hall use;

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, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw shall be cited as "Land Use Bylaw Amendment No. 1220-11".
2. Amendments to Land Use Bylaw No. 1140-08 as per "Schedule A" attached.
3. This bylaw shall come into force and effect upon third and final passing thereof.

READ a first time this _____ day of _____, 2011.

A PUBLIC HEARING was held this _____ day of _____, 2011.

READ a second time this _____ day of _____, 2011.

READ a third time and finally PASSED this _____ day of _____, 2011.

Reeve - Rod Zielinski

Chief Administrative Officer - Wendy Kay

Attachment
- "Schedule A"

SE16
6-2-5

1 9010037

SW15 SE15

NE9 6-2-5

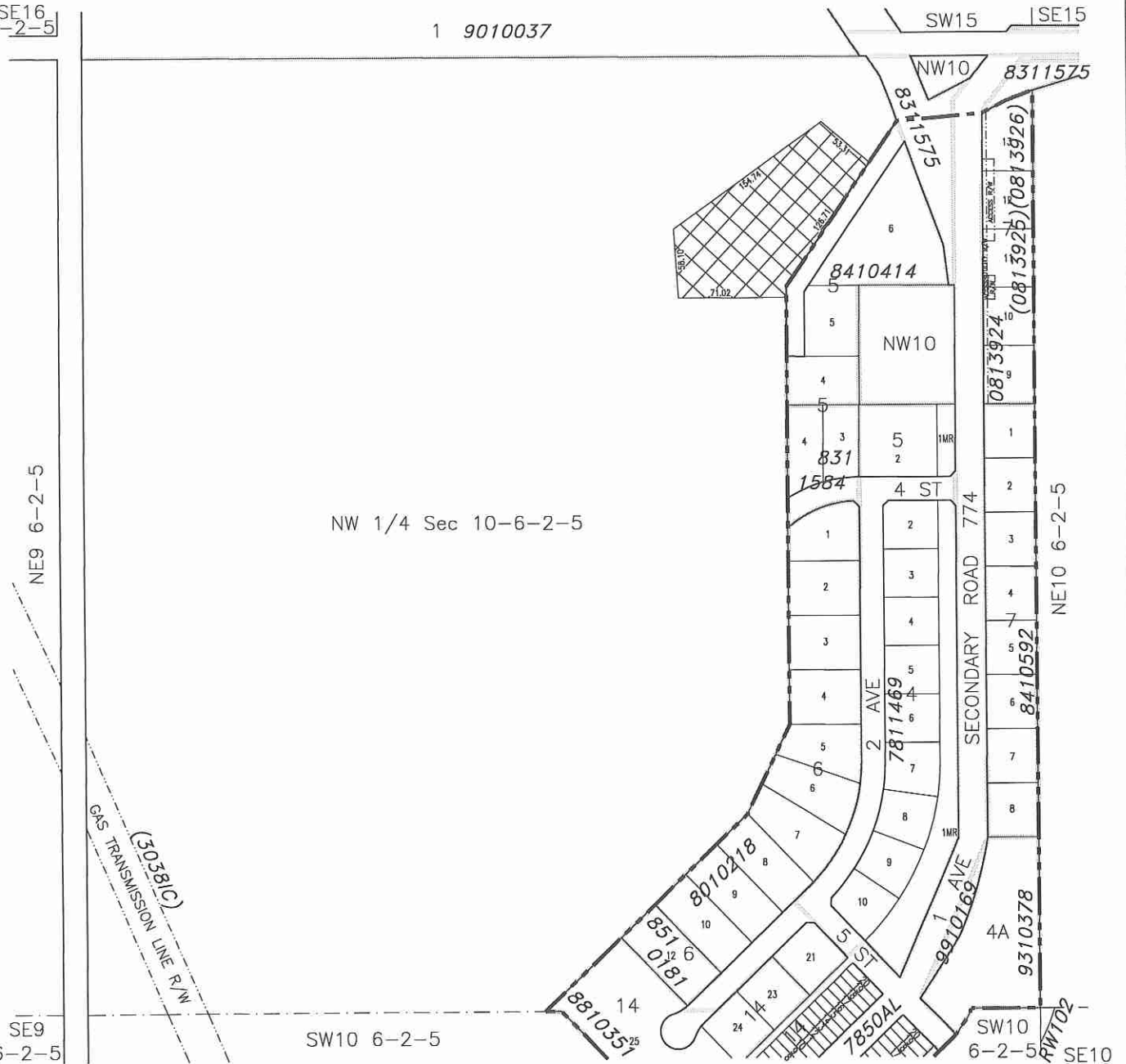
NW 1/4 Sec 10-6-2-5

GAS TRANSMISSION LINE R/W
(303.81C)

SE9
6-2-5

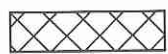
SW10 6-2-5

SW10 SE10
6-2-5



Note: Actual configuration of redesignation shall be determined by plan of survey.

LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



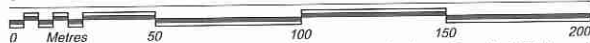
FROM: AGRICULTURE 'A'
TO: DIRECT CONTROL - 'DC'

NW 1/4 SEC 10, TWP 6, RGE 2, W 5 M
MUNICIPAL DISTRICT OF PINCHER CREEK No. 9
DATE; OCTOBER 13, 2011

Bylaw #; 1220-11
Date; _____



OLDMAN RIVER REGIONAL SERVICES COMMISSION



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 OMISSIONS"

November 3, 2011

To the councillors of the MD of Pincher Creek, Leo Reedyk, and Dave Cox:

Thank you for the opportunity to meet on Nov. 2, 2011 to discuss the proposed location of the new fire hall in the Beaver Mines area. I thought the meeting was well conducted given the potential for volatility and you answered questions without allowing emotions to take control. Well handled. During the meeting, you outlined the process by which the current proposed location for the Beaver Mines fire hall was chosen which seemed like a fair and reasonable process. From what I gather, there was an invitation for submissions for sales of land to accommodate the fire hall. Ten submissions were tendered which were subsequently short-listed to five. In order to decide which parcel would be the most appropriate, a list of criteria were created to be able to help compare each parcel against the other. The criteria were created by a panel of experts (which included Dave Cox – fire chief and Leo Reedyk – Director of Operations, ? others). After comparing the five parcels according to the criteria, the parcel of land in question rose to the top.

