



Municipality of Crowsnest Pass
AGENDA
Regular Council Meeting
Council Chambers at the Municipal Office
8502 - 19 Avenue, Crowsnest Pass, Alberta
Tuesday, April 4, 2023 at 7:00 PM

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. CONSENT AGENDA

- 3.a Minutes of the Crowsnest Pass Community Library Board of January 24, 2023
- 3.b Minutes of the Crowsnest Pass Community Library Board of February 28, 2023
- 3.c Policy 1205-02 Meals on Wheels
- 3.d RIDECrowsnest Bus
- 3.e CNP Tumblers Society Letter of Request for New Gymnastics Facility of March 22, 2023
- 3.f Town of Barrhead Letter of Support - Extended Producer Responsibility Exemption

4. ADOPTION OF MINUTES

- 4.a Minutes of the Council Meeting of March 28, 2023

5. PUBLIC HEARINGS

- 5.a Bylaw 1142, 2023 - Land Use Bylaw Amendment - Re-designate Lot 10, Block 25, Plan 820L from Residential R-1 to Retail Commercial C-1 - *Public Hearing*
- 5.b Bylaw 1143, 2023 - LUB Amendment Re-designation of Lots 35-40, Block 12, Plan 2347BS (12366 21 Avenue, Blairmore) from Residential R-1 to Multi-Family R2-A - *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.

7. REQUESTS FOR DECISION

- 7.a Bylaw 1142, 2023 - Land Use Bylaw Amendment - Redesignate Lot 10, Block 25, Plan 820L from Residential R-1 to Retail Commercial C-1 - *Second and Third Readings*
- 7.b Bylaw 1143, 2023 - LUB Amendment Re-designation of Lots 35-40, Block 12, Plan 2347BS (12366 21 Avenue, Blairmore) from Residential R-1 to Multi-Family R2-A - *Second and Third Reading*

- 7.c Bylaw 1147, 2023 - 2023 Property Tax Rates Bylaw - *Second and Third Reading*
- 7.d Policy 2001-03 - Encroachment Policy
- 7.e Crowsnest Lake Highway 3 Billboard Map Sign
- 7.f Library 2023 Special Budget Request
- 7.g Municipal Planning Commission Administrative Report Update
- 7.h Fire Extinguisher Program
- 7.i 2023 New Initiative Discussion

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

11.a Personal Privacy - Personnel - *FOIP Act Section 17*

11.b Economic Interests of the Public Body - Land Purchase - *FOIP Act Section 25*

12. ADJOURNMENT



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 3.a

Subject: Minutes of the Crowsnest Pass Community Library Board of January 24, 2023

Recommendation: That Council accept the Minutes of the Crowsnest Pass Community Library Board of January 24, 2023 as information.

Executive Summary:

Minutes of internal boards and committees are provided to Council for their information.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

The Crowsnest Pass Community Library Board provides their minutes to keep Council apprised of board activities.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[Library minutes January 24th, 2023 with attachments.pdf](#)

Minutes

Attendance: Diane deLauw (Library Manager), Erin Matthews (Chair), Margaret Thomas (Vice Chair), Nicole Stafford (Secretary), Doreen Glavin (Municipal Council Rep), Gale Comin (Treasurer), and John Hucik . **Absent:** Lisa Sygutek (Municipal Council Rep)
Guest: Julie Dempsey

1. Call to Order- Erin called the meeting to order at 1:51pm.

2. Adoption of Agenda - January 24th, 2023

Nicole made a motion to adopt the agenda. Erin seconded. Motion carried.

3. Adoption of Minutes - November 29th, 2022

Gale made a motion to adopt the minutes. Erin seconded. Motion carried.

4. Business arising from minutes:

- a. **Approval of changes to policy section 1.6** Doreen motioned to approve changes to policy section 1.6. John seconded. Motion carried.

5. Librarians report (attached) Erin motioned to accept reports as presented . Gale seconded. Motion carried.

6. PLSB Annual Report (for approval) Nicole motioned to approve the PLSB Annual Report. Erin Seconded. Motion carried.

7. Site improvements

a. **Removal of trees**

b. **Progress of flower gardens**

Discussion about the 2 trees at the front of the Library and the flowerbeds.

Action item: Diane will check with Yohan to see who is responsible for the trees, and request that they be assessed for possible removal.

Action item: Erin will check with the Ag Society to see if they can help with the costs of materials, and some of the work involved in maintaining the flowerbeds.

8. Policy Review section 2.1

Nicole motioned to make changes to Policy Review section 2.1 as suggested by Diane. Margaret seconded. Motion carried.

8. Meeting Adjournment

Erin made a motion to adjourn the meeting at 2:44 pm.

Next regular meeting date is February 28th, 2023 at 1:30pm.

Approved _____ Date _____

Librarians Report January 24, 2023

Programming

- Regular programs currently running - BRAT Pack, Switch it Up, Intro to D&D, and D&D.
- Rean is going to Kids College on January 27th for a special Literacy Day visit.
- Movie Nights
 - 40 DA teen movie nights moving to monthly instead of bi-monthly.
 - 29 attended in January.
 - First family movie matinee Jan 7. (Will run first Saturday of each month).
 - 38 attended.
- Family Literacy event is "Family Trivia Night" January 27th, 2023.
 - Open to all ages

Makerspace activities

- Decorate paper Christmas trees.
- Build your own catapult and launch a Ping-Pong ball.
- Sensory balls made of water beads and balloons.
- Straws and Connectors from Chinook Arch regional programming kit.

Chinook Arch

- New website should be available in April.
- Increased Regional Programming kits available for loan.
- Conference – Back to the Future taking place March 3rd.
- Have received another grant for Digital Literacy co-ordinator to offer computer classes.
- Received a grant to purchase SAD (Seasonal Affective Disorder) lamps. We entered a draw and were selected to receive one. It will be available for loan.
- Received a grant to purchase new 2 Smarthubs for all Libraries. This includes the cost of data for 2 years. They will try for another grant in 2 years, otherwise the monthly cost of data will fall to the Libraries.

Friends of the Library

- Have agreed to cover the following costs:
 - New shelf for Boardgames.
 - Cushions for movie night seating.
 - BluRay Player for movie nights.
 - 2023 movie licence.

Staff training

- Diane and Rean attending Library conference March 3rd.

FCSS donation

- FCSS donation of \$500 towards Mental Health resources has arrived, and purchases are being made.

Memorial donations

- Discussion with Fantin's Funeral Home, resulted in them suggesting that we create a card they could put on display as they like to encourage local memorial donations.
- Cards have been created and dropped off. They will let me know if they run out.



Crowsnest Pass Municipal Library

Annual
Report
2022



The library had **2,405**
open hours in 2022!



974 members used a
card from our library



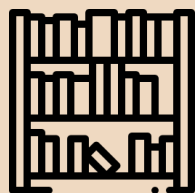
16,150 people walked
through our doors last year



In addition to **28,421**
website visits



The library added **1,459**
new items last year



Bringing the total
collection to **17,595**



There were **4,911**
downloads of e-Content



Contributing to a total of
46,737 checkouts!



We lent our items to
libraries outside of our
system **8,267** times



Our services are delivered
by **3** dedicated staff



And some amazing
volunteers



The library has **5** public
computers



And brought in **7,388**
items upon patron
request



We answered **5,550**
reference questions



And our meeting spaces
were booked **52** times



They were used
1870 times!



We offered **82**
programs



Children's
programs and



Multi-generational
programs



1,959 people
attended in total!



And our Wi-Fi had **3,232**
connections!



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 3.b

Subject: Minutes of the Crowsnest Pass Community Library Board of February 28, 2023

Recommendation: That Council accept the Minutes of the Crowsnest Pass Community Library Board of February 28, 2023 as information.

Executive Summary:

Minutes of internal boards and committees are provided to Council for their information.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

The Crowsnest Pass Community Library Board provides their minutes to keep Council apprised of board activities.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[Library minutes February 28, 2023 with attachments.pdf](#)

Minutes

Attendance: Diane deLauw (Library Manager), Margaret Thomas (Vice Chair), Nicole Stafford (Secretary), Doreen Glavin (Municipal Council Rep), Lisa Sygutek (Municipal Council Rep), Gale Comin (Treasurer), and John Hucik.
Absent: Erin Matthews (chair)

1. Call to Order- Margaret called the meeting to order at 1:39pm.

2. Adoption of Agenda - February 24th, 2023

Margaret motioned to adopt the agenda with changes. Gale seconded. Motion carried.

3. Adoption of Minutes - January 29th, 2023

Gale made a motion to adopt the minutes. Margaret seconded. Motion carried.

4. Business arising from minutes:

- a. Trees Removed
- b. AG Society contact - tabled
- c. Letter to council - capital budget request (from AGM)

Margaret motioned to accept information and table 'AG Society' to March. Motion carried.

5. Librarians report (attached)

Nicole motioned to accept the report as presented. John seconded. Motion carried.

6. Financial Report (attached)

Lisa motioned to approve the Financial Report. Margaret Seconded. Motion carried.

7. Meeting Adjournment

Nicole made a motion to adjourn the meeting at 2:00 pm.

Next regular meeting date is March 28th, 2023 at 1:30pm.

Approved _____ Date _____

Librarians Report February 28, 2023

Programming

- Pop-up play stations were created for Reading Week.
- March programs - adding a new Lego and Switch program.
- March movie moved to 2nd Saturday due to staff conference
 - Playing "Puss in Boots" March 11th.
- First Digital Literacy class was in February. 2 attended.

Makerspace activities

- What can you build with 100 plastic cups?
- Paper Airplanes.
- Where's Waldo.

Chinook Arch

- New website should be available in April.
- Conference – Back to the Future taking place March 3rd.
- Provided SAD (Seasonal Affective Disorder) lamp.
- Provided 2 Smarthubs for loan.

Staff training

- Diane and Rean attending Library conference March 3rd.

French collection

- French Library in Lethbridge is closing and distributing materials.
- Was contacted about providing a French collection in the community.
- Agreed to a small trial collection.

Reporting

- PLSB Annual report submitted.

Municipality of Crowsnest Pass Library

Profit & Loss Budget vs. Actual

January through February 2023

					Jan - Feb 23	Budget
				Income		
				Funding		
				4000 · Municipality	153,050.00	153,050.00
				4010 · Province of Alberta	0.00	31,907.00
				Total Funding	153,050.00	184,957.00
				Operations		
				4100 · Book Sales	121.65	700.00
				4120 · Donations (made to Library)	304.76	0.00
				4130 · Facility Use	0.00	100.00
				4140 · Print & Photocopy	307.50	2,500.00
				4150 · Fines	0.00	200.00
				4500 · Interest Income	92.69	500.00
				Total Operations	826.60	4,000.00
				Total Income	153,876.60	188,957.00
				Gross Profit	153,876.60	188,957.00
				Expense		
				5050 · Board Expenses	0.00	50.00
				5200 · Furniture & Equipment	3.75	400.00
				5300 · Bank Charges	0.00	100.00
				5460 · Janitorial/Cleaning	513.99	3,200.00
				5500 · Computers	0.00	1,500.00
				5530 · Office Supplies	5.27	3,369.00
				5610 · Bldg. / Yard Repairs & Maint.	1,710.00	7,500.00
				5650 · Professional Assoc. Memberships	38.10	350.00
				5655 · Regional Library Membership	10,108.46	19,238.00
				5660 · Professional Develop. Expense	199.50	800.00
				5670 · Program Expenses	8.21	900.00
				5700 · Library Wages	19,677.48	132,000.00
				5760 · Security System	0.00	1,300.00
				5800 · Telephone	107.80	1,250.00
				5850 · Utilities	2,905.35	17,000.00
				Total Expense	35,277.91	188,957.00
				Net Income	118,598.69	0.00
				Current Assets		
				1100 · GIC Operations	120,000.00	
				1000 · Royal Bank - Chequing	13,300.37	
				Total Current Assets	133,300.37	



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 3.c

Subject: Policy 1205-02 Meals on Wheels

Recommendation: That Council approves Policy 1205-02- Meals on Wheels.

Executive Summary:

Administration found a need to update the Meals on Wheels Policy. The recent changes included the removal of fees, addition of definitions, wordsmithing.

The revised Meals on wheels Policy was brought forward to the Family and Community Support Services Advisory Committee for recommendation to Council.

Relevant Council Direction, Policy or Bylaws:

Policy # 1205-01- CS 003

#08 - 23 MOVED BY: D. WARD

The Family Community Support Service Advisory Committee recommends to Council the Meals on Wheels - Family and Community Support Services Policy No: 1205 – 02

CARRIED

Discussion:

N/A

Analysis of Alternatives:


N/A

Financial Impacts:

N/A

Attachments:

[1205-02.pdf](#)

	<h2 style="text-align: center;">Municipality of Crowsnest Pass Policy</h2>
<p>Policy No.: Policy Title: Approval Date: Revision Date: Supersedes Policy: Department:</p>	<p>1205-02 Meals on Wheels Policy – Family and Community Support Services 1205-01 – CS 003 Community Services- Family and Community Support Services Advisory Committee</p>

1.0 POLICY PURPOSE

A policy of the Municipality of Crowsnest Pass under Family and Community Support Services to ensure operation the Meals on Wheels Program. Meals on Wheels provides hot nutritious noon-day meals, Monday through Friday to any person within the Municipality, who through illness, age, or disability has difficulty providing meals for themselves.

2.0 DEFINITIONS

~~"Director" means the Director of the Municipality's Community Services Department, or the employee(s) designated by the Director to implement this Policy.~~

"Municipality" or "Municipal" means the corporation of the Municipality of Crowsnest Pass located in the Province of Alberta.

~~"Office" means the Municipal Offices located at 8502 — 19th Avenue in Coleman, Alberta.~~

~~"Meals on Wheels" means a program that delivers meals to a customer's door.~~

~~"FCSS" means the Family and Community Support Services Program for the Municipality of Crowsnest Pass.~~

~~"FCSS Advisory Committee" means the Family and Community Services Advisory Committee of the Municipality of Crowsnest Pass.~~

~~"FCSS Programmer" means the position of FCSS Programmer for the Municipality's Family and Community Services Department.~~

~~"Volunteer Drivers" means people who volunteer to deliver meals on wheels.~~

~~"Community Members" means citizens that reside in the Municipality of Crowsnest Pass.~~

“Stipend” means money provided to cover the cost of fuel to deliver meals on wheels.

“MDM Community Services Office” means the office of the Community Services Department located in Room # 1 – 2802-222 street in Bellevue.

3.0 POLICY STATEMENTS

- 3.1 Customers may be required to provide a doctor's note. ~~Seniors 65+ and other community members with disability or illness (may be required to provide a doctor's note) are eligible to sign up for meals on wheels.~~ Community Members are eligible to receive meals if they have the following but not limited to; elderly, frail, convalescing, ill, have mobility issues, or have vision issues. Customers may be required to provide a doctor's note.
- 3.2 Customers contact the FCSS Programmer by telephone or in person at the MDM Community Services Office to register for Meals on Wheels.
- 3.3 All meals must be paid for in advance/prior to receiving meals. Delivery of meals will not commence until payment has been received. ~~Delivery of meals will not commence until payment has been received. Meal cost is \$7.00 per meal and includes soup. A sandwich can be added for \$1.00.~~
- 3.4 Customers must provide 24 hour notice to make changes to or cancel meals. If proper notice is not received, the customer will be invoiced for the meal and be responsible to pay.
- 3.5 Meals on Wheels are delivered weekdays between 11:30am-1:00pm including statutory holidays.
- 3.6 Meals on Wheels are delivered by volunteer drivers. ~~Drivers are reimbursed for mileage at a rate of \$17.00 per day.~~ A stipend will be provided to volunteer drivers to cover the cost of fuel to deliver the meals. Stipend rate determined and set by the FCSS Advisory Committee on an annual basis.
- 3.7 Meals on Wheels Volunteer drivers must provide a satisfactory criminal record check with vulnerable sector check as well as a satisfactory driver abstract prior to commencing volunteering with the Meals on Wheels program.
- 3.8 Meals on Wheels food service provider contracts will be reviewed and completed on an annual basis.
- 3.9 In the event the food service provider is under quarantine, or unable to provide service, the FCSS Programmer will seek out an alternative meal provider until the quarantine has ended. If an alternative service provider is not possible, the Meals on Wheels deliveries will be suspended, and customers will be notified.

MUNICIPALITY OF CROWSNEST PASS

Mayor

Date

Chief Administrative Officer

Date

DRAFT



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 3.d

Subject: RIDECrowsnest Bus

Recommendation: That Council approve to remove the RIDECrowsnest Bus from the fleet.

Executive Summary:

The Subsidized Taxi Program has been in operation for 1 ½ years in the place of a Municipally operated RIDECrowsnest bus service. The subsidized taxi service has been going well.

Relevant Council Direction, Policy or Bylaws:

n/a

Discussion:

The subsidized Taxi Program has been in operation for 1 ½ years in the place of a Municipally operated RIDECrowsnest bus service. The subsidized taxi service has been working efficiently and effectively. Administration has not noted any decrease in ridership. Feedback of the subsidized taxi program has been positive.

During the last year and a half, the Municipal bus has been parked and not utilized. The FCSS Advisory Committee is satisfied with the current subsidized taxi service and is comfortable making a recommendation to Council to sell the Municipal Bus.

#07 - 23 MOVED BY:

M. THIELEN

Family Community Support Service Advisory Committee recommends to Council the sale of the municipal bus.

Analysis of Alternatives:

- Council may choose to have the bus removed from the fleet.
- Council may choose to keep the bus on the fleet for future possible use, however, Administration does not foresee this large bus being used to provide this service in the future.
- Council may choose to reestablish the RIDECrowsnest bus service.

Financial Impacts:

Money from the sale of the bus would be gained by the Municipality. The bus not in use, however is still currently incurring some maintenance and insurance costs.

Attachments:



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 3.e

Subject: CNP Tumblers Society Letter of Request for New Gymnastics Facility of March 22, 2023

Recommendation: That Council accept the CNP Tumblers Society Letter of Request for New Gymnastics Facility of March 22, 2023 as information.

Executive Summary:

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

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

The CNP Tumblers Society has submitted a letter of request for Council to consider a new gymnastics facility.

Analysis of Alternatives:

n/a

Financial Impacts:

Unknown at this time.

Attachments:

[2023 03 22 - CNP Tumblers Society Request for a New Facility.pdf](#)



To: Municipality of Crowsnest Pass Council

RE: Support for a New Gymnastics Facility

The gymnastics program in the Crowsnest Pass has really taken off since Brittany Vaughan and Tracey Linderman worked to raise the level of training and introduce a competitive club for our gymnasts.

In order to maintain and grow this program, we as parents are reaching out to gain support to move the facility into a gymnastics-friendly space. The current facility does not have the ceiling height required for the growing gymnasts to train. As soon as these gymnasts reach close to four feet tall, they can no longer train properly on the vault as they kick the ceiling when they do. The balance beam has been lowered to well below competition requirements for their levels (Xcel Silver and higher, and most of the JO levels), and the uneven bars have to be placed so low that the girls are unable to practice with straight legs, if at all.

Traveling to Okotoks twice per month to enable the athletes to train in a competition-level gym is becoming expensive and impractical. It also does not allow for enough time training for the competitions. This unfortunately puts our girls at a distinct disadvantage when they attend the different competitions. They have not received the appropriate training on the appropriate equipment and therefore are not able to compete at the level that is expected of them.

Also of concern is the potential for further injuries. Not only do we not want to see our girls get hurt, but we also are concerned about the potential for loss of training time due to another injury.

We are also concerned about the lack of cold water available to the athletes in this facility. The only accessible potable water is from the hot water tap and I am sure you can understand how that would be an issue.

This program really is incredible; these athletes have brought home many medals and ribbons in the several competitions that we have attended. Considering this is only the second year the Crowsnest Pass has had a competitive program is amazing! Watching these gymnasts grow in confidence, strength, and skill has been a source of great pride in both our community and our gymnastics club.

One final thought – a larger facility with proper ceiling height would also enable the Crowsnest Pass Gymnastics Club to host its own competition. This would bring families in from all over Alberta and BC, and potentially farther away! It could be one more thing that would get Crowsnest Pass positive exposure province-wide.

Sincerely,

CNP Tumblers' Society



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 3.f

Subject: Town of Barrhead Letter of Support - Extended Producer Responsibility Exemption

Recommendation: That Council accept the Town of Barrhead Letter of Support - Extended Producer Responsibility Exemption 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 Barrhead has copied a letter to all Alberta Municipalities to Honourable Sonya Savage, Minister of Environment and Protected Areas in support of exempting the newspaper industry from the Extended Producer Responsibility program.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[2023 03 28 - Town of Barrhead Letter of Support - EPR Exemption.pdf](#)

March 21, 2023

Office of the Minister
Environment & Protected Areas
224 Legislature Building
10800 – 97 Avenue
Edmonton, AB T5K 2B6

RE: Community Spaces Grant application by Barrhead Wellness Connection

Dear Minister Savage,

On March 14, Council heard from Evan Jamieson, President, Alberta Weekly Newspapers Association. Mr. Jamieson highlighted what impact changes to the EPR program would have on newspaper media.

The newspaper industry is already under extreme financial pressure due to increased costs of materials and inflation coupled with the decline in advertising spend and subscriptions. It might seem simple to discontinue physical publications in a digital world; however, digital excludes entire demographics of individuals who cannot access the internet. Newspapers serve as a source of information for those who still operate in an analogue world. A newspaper shuttering its doors due to additional expenses, will cut an entire demographic off from access to local, national, and international news.

We urge the UPC to follow in the footsteps of jurisdictions such as Great Britain and Ontario where newspapers have become exempt from similar EPR programs. Newspapers have multiple uses, offering a secondary purpose aside from providing information about the world. Among other uses, they are conducive as insulation for temperature sensitive products during transport and protect precious family heirlooms during a move. We urge you to recognize the importance of local papers and the impact the potential closure newspaper businesses would have on the social fabric of the communities they serve. Consider the challenges already faced. Follow in the footsteps of the Ontario government, and please exempt newspapers from the revised EPR program.

Regards,



Dave McKenzie
Mayor

cc: Glen van Dijken, MLA Westlock-Peace River
Alberta Municipalities
All Alberta Municipalities



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 4.a

Subject: Minutes of the Council Meeting of March 28, 2023

Recommendation: That Council adopt the Minutes of the Council Meeting of March 28, 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 03 28 Council Meeting Minutes.docx](#)

Municipality of Crowsnest Pass

Council Meeting Minutes

Tuesday, March 28, 2023

A regular meeting of the Council of the Municipality of Crowsnest Pass was held in Council Chambers on Tuesday, March 28, 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
Katherine Mertz, Development Officer
Johan Van der Bank, Manager of Development and Trades
Bonnie Kawasaki, Recording Secretary

CALL TO ORDER

Mayor Painter called the meeting to order at 7:00 pm.

ADOPTION OF AGENDA

01-2023-03-28: Councillor Filipuzzi moved to adopt the agenda as presented.

Carried

CONSENT AGENDA

02-2023-03-28: Councillor Girhiny moved that Council approve the following Consent Agenda items as presented without debate:

3.a

Minutes of the Municipal Historic Resources Advisory Committee of November 21, 2022

THAT Council accept the Minutes of the Municipal Historic Resources Advisory Committee of November 21, 2022 as information.

Carried

ADOPTION OF MINUTES

03-2023-03-28: Councillor Kubik moved to adopt the Minutes of the Council Meeting of March 14, 2023 as presented.

Carried

PUBLIC HEARINGS

Bylaw 1141, 2023 - Land Use Bylaw Amendment- Redesignate Pt SW9-8-5-W5M South of Roadway Plan 4226B from Non-Urban Area NUA-1 to Non-Urban Commercial Recreation NUCR-1 - Public Hearing

Mayor Painter declared the Public Hearing opened at 7:01 pm for Bylaw 1141, 2023 - Land Use Bylaw Amendment- Redesignate Pt SW9-8-5-W5M South of Roadway Plan 4226B from Non-Urban Area NUA-1 to Non-Urban Commercial Recreation NUCR-1.

Patrick Thomas, Chief Administrative Officer provided a brief overview of the bylaw and read into the record that there were no written submissions received prior to the due date.

Mayor Painter invited members of the public to speak in favor of or in opposition Bylaw 1141, 2023.

- Michael Keyes – Lawyer for Applicant In favor of Bylaw 1141, 2023
- Jeff Giesbrecht – Applicant In favor of Bylaw 1141, 2023

Mayor Painter declared the public hearing closed at 7:15 pm.

Bylaw 1146, 2023 - Land Use Bylaw Amendment - redesignate Lot 29 and Lots 30-32, Block 18, Plan 3319I, from Multi-Family Apartment Residential R-3 to Residential R-1 - Public Hearing

Mayor Painter declared the Public Hearing opened at 7:16 pm for Bylaw 1146, 2023 - Land Use Bylaw Amendment - redesignate Lot 29 and Lots 30-32, Block 18, Plan 3319I, from Multi-Family Apartment Residential R-3 to Residential R-1.

Patrick Thomas, Chief Administrative Officer provided a brief overview of the bylaw and read into the record that there were no written submissions received prior to the due date.

Mayor Painter invited members of the public to speak in favor of or in opposition Bylaw 1146, 2023.

Mayor Painter noted there were no members of the public present to speak at the hearing and declared the public hearing closed at 7:17 pm.

DELEGATIONS

Elkford ATV Club - Inter Community Ethically Responsible ORV Tourism - Tom Kramer

Tom Kramer, President of the Elkford ATV Club was in attendance to present Council with a report on the Inter Community Ethically Responsible ORV Tourism project and to request a letter of support from Council.

04-2023-03-28: Councillor Sygutek moved that the Municipality of Crowsnest Pass provide a letter of support in principle to the Elkford ATV Club for the Inter Community Ethically Responsible ORV Tourism project.

Carried

Dave Baines, NWP Coal - Update on the Regulatory Process for the NWP Crown Mountain Coking Coal Project

Dave Baines of NWP Coal was in attendance to provide Council with an update on the progression of the regulatory process for the NWP Crown Mountain Coking Coal Project.

REQUESTS FOR DECISION

Bylaw 1116, 2022 - Land Use Bylaw Amendment re. Minimum Floor Area for Single-family Dwelling in R-1 and GCR-1 - First Reading

05-2023-03-28: Councillor Filipuzzi moved first reading of Bylaw 1116, 2022 - Land Use Bylaw Amendment re. Minimum Floor Area for Single-family Dwelling in R-1 and GCR-1.

Carried

Bylaw 1140, 2023 - Fees, Rates and Charges Bylaw - First Reading

06-2023-03-28: Mayor Painter moved to table Bylaw 1140, 2023 in the meeting until after item 7.c Bylaw 1141, 2023.

Carried

Bylaw 1141, 2023 - Land Use Bylaw Amendment - Redesignate Pt SW9-8-5-W5M South of Roadway Plan 4226B from Non-Urban Area NUA-1 to Non-Urban Commercial NUCR-1 - Second and Third Readings

07-2023-03-28: Councillor Filipuzzi moved second reading of Bylaw 1141, 2023 - Land Use Bylaw Amendment - Redesignate Pt SW9-8-5-W5M South of Roadway Plan 4226B from Non-Urban Area NUA-1 to Non-Urban Commercial NUCR-1.

Carried

08-2023-03-28: Councillor Sygutek moved third reading of Bylaw 1141, 2023 - Land Use Bylaw Amendment - Redesignate Pt SW9-8-5-W5M South of Roadway Plan 4226B from Non-Urban Area NUA-1 to Non-Urban Commercial NUCR-1.

Carried

Bylaw 1140, 2023 - Fees, Rates and Charges Bylaw - First Reading

09-2023-03-28: Councillor Kubik moved to reduce the water rate for Class 6 by twenty percent.

Carried

10-2023-03-28: Councillor Ward moved that Administration request that the Golf Course provide their financial statements.

Defeated

11-2023-03-28: Councillor Glavin moved first reading of Bylaw 1140, 2023 - Fees, Rates and Charges Bylaw.

Carried

Bylaw 1146, 2023 - Land Use Bylaw Amendment - Redesignate Lot 29 and Lots 30-32, Block 18, Plan 3319I, from Multi-Family Apartment Residential R-3 to Residential R-1 - Second and Third Readings

12-2023-03-28: Councillor Girhiny moved second reading of Bylaw 1146, 2023 - Land Use Bylaw Amendment - Redesignate Lot 29 and Lots 30-32, Block 18, Plan 3319I, from Multi-Family Apartment Residential R-3 to Residential R-1.

Carried

13-2023-03-28: Councillor Ward moved third reading of Bylaw 1146, 2023 - Land Use Bylaw Amendment - Redesignate Lot 29 and Lots 30-32, Block 18, Plan 3319I, from Multi-Family Apartment Residential R-3 to Residential R-1.

Carried

Bylaw 1147, 2023 - 2023 Property Tax Rates Bylaw - First Reading

14-2023-03-28: Councillor Filipuzzi moved first reading of Bylaw 1147, 2023 - 2023 Property Tax Rates Bylaw.

Carried

15-2023-03-28: Councillor Ward moved that Administration bring back the list of deferred initiatives from Budget 2023 for consideration at the same meeting that the Property Tax Rates Bylaw comes back for second reading.

Carried

Bylaw 1148, 2023 - Amendment to the Procedure Bylaw - First Reading

16-2023-03-28: Councillor Sygutek moved first reading of Bylaw 1148, 2023 - Amendment to the Procedure Bylaw.

Carried

17-2023-03-28: Councillor Ward moved second reading of Bylaw 1148, 2023 - Amendment to the Procedure Bylaw.

Carried

18-2023-03-28: Councillor Glavin moved to consider third reading of Bylaw 1148, 2023 – Amendment to the Procedure Bylaw.

Carried Unanimously

19-2023-03-28: Councillor Filipuzzi moved third reading of Bylaw 1148, 2023 - Amendment to the Procedure Bylaw.

Carried

Sparwood Coal Miner Days Parade Invitation on June 10, 2023

20-2023-03-28: Councillor Sygutek moved that any Councillors who are available will attend the Coal Miner Days Parade on June 10, 2023 with the new float.

Carried

COUNCIL MEMBER REPORTS

Council reports since the March 14, 2023 meeting of Council:

- Councillor Girhiny
 - Attended the Parks and Recreation meeting
 - Noted that some communities have a bylaw where dog walkers are required to have pet waste bags on their person
- Councillor Kubik
 - Noted that she polled people at the dog park who indicated that most dog parks are closed during the winter
- Councillor Sygutek
 - Judged the Dummy Downhill at the ski hill last weekend - great event
 - Attended the RMA convention
 - Meetings with provincial ministers went really well
 - Commended Mayor Painter for advocating for the community at the RMA Conference

- Mayor Painter
 - Attended the RMA Convention
 - Pleased with the provincial minister meetings

PUBLIC INPUT PERIOD

- Derek Medland
 - Attended Parks and Recreation meeting
 - Recommended implementation of the requirement for dog walkers to carry pet waste bags, suggested the Peace Officers could enforce
 - Commended Councillor Sygutek on her interview on Cross Border Interviews
- Sue Kostyniuk
 - Has a concern with speed limits in the residential areas and suggested that the speed limits be reduced to 40km per hour in urban areas

COUNCILLOR INQUIRIES AND NOTICE OF MOTION

None

IN CAMERA

21-2023-03-28: Councillor Sygutek 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 10:15 pm:

- a) Personal Privacy – Committee Member Recommendations – FOIP Act Section 17
- b) Economic Interests of the Public Body – Land Purchase Application- FOIP Act Section 25
- c) Personal Privacy - Encroachment Agreement - FOIP Act Section 17
- d) Personal Privacy - Encroachment Agreement - FOIP Act Section 17

Carried

Reconvene

Mayor Painter convened the In Camera meeting at 10:23 pm. Patrick Thomas, Chief Administrative Officer in attendance to provide advice to Council.

22-2023-03-28: Councillor Sygutek moved that Council come out of In Camera at 11:23 pm.

Carried

23-2023-03-28: Councillor Ward moved that Council appoint Myriah Sagrafena to the remainder of a three year term concluding on December 31, 2024 on the Municipal Historic Resources Advisory Committee.

Carried

24-2023-03-28: Councillor Sygutek moved that Council appoint Bruce Nimmo to the remainder of a three year term concluding on December 31, 2023 on the Municipal Historic Resources Advisory Committee.

Carried

25-2023-03-28: Councillor Kubik moved that Council accept the offer to purchase the subject parcel legally described as Section 20, TWP 7, Range 3 West of the 5th.

Defeated

26-2023-03-28: Councillor Filipuzzi moved that an encroachment agreement be entered into for the house and the garage for the property legally described as Lot 13, Block 1, Plan 3387 AE.

Carried

27-2023-03-28: Councillor Sygutek moved that an encroachment agreement be entered into for the fence at the property legally described as Lot 4, Plan 821 1290.

Defeated

ADJOURNMENT

28-2023-03-28: Councillor Filipuzzi moved to adjourn the meeting at 11:27 pm.

Carried

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 5.a

Subject: Bylaw 1142, 2023 - Land Use Bylaw Amendment - Re-designate Lot 10, Block 25, Plan 820L from Residential R-1 to Retail Commercial C-1 - Public Hearing

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

Executive Summary:

The proposed bylaw involves the re-designation of Lot 10, Block 25, Plan 820L from Residential R-1 to Retail Commercial C-1 for the purpose of utilizing the lands in conjunction with the adjacent Retail Commercial property.

Relevant Council Direction, Policy or Bylaws:

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

Municipal Development Plan Bylaw No. 1059, 2020

Land Use Bylaw No. 868-2013

Discussion:

Council gave First Reading of Bylaw 1142, 2023 on February 28, 2023.

The Black Bird business operates on the property to the west (Lot 9, Block 25, Plan 820L) under the Retail Commercial C-1 Land Use District. The Black Bird uses Lot 10 for parking associated with the business, while it is not zoned for commercial purposes. In addition, a portion of Lot 10 is fenced in with the business yard located on Lot 9. In order to operate the two properties as a commercial use, an application for the lands to be re-designated to Retail Commercial is required.

Subsequent to redesignation a development permit application will be required in order to allow the parking for the commercial business on Lot 9 to be provided on Lot 10, through a restrictive covenant.

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1142, 2023 - CNP LUB 868-2013 Lot 10, Block 25, Plan 820L \(February 2023\) notice.docx](#)

[FORMATTED Bylaw 1142, 2023 - CNP LUB 868-2013 Lot 10, Block 25, Plan 820L \(February 2023\).docx](#)

[Bylaw 1142, 2023-Schedule A.pdf](#)

[Streetview of Subject Property and Parking on Lot 10.pdf](#)

NOTICE OF PUBLIC HEARING

MUNICIPALITY OF CROWSNEST PASS

IN THE PROVINCE OF ALBERTA

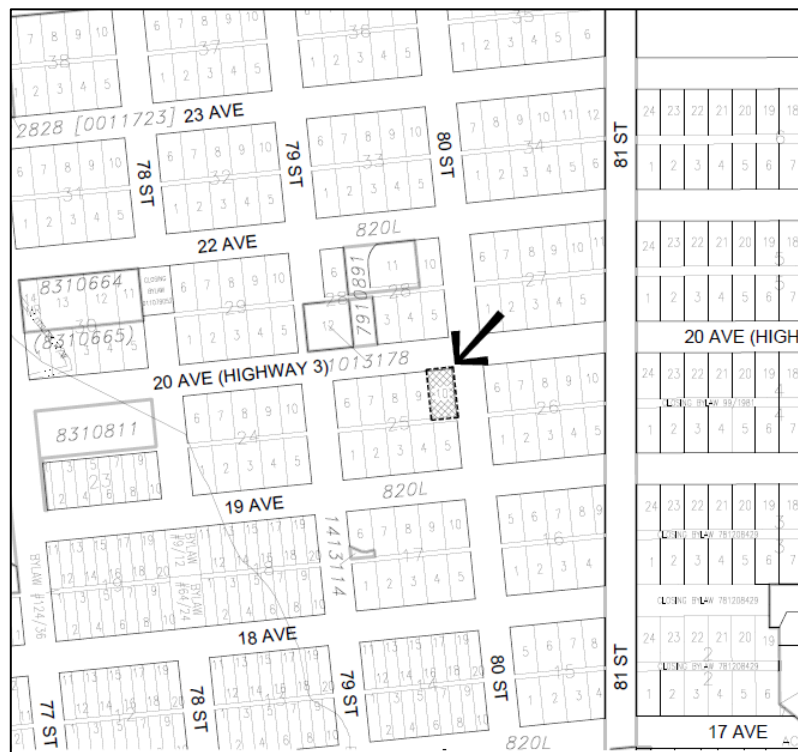
PROPOSED BYLAW NO. 1142, 2023

7:00pm , April 4 , 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. 1142, 2023, being a bylaw to amend Bylaw No. 868, 2013, being the municipal land use bylaw.

The purpose of Bylaw No. 1142, 2023 is to redesignate the lands legally described as Lot 10, Block 25, Plan 820L, within NE¼ 8-8-4-W5M, containing ±0.04 ha (0.114 acres), as shown on Schedule 'A', from "Residential – R-1" to "Retail Commercial – C-1." The subject lands are locally known as 7918 20th Avenue and are located in Coleman.



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'

 FROM: RESIDENTIAL – R-1
TO: RETAIL COMMERCIAL – C-1

LOT 10, BLOCK 25, PLAN 820L
WITHIN NE 1/4 SEC 8, TWP 8, RGE 4, W 5 M

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 "Retail Commercial – C-1" land use district.

THEREFORE, TAKE NOTICE that a public hearing to consider the proposed Bylaw No. 1142, 2023 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00pm on April 4, 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 March 28, 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@crowstownpass.com.

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

DATED at the Municipality of Crowstown Pass in the Province of Alberta this 1st day of March, 2023.

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1142, 2023

LAND USE BYLAW AMENDMENT – Redesignate Lot 10, Block 25, Plan 820L

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 Lot 10, Block 25, Plan 820L, within NE¼ 8-8-4-W5M, containing ±0.04 ha (0.114 acres), as shown on Schedule 'A' attached hereto and forming part of this bylaw, from "Residential – R-1" to "Retail Commercial – C-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 "Retail Commercial – C-1" 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 Lot 10, Block 25, Plan 820L, within NE¼ 8-8-4-W5M, containing ±0.04 ha (0.114 acres), as shown on Schedule 'A' attached hereto and forming part of this bylaw, from "Residential – R-1" to "Retail Commercial – C-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 _____ 2023.

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



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: RESIDENTIAL – R-1
TO: RETAIL COMMERCIAL – C-1

LOT 10, BLOCK 25, PLAN 820L
WITHIN NE 1/4 SEC 8, TWP 8, RGE 4, W 5 M
MUNICIPALITY: CROWSNEST PASS (COLEMAN)
DATE: FEBRUARY 2, 2023

Bylaw #: 1142, 2023
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: April 4, 2023

Agenda #: 5.b

Subject: Bylaw 1143, 2023 - LUB Amendment Re-designation of Lots 35-40, Block 12, Plan 2347BS (12366 21 Avenue, Blairmore) from Residential R-1 to Multi-Family R2-A - Public Hearing

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

Executive Summary:

The proposed bylaw involves the re-designation of Lots 35-40, Block 12, Plan 2347 B5 (12366 21 Avenue, Blairmore) from Residential R-1 to Multi-Family Residential R2-A, for the purpose of converting the existing single-family dwelling into a Fourplex dwelling.

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

Municipal Development Plan Bylaw No. 1059, 2020

Discussion:

Council gave first reading of Bylaw 1143, 2023 on March 07, 2023.

The 'Greenhill Apartments' were constructed in 1921 and used as accommodation for West Canadian Collieries senior personnel. The building is identified in the Heritage Inventory Project and described as an example of a smaller apartment style dwelling with two upper suites and two lower suites. If the rezoning to R-2A is approved, a development permit will be required for a "Fourplex", which is a permitted use in that district.

The property is a large corner lot backing onto the commercial downtown district. The properties to the north and west are in the Residential R-1 land use district and to the south and east in the Retail - Commercial C-1 and Public P-1 land use districts respectively.

The proposed land use follows the vision of the Municipal Development Plan by offering a mix of housing in or near the downtown of each community to promote active main streets and increase the density, while providing compatibility with the neighbourhood character.

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1143, 2023 - notice.docx](#)

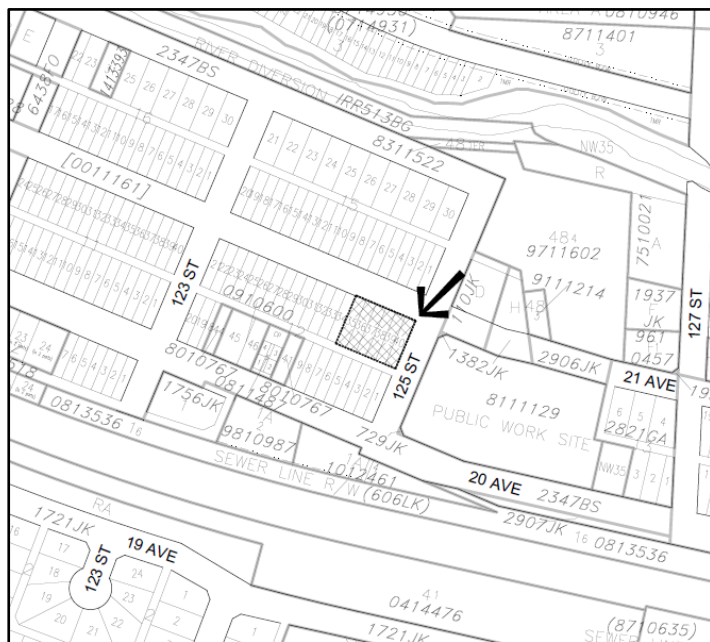
[FORMATTED Bylaw 1143, 2023.docx](#)

[Bylaw 1143, 2023 Schedule A.pdf](#)

**MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA
PROPOSED BYLAW NO. 1143, 2023**

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

The purpose of Bylaw No. 1143, 2023 is to redesignate the lands legally described as Lots 35-40, Block 12, Plan 2347BS, within NW¼ 35-7-4-W5M, containing ±0.167 ha (0.413 acres), as shown on Schedule 'A', from "Residential – R-1" to "Multi-Family Residential – R-2A." The subject lands are locally known as 12366 21st Avenue and are located in Blairmore.




THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1143, 2023 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00pm on April 4, 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@crownsnestpass.com with the bylaw number and public hearing date clearly marked in the subject line no later than 12:00pm on March 28, 2023. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

**LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'**

	FROM: RESIDENTIAL – R-1 TO: MULTI-FAMILY RESIDENTIAL – R-2A
LOTS 35-40, BLOCK 12, PLAN 2347BS WITHIN NW 1/4 SEC 35, TWP 7, RGE 4, W 5 M	

For questions regarding the proposed Bylaw Amendment please contact the Development Officer by calling 403-562-8833 or emailing development@crownsnestpass.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 8th day of March, 2023.

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1143, 2023

LAND USE BYLAW AMENDMENT – Redesignate Lots 35-40, Block 12, Plan 2347BS

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 Lots 35-40, Block 12, Plan 2347BS, within NW¼ 35-7-4-W5M, containing ±0.167 ha (0.413 acres) from “Residential – R-1” to “Multi-Family Residential – R-2A, as shown on Schedule ‘A’ attached hereto and forming part of this bylaw.”

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 “Multi-Family Residential – R-2A” 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 Lots 35-40, Block 12, Plan 2347BS, within NW¼ 35-7-4-W5M, containing ±0.167 ha (0.413 acres), as shown on Schedule ‘A’ attached hereto and forming part of this bylaw, from “Residential – R-1” to “Multi-Family Residential – R-2A.”
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.

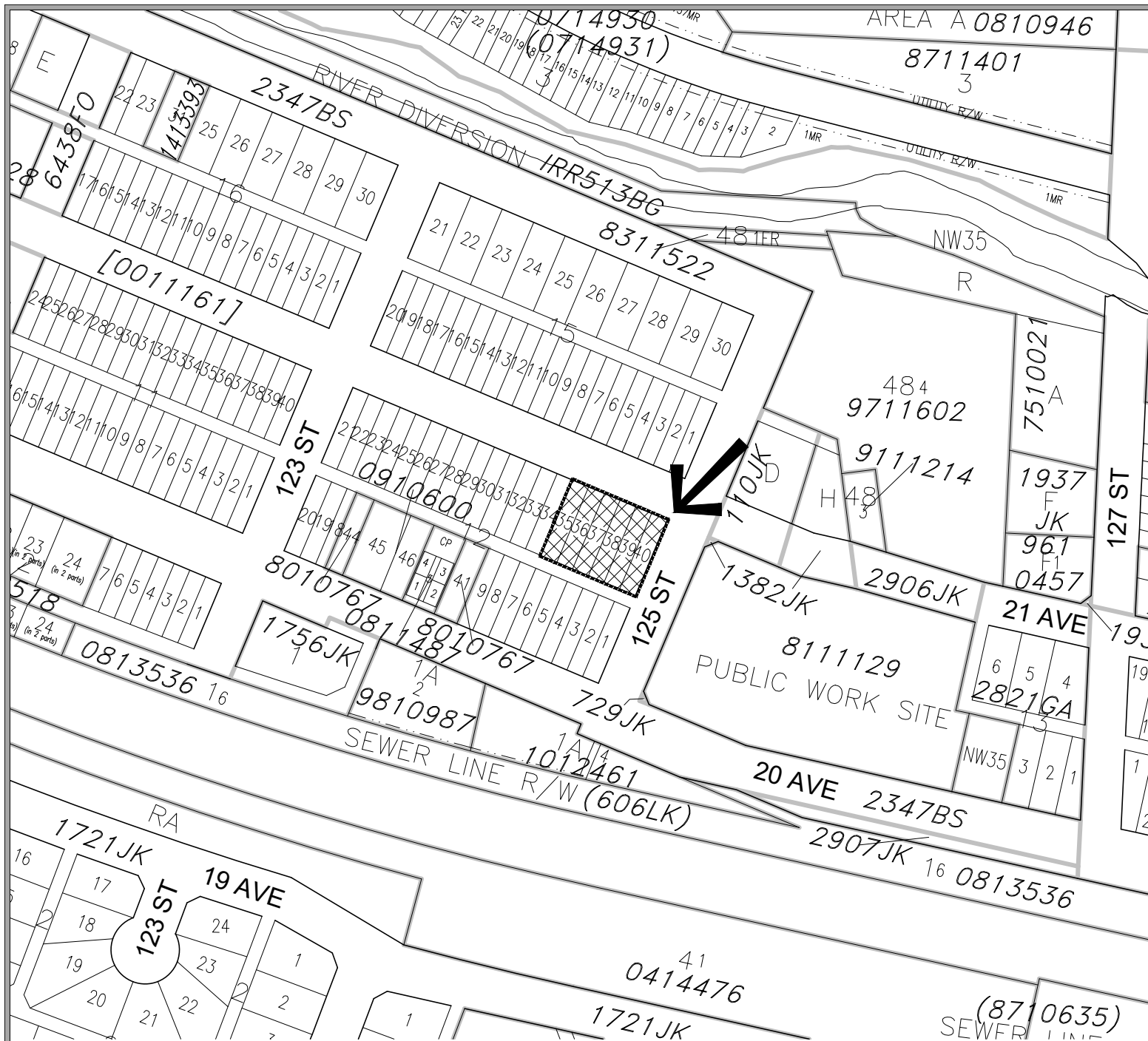
READ a **first** time in council this _____ day of _____ 2023.

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



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: RESIDENTIAL – R-1

TO: MULTI-FAMILY RESIDENTIAL – R-2A

LOTS 35-40, BLOCK 12, PLAN 2347BS
WITHIN NW 1/4 SEC 35, TWP 7, RGE 4, W 5 M

MUNICIPALITY: CROWSNEST PASS (BLAIRMORE)
DATE: FEBRUARY 13, 2023

Bylaw #: 1143, 2023
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: April 4, 2023

Agenda #: 7.a

Subject: Bylaw 1142, 2023 - Land Use Bylaw Amendment - Redesignate Lot 10, Block 25, Plan 820L from Residential R-1 to Retail Commercial C-1 - Second and Third Readings

Recommendation: That Council gives second and third readings of Bylaw 1142, 2023.

Executive Summary:

The proposed bylaw involves the re-designation of Lot 10, Block 25, Plan 820L from Residential R-1 to Retail Commercial C-1 for the purpose of utilizing the lands in conjunction with the adjacent Retail Commercial property.

Relevant Council Direction, Policy or Bylaws:

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

Municipal Development Plan Bylaw No. 1059, 2020

Land Use Bylaw No. 868-2013

Discussion:

Council gave first reading of Bylaw 1142, 2023 on February 28, 2023. A public hearing is scheduled for April 04, 2023.

The Black Bird business operates on the property to the west (Lot 9, Block 25, Plan 820L) under the Retail Commercial C-1 Land Use district. The Black Bird uses Lot 10 for parking associated with the business, while it is not zoned for commercial purposes. In addition, a portion of Lot 10 is fenced in with the business yard located on Lot 9. In order to operate the two properties as a commercial use, an application for the lands to be re-designated to Retail Commercial is required.

Subsequent to redesignation a development permit application will be required in order to allow the

parking for the commercial business on Lot 9 to be provided on Lot 10, through a restrictive covenant.

Analysis of Alternatives:

1. Following the Public Hearing, Council must consider the input received and may consider Second and Third Readings of Bylaw 1142, 2023, as proposed.
2. If additional information is required by Council and/or amendments to the Bylaw are proposed by Council prior to Second Reading, Council may postpone Second Reading of Bylaw 1142, 2023 and provide further direction to Administration. Substantial changes to the Bylaw will require Council hold a second Public Hearing prior to considering the Bylaw 1142, 2023 for Second and Third reading.
3. Council may defeat Bylaw 1142, 2023, as proposed.

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1142, 2023 - CNP LUB 868-2013 Lot 10, Block 25, Plan 820L \(February 2023\).docx](#)

[Bylaw 1142, 2023-Schedule A.pdf](#)

[Streetview of Subject Property and Parking on Lot 10.pdf](#)

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1142, 2023

LAND USE BYLAW AMENDMENT – Redesignate Lot 10, Block 25, Plan 820L

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 Lot 10, Block 25, Plan 820L, within NE¼ 8-8-4-W5M, containing ±0.04 ha (0.114 acres), as shown on Schedule 'A' attached hereto and forming part of this bylaw, from "Residential – R-1" to "Retail Commercial – C-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 "Retail Commercial – C-1" 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 Lot 10, Block 25, Plan 820L, within NE¼ 8-8-4-W5M, containing ±0.04 ha (0.114 acres), as shown on Schedule 'A' attached hereto and forming part of this bylaw, from "Residential – R-1" to "Retail Commercial – C-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 _____ 2023.

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



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: RESIDENTIAL – R-1
TO: RETAIL COMMERCIAL – C-1

LOT 10, BLOCK 25, PLAN 820L
WITHIN NE 1/4 SEC 8, TWP 8, RGE 4, W 5 M
MUNICIPALITY: CROWSNEST PASS (COLEMAN)
DATE: FEBRUARY 2, 2023

Bylaw #: 1142, 2023
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: April 4, 2023

Agenda #: 7.b

Subject: Bylaw 1143, 2023 - LUB Amendment Re-designation of Lots 35-40, Block 12, Plan 2347 BS (12366 21 Avenue, Blairmore) from Residential R-1 to Multi-Family R2-A - Second and Third Reading

Recommendation: That Council gives second and third reading of Bylaw 1143, 2023 LUB.

Executive Summary:

The proposed bylaw involves the re-designation of Lots 35-40, Block 12, Plan 2347 BS (12366 21 Avenue, Blairmore) from Residential R-1 to Multi-Family Residential R2-A, for the purpose of converting the existing single-family dwelling into a Fourplex dwelling.

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

Municipal Development Plan Bylaw No. 1059, 2020

Discussion:

Council gave first reading of Bylaw 1143, 2023 on March 07, 2023.

The 'Greenhill Apartments' were constructed in 1921 and used as accommodation for West Canadian Collieries senior personnel. The building is identified in the Heritage Inventory Project and described as an example of a smaller apartment style dwelling with two upper suites and two lower suites. If the rezoning to R-2A is approved, a development permit will be required for a "Fourplex", which is a permitted use in that district.

The property is a large corner lot backing onto the commercial downtown district. The properties to the north and west are in the Residential R-1 land use district and to the south and east in the Retail - Commercial C-1 and Public P-1 land use districts respectively.

The proposed land use follows the vision of the Municipal Development Plan by offering a mix of housing in or near the downtown of each community to promote active main streets and increase the density, while providing compatibility with the neighbourhood character.

Analysis of Alternatives:

1. Following the Public Hearing, Council must consider the input received and may consider Second and Third Reading of Bylaw 1143, 2023, 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 1143, 2023 and provide further direction to Administration. Substantial changes to the Bylaw will require Council hold a second Public Hearing prior to considering the Bylaw 1143,2023 for Second and Third reading.
3. Council may defeat Bylaw 1143, 2023, as proposed.

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1143, 2023.docx](#)

[Bylaw 1143, 2023 Schedule A.pdf](#)

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 1143, 2023

LAND USE BYLAW AMENDMENT – Redesignate Lots 35-40, Block 12, Plan 2347BS

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 Lots 35-40, Block 12, Plan 2347BS, within NW¼ 35-7-4-W5M, containing ±0.167 ha (0.413 acres) from “Residential – R-1” to “Multi-Family Residential – R-2A, as shown on Schedule ‘A’ attached hereto and forming part of this bylaw.”

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 “Multi-Family Residential – R-2A” 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 Lots 35-40, Block 12, Plan 2347BS, within NW¼ 35-7-4-W5M, containing ±0.167 ha (0.413 acres), as shown on Schedule ‘A’ attached hereto and forming part of this bylaw, from “Residential – R-1” to “Multi-Family Residential – R-2A.”
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.

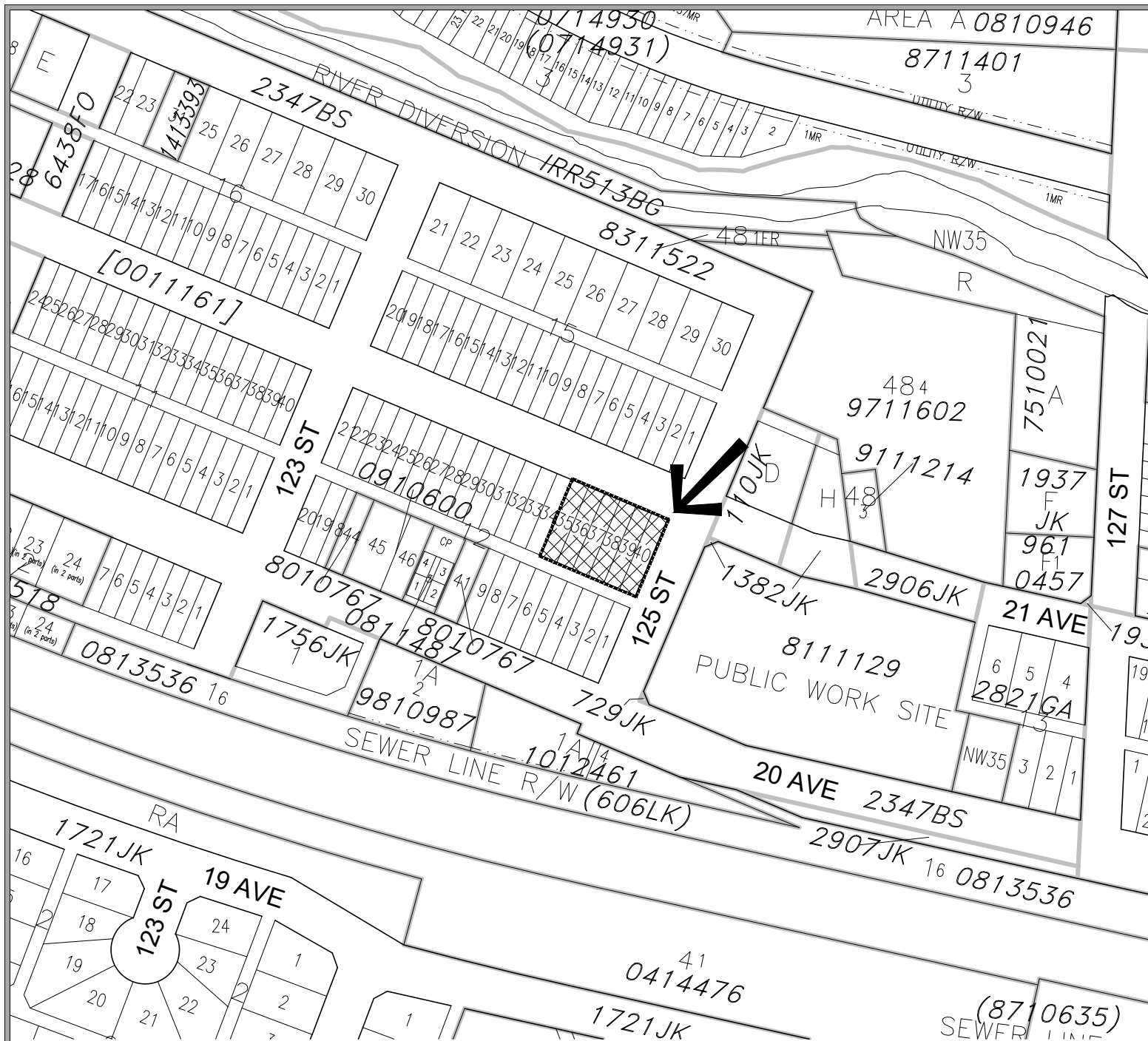
READ a **first** time in council this _____ day of _____ 2023.

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



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: RESIDENTIAL – R-1

TO: MULTI-FAMILY RESIDENTIAL – R-2A

LOTS 35-40, BLOCK 12, PLAN 2347BS
WITHIN NW 1/4 SEC 35, TWP 7, RGE 4, W 5 M

MUNICIPALITY: CROWSNEST PASS (BLAIRMORE)
DATE: FEBRUARY 13, 2023

Bylaw #: 1143, 2023
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: April 4, 2023

Agenda #: 7.c

Subject: Bylaw 1147, 2023 - 2023 Property Tax Rates Bylaw - Second and Third Reading

Recommendation: That Council approve second and third reading of the Property Tax Rates Bylaw 1147, 2023.

Executive Summary:

The annual property tax rate bylaw sets out the assessed values by class and calculates the tax rates required to raise budgeted tax revenue in accordance with property tax policies. The amount of tax revenue required to balance the 2023 budget was presented and approved by Council on December 1, 2022. Administration recommends municipal tax rates for the various residential and non-residential properties based upon the budgeted tax requirement, assessed property values and other directions provided by Council. The proposed bylaw, when passed, will authorize Administration to levy the 2023 Municipal Taxes, Alberta School Foundation Fund (ASFF), the Designated Industrial Property (DIP) Requisitions and Senior Housing Requisition. Council approved the 2023 Operating and 2023-2024 Capital Budget on December 1, 2022 with a Municipal Tax requirement of \$10,157,307 (a 2% mill rate increase).

Relevant Council Direction, Policy or Bylaws:

The Municipal Government Act (MGA) Section 353(1) states: "Each Council must pass a property tax bylaw annually".

On December 1, 2022 Council approved the 2023 Operating and Capital Budgets. The 2023 Municipal tax requirement to balance the budget is a total of \$10,157,307.

Discussion:

The 2023 Property Tax Rate Bylaw has been prepared with a 2.0% mill rate increase as approved by Council during Budget approval process on December 1, 2022. The annual bylaw sets out the assessed property values by class and calculates the tax rates required to raise budgeted tax revenue in accordance with property tax policies. The amount of tax revenue required to balance the 2023 budget was presented and approved by Council on December 1, 2022. In preparing the 2023 budget, Administration adjusted the tax requirement to reflect the Provincial Government only paying 50

percent of the grants-in-place-of-taxes, as well as the increased cost the Provincial Government is downloading to the Municipality (enhanced policing costs), as well as utility costs increasing by \$875,432 over the 2022 approved Budget. The Municipality's Assessor (Benchmark Assessment Consultants) has provided the assessment values used to calculate the proposed taxes for 2023. The total taxable assessed base for 2023 is \$1,274,101,510 (2022 was \$1,143,018,770) for a net increase of \$131,082,740.

The increase can be attributed to new properties being added, re-evaluations due to sales, site visits identifying additions to properties, and changes in classifications including sale of municipal land that now becomes taxable. The increase in assessment is broken down between growth and inflation. The increase in assessment growth equates to \$38,512,380 (29.4%) and inflation (increase in existing properties) \$92,570,360 (70.6%). Increase in assessment from growth is 3.4% and from inflation is 8.1%. Residential Growth in assessment was \$29,124,460 and Inflation was \$81,923,740 compared to Non Residential growth in assessment of \$9,387,920 and inflation of \$10,646,620.

The assessment growth report from Benchmark is a one time report generated when the year is rolled forwarded. For assessment purposes growth includes new buildings added, additions to existing properties (eg. new deck, shed or garage added in the year) or reclassification between assessment classes. Inflation is the net change between last year assessment value and this years' assessment value when no physical changes to the property has occurred.

The increased assessment of \$131,082,740 will result in additional taxes being generated in the amount of \$1,140,629. The \$1,140,629 in tax dollars generated from the increase in assessment value less \$102,956 for the Province only paying 50 percent of their taxes, results in a net increase in taxes of \$1,037,673.

The Alberta School Foundation Fund (ASFF) rate for 2023 is \$2,803,039. The Designated Industrial Property (DIP) requisition rate for 2023 is 0.0746 resulting in \$4,670. The Senior Housing request for 2023 has been included as part of the Municipal Tax amount for the amount of \$440,929 to be paid out as a grant. Additionally, a requisition to top up the operating reserve in the amount of \$150,000 was received from Senior Housing and has been shown as a requisition.

A 2% property tax increase combined with the the growth and inflation amount for 2023 would result in a combined tax revenue of \$11,277,377 compared to the 2023 Budget approval in December where \$10,152,512 was required to balance the budget. This is a net increase of \$1,124,865 that could be used for initiatives that were deferred to 2024 and/or putting additional funds aside in reserves for future expenses and unknowns in 2024 with varying product inflation.

A 1% change to the tax rate currently generates approximately \$110,500.

Analysis of Alternatives:

- Council can approve second and third reading of the 2023 property tax bylaw with a 2% tax increase and direct how additional tax dollars are to be spent.
- Council can set a different tax rate and direct how additional tax dollars are to be spent.
- Council can approve a 2% increase to minimum tax from \$560 to \$570.
- Council can approve no change to the minimum tax rate.

Financial Impacts:

Depends on the mill rate chosen

Attachments:



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 7.d

Subject: Policy 2001-03 - Encroachment Policy

Recommendation: That Council consider approving the revised Policy 2001-03 - Encroachment Policy and, if approved, direct Administration to amend the Fees, Rates and Charges Bylaw to provide for an annual fee ranging between \$200 for a minor encroachment and \$1,500 for a major encroachment.

Executive Summary:

On February 07, 2023 Council directed Administration to bring this item back with proposed changes to Policy 2001-02 Encroachment Agreement Policy, including a cut-off date for determining the validity of an encroachment and a proposed annual fee.

On March 07, 2023 Council considered a revised policy and directed Administration to bring back further revisions.

Until approximately 2015 the Municipality charged an annual fee similar to a lease for encroachment agreements. It is proposed to re-instate the annual fee for new encroachment agreements in 2023 and going forward. A fee range is proposed, from \$200 per year for a minor encroachment (e.g. a fence or movable shed) and up to \$1,500 for a major encroachment (e.g. a house or garage).

Proposed revisions to Policy 2001-02 Encroachment Agreement Policy are attached for Council's consideration.

Relevant Council Direction, Policy or Bylaws:

Fees Rates and Charges Bylaw

Policy 2001-02 - Encroachment Policy

Discussion:

Presently a ratepayer's cost to obtain an encroachment agreement is \$100 for the application and an additional \$100 if the agreement is prepared by the ratepayer's lawyer or \$200 if the agreement is

prepared by the Municipality. If the application is refused there is no additional charge above the \$100 application fee.

The application fee and the encroachment agreement fee covers some of the time spent by Administration to review the application and set up an agreement, which is typically three to four hours involving the Assistant Development Officer, a Development Officer, the Manager of Development & Trades, and the CAO, plus the cost to register the agreement as a caveat on the certificate of land title.

The "lease" or encroachment is allowed to continue for 89 years before it requires renewal. The encroachment carries forward to a new landowner because it is a caveat on the certificate of land title. The agreement stipulates that the Municipality may terminate the agreement at any time if there is an operational reason to do so. It also stipulates that the agreement is terminated when the landowner removes the encroachment, and that the encroachment may be maintained but not added to.

An encroachment is typically a fence, shed or portion of a dwelling unit or accessory building that encroaches into a portion of a road ROW or a lane that is public-owned. Essentially, the ratepayer "leases" the encroachment area from the Municipality at no cost to the ratepayer (other than application fees). When private improvements encroach into a Municipal Reserve, for example, the ratepayer who owns those improvements are typically required to remove them or apply to purchase the land, where feasible. Purchasing a portion of a road ROW or lane to "correct" an encroachment is not a feasible option in many cases. A reasonable annual "lease" fee for encroachments into roads and lanes would be justified under these circumstances. It is proposed that the annual fee would range from \$200 per year for a minor encroachment (e.g. a fence or movable shed) and up to \$1,500 for a major encroachment (e.g. a house or garage). The annual fee would be invoiced to the landowner similar to how Business License fees are invoiced annually.

The annual fee will not be charged retro-actively and would apply only to new encroachment agreements entered into starting in 2023 and going forward.

Based on the initial conversation with Council, Administration initially proposed to use the year 2000 as the cut-off date, meaning that encroachment agreements will be entered into for structures that were constructed prior to 2000 and any encroachments that occurred from 2000 onward, would need to be rectified by the owner. In the third revision to the policy a cut-off date of 2022 is proposed, based on Council's discussion on March 07, 2023.

Analysis of Alternatives:

Data of how many encroachment agreements exist presently is not readily available, because records were not consistently kept in the past. The records that are available indicate the following:

1. Presently the Administration is aware of 85 existing encroachment agreements
2. Prior to 2020, the Administration is aware of 39 encroachment agreements that exist. This number is likely higher but cannot be determined due to how records were kept or not kept. Depending on when encroachment agreements were started, some of the older encroachment agreements may be coming up for renewal.
3. In 2020, 10 new encroachment agreements were entered into.


4. In 2021, 19 new encroachment agreements were entered into.
5. In 2022, 17 new encroachment agreements were entered into
6. In 2023 to date (January 20), four new encroachment applications were received and are in review.
7. Based on the accessible data for 2020 to 2022, an average of 15 new encroachment agreements are entered into annually.

Financial Impacts:

Based on the annual average number of encroachment agreements and depending on the type of encroachments, the proposed annual "lease" fee could result in \$3,000 to \$22,500 annual revenue to the Municipality.

Attachments:

[2001-03 - Encroachment Policy.pdf](#)

	<h2 style="text-align: center;">Municipality of Crowsnest Pass Policy</h2>
<p>Policy No.: Policy Title: Approval Date: Supersedes Policy: Department:</p>	<p>2001-03<u>2001-02</u> Encroachment Policy April XX, 2023<u>August 23, 2022</u> 2001-02<u>2001-01</u> Development, Engineering and Operations</p>

1.0 POLICY PURPOSE

The Municipality requires a policy to formalize a process for the fair, consistent and effective identification, review, and management of encroachments onto Municipal Lands in order to:

- a. meet the expectations of the public and professionals engaged real property sales; and
- b. ensure that the Municipality and its taxpayers are protected and indemnified wherever encroachments onto Municipal Lands have been identified; and
- c. ensure that the public understands that private buildings and other private improvements must be constructed within the boundaries of private property and in accordance with the yard setback standards established in the Land Use Bylaw, and that encroachment agreements are a tool to address historical situations and minor insignificant defects, and are not intended to accommodate construction that was knowingly or negligently undertaken incorrectly.

2.0 DEFINITIONS

“Encroachment” – anything constructed or placed with a fixed location on the ground or attached to something having a fixed location on the ground, regardless of whether such thing is moveable or permanent, that extends on, over or under adjacent private property and/or Municipal Lands, and includes but is not limited to the following:

- a. Buildings, projections from buildings (including eaves, footings, foundations, weeping tiles, cantilevers, etc.) and siding;
- b. Sheds including those attached to a dwelling and/or a fence;
- c. Fences;
- d. Asphalt, concrete, or brick sidewalks, curbs, parking pads, aprons, or driveways;
- e. Structures (including decks, stairs, patios, balconies, etc.);
- f. Retaining walls;
- g. Swimming pools and hot tubs;
- h. Shrubs, trees, or other organic landscaping materials;
- i. Hard landscaping (including asphalt, concrete paving stones, retaining walls, planters, and structures);
- j. Light standards;

k. Permanent Signs.

“Encroachment Agreement” – an agreement between the Owner and a private landowner or the Municipality, authorising an encroachment onto, respectively, adjacent private property or adjacent Municipal Lands, and shall, among other things, include:

- a. The location and identification of the encroachment;
- b. Fees, as may be required;
- c. An annual lease amount based on the nature and extent of the encroachment;
- d. The Owner’s responsibilities to maintain the Encroachment;
- e. Terms or conditions under which the agreement is terminated;
- f. The term of the encroachment agreement and its transferability, or otherwise, to successors in title, depending on the nature, extent and expected duration of the encroaching improvement;
- g. Cost and liability for removal of the encroachment; and
- h. Indemnification of the adjacent private landowner and/or the Municipality, its agents, and licensees.

“Municipal Lands” – collectively or individually, a road, lane, Municipal easement and other Municipal property collectively or individually, a road, lane, Municipal easement and other Municipal property [excluding Reserves – pursuant to ss. 651.2, 671(2), 674 and 676 of the Municipal Government Act, an encroachment agreement appears to be limited to a road, a Reserve parcel can only be used for specified purposes, a Municipal Reserve parcel can only be disposed of by way of a sale, a lease or other disposition after holding a public hearing and an Environmental Reserve parcel cannot be sold and can only be leased or disposed of for a term not exceeding three years and only by a bylaw adopted by Council].

“Municipality” – the municipal corporation of the Municipality of Crowsnest Pass, or the area contained within the Municipal boundaries, as the context requires.

“Owner” – the person or persons registered under the Land Titles Act as the owner of the fee simple estate in the land. In the context of an encroachment, “Owner” shall mean the owner of the land which has an encroachment into adjacent lands.

“Reserves” – municipal reserves, environmental reserves and other reserves as defined the Municipal Government Act.

“Responsible Department” means the office or department that develops and administers a particular policy and procedures and is accountable for the accuracy of its subject matter, issuance and timely updating.

3.0 POLICY STATEMENT

3.1 Related Information

The Municipality administers, has interest in, and manages and controls development on private property and a variety of Municipal Lands. Encroachments in the Municipality exist due to historical replotting schemes and construction practices of previous decades, and will continue to be discovered.

On behalf of the residents of Crowsnest Pass, the Municipality must ensure that encroachments do not adversely affect private property or Municipal Lands, or the

Municipality's ability to maintain effective services and operations, and restrict to provide public access, use and enjoyment of Municipal Lands ~~and for public use~~.

Reserve parcels are not subject to this Policy because, pursuant to ss. 651.2, 671(2), 674 and 676 of the Municipal Government Act, an encroachment agreement appears to be limited to a road, a Reserve parcel can only be used for specified purposes, a Municipal Reserve parcel can only be disposed of by way of a sale, a lease or other disposition after holding a public hearing and an Environmental Reserve parcel cannot be sold and can only be leased or disposed of for a term not exceeding three years and only by a bylaw adopted by Council.

3.2 Cut-off Date and Exemptions for Valid Encroachments onto Municipal Lands

Due to historical replotting schemes and construction practices of previous decades, encroachments are expected in the older parts of the community, particularly for older properties and buildings. It is reasonable to expect that newer parts of the community and newer buildings should not have encroachments due to improved construction practices.

The year 2022 is determined to be a reasonable cut-off date for an encroachment onto Municipal Lands to be deemed to have merit for protection through an encroachment agreement.

A property that was developed or a building or other improvement that was constructed after the year 2022 is reasonably expected to have followed improved construction practices such as a legal survey of property boundaries prior to development or construction start, or prior to the installation of a fence or placement of a shed.

Except for those exemptions provided for in this Policy, a private improvement that encroaches onto Municipal Lands and was established in the year 2023 and onwards, either knowingly or negligently, shall not be protected through an encroachment agreement and shall be removed or, where feasible and approved by Council, corrected through a land purchase at no cost to the Municipality. An existing encroachment agreement for such an encroachment that becomes the subject of a request for renewal, shall not be renewed, and the encroachment shall be removed or, where feasible and approved by Council, corrected through a land purchase and brought into compliance with the Land Use Bylaw, at no cost to the Municipality.

The following exemptions to the cut-off date shall apply:

- a. Encroaching buildings with commercial or residential occupancy, including roof eaves; and
- b. Those types of encroachments authorized to exist without an encroachment agreement (refer to Schedule A in the associated Procedure).

Regardless of whether it was established prior to or after the cut-off date, at the discretion of the Chief Administrative Officer or their designate, based on the circumstances of each case and without setting a precedent in any case, the cut-off date may or may not apply to and may or may not exempt:

- a. A fence, a shed on skids and any other type of moveable building, structure or other type of private improvement that encroaches onto Municipal Lands.

3.3 Unauthorized Encroachments onto Municipal Lands shall be Removed or Corrected through Land Purchase

As exempted in this Policy and clarified below, Encroachmentsan encroachment onto private property or Municipal Lands are required toshall be removed, corrected through a land purchase where feasible and approved by Council, or authorised by an encroachment agreement, unless the type of encroachment is expressly permitted or exempted by this policy or in the associated Procedure.

- a. A fence, a shed on skids and any other type of moveable building, structure or other type of private improvement that encroaches onto Municipal Lands, regardless of whether it meets the cut-off date, shall be removed at no cost to the Municipality, unless determined otherwise by and at the sole discretion of the Chief Administrative Officer or designate as provided for in this Policy.
- b. A building with commercial or residential occupancy, including roof eaves, of which the construction started in or prior to the year 2022 and which encroaches onto Municipal Lands shall be corrected through land purchase where feasible and approved by Council, and where not feasible or denied by Council:
 - i. shall not be required to be removed without