



Municipality of Crowsnest Pass
AGENDA
Regular Council Meeting
Council Chambers at the Municipal Office
8502 - 19 Avenue, Crowsnest Pass, Alberta
Tuesday, January 24, 2023 at 7:00 PM

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. CONSENT AGENDA

- 3.a Town of Bon Accord - Letter of Support to Minister Copping Regarding Local Fire Departments as First Responders for Emergency Ambulance Calls

4. ADOPTION OF MINUTES

- 4.a Minutes of the Council Meeting of January 17, 2023

5. PUBLIC HEARINGS

- 5.a Bylaw 1130, 2022 - Land Use Bylaw Amendment - Redesignate the Ski Hill lands as shown on Schedule A from various land use districts to Recreation and Open Space RO-1 - *Public Hearing*
- 5.b Bylaw 1136, 2022 - Redesignate a closed portion of Lot 15MR, Block 5, Plan 8311587 from Recreation and Open Space RO-1 to Residential R-1 - *Public Hearing*
- 5.c Bylaw 1137, 2022 - Land Use Bylaw Amendment - Re-designate that portion of Lot 51MR, Block 1, Plan 0812254 forming part of Lot 53, Block 1, Plan _____ within the NE-34-7-4-W5M from Public P-1 to Comprehensive Ski Village CSV - *Public Hearing*
- 5.d Bylaw 1138, 2022- Municipal Reserve closure and removal of Municipal Reserve designation on a portion of Lot 1MR, Block 3, Plan 8311587 - *Public Hearing*

6. DELEGATIONS

Delegations have 15 minutes to present their information to Council excluding questions. Any extension to the time limit will need to be approved by Council.

- 6.a Riversdale Update and New CEO Introduction

7. REQUESTS FOR DECISION

- 7.a Bylaw 1130, 2022-Land Use Bylaw Amendment - Redesignate the Ski Hill lands as shown on Schedule A from various land use districts to Recreation and Open Space RO-1 - *Second and Third Reading*

- 7.b Bylaw 1136, 2022- Land Use Bylaw Amendment - Redesignate a closed portion of Lot 15MR, Block 5, Plan 8311587 from Recreation and Open Space RO-1 to Residential R-1 - *Second and Third Reading*
- 7.c Bylaw 1137, 2022 - Land Use Bylaw Amendment - Re-designate that portion of Lot 51MR, Block 1, Plan 0812254 forming part of Lot 53, Block 1, Plan_____ within the NE 34-7-4-W5M from Public P-1 to Comprehensive Ski Village CSV - *Second and Third Reading*
- 7.d Bylaw 1138, 2022- Municipal Reserve closure and removal of Municipal Reserve designation on a portion of Lot 1MR, Block 3, Plan 8311587 - *Second and Third Reading*
- 7.e Subdivision Endorsement Extension Request 2016-0-070 (Greenwood Heights) and Request to Vary the Security Deposit Requirements under Policy 2006-02 Subdivision and Development Securities Policy.

8. COUNCIL MEMBER REPORTS

9. PUBLIC INPUT PERIOD

Each member of the public has up to 5 minutes to address Council. Council will only ask for clarification if needed, they will not engage in a back and forth dialogue.

10. COUNCILOR INQUIRIES AND NOTICE OF MOTION

11. IN CAMERA

12. ADJOURNMENT



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 3.a

Subject: Town of Bon Accord - Letter of Support to Minister Copping Regarding Local Fire Departments as First Responders for Emergency Ambulance Calls

Recommendation: That Council accept the correspondence from the Town of Bon Accord - Letter of Support to Minister Copping Regarding Local Fire Departments as First Responders for Emergency Ambulance Calls as information.

Executive Summary:

Correspondence received is provided to Mayor and Council at the subsequent meeting for Council's information and consideration.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

The Town of Bon Accord has provided correspondence in support of the letter from the Town of Ponoka to the Ministry of Health regarding local fire departments providing first response for emergency ambulance calls.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[2023 01 12 - Town of Bon Accord - LOS to Minister Copping re Ponoka Fire Dept.pdf](#)



January 12th, 2023

The Honourable Jason Copping
Minister of Health
204, 10800 – 97 Avenue
Edmonton, AB T5K 2B6

VIA EMAIL health.minister@gov.ab.ca

Re: Ambulance Crisis

Dear Minister Copping:

At the Regular Bon Accord Council Meeting on December 6, 2022, Council received a copy of correspondence from the Town of Ponoka to the Ministry of Health requesting support for their local fire department as first responders for emergency ambulance calls. Bon Accord Town Council fully stand with Ponoka in support of their request for better delivery of ambulance services across the province.

The incidents described in the letter show that ambulance service for rural Albertans is in severe crisis. What steps are being taken to remedy this detrimental situation for our communities? As Canadians, our section 7 Charter right to life, liberty, and security of person should be top priority. The current state of our ambulance service, or lack thereof, affirms instead that these rights hang in the balance.

These incidents, and others across the province, also show the value local fire departments bring to our communities. The lack of adequate ambulance service is placing unfair stress and expectations on volunteer firefighters and further putting the health and safety of Albertans in jeopardy.

These community volunteers and our communities deserve better. We hope your Ministry will make positive changes moving forward to uplift our communities during these difficult times.

Sincerely,

Mayor Brian Holden
Town of Bon Accord

cc: Premier Danielle Smith
Rachel Notley, Leader of the Opposition
Alberta Municipalities
Dale Nally, MLA – Morinville-St. Albert
Pat Mahoney, Fire Chief – Town of Bon Accord



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 4.a

Subject: Minutes of the Council Meeting of January 17, 2023

Recommendation: That Council adopt the Minutes of the Council Meeting of January 17, 2023 as presented.

Executive Summary:

Minutes of the previous Council meeting are provided to Council for review and adoption.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

n/a

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[2023 01 17 Council Meeting Minutes.docx](#)

**Municipality of Crowsnest Pass
Council Meeting Minutes
Tuesday, January 17, 2023**

A regular meeting of the Council of the Municipality of Crowsnest Pass was held in Council Chambers on Tuesday, January 17, 2023.

Council Present:

Mayor Blair Painter, Councillors: Vicki Kubik, Dave Filipuzzi, Doreen Glavin, Glen Girhiny, Lisa Sygutek, and Dean Ward

Administration Present:

Patrick Thomas, Chief Administrative Officer
Kristin Ivey, Deputy Chief Administrative Officer
Brian McCulloch, Director of Finance
Trent Smith, Manager of Community Services
Johan Van der Bank, Manager of Development and Trades
Dana Johnson, Manager of Human Resources
Bonnie Kawasaki, Recording Secretary

CALL TO ORDER

Mayor Painter called the meeting to order at 1:00 pm.

ADOPTION OF AGENDA

Additions:

Councillor Inquiries and Notice of Motion

- b) Residential vs. Volume Water Users – Councillor Ward
- c) Subsidization of Tax Rate – Councillor Ward
- d) Amortization of Municipal Assets – Councillor Ward

01-2023-01-17: Councillor Filipuzzi moved to adopt the agenda as amended.

Carried

CONSENT AGENDA

02-2023-01-17: Councillor Kubik moved that Council approve the following Consent Agenda items as presented without debate:

3.a

Minutes of the Agriculture Service Board of November 23, 2022

THAT Council accept the Minutes of the Agriculture Service Board of November 23, 2022 as information.

3.b

ORRSSC Executive Committee Meeting Minutes of November 10, 2022

THAT Council accept the ORRSSC Executive Committee Meeting Minutes of November 10, 2022 as information.

Carried

ADOPTION OF MINUTES

Minutes of the Council Meeting of January 10, 2022

03-2023-01-17: Councillor Girhiny moved to adopt the Minutes of the Council Meeting of January 10, 2023 as presented.

Carried

PUBLIC HEARINGS

None

DELEGATIONS

Greenwood Heights Subdivision - Robert Homersham and Trevor Hay

Robert Homersham and Trevor Hay were in attendance to present information to Council regarding the Greenwood Heights Subdivision, to request an extension to a subdivision application and to present an alternate securities deposit proposition.

Crowsnest Pass Golf Club - Hal Nummi and Warren Gietz

Hal Nummi, President and Warren Gietz, General Manager of the Crowsnest Pass Golf Club were in attendance to request that Council consider implementing a bulk water rate for "non-profit recreational" purposes.

REQUESTS FOR DECISION

Bylaw 1106, 2021 - Land Use Bylaw Amendment - Redesignate Lot 28, Block 4, Plan 811 1839 (formerly a portion of Lot 28MR) from Recreation and Open Space RO-1 to Residential R-1 - First Reading

04-2023-01-17: Councillor Girhiny moved first reading of Bylaw 1106, 2021 - Land Use Bylaw Amendment - Redesignate Lot 28, Block 4, Plan 811 1839 (formerly a portion of Lot 28MR) from Recreation and Open Space RO-1 to Residential R-1.

Carried

Service Areas Update

05-2023-01-17: Councillor Sygutek moved that Council accept the Service Areas Update for information.

Carried

COUNCIL MEMBER REPORTS

Council reports since the January 10, 2023 meeting of Council:

- Mayor Painter
 - Attended the Foothills Little Bow Municipal Association Meeting in Lethbridge
 - Premier Smith attended virtually, and took questions after speaking
 - Minister Schulz of Municipal Affairs also provided comments

PUBLIC INPUT PERIOD

- Ken Allred
 - Asked if there is a schedule where Shaw will move their lines to the new FORTIS poles in order to have the old poles removed
 - Commented that the advertising for land use bylaw amendments were difficult to interpret due to their size and also suggested that civic addressing would help to clarify where the developments are taking place
- Melissa Tiegen
 - Asked about the sense of urgency for Council with respect to addressing snow clearing on sidewalks where both businesses and derelict/vacant businesses are not caring for their properties and arranging for snow removal along their frontage
 - Felt it was important for Council to address the situation with the property owners to set a certain standard for the strategic plan in terms of beautification and to ensure that enforcement is carried out.

COUNCILLOR INQUIRIES AND NOTICE OF MOTION

Vehicle Removal for Mainstreet Snow Removal - Councillor Sygutek

Discussion was held regarding concerns about people not moving vehicles on the main streets to allow for snow removal when signs are placed. Council consensus was to bring this back for future discussion to implement a change in the policy and to provide appropriate notice to the public of the change in intentions.

Residential vs. Volume Water Users

06-2023-01-17: Councillor Ward moved that Administration investigate water rates in other communities, and further to investigate discounts offered for volume water rates.

Carried

Subsidization of Tax Rates

Councillor Ward indicated that during the next budget cycle, he will bring up the inconsistencies in the subsidization of the tax rate that is not fairly applied across all taxpayers as contributions coming from utility accounts are not applicable to those without utility accounts.

Amortization of Municipal Assets – Councillor Ward

Councillor Ward raised the issue that further discussion will be required at a later date regarding how the Municipality amortizes their assets. Administration provided an overview of municipal amortization and advised that reserve contributions are closer to 25% of actual depreciation.

IN CAMERA

07-2023-01-17: Councillor Girhiny moved that Council go In Camera for the purpose of discussion of the following confidential matters under the Freedom of Information and Protection of Privacy Act and to take a short recess at 3:24 pm:

- a) Advice from Officials – Strategic Plan - FOIP Act Section 16

Carried

Reconvene

Mayor Painter convened the In Camera meeting at 3:34 pm. Patrick Thomas, Chief Administrative Officer in attendance to provide advice to Council.

08-2023-01-17: Councillor Girhiny moved that Council come out of In Camera at 5:04 pm.

Carried

ADJOURNMENT

09-2023-01-17: Councillor Filipuzzi moved to adjourn the meeting at 5:05 pm.

Carried

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 5.a

Subject: Bylaw 1130, 2022 - Land Use Bylaw Amendment - Redesignate the Ski Hill lands as shown on Schedule A from various land use districts to Recreation and Open Space RO-1 - Public Hearing

Recommendation: That Council holds a public hearing and consider inputs received.

Executive Summary:

Council gave first reading of Bylaw 1130, 2022 on December 13, 2022.

The proposed bylaw 1130, 2022 involves the re-designation of the lands legally described as SE¼ 34-7-4-W5M, SW¼ 35-7-4-W5M, portion of SE¼ 35-7-4-W5M, portion of the NE¼ 35-7-4-W5M, portion of the NW¼ 35-7-4-W5M and Lots 50MR to 52MR, Block 1, Plan 081 2254, as shown on Schedule 'A', from various land use districts to "Recreation and Open Space – RO-1" to bring the existing land use into compliance with the land use bylaw.

Relevant Council Direction, Policy or Bylaws:

Section 692, Planning bylaws, Municipal Government Act, RSA 2000, c M-26. (MGA)

Land Use Bylaw No. 868-2013

Discussion:

The proposed bylaw 1130, 2022 brought forward by Administration involves the redesignation of the lands as shown on Schedule 'A' and described below, from various land use districts to "Recreation & Open Space – RO-1" to bring the existing land use into compliance with the land use bylaw.

- a. SE¼ 34-7-4-W5M, SW¼ 35-7-4-W5M, portion of SE¼ 35-7-4-W5M, portion of the NE¼ 35-7-4-W5M and portion of the NW¼ 35-7-4-W5M, as shown on Schedule 'A', and containing a total area of 153.16 ha (378.46 acres), from the "Non-Urban Area – NUA-1" District to the "Recreation and Open Space – RO-1" District;

- b. portion of the NW¼ 35-7-4-W5M, as shown on Schedule 'A', and containing a total area of 5.31 ha (13.11 acres), from the "Comprehensive Ski Village – CSV" District to the "Recreation and Open Space – RO-1" District; and
- c. Lots 50MR, 51MR and 52MR, Block 1, Plan 081 2254, as shown on Schedule 'A', and containing a total area of 0.79 ha (1.96 acres), from the "Public – P-1" District to the "Recreation and Open Space – RO-1" District.

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1130, 2022 -ski-hill etc - various parcels \(Dec 92022\) notice updated.docx](#)

[FORMATTED Bylaw 1130, 2022 - ski-hill etc - various parcels \(Dec 9 2022\) updated.docx](#)

[Bylaw 1130, 2022 - Multiple to RO1-Schedule A Dec 9.pdf](#)

NOTICE OF PUBLIC HEARING

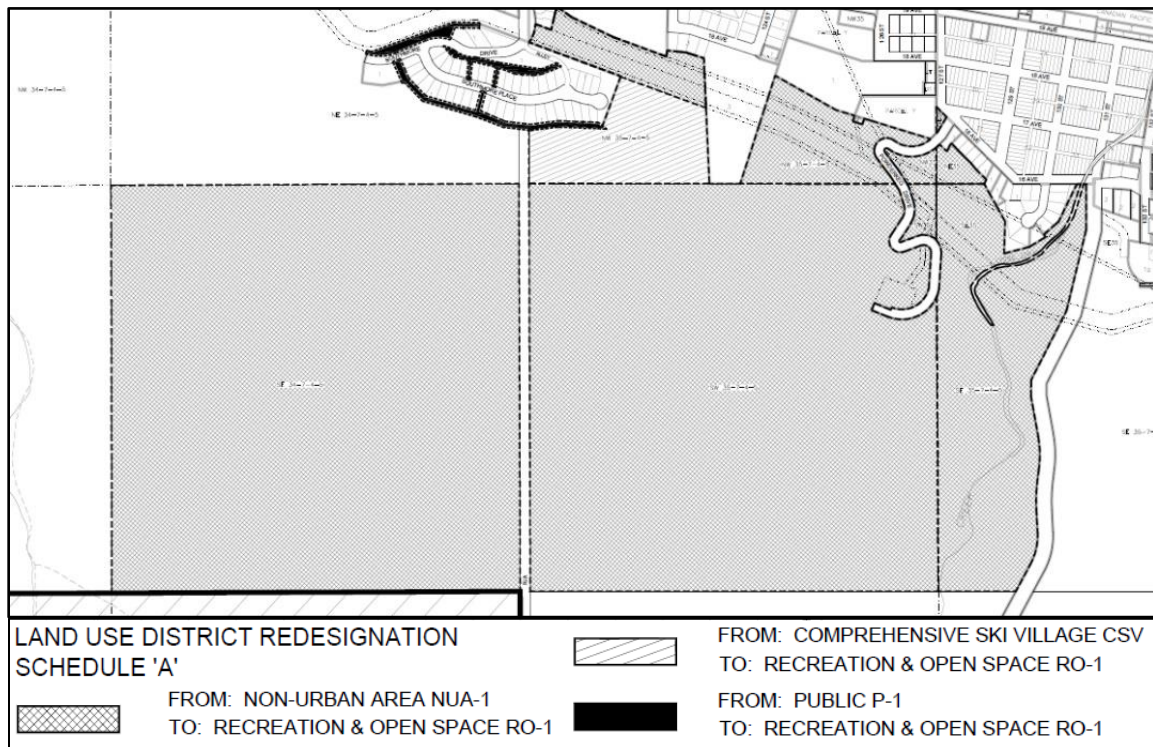
MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA
PROPOSED BYLAW NO. 1130, 2022

7:00pm, January 24, 2023

Municipality of Crowsnest Pass Council Chambers
8502 – 19 Avenue, Coleman

PURSUANT to sections 216.4, 606, and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Municipality of Crowsnest Pass in the Province of Alberta hereby gives notice of its intention to consider proposed Bylaw No. 1130, 2022 being a bylaw to amend Bylaw No. 868, 2013, being the municipal land use bylaw.

The purpose of Bylaw No. 1130, 2022 is to redesignate the lands known as SE¼ 34-7-4-W5M; SW¼ 35-7-4-W5M; portion of SE¼ 35-7-4-W5M; portion of the NE¼ 35-7-4-W5M; portion of the NW¼ 35-7-4-W5M; and Lots 50MR, 52MR, & portion of Lot 51MR, Block 1, Plan 081 2254; as shown on Schedule 'A', containing a total of 159.26 ha (393.53 acres), from various land use districts ("Non Urban Area – NUA-1"; "Public – P-1"; and "Comprehensive Ski Village – CSV") to "Recreation & Open Space – RO-1". The subject lands are located in Blairmore, in proximity to the ski-hill, some of which are municipally known as 202 Powderkeg Drive. The purpose of the proposed amendment is to provide for the opportunity to use and develop the lands in accordance with the provisions of the "Recreation & Open Space – RO-1" land use district.



THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1130, 2022 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00pm on January 24, 2023. Each person shall be allotted 5 minutes to present their position

AND FURTHER TAKE NOTICE that anyone wishing to provide slide decks, maps, videos or a written submission regarding the proposed bylaw should email: Bonnie Kawasaki, Executive Assistant to the CAO at bonnie.kawasaki@crowsnestpass.com with the bylaw number and public hearing date clearly marked in the subject line no later than 12:00pm on January 17, 2023. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

For questions regarding the proposed Bylaw Amendment please contact the Development Officer by calling 403-562-8833 or emailing development@crowsnestpass.com.

A copy of the proposed bylaw may be inspected at the municipal office during normal business hours.

DATED at the Municipality of Crowsnest Pass in the Province of Alberta this 13th day of December 2022.

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1130, 2022
LAND USE BYLAW AMENDMENT – Redesignate Ski Hill and Adjacent Lands

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 868, 2013, being the municipal Land Use Bylaw.

WHEREAS the Council of the Municipality of Crowsnest Pass wishes to redesignate the lands known as the SE¼ 34-7-4-W5M, SW¼ 35-7-4-W5M; portion of SE¼ 35-7-4-W5M; portion of the NE¼ 35-7-4-W5M; portion of the NW¼ 35-7-4-W5M; and Lots 50MR, 52MR & portion of Lot 51MR, Block 1, Plan 081 2254; as shown on Schedule 'A' attached hereto and forming part of this bylaw, from various land use districts to "Recreation & Open Space – RO-1".

AND WHEREAS the purpose of the proposed amendment is to provide for the opportunity to use and develop the lands in accordance with the provisions of the "Recreation & Open Space – RO-1".

AND 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, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. The Land Use District Map be amended to redesignate the lands legally described as:
 - a. SE¼ 34-7-4-W5M, SW¼ 35-7-4-W5M, portion of SE¼ 35-7-4-W5M, portion of the NE¼ 35-7-4-W5M and portion of the NW¼ 35-7-4-W5M, as shown on Schedule 'A', and containing a total area of 153.16 ha (378.46 acres), from "Non-Urban Area – NUA-1" to "Recreation & Open Space – RO-1";
 - b. portion of the NW¼ 35-7-4-W5M, as shown on Schedule 'A', and containing a total area of 5.31 ha (13.11 acres), from "Comprehensive Ski Village – CSV" to "Recreation & Open Space – RO-1"; and
 - c. Lots 50MR, 52MR & portion of 51MR, Block 1, Plan 081 2254, as shown on Schedule 'A', and containing a total area of 0.79 ha (1.96 acres), from "Public – P-1" to "Recreation & Open Space – RO-1".
2. Bylaw No. 868, 2013, being the Land Use Bylaw, is hereby amended.
3. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time in council this _____ day of _____ 2022.

READ a **second** time in council this _____ day of _____ 2022.

READ a **third and final** time in council this _____ day of _____ 2022.

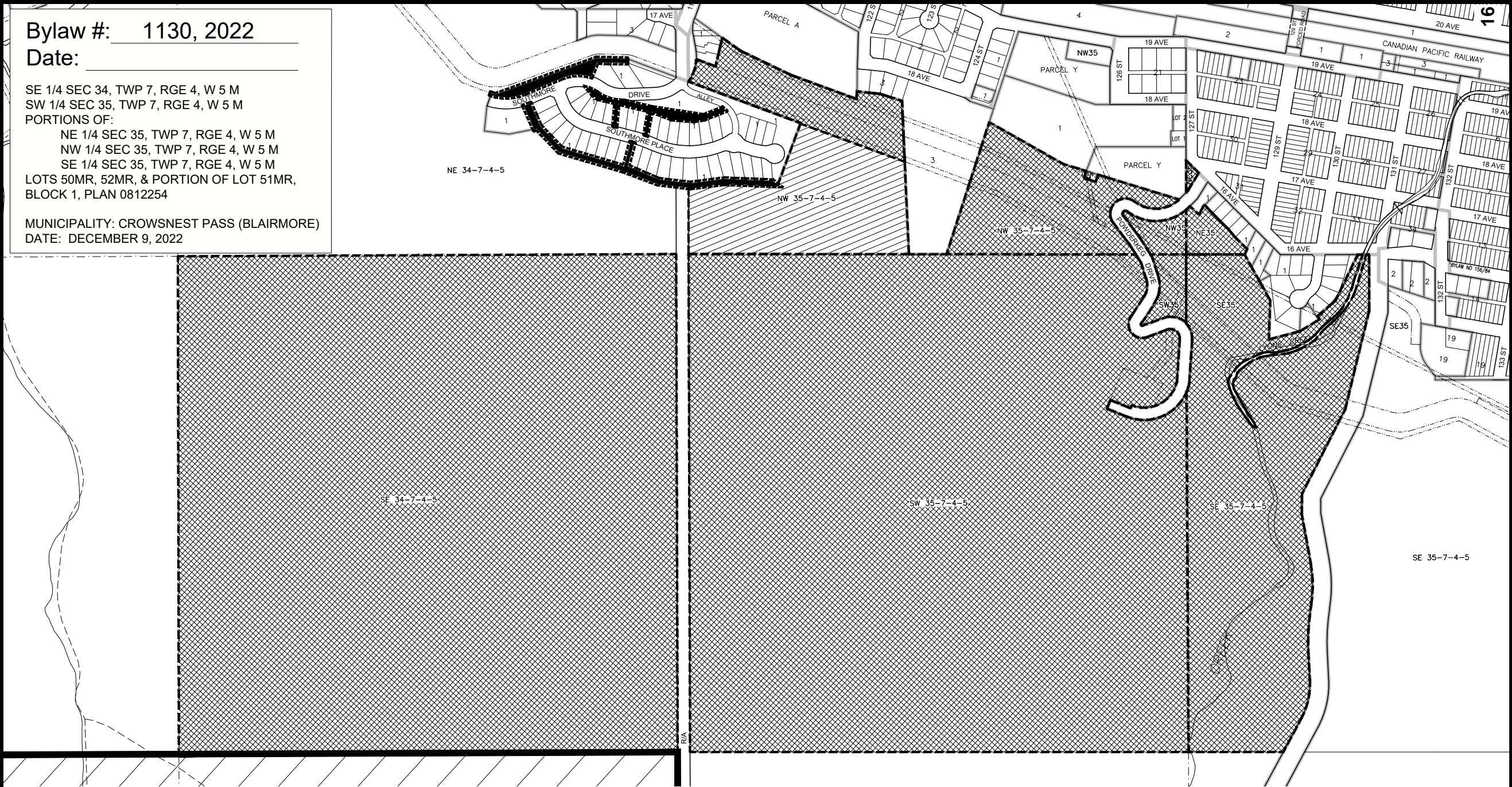
Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer

Bylaw #: 1130, 2022
Date:

SE 1/4 SEC 34, TWP 7, RGE 4, W 5 M
SW 1/4 SEC 35, TWP 7, RGE 4, W 5 M
PORTIONS OF:
NE 1/4 SEC 35, TWP 7, RGE 4, W 5 M
NW 1/4 SEC 35, TWP 7, RGE 4, W 5 M
SE 1/4 SEC 35, TWP 7, RGE 4, W 5 M
LOTS 50MR, 52MR, & PORTION OF LOT 51MR,
BLOCK 1, PLAN 0812254

MUNICIPALITY: CROWSNEST PASS (BLAIRMORE)
DATE: DECEMBER 9, 2022



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'



FROM: NON-URBAN AREA NUA-1
TO: RECREATION & OPEN SPACE RO-1



FROM: COMPREHENSIVE SKI VILLAGE CSV
TO: RECREATION & OPEN SPACE RO-1



FROM: PUBLIC P-1
TO: RECREATION & OPEN SPACE RO-1

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"





Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 5.b

Subject: Bylaw 1136, 2022 - Redesignate a closed portion of Lot 15MR, Block 5, Plan 8311587 from Recreation and Open Space RO-1 to Residential R-1 - Public Hearing

Recommendation: That Council hold a public hearing and consider inputs received.

Executive Summary:

Council gave first reading to Bylaw 1136, 2022 on December 13, 2022.

The proposed bylaw involves the re-designation of a closed portion of Lot 15MR, Block 5, Plan 8311587 from Recreation and Open Space RO-1 to Residential R-1 as part of the conditions related to the sale of the municipal reserve lands.

Relevant Council Direction, Policy or Bylaws:

Section 692, Planning bylaws, Municipal Government Act, RSA 2000, c M-26. (MGA)

Land Use Bylaw No. 868-2013

Discussion:

On April 05, 2022 Council approved the conditional sale of a portion of Lot 15MR, Block 5, Plan 8311587 to the adjacent landowner for consolidation with developed Lot 28, Block 5, Plan 1211031, subject to conditions. Bylaw 1117, 2022 closed and removed the Municipal Reserve designation on the subject portion of Lot 15MR. Subdivision 2022-0-139 received final approval (endorsement), and the MR disposal and subdivision may be registered at the Land Titles Office simultaneously. The redesignation Bylaw 1136, 2022 intends to bring the closed and subdivided portion of the MR lot into the same land use district as the lot with which it is being consolidated.

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1136, 2022 - prtn of Lot 15MR, Block 5, Plan 8311587 \(December 2022\) notice.docx](#)

[FORMATTED Bylaw 1136, 2022 - prtn of Lot 15MR, Block 5, Plan 8311587 \(December 2022\).docx](#)

[BYlaw 1136, 2022 Schedule A.pdf](#)

NOTICE OF PUBLIC HEARING

MUNICIPALITY OF CROWSNEST PASS

IN THE PROVINCE OF ALBERTA

PROPOSED BYLAW NO. 1136, 2022

7:00pm, January 24, 2023

Municipality of Crowsnest Pass Council Chambers

8502 – 19 Avenue, Coleman

PURSUANT to sections 216.4, 606, and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Municipality of Crowsnest Pass in the Province of Alberta hereby gives notice of its intention to consider proposed Bylaw No. 1136, 2022, being a bylaw to amend Bylaw No. 868, 2013, being the municipal land use bylaw.



The purpose of Bylaw No. 1136, 2022 is to redesignate the lands legally described as a portion of Lot 15MR, Block 5, Plan 831 1587 within the NW¼ 21-7-3-W5M, containing ±0.01 ha (0.02 acres), as shown on Schedule 'A', from "Recreation and Open Space – RO-1" to "Residential – R1."

The subject land is located in Bellevue, and is known municipally as 21402 30th St. The purpose of the proposed amendments is to provide for the opportunity to use and develop the lands in accordance with the provisions of the "Residential – R1" land use district.

THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1136, 2022 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00pm on January 24, 2023. Each person shall be allotted 5 minutes to present their position.

AND FURTHER TAKE NOTICE that anyone wishing to provide slide decks, maps, videos or a written submission regarding the proposed bylaw should email: Bonnie Kawasaki, Executive Assistant to the CAO at bonnie.kawasaki@crowsnestpass.com with the bylaw

number and public hearing date clearly marked in the subject line no later than 12:00pm on January 17, 2023. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

For questions regarding the proposed Bylaw Amendment please contact the Development Officer by calling 403-562-8833 or emailing development@crowsnestpass.com.

A copy of the proposed bylaw may be inspected at the municipal office during normal business hours.

DATED at the Municipality of Crowsnest Pass in the Province of Alberta this 13th day of December, 2022.

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1136, 2022

LAND USE BYLAW AMENDMENT – Redesignate a portion of Lot 15MR, Block 5, Plan 831 1587

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 868, 2013, being the municipal Land Use Bylaw.

WHEREAS the Council of the Municipality of Crowsnest Pass wishes to redesignate the lands legally described as a portion of Lot 15MR, Block 5, Plan 831 1587 within the NW ¼-21-7-3-W5M, containing ±0.01 ha (0.02 acres), as shown on Schedule 'A' from "Recreation and Open Space – RO-1" to "Residential – R1."

AND WHEREAS the subject portion of Lot 15MR, Block 5, Plan 831 1587 had previously been closed and the MR designation removed under Bylaw 1117, 2022.

AND WHEREAS the purpose of the proposed amendment is to provide for the opportunity to use and develop the lands in accordance with the provisions of the "Residential – R1" land use district.

AND 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, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. The Land Use District Map be amended to redesignate the lands legally described as a closed portion of Lot 15MR, Block 5, Plan 831 1587 within the NW ¼-21-7-3-W5M, containing ±0.01 ha (0.02 acres), as shown on Schedule 'A' attached to and forming part of this bylaw, from "Recreation and Open Space – RO-1" to "Residential – R1."
2. Bylaw No. 868, 2013, being the Land Use Bylaw, is hereby amended.
3. This bylaw comes into effect upon third and final reading hereof.

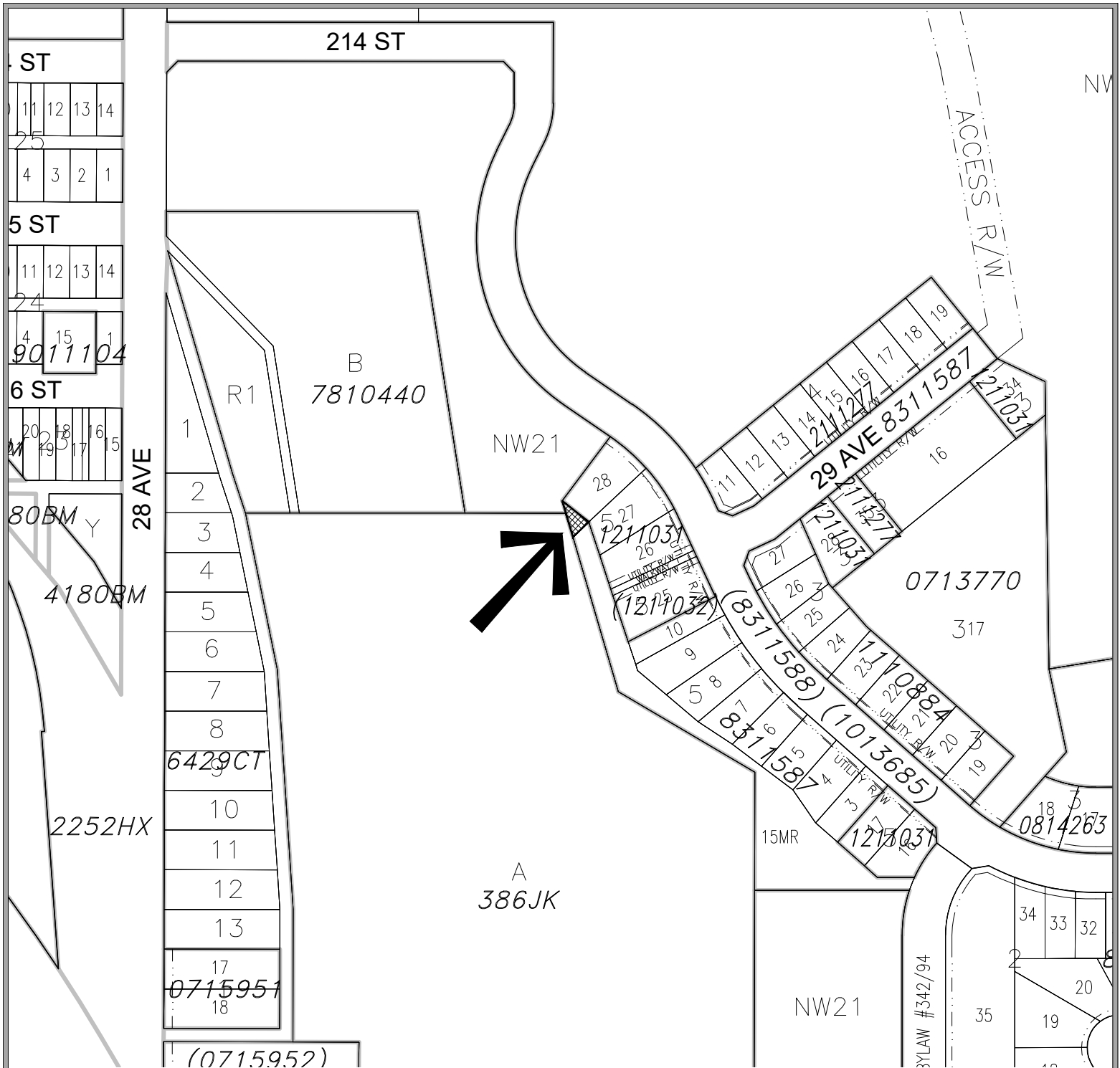
READ a **first** time in council this _____ day of _____ 2022.

READ a **second** time in council this _____ day of _____ 2022.

READ a **third and final** time in council this _____ day of _____ 2022.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: RECREATION AND OPEN SPACE RO-1
TO: RESIDENTIAL R-1 (0.01±ha (0.02±ac))

PORTION OF LOT 15MR, BLOCK 5, PLAN 8311587
WITHIN NW 1/4 SEC 21, TWP 7, RGE 3, W 5 M
MUNICIPALITY: CROWSNEST PASS (BELLEVUE)
DATE: NOVEMBER 23, 2022

Bylaw #: 1136, 2022
Date: _____



November 23, 2022 N:\C-N-P\CNP LUD & Land Use Redesignations\Crowsnest Pass - Lot 15MR, Block 5, Plan 8311587, Bylaw 1136, 2022.dwg



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"



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 5.c

Subject: Bylaw 1137, 2022 - Land Use Bylaw Amendment - Re-designate that portion of Lot 51MR, Block 1, Plan 0812254 forming part of Lot 53, Block 1, Plan _____ within the NE-34-7-4-W5M from Public P-1 to Comprehensive Ski Village CSV - Public Hearing

Recommendation: That Council holds a public hearing and consider inputs received.

Executive Summary:

Council gave first reading of Bylaw 1137, 2022 on December 13, 2022.

Public Notice was advertised January 11th and 18th 2022 and mailed to adjacent landowners.

The proposed bylaw involves the re-designation of a portion of Lot 51MR, Block 1, Plan 0812254 forming part of Lot 53, Block 1, Plan _____ from Public P-1 to Comprehensive Ski Village - CSV for the purpose of completing the conditions of a land sale.

Relevant Council Direction, Policy or Bylaws:

Section 692, Planning bylaws, Municipal Government Act, RSA 2000, c M-26. (MGA)

Land Use Bylaw No. 868-2013

Discussion:

On August 16, 2022 Council approved the conditional sale of a portion of Lot 51MR, Block 1, Plan 0812254 to the adjacent landowner for consolidation with developed Lot 44, Block 1, Plan 0812254 subject to conditions.

Bylaw 1131, 2022 removed the municipal reserve designation and closed the MR portion. The proposed Bylaw 1137, 2022 will complete the conditions of the sale by redesignating the lands to the Comprehensive Ski Village District.

The purpose of closing the MR portion, disposing of it and rezoning it to the CSV District is to increase

the size of the rear yard of the adjacent residential lot owned by the applicant.

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1137 2022 - public notice.docx](#)

[Bylaw 1137, 2022.docx](#)

[Bylaw 1137, 2022 Schedule A.pdf](#)

NOTICE OF PUBLIC HEARING

MUNICIPALITY OF CROWSNEST PASS

IN THE PROVINCE OF ALBERTA

PROPOSED BYLAW NO. 1137, 2022

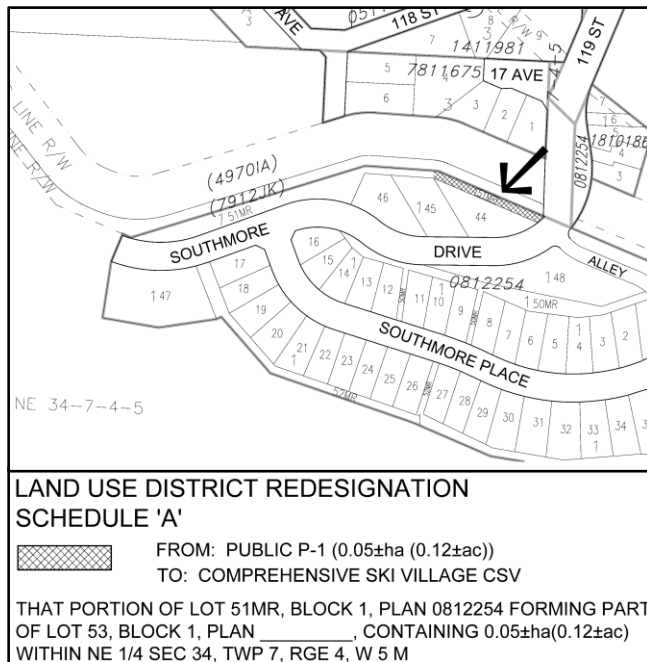
7:00PM, January 24, 2023

Municipality of Crowsnest Pass Council Chambers

8502 – 19 Avenue, Coleman

PURSUANT to sections 216.4, 606, and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Municipality of Crowsnest Pass in the Province of Alberta hereby gives notice of its intention to consider proposed Bylaw No. 1137, 2022, being a bylaw to amend Bylaw No. 868, 2013, being the municipal land use bylaw.

The purpose of Bylaw No. 1137, 2022 is to redesignate the lands legally described as that portion of Lot 51MR, Block 1, Plan 081 2254 forming part of Lot 53, Block 1, Plan _____, containing ± 0.05 ha (0.12 acres), within the NE $\frac{1}{4}$ 34-7-4-W5M, as shown on Schedule 'A', from "Public – P-1" to "Comprehensive Ski Village – CSV." The subject land is located in Blairmore and is known municipally as 101 Southmore Drive.



The purpose of the proposed amendment is to provide for the opportunity to use and develop the lands in accordance with the provisions of the "Comprehensive Ski Village – CSV" land use district.

THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1137, 2022 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00pm on January 24, 2023. Each person shall be allotted 5 minutes to present their position.

AND FURTHER TAKE NOTICE that anyone wishing to provide slide decks, maps, videos or a written submission regarding the proposed bylaw should

email: Bonnie Kawasaki, Executive Assistant to the CAO at bonnie.kawasaki@crowsnestpass.com with the bylaw number and public hearing date clearly marked in the subject line no later than 12:00pm on January 17, 2023. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

For questions regarding the proposed Bylaw Amendment please contact the Development Officer by calling 403-562-8833 or emailing development@crowsnestpass.com.

A copy of the proposed bylaw may be inspected at the municipal office during normal business hours.

DATED at the Municipality of Crowsnest Pass in the Province of Alberta this 13th day of December 2022.

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1137, 2022

LAND USE BYLAW AMENDMENT – Redesignate that portion of Lot 51MR, Block 1, Plan 081 2254 forming part of Lot 53, Block 1, Plan _____.

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 868-2013, being the municipal Land Use Bylaw.

WHEREAS the Council of the Municipality of Crowsnest Pass wishes to redesignate the lands legally described as that portion of Lot 51MR, Block 1, Plan 081 2254 forming part of Lot 53, Block 1, Plan _____, containing ± 0.05 ha (0.12 acres), within the NE $\frac{1}{4}$ -34-7-4-W5M, as shown on Schedule 'A', from "Public – P-1" to "Comprehensive Ski Village – CSV."

AND WHEREAS the subject portion of Lot 51MR, Block 1, Plan 0812254 had previously been closed and the MR designation removed under Bylaw 1131, 2022.

AND WHEREAS the purpose of the proposed amendment is to provide for the opportunity to use and develop the lands in accordance with the provisions of the "Comprehensive Ski Village – CSV" land use district.

AND 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, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. The Land Use District Map be amended to redesignate the lands legally described as that portion of Lot 51MR, Block 1, Plan 081 2254 forming part of Lot 53, Block 1, Plan _____, containing ± 0.05 ha (0.12 acres), within the NE $\frac{1}{4}$ -34-7-4-W5M, as shown on Schedule 'A' attached hereto and forming part of this bylaw, from "Public – P-1" to "Comprehensive Ski Village – CSV."
2. Bylaw No. 868-2013, being the Land Use Bylaw, is hereby amended.
3. This bylaw comes into effect upon third and final reading hereof.

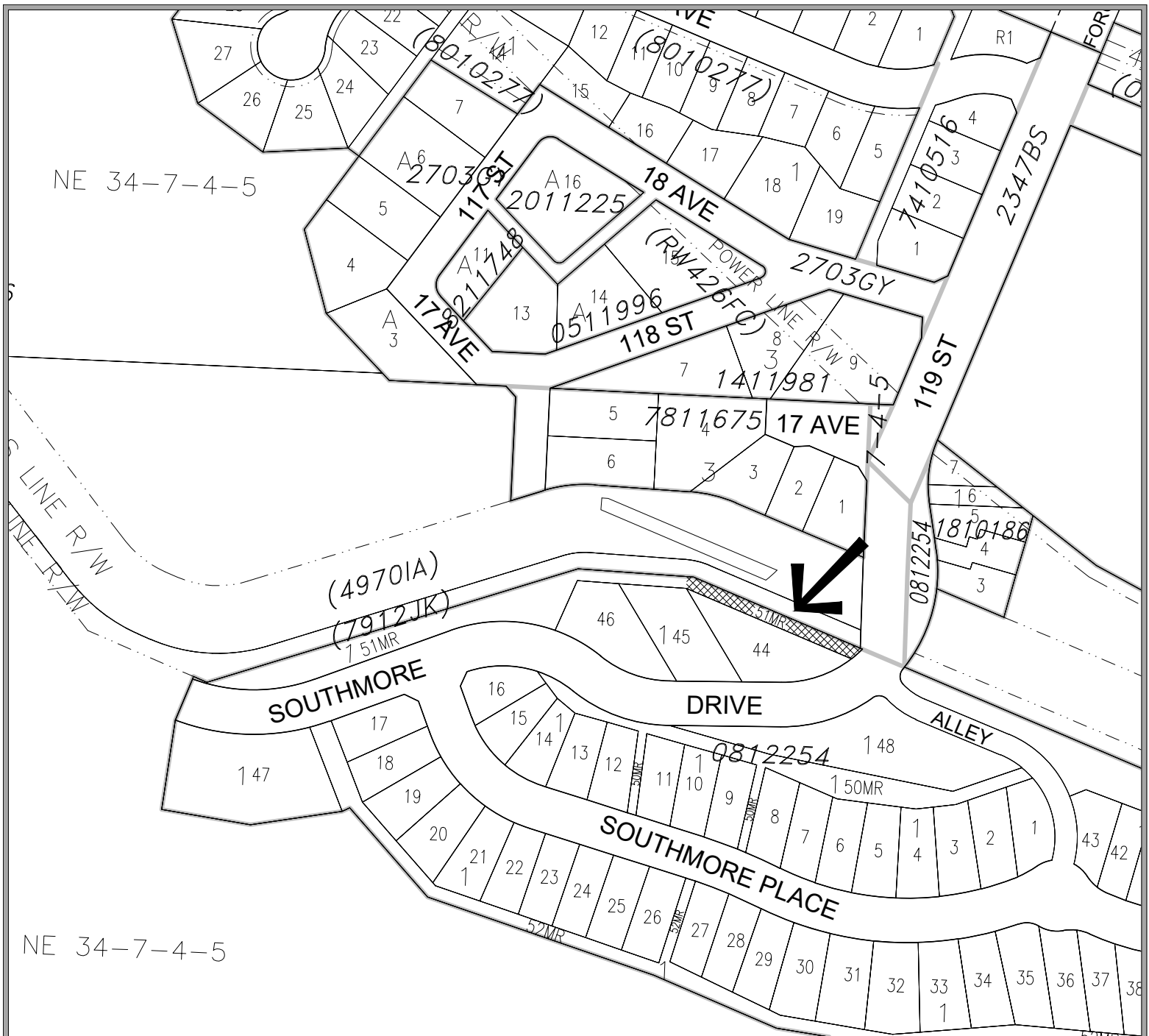
READ a **first** time in council this _____ day of _____ 2022.

READ a **second** time in council this _____ day of _____ 2022.

READ a **third and final** time in council this _____ day of _____ 2022.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: PUBLIC P-1 (0.05±ha (0.12±ac))

TO: COMPREHENSIVE SKI VILLAGE CSV

THAT PORTION OF LOT 51MR, BLOCK 1, PLAN 0812254 FORMING PART
OF LOT 53, BLOCK 1, PLAN _____, CONTAINING 0.05±ha(0.12±ac)
WITHIN NE 1/4 SEC 34, TWP 7, RGE 4, W 5 M

MUNICIPALITY: CROWSNEST PASS (BLAIRMORE)

DATE: NOVEMBER 23, 2022

Bylaw #: 1137, 2022

Date: _____



OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200



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"



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 5.d

Subject: Bylaw 1138, 2022- Municipal Reserve closure and removal of Municipal Reserve designation on a portion of Lot 1MR, Block 3, Plan 8311587 - Public Hearing

Recommendation: That Council holds a public hearing and considers input received.

Executive Summary:

The subject MR parcel is located east of the MDM Community Centre and Mohawk Meadows Subdivision. On October 18, 2022 Council approved the conditional sale of a portion of Lot 1MR, Block 3, Plan 8311587 to the adjacent landowner for a boundary adjustment to correct the driveway encroachment.

Council approved first reading of Bylaw 1138, 2022 on December 06, 2022.

Relevant Council Direction, Policy or Bylaws:

Sections 671, 674 and 675, respectively 'Disposal of Land', 'Use of Reserve Land, Money', 'Disposal of Municipal and School Reserve' and 'Removal of Designation as Municipal Reserve', Municipal Government Act, RSA 2000, c M-26.

Policy 2000-03 Disposal of Municipal Property

Discussion:

Council approved first reading of Bylaw 1138, 2022 on December 06, 2022. The public notice was advertised December 14th and 21st, 2022.

The subject MR parcel is located east of the MDM Community Centre and Mohawk Meadows Subdivision. On October 18, 2022 Council approved the conditional sale of a portion of Lot 1MR, Block 3, Plan 8311587 to the adjacent landowner for consolidation.

This is a boundary adjustment which will ensure that the existing physical access to the property owned by the applicant is consolidated with the current title. The proposal involves only the physical

driveway that exists to the west of the owner's parcel.

On adoption of the bylaw, the certified bylaw will be submitted to the Registrar of Land Titles with a request that the MR designation is removed. On removal of the designations, the land may be sold or otherwise disposed of but the proceeds must be accounted for separately and may be used only for the purposes referred to in s. 671(2) of the MGA - i.e. to acquire or improve land for a public park or recreation area or as a buffer between lands that are used for different purposes.

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1138, 2022 - MR disposal - prtn of Lot 1MR Block 3 Plan 831 1587 December 2022 notice.docx](#)

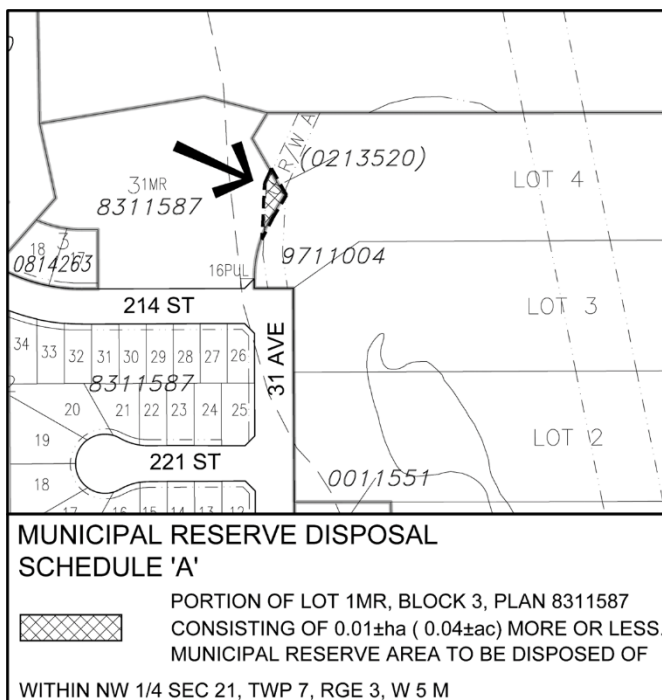
[FORMATTED Bylaw 1138, 2022 - MR disposal - prtn of Lot 1MR, Block 3, Plan 831 1587 December 2022 - 2.docx](#)

[Bylaw 1138, 2022 Schedule A.pdf](#)

NOTICE OF PUBLIC HEARING
MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA
PROPOSED BYLAW NO. 1138, 2022

7:00pm, January 24, 2023
Municipality of Crowsnest Pass Council Chambers
8502 – 19 Avenue, Coleman

PURSUANT to sections 216.4, 606 and 674 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Municipality of Crowsnest Pass in the Province of Alberta hereby gives notice of its intention to consider proposed Bylaw No. 1138, 2022, being a bylaw to dispose of the municipal reserve designation (in part) on a parcel of land legally described as a portion of Lot 1MR, Block 3, Plan 831 1587 containing ± 0.01 ha (0.04 acres), as shown on Schedule 'A'. The subject lands are located in Bellevue, and are known municipally as 2958 214th St.



The purpose of proposed Bylaw No. 1138, 2022 is to provide for the subdivision and consolidation of the lands with an adjacent residential parcel.

THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1138, 2022 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00pm on January 24, 2023. Each person shall be allotted 5 minutes to present their position.

AND FURTHER TAKE NOTICE that anyone wishing to provide slide decks, maps, videos or a written submission regarding the proposed bylaw should email: Bonnie Kawasaki, Executive

Assistant to the CAO at bonnie.kawasaki@crowsnestpass.com with the bylaw number and public hearing date clearly marked in the subject line no later than 12:00pm on January 17, 2023. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

For questions regarding the proposed Bylaw please contact the Development Officer by calling 403-562-8833 or emailing development@crowsnestpass.com.

A copy of the proposed bylaw may be inspected at the municipal office during normal business hours.

DATED at the Municipality of Crowsnest Pass in the Province of Alberta this 7th day of December, 2022.

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1138, 2022
MUNICIPAL RESERVE CLOSURE BYLAW

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta for the purpose of closing a portion of a Municipal Reserve parcel, removing the Municipal Reserve designation from the closed portion and disposing of the closed portion of Municipal Reserve in accordance with sections 674 and 675 of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Municipality of Crowsnest Pass has determined that a portion of Municipal Reserve property, Lot 1MR, Block 3, Plan 8311587 as described below and shown in Schedule "A" attached hereto and forming part of this bylaw, be closed, and the MR designation removed from that portion.

AND WHEREAS notice of intention of Council to pass a bylaw was published in a locally circulated newspaper and posted on site and a public hearing held in accordance with the Municipal Government Act.

NOW THEREFORE, be it resolved that the Council of Municipality of Crowsnest Pass does hereby determine to close and have the MR designation removed from, and the land disposed of, on a portion of Municipal Reserve, described as follows and shown in Schedule "A" attached hereto and forming part of the bylaw, subject to the rights of access granted by other legislation:

1. The Municipal Reserve designation on lands legally described as a portion of Lot 1MR, Block 3, Plan 8311587 within the NW¼ 21-7-3-W5M, containing ±0.01 ha (0.03 acres), as shown on Schedule 'A' attached hereto and forming part of this bylaw, is hereby closed and removed, and will be disposed of.
2. This bylaw comes into effect upon third and final reading hereof.

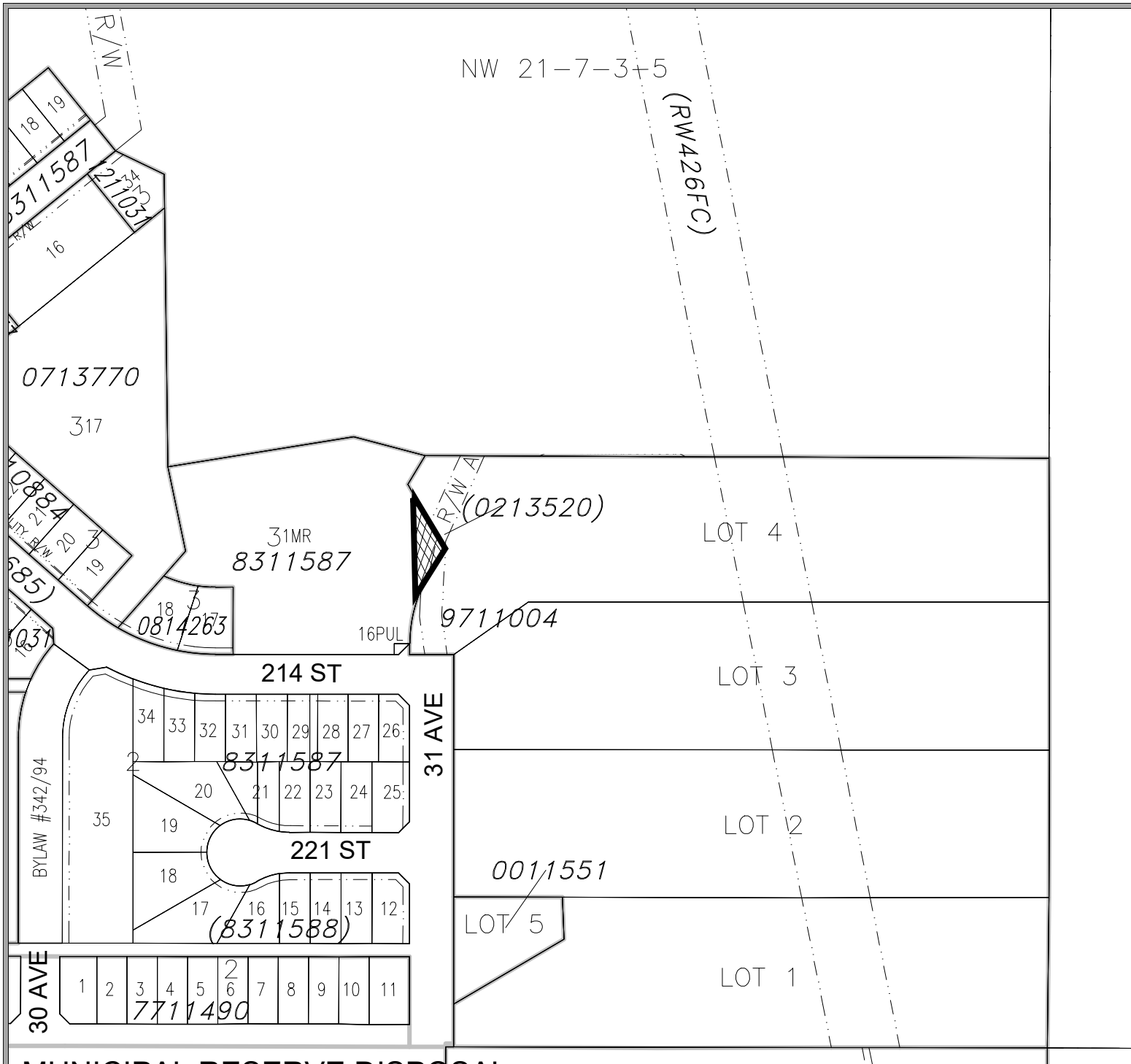
READ a **first** time in council this _____ day of _____ 2022.

READ a **second** time in council this _____ day of _____ 2023.

READ a **third and final** time in council this _____ day of _____ 2023.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



MUNICIPAL RESERVE DISPOSAL SCHEDULE 'A'



PORCION OF LOT 1MR, BLOCK 3, PLAN 8311587 WITHIN
THE NW 1/4 SEC 21, TWP 7, RGE 3, W 4 M
CONSISTING OF 0.01±ha (0.03±ac) MORE OR LESS

MUNICIPALITY: CROWSNEST PASS (BELLEVUE)

DATE: DECEMBER 2, 2022

Bylaw #: _____

Date: _____



0 Metres 50 100 150 200
August 3, 0 N:\C-N-P\CNP LUD & Land Use Redesignations\Crowsnest Pass - Bylaw _____, Portion of NW21-7-3-5.dwg

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"



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 6.a

Subject: Riversdale Update and New CEO Introduction

Recommendation: That Council accept the Riversdale Update and New CEO Introduction as information.

Executive Summary:

A request was received from Riversdale to arrange to formally introduce the new CEO at Riversdale to Mayor and Council. On behalf of Council it was also requested that an update be provided at the same time.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

The presentation from Riversdale was not available at the time of publication of the Council meeting package.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 7.a

Subject: Bylaw 1130, 2022-Land Use Bylaw Amendment - Redesignate the Ski Hill lands as shown on Schedule A from various land use districts to Recreation and Open Space RO-1 - Second and Third Reading

Recommendation: That Council gives second and third reading of Bylaw 1130, 2022.

Executive Summary:

The proposed bylaw 1130, 2022 involves the re-designation of the lands legally described as SE¼ 34-7-4-W5M, SW¼ 35-7-4-W5M, portion of SE¼ 35-7-4-W5M, portion of the NE¼ 35-7-4-W5M, portion of the NW¼ 35-7-4-W5M and Lots 50MR to 52MR, Block 1, Plan 081 2254, as shown on Schedule 'A', from various land use districts to "Recreation and Open Space – RO-1" to bring the existing land use into compliance with the land use bylaw.

Relevant Council Direction, Policy or Bylaws:

Section 692, Planning bylaws, Municipal Government Act, RSA 2000, c M-26. (MGA)

Land Use Bylaw No. 868-2013

Discussion:

The proposed bylaw 1130, 2022 brought forward by Administration involves the redesignation of the lands as shown on Schedule 'A' and described below, from various land use districts to "Recreation & Open Space – RO-1" to bring the existing land use into compliance with the land use bylaw.

- a. SE¼ 34-7-4-W5M, SW¼ 35-7-4-W5M, portion of SE¼ 35-7-4-W5M, portion of the NE¼ 35-7-4-W5M and portion of the NW¼ 35-7-4-W5M, as shown on Schedule 'A', and containing a total area of 153.16 ha (378.46 acres), from the "Non-Urban Area – NUA-1" District to the "Recreation and Open Space – RO-1" District
- b. portion of the NW¼ 35-7-4-W5M, as shown on Schedule 'A', and containing a total area of 5.31 ha (13.11 acres), from the "Comprehensive Ski Village – CSV" District to the "Recreation and Open Space

– RO-1” District; and

c. Lots 50MR, 51MR and 52MR, Block 1, Plan 081 2254, as shown on Schedule ‘A’, and containing a total area of 0.79 ha (1.96 acres), from the “Public – P-1” District to the “Recreation and Open Space – RO-1” District.

Analysis of Alternatives:

1. Following the Public Hearing, Council may give Second and Third Reading of Bylaw 1130, 2022, as proposed.
2. If additional information is required by Council and/or amendments to the Bylaws are proposed by Council prior to Second Reading, Council may postpone Second Reading of Bylaw 1130, 2022 and provide further direction to Administration. Substantial changes to the Bylaw will require Council hold a second Public Hearing prior to considering the Bylaw 1130,2022 for Second and Third reading.
3. Council may defeat Bylaw 1130, 2022, as proposed.

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1130, 2022 - ski-hill etc - various parcels \(Dec 9 2022\) updated.docx](#)
[Bylaw 1130, 2022 - Multiple to RO1-Schedule A Dec 9.pdf](#)

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1130, 2022

LAND USE BYLAW AMENDMENT – Redesignate Ski Hill and Adjacent Lands

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 868, 2013, being the municipal Land Use Bylaw.

WHEREAS the Council of the Municipality of Crowsnest Pass wishes to redesignate the lands known as the SE¼ 34-7-4-W5M, SW¼ 35-7-4-W5M; portion of SE¼ 35-7-4-W5M; portion of the NE¼ 35-7-4-W5M; portion of the NW¼ 35-7-4-W5M; and Lots 50MR, 52MR & portion of Lot 51MR, Block 1, Plan 081 2254; as shown on Schedule 'A' attached hereto and forming part of this bylaw, from various land use districts to "Recreation & Open Space – RO-1".

AND WHEREAS the purpose of the proposed amendment is to provide for the opportunity to use and develop the lands in accordance with the provisions of the "Recreation & Open Space – RO-1".

AND 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, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. The Land Use District Map be amended to redesignate the lands legally described as:
 - a. SE¼ 34-7-4-W5M, SW¼ 35-7-4-W5M, portion of SE¼ 35-7-4-W5M, portion of the NE¼ 35-7-4-W5M and portion of the NW¼ 35-7-4-W5M, as shown on Schedule 'A', and containing a total area of 153.16 ha (378.46 acres), from "Non-Urban Area – NUA-1" to "Recreation & Open Space – RO-1";
 - b. portion of the NW¼ 35-7-4-W5M, as shown on Schedule 'A', and containing a total area of 5.31 ha (13.11 acres), from "Comprehensive Ski Village – CSV" to "Recreation & Open Space – RO-1"; and
 - c. Lots 50MR, 52MR & portion of 51MR, Block 1, Plan 081 2254, as shown on Schedule 'A', and containing a total area of 0.79 ha (1.96 acres), from "Public – P-1" to "Recreation & Open Space – RO-1".
2. Bylaw No. 868, 2013, being the Land Use Bylaw, is hereby amended.
3. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time in council this _____ day of _____ 2022.

READ a **second** time in council this _____ day of _____ 2022.

READ a **third and final** time in council this _____ day of _____ 2022.

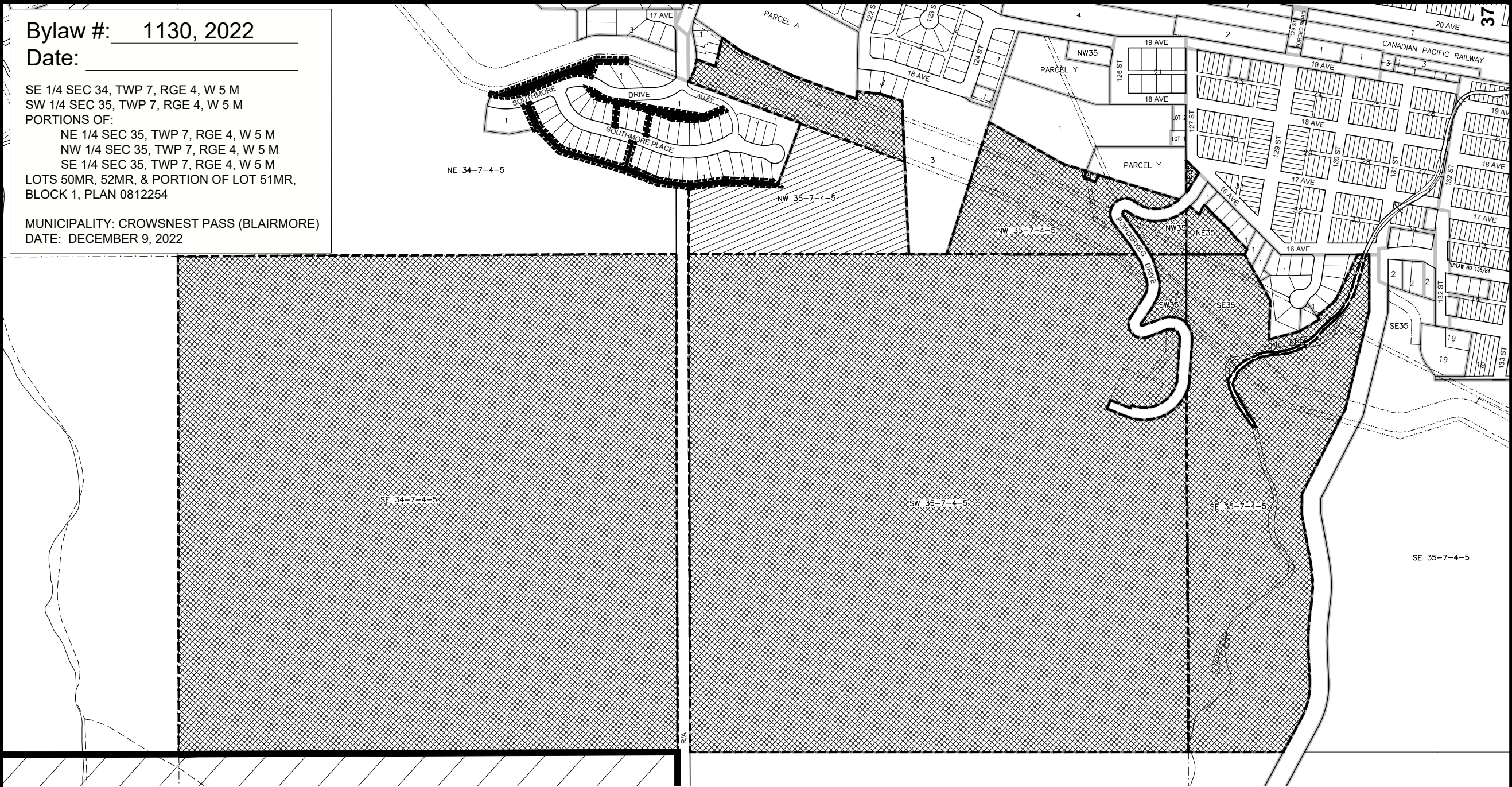
Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer

Bylaw #: 1130, 2022
Date:

SE 1/4 SEC 34, TWP 7, RGE 4, W 5 M
SW 1/4 SEC 35, TWP 7, RGE 4, W 5 M
PORTIONS OF:
NE 1/4 SEC 35, TWP 7, RGE 4, W 5 M
NW 1/4 SEC 35, TWP 7, RGE 4, W 5 M
SE 1/4 SEC 35, TWP 7, RGE 4, W 5 M
LOTS 50MR, 52MR, & PORTION OF LOT 51MR,
BLOCK 1, PLAN 0812254

MUNICIPALITY: CROWSNEST PASS (BLAIRMORE)
DATE: DECEMBER 9, 2022



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'



FROM: NON-URBAN AREA NUA-1
TO: RECREATION & OPEN SPACE RO-1



FROM: COMPREHENSIVE SKI VILLAGE CSV
TO: RECREATION & OPEN SPACE RO-1



FROM: PUBLIC P-1
TO: RECREATION & OPEN SPACE RO-1

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"





Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 7.b

Subject: Bylaw 1136, 2022- Land Use Bylaw Amendment - Redesignate a closed portion of Lot 15MR, Block 5, Plan 8311587 from Recreation and Open Space RO-1 to Residential R-1 - Second and Third Reading

Recommendation: That Council gives second and third reading of Bylaw 1136, 2022.

Executive Summary:

The proposed bylaw involves the re-designation of a closed portion of Lot 15MR, Block 5, Plan 8311587 from Recreation and Open Space RO-1 to Residential R-1 as part of the conditions related to the sale of the municipal reserve lands.

Relevant Council Direction, Policy or Bylaws:

Section 692, Planning bylaws, Municipal Government Act, RSA 2000, c M-26. (MGA)

Land Use Bylaw No. 868-2013

Discussion:

On December 13, 2022 council approved first reading of Bylaw 1136, 2022.

On April 05, 2022 Council approved the conditional sale of a portion of Lot 15MR, Block 5, Plan 8311587 to the adjacent landowner for consolidation with developed Lot 28, Block 5, Plan 1211031, subject to conditions. Bylaw 1117, 2022 closed and removed the Municipal Reserve designation on the subject portion of Lot 15MR. Subdivision 2022-0-139 received final approval (endorsement), and the MR disposal and subdivision may be registered at the Land Titles Office simultaneously. The redesignation Bylaw 1136, 2022 intends to bring the closed and subdivided portion of the MR lot into the same land use district as the lot with which it is being consolidated.

Analysis of Alternatives:

1. Following the Public Hearing, Council may give Second and Third Reading of Bylaw 1036, 2022, as

proposed.

2. If additional information is required by Council and/or amendments to the Bylaws are proposed by Council prior to Second Reading, Council may postpone Second Reading of Bylaw 1036, 2022 and provide further direction to Administration. Substantial changes to the Bylaw will require Council hold a second Public Hearing prior to considering the Bylaw 1036,2022 for Second and Third reading.

3. Council may defeat Bylaw 1036, 2022, as proposed.

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1136, 2022 - prtn of Lot 15MR, Block 5, Plan 8311587 \(December 2022\).docx](#)

[BYlaw 1136, 2022 Schedule A.pdf](#)

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1136, 2022

LAND USE BYLAW AMENDMENT – Redesignate a portion of Lot 15MR, Block 5, Plan 831 1587

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 868, 2013, being the municipal Land Use Bylaw.

WHEREAS the Council of the Municipality of Crowsnest Pass wishes to redesignate the lands legally described as a portion of Lot 15MR, Block 5, Plan 831 1587 within the NW ¼-21-7-3-W5M, containing ±0.01 ha (0.02 acres), as shown on Schedule 'A' from "Recreation and Open Space – RO-1" to "Residential – R1."

AND WHEREAS the subject portion of Lot 15MR, Block 5, Plan 831 1587 had previously been closed and the MR designation removed under Bylaw 1117, 2022.

AND WHEREAS the purpose of the proposed amendment is to provide for the opportunity to use and develop the lands in accordance with the provisions of the "Residential – R1" land use district.

AND 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, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. The Land Use District Map be amended to redesignate the lands legally described as a closed portion of Lot 15MR, Block 5, Plan 831 1587 within the NW ¼-21-7-3-W5M, containing ±0.01 ha (0.02 acres), as shown on Schedule 'A' attached to and forming part of this bylaw, from "Recreation and Open Space – RO-1" to "Residential – R1."
2. Bylaw No. 868, 2013, being the Land Use Bylaw, is hereby amended.
3. This bylaw comes into effect upon third and final reading hereof.

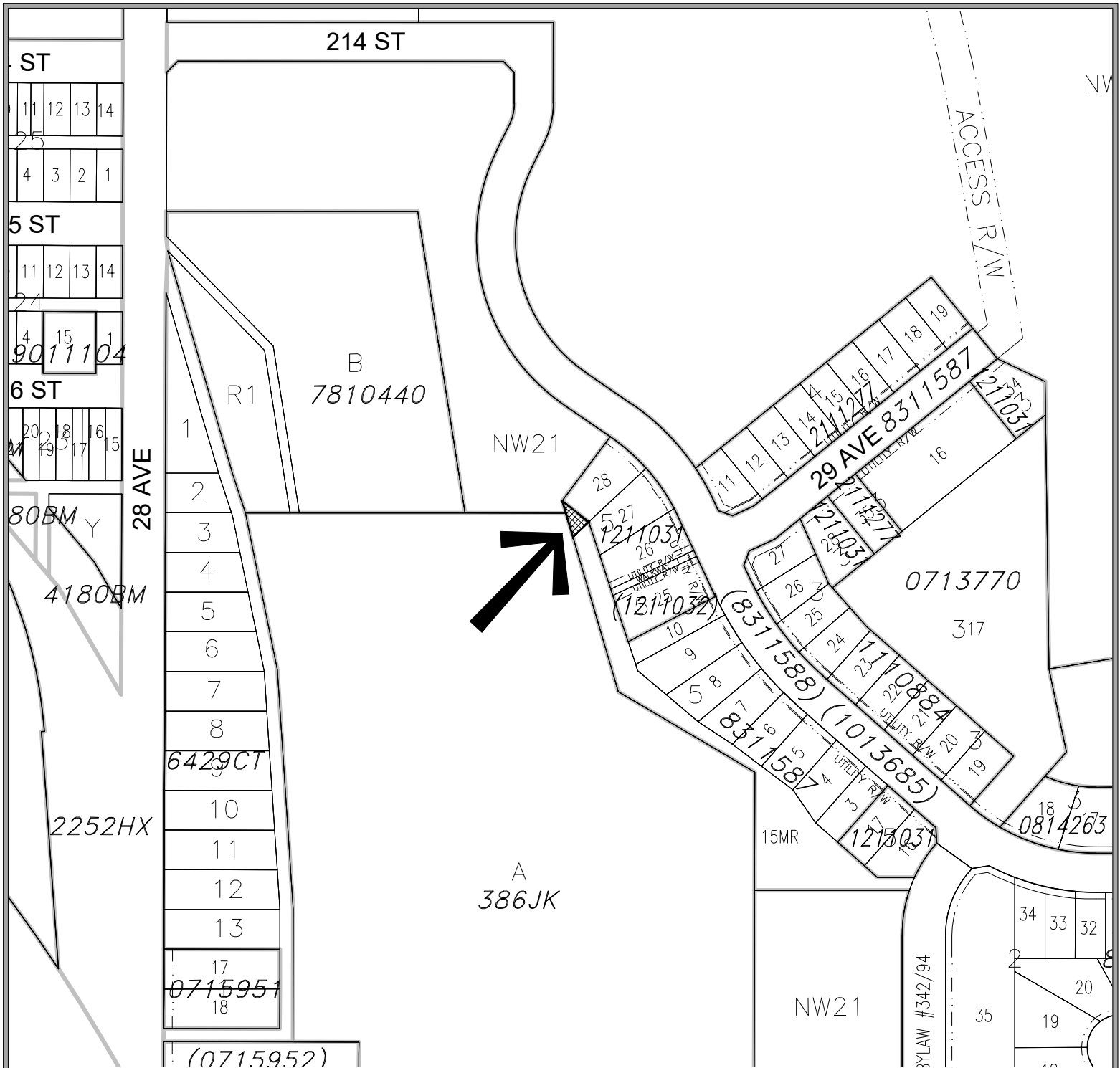
READ a **first** time in council this _____ day of _____ 2022.

READ a **second** time in council this _____ day of _____ 2022.

READ a **third and final** time in council this _____ day of _____ 2022.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: RECREATION AND OPEN SPACE RO-1
TO: RESIDENTIAL R-1 (0.01±ha (0.02±ac))

PORTION OF LOT 15MR, BLOCK 5, PLAN 8311587
WITHIN NW 1/4 SEC 21, TWP 7, RGE 3, W 5 M
MUNICIPALITY: CROWSNEST PASS (BELLEVUE)
DATE: NOVEMBER 23, 2022

Bylaw #: 1136, 2022
Date: _____



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"



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 7.c

Subject: Bylaw 1137, 2022 - Land Use Bylaw Amendment - Re-designate that portion of Lot 51MR, Block 1, Plan 0812254 forming part of Lot 53, Block 1, Plan _____ within the NE 34-7-4-W5M from Public P-1 to Comprehensive Ski Village CSV - Second and Third Reading

Recommendation: That Council gives second and third reading of Bylaw 1137, 2022.

Executive Summary:

The proposed bylaw involves the re-designation of a portion of Lot 51MR, Block 1, Plan 0812254 forming part of Lot 53, Block 1, Plan _____ from Public P-1 to Comprehensive Ski Village - CSV for the purpose of completing the conditions of a land sale.

Relevant Council Direction, Policy or Bylaws:

Section 692, Planning bylaws, Municipal Government Act, RSA 2000, c M-26. (MGA)

Land Use Bylaw No. 868-2013

Discussion:

On August 16, 2022 Council approved the conditional sale of a portion of Lot 51MR, Block 1, Plan 0812254 to the adjacent landowner for consolidation with developed Lot 44, Block 1, Plan 0812254 subject to conditions.

Bylaw 1131, 2022 removed the municipal reserve designation and closed the MR portion. The proposed Bylaw 1137, 2022 will complete the conditions of the sale by redesignating the lands to the Comprehensive Ski Village District.

The purpose of closing the MR portion, disposing of it and rezoning it to the CSV District is to increase the size of the rear yard of the adjacent residential lot owned by the applicant.

Analysis of Alternatives:

1. Following the Public Hearing, Council may give Second and Third Reading of Bylaw 1137, 2022, as proposed.
2. If additional information is required by Council and/or amendments to the Bylaws are proposed by Council prior to Second Reading, Council may postpone Second Reading of Bylaw 1137, 2022 and provide further direction to Administration. Substantial changes to the Bylaw will require Council hold a second Public Hearing prior to considering the Bylaw 1137,2022 for Second and Third reading.
3. Council may defeat Bylaw 1137, 2022, as proposed.

Financial Impacts:

N/A

Attachments:

[Bylaw 1137, 2022.docx](#)

[Bylaw 1137, 2022 Schedule A.pdf](#)

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1137, 2022

LAND USE BYLAW AMENDMENT – Redesignate that portion of Lot 51MR, Block 1, Plan 081 2254 forming part of Lot 53, Block 1, Plan _____.

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 868-2013, being the municipal Land Use Bylaw.

WHEREAS the Council of the Municipality of Crowsnest Pass wishes to redesignate the lands legally described as that portion of Lot 51MR, Block 1, Plan 081 2254 forming part of Lot 53, Block 1, Plan _____, containing ± 0.05 ha (0.12 acres), within the NE $\frac{1}{4}$ -34-7-4-W5M, as shown on Schedule 'A', from "Public – P-1" to "Comprehensive Ski Village – CSV."

AND WHEREAS the subject portion of Lot 51MR, Block 1, Plan 0812254 had previously been closed and the MR designation removed under Bylaw 1131, 2022.

AND WHEREAS the purpose of the proposed amendment is to provide for the opportunity to use and develop the lands in accordance with the provisions of the "Comprehensive Ski Village – CSV" land use district.

AND 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, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. The Land Use District Map be amended to redesignate the lands legally described as that portion of Lot 51MR, Block 1, Plan 081 2254 forming part of Lot 53, Block 1, Plan _____, containing ± 0.05 ha (0.12 acres), within the NE $\frac{1}{4}$ -34-7-4-W5M, as shown on Schedule 'A' attached hereto and forming part of this bylaw, from "Public – P-1" to "Comprehensive Ski Village – CSV."
2. Bylaw No. 868-2013, being the Land Use Bylaw, is hereby amended.
3. This bylaw comes into effect upon third and final reading hereof.

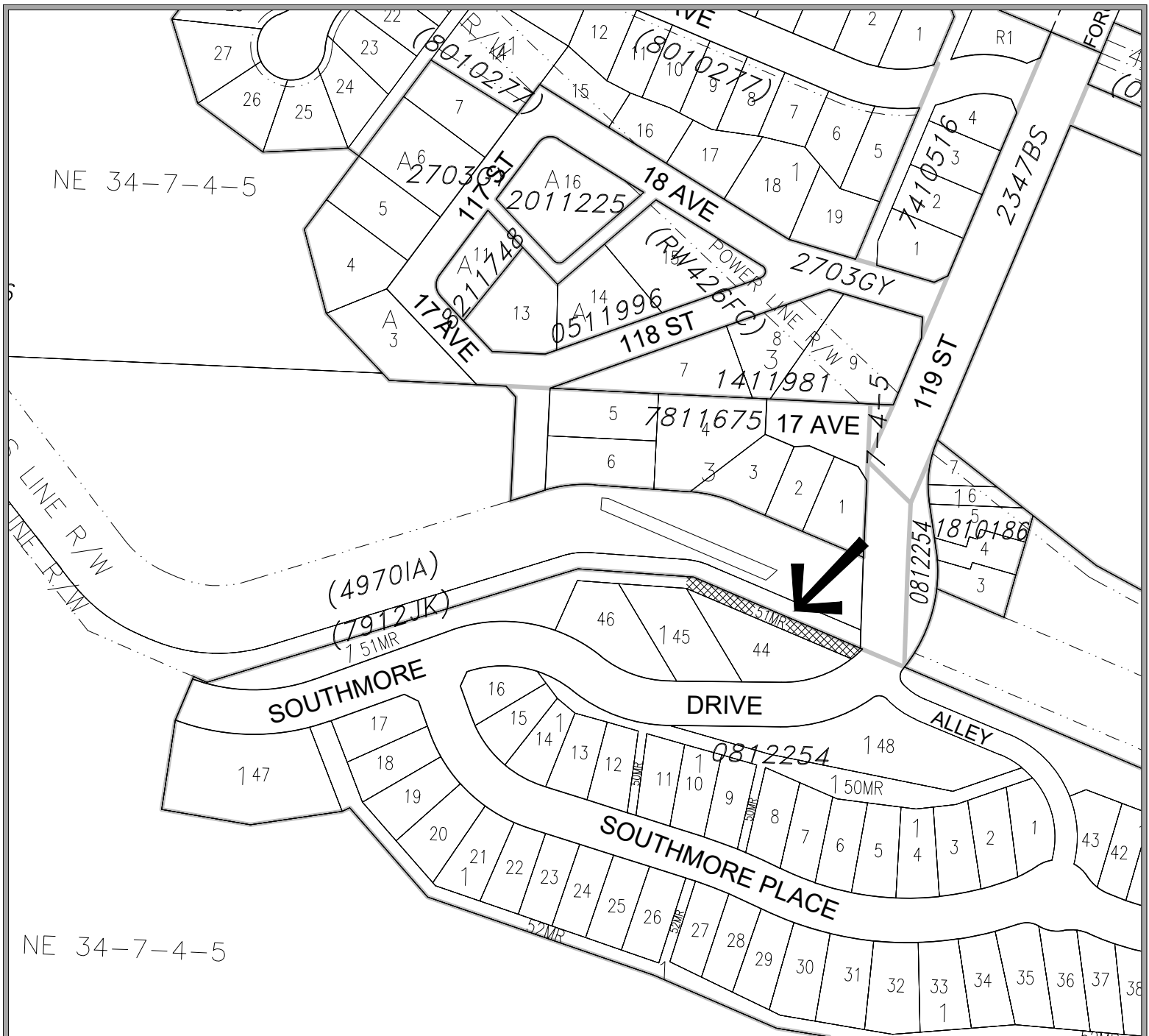
READ a **first** time in council this _____ day of _____ 2022.

READ a **second** time in council this _____ day of _____ 2022.

READ a **third and final** time in council this _____ day of _____ 2022.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: PUBLIC P-1 (0.05±ha (0.12±ac))

TO: COMPREHENSIVE SKI VILLAGE CSV

THAT PORTION OF LOT 51MR, BLOCK 1, PLAN 0812254 FORMING PART
OF LOT 53, BLOCK 1, PLAN _____, CONTAINING 0.05±ha(0.12±ac)
WITHIN NE 1/4 SEC 34, TWP 7, RGE 4, W 5 M

MUNICIPALITY: CROWSNEST PASS (BLAIRMORE)

DATE: NOVEMBER 23, 2022

Bylaw #: 1137, 2022

Date: _____



December 01, 2022 N:\C-N-P\CNP LUD & Land Use Redesignations\Crowsnest Pass - Lot 51MR, Block 1, Plan 0812254 - Bylaw 1137, 2022.dwg



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"



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 7.d

Subject: Bylaw 1138, 2022- Municipal Reserve closure and removal of Municipal Reserve designation on a portion of Lot 1MR, Block 3, Plan 8311587 - Second and Third Reading

Recommendation: That Council gives second and third reading of Bylaw 1138, 2022.

Executive Summary:

The subject MR parcel is located east of the MDM Community Centre and Mohawk Meadows Subdivision. On October 18, 2022 Council approved the conditional sale of a portion of Lot 1MR, Block 3, Plan 8311587 to the adjacent landowner for a boundary adjustment to correct the driveway encroachment.

Relevant Council Direction, Policy or Bylaws:

Sections 671, 674 and 675, respectively 'Disposal of Land', 'Use of Reserve Land, Money', 'Disposal of Municipal and School Reserve' and 'Removal of Designation as Municipal Reserve', Municipal Government Act, RSA 2000, c M-26.

Policy 2000-03 Disposal of Municipal Property

Discussion:

The subject MR parcel is located east of the MDM Community Centre and Mohawk Meadows Subdivision. On October 18, 2022 Council approved the conditional sale of a portion of Lot 1MR, Block 3, Plan 8311587 to the adjacent landowner for consolidation.

Bylaw 1138, 2022 received first reading December 6, 2022.

This is a boundary adjustment which will ensure that the existing physical access to the property owned by the applicant is consolidated with the current title. The proposal involves only the physical driveway that exists to the west of the owner's parcel.

On adoption of the bylaw the certified bylaw will be submitted to the Registrar of Land Titles with a

request that the MR designations be removed. On removal of the designations, the land may be sold or otherwise disposed of but the proceeds must be accounted for separately and may be used only for the purposes referred to in s. 671(2) of the MGA - i.e. to acquire or improve land for a public park or recreation area or as a buffer between lands that are used for different purposes.

Analysis of Alternatives:

1. Council may give Second and Third Reading of Bylaw 1138, 2022, as proposed.
2. If additional information is required by Council and/or amendments to the Bylaws are proposed by Council prior to Second Reading, Council may postpone Second Reading of Bylaw 1138, 2022 and provide further direction to Administration. Substantial changes to the Bylaw will require Council hold a second Public Hearing prior to considering the Bylaw 1138, 2022 for Second and Third reading.
3. Council may defeat Bylaw 1138, 2022, as proposed.

Financial Impacts:

The sale of this portion on Municipal Reserve will generate \$5,380 plus GST.

Attachments:

[FORMATTED Bylaw 1138, 2022 - MR disposal - prtn of Lot 1MR, Block 3, Plan 831 1587 December 2022 - 2.docx](#)

[Bylaw 1138, 2022 Schedule A.pdf](#)

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1138, 2022
MUNICIPAL RESERVE CLOSURE BYLAW

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta for the purpose of closing a portion of a Municipal Reserve parcel, removing the Municipal Reserve designation from the closed portion and disposing of the closed portion of Municipal Reserve in accordance with sections 674 and 675 of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Municipality of Crowsnest Pass has determined that a portion of Municipal Reserve property, Lot 1MR, Block 3, Plan 8311587 as described below and shown in Schedule "A" attached hereto and forming part of this bylaw, be closed, and the MR designation removed from that portion.

AND WHEREAS notice of intention of Council to pass a bylaw was published in a locally circulated newspaper and posted on site and a public hearing held in accordance with the Municipal Government Act.

NOW THEREFORE, be it resolved that the Council of Municipality of Crowsnest Pass does hereby determine to close and have the MR designation removed from, and the land disposed of, on a portion of Municipal Reserve, described as follows and shown in Schedule "A" attached hereto and forming part of the bylaw, subject to the rights of access granted by other legislation:

1. The Municipal Reserve designation on lands legally described as a portion of Lot 1MR, Block 3, Plan 8311587 within the NW¼ 21-7-3-W5M, containing ±0.01 ha (0.03 acres), as shown on Schedule 'A' attached hereto and forming part of this bylaw, is hereby closed and removed, and will be disposed of.
2. This bylaw comes into effect upon third and final reading hereof.

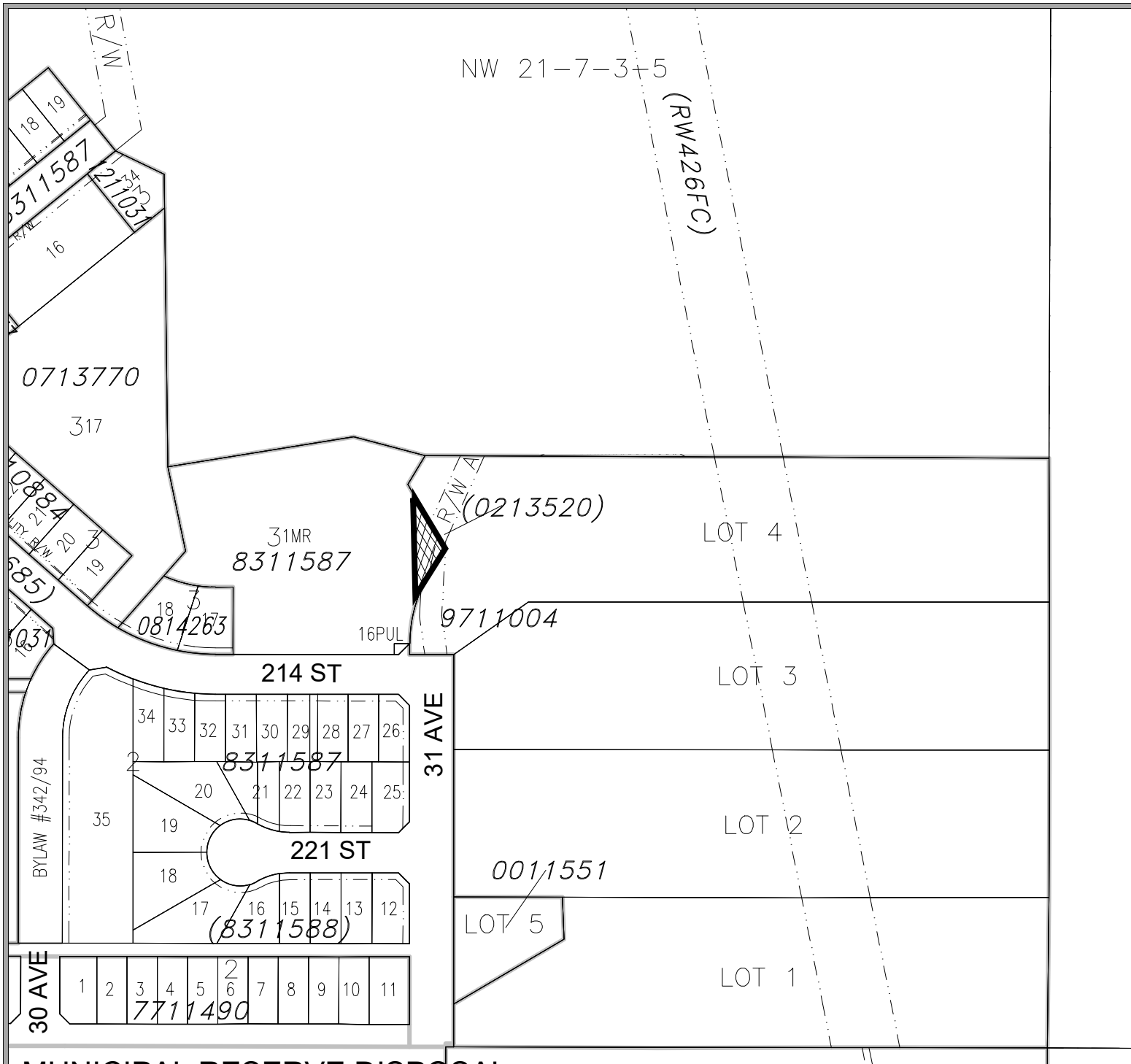
READ a **first** time in council this _____ day of _____ 2022.

READ a **second** time in council this _____ day of _____ 2023.

READ a **third and final** time in council this _____ day of _____ 2023.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



MUNICIPAL RESERVE DISPOSAL SCHEDULE 'A'



PORCION OF LOT 1MR, BLOCK 3, PLAN 8311587 WITHIN
THE NW 1/4 SEC 21, TWP 7, RGE 3, W 4 M
CONSISTING OF 0.01±ha (0.03±ac) MORE OR LESS

MUNICIPALITY: CROWSNEST PASS (BELLEVUE)

DATE: DECEMBER 2, 2022

Bylaw #: _____

Date: _____



August 3, 0 N:\C-N-P\CNP LUD & Land Use Redesignations\Crowsnest Pass - Bylaw _____, Portion of NW21-7-3-5.dwg



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"



Municipality of Crowsnest Pass Request for Decision

Meeting Date: January 24, 2023

Agenda #: 7.e

Subject: Subdivision Endorsement Extension Request 2016-0-070 (Greenwood Heights) and Request to Vary the Security Deposit Requirements under Policy 2006-02 Subdivision and Development Securities Policy.

Recommendation:

That Council considers to:

1) Approve the subdivision extension request for Subdivision 2016-0-070 (Greenwood Heights) for a period of 24 months.

and

2) Pursuant to section *6.0 Variations to Policy Requirements* in Policy 2006-02 *Subdivision and Development Securities Policy*, approve a reduced security deposit requirement of 0% of the estimated cost of Municipal Improvements (instead of 100%), subject to a condition being written into the development agreement that the endorsement of the subdivision plan for registration shall be withheld until the Municipality has issued a Construction Completion Certificate for all Municipal Improvements, at which time the Developer shall provide a security deposit of 25% of the actual cost of Municipal Improvements that shall be retained for a two-year warranty period in accordance with Policy 2006-02.

Executive Summary:

The Oldman River Regional Services Commission is in receipt of a subdivision endorsement extension request for the subdivision known as Greenwood Heights south of Blairmore (i.e. a portion of the NW¼ 34-07-04-W5M – a titled area comprising 120.22 acres). The original subdivision approval, which will create 16 privately serviced lots ranging in size from 2.38 to 6.51 acres, was given on July 27, 2016, by the Municipal Planning Commission. As a result of several factors, the applicant has been unable to proceed with the construction of the subdivision. These matters have now been resolved, the applicant has complied with all the engineering requirements, and is ready to enter into a

development agreement with the Municipality, subject to a request that Council reduce the security deposit requirements.

Relevant Council Direction, Policy or Bylaws:

Section 657, Municipal Government Act, RSA 2000, c M-26. (MGA)

Policy 2006-02 Subdivision and Development Securities Policy

Discussion:

On January 17, 2023 the developer made a presentation to Council. Subsequently, the developer provided a letter of clarification (attached and dated January 19, 2023) that the variance request for the security deposit is actually a request for a 0% (not 25%) security deposit with a 25% security deposit that will be provided at the issuance of a Construction Completion Certificate for the road, for the two-year warranty period, with the reasons for this request. A letter from the developer dated October 30, 2022, is also attached for Council's information.

The applicant has now satisfied all engineering requirements and is positioned to enter into a development agreement for the construction of the Municipal Improvements (i.e. the access road). The applicant is proposing to construct the access road prior to subdivision endorsement, as a mechanism to support a request for a reduction in development agreement security deposit requirements. This proposal means that the parcels within the subdivision could not be sold until the Municipality was satisfied that all Municipal Improvements are constructed in accordance with the specifications, and issued a Construction Completion Certificate. It also means that the developer would be able to proceed with road construction without being required to obtain financing for a security deposit. Essentially, the road would remain a private road with no municipal risk or responsibility until a Construction Completion Certificate has been issued.

It should be considered that a reduced security deposit requirement is not uncommon in Alberta and is typically supported by the requirement that all Municipal Improvements are completed by the developer and a Construction Completion Certificate issued by the Municipality before the plan of subdivision is endorsed for registration. This means that the risk of the Municipality ending up with an incomplete subdivision that requires completion by the Municipality, is eliminated.

The Oldman River Regional Services Commission prepared a memo (attached) that provides the background to the subdivision application and this extension request.

This is the applicant's third extension request, following a first extension approved on September 5, 2018 and the second approved on April 27, 2021.

Analysis of Alternatives:

A. Regarding the subdivision extension request, Council may consider the following options:

1. Grant the extension in order for the applicant to finalize the conditions of the approval. A time extension must be granted by a resolution of Council pursuant to Section 657(6) of the MGA. Note

that the extension should be granted as is (with the original conditions of approval) or refused. Considering that unforeseen circumstances (supply chain challenges, labour shortages, etc.) may affect the developer's ability to commence construction in 2023, a 24-month subdivision extension is recommended to afford the developer two construction seasons to complete the subdivision.

or

2) Refuse to grant the extension. Note that there is no appeal of decision on a time extension request.

B. Regarding the request to reduce the security deposit requirements from 100% to 0% of the estimated cost of Municipal Improvements with a 25% security deposit being provided for a two-year warranty period following the issuance of a Construction Completion Certificate, section 6 of Policy 2006-02 provides for the consideration of variances to any policy requirements. Council may agree with the requested variance to 0%, approve a variance to a different percentage, or deny the request and require a 100% security deposit.

If the development agreement contained a prohibition on the endorsement and registration of the plan of subdivision, and consequently the sale of parcels in the subdivision, until a Construction Completion Certificate has been issued, it would not make any difference to the Municipality whether the security deposit is reduced to 50%, 25% or 0% - the Municipality's risk would be eliminated by that prohibition. It may however make a difference to the developer's ability to complete the subdivision. The developer has submitted to Council their reasons for the variance request, which appear to revolve around the increased feasibility to obtain financing when the financing request is secured by an asset (the property that will become sellable when the financing request is processed), as opposed to trying to obtain unsecured financing when there are no parcels allowed to be sold.

Financial Impacts:

A security deposit is fully refundable unless the developer abandons the subdivision.

If the developer was prohibited from having the plan of subdivision endorsed and registered prior to the completion of all Municipal Improvements and the issuance of a Construction Completion certificate, which can be written into the development agreement as a condition, the financial risk of the Municipality having to complete an incomplete subdivision is eliminated.

Attachments:

[2022 10 30 - Robert Homersham - Greenwood Heights Subdivision Proposal.pdf](#)
[\[Untitled\].pdf](#)



terra-legal.com

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rhomersham@terra-legal.com
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October 30, 2022

Municipality of Crowsnest Pass
8502 – 19 Ave
Coleman, AB T0K 0E0

By Email

Attention: Johan Van Der Bank, Director of Development, Patrick Thomas, CAO, and
Members of Council

Dear Sirs/Mesdames:

Re: Subdivision of a portion of NW-34-7-4-W5M (the "Parcel")
And Re: Proposed Amendments to Securities Policy and Development Agreement

We are the solicitors for 505810 Alberta Ltd. and Dr. Trevor Hay (collectively, the "**Applicant**"). The Applicant is the owner of the Parcel, which was approved for subdivision in July 2016 to create 16 residential lots (the "**Approval**"). We have been asked by the Applicant to assist him with the last step to allowing Dr Hay to commence with development and construction work. That last step is the completion of a development agreement, the execution of which is a typical condition of subdivision approvals.

One of the conditions of the Approval is the provision of a security deposit "to ensure that the Municipality has sufficient money available to complete any outstanding Municipal Improvements required for the development or subdivision in the event that the Applicant fails to meet its obligations" (excerpt from the Municipality's Policy 2006-02, "Subdivision and Development Securities Policy," emphasis added). The road internal to the Applicant's subdivision is the only "Municipal Improvement" for which a security deposit would be required. Section 6.1 of the Securities Policy permits an Applicant to request a variance to the Policy. We are writing to request such a variance and are also asking to address Council with respect to this variance request through a delegation. Our request is as follows:

1. To waive the requirement under sec. 5.3(b) of the Policy for 100% of the estimated costs of constructing the road, which cost was estimated in September 2021 by Wenisch Contracting Ltd. to be \$420,000;

2. To require instead the provision of a security deposit of 25% of the estimated costs upon issuance by the Municipality of a Construction Completion Certificate (“CCC”) for the road. In accordance with sec. 5.3(a) of the Policy, this security would ensure that the road is properly maintained, and any deficiencies repaired, during the guarantee period between issuance of the CCC and of the Final Acceptance Certificate approximately two years later.
3. This variance, if granted, would be memorialized in the development agreement. To ensure that the Municipality would not be at risk during the construction of the road leading up to the issuance of a CCC, the development agreement would contain a further clause that final endorsement of the subdivision plan will not be issued unless and until a CCC for the road is issued. This would prevent the road from becoming a Municipal Improvement – it would remain a private road on the private unsubdivided Parcel. Further, the Applicant would be lawfully prevented from selling and transferring lots on the Parcel to 3rd-party purchasers until issuance of a CCC for the road because title to the 16 proposed lots would not be created until the final subdivision plan is registered at the Land Titles Office. It is unlawful under sec. 94 of the *Land Titles Act* to sell unsubdivided land.

The reason for our request is to remove a major financial barrier to this subdivision proceeding – the cost of posting a letter of credit for the full estimated construction cost of the road but without putting the Municipality or 3rd party purchasers of lots within the subdivision at risk. Dr Hay is not a developer; he is simply trying to subdivide and develop the Parcel, which his family has owned since 1990, into 16 lots for the ownership, use and enjoyment of his children and grandchildren, and for others to become part of our community through land ownership enjoy the natural splendour of the Crowsnest municipality.

The costs of the subdivision and development process are significant, and the delays from the initial Approval 6 years ago have only exacerbated this financial burden. If we can reduce one of these significant costs – the security deposit from 100% to 25% – without putting the Municipality or lot purchasers at risk, Dr Hay will be in a position to complete the subdivision requirements by the end of the 2023 construction season. Thank you for your consideration and I look forward to the opportunity to present to Council on this matter.

Yours truly,

Terra Legal

Per: R Homersham
Robert Homersham

Terra Legal is a trade name of Robert A. Homersham Professional Corporation



terra-legal.com

Robert Homersham
Lawyer
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C 403.830.5037
rhomersham@terra-legal.com
robert.homersham@homersham.com

January 19, 2023

Municipality of Crowsnest Pass
8502 – 19 Ave
Coleman, AB T0K 0E0

By Email

**Attention: Johan Van Der Bank, Director of Development, Patrick Thomas, CAO, and
Members of Council**

Dear Sirs/Mesdames:

Re: Subdivision of a portion of NW-34-7-4-W5M (the “Parcel”)
And Re: Proposed Amendments to Securities Policy and Development Agreement

We are the solicitors for 505810 Alberta Ltd. and Dr. Trevor Hay (collectively, the “**Applicant**”). The Applicant is the owner of the Parcel, which was approved for subdivision in July 2016 to create 16 residential lots (the “**Approval**”). Thank you for allowing us a delegation to present to Council on January 17th to address our request for a variance to one of the requirements under the Municipality’s Subdivision and Development Securities Policy (Policy No. 2006-02).

I am following up that delegation and my letter of October 30, 2022, which was included in the Council Report, to clarify that we are asking Council to approve a variance to the security amount of 100% of the estimated cost of constructing and installing the road. Specifically, we are asking Council to approve a 0% security deposit at the time the Applicant enters into a Development Agreement, which security deposit would then increase to 25% upon the Municipality issuing a Construction Completion Certificate (“CCC”) for the road. This 25% security deposit would then remain in place during the two-year warranty period between issuance of the CCC and the Final Acceptance Certificate for the road. The reasons for our request have not changed from those presented in my October letter and at the delegation before Council.

The reason for this clarification is that we are not, strictly speaking, also seeking a variance to the date upon which the security deposit would be due and payable, which under the Policy is at the time the Development Agreement is entered into.

I trust the foregoing clarification is helpful.

Yours truly,

Terra Legal

Per: *R Homersham*
Robert Homersham

Terra Legal is a trade name of Robert A. Homersham Professional Corporation