I have no concerns with the above process outlined above. Despite the fact that the fire hall is proposed to be directly behind my house, I fully support the fire hall going there. I am very appreciative that council is looking for a more permanent home for a modern fire hall for this community.

I am concerned about the following:

- 1) The initial proposal for this land was a fire hall. It is clear from the proposal that more than a fire hall is being planned for this parcel of land. The strip on the south side of the parcel is clearly not needed for the fire hall. Even without the strip of land to the south (~0.4ha) it still leaves ~1.37 ha of land for a fire hall. This is a very generous parcel of land for a fire hall, helipad, and any other fire/EMS related buildings that may be needed now, or in the future. My concern is that this is being marketed to the community as a parcel of land for a fire hall but really there are other plans for this piece of land in addition to a fire hall.
- 2) If the large (1.77 ha) parcel of land is purchased for the fire hall there is a real potential for “optimizing” the use of the space that the MD now has. Let’s say, hypothetically, that a water treatment facility, public works yard, sewage lagoon, or other MD facility is needed at a later date. If the above process that was used for the fire hall (which I reiterate was a good process) is followed, then I am concerned that we could end up with much more in this parcel of land than a fire hall. You see, if a similar process to that which was done for the “fire hall” was done for the next needed MD facility for the Beaver Mines area, and criteria were established for whatever facility is being discussed, price will certainly be a factor. The location for any proposed MD facility will work well in the location that is currently being proposed for the fire hall. Additionally, the price will be right (free, since the MD already owns it). Given that the MD will now own the land, no one can compete on that basis. Therefore, by endorsing the 1.77 ha parcel for the “fire hall” (which no one in their right mind can argue against), we are also, in a sense, endorsing future development. If the MD owns that much land in that convenient of a location, how will anyone ever be able to make an argument against future development of that land?

Therefore, I would propose the following:

- a) Develop a proposal for the land that is needed for the fire hall and for the fire hall only (and ensure that there is adequate land for putting in a fire hall that will serve the needs of the Beaver Mines and surrounding area for the next 50+ years) in that location.

That way, there will be no debate at all about the fire hall. Everyone is in agreement that a fire hall is necessary, wanted, and long overdue. If more land is needed for other purposes, these additional lands can then be debated with complete transparency. Currently, it seems that there is a hidden agenda on this fire hall deal. It would seem that the residents of Beaver Mines are being told that land is being purchased for a fire hall (which is very hard to argue against) and then may be *also* used for other purposes, given that the MD now owns it and it is very conveniently located. This is very underhanded and unfair. Those who oppose the purchase of this 1.77 ha (4.4 acres) appear to be opposing a new, modern fire hall for the community which is badly needed, when in fact the opposition is to the future development of the property that is being purchased to be used for a fire hall *and* other developments. This is clearly evident from the long strip along the south side of the proposed parcel that has really no other obvious use than that of a road or path, not for fire hall related purposes. If this is going to be used for a road or a path, then you must indicate that. If the 4.4 acres is going to be used for more than a fire hall, even if you don't know exactly what it will be used for yet, then it must be marketed as such. To market this 4.4 acres as just for a fire hall is a blatant lie and that is what is getting myself and others affected by this proposed purchase so upset. Consequently, I am firmly opposed to this deal of purchasing the 4.4 acres as currently proposed. I want to reiterate that I am happy with having a fire hall on that piece of property. I am not OK with approving a fire hall only to see that that land is later used another purpose in addition to the fire hall, just because the MD now has the space to do so.

I would appreciate a response to this prior to the final discussion and decision on this proposal which is to take place on December 13, 2011.

Sincerely,

Dr. Tobias Gelber
308 - 1st Ave
Beaver Mines

Tara Cryderman

From: Wendy Kay
Sent: December-06-11 10:59 AM
To: Tara Cryderman
Subject: FW: BEAVER MINES FIRE HALL

-----Original Message-----

From: Jessica McClelland
Sent: November-25-11 4:31 PM
To: Wendy Kay
Subject: FW: BEAVER MINES FIRE HALL

From: David McNeill [farneill@toughcountry.net]
Sent: Friday, November 25, 2011 11:16 AM
To: Jessica McClelland
Subject: BEAVER MINES FIRE HALL

Dear council,

I am following through on the public meeting held, what, a couple of weeks ago when Council and administration laid out plans for purchasing 4.4 acres of land from Steve Ocskowski next to the Hamlet of Beaver Mines, north end, and changing the zoning from agricultural to, I can't remember but, to allow for municipal infrastructure.

After hearing the full proposal, i.e. the idea being that that much land might eventually house a water tower, public works building and or equipment/supplies, and access to 2nd Avenue in the subdivision BESIDES a firehall, I had this comment then and repeat it now to all councillors and MDP Commission members:

Buy only enough land to house the firehall. I am fully in favour of an improved firehall, the fire fighters deserve it and we're lucky to have them. But if you buy more than you need, you tip the scales in the future not only for placing those other structures on the 4.4 acres because the cost of the already bought land is then a minor issue BUT also for going ahead and starting on totally different projects than just a firehall. When you're ready to talk about those other structures or initiatives let's talk about them and buying land to accommodate them then.

And finally, in an informal discussion after the public meeting, Rod Zielinski mused about rezoning that piece of land into Direct Control.

If Rod is still keen for that idea, I need to say that that's overkill. I thought that zoning was only to be used in extreme situations. this is not an extreme situation.

Thanks for being councillors - it's not always a fun or easy job.

Dave McNeill (and for my wife, Linde Farley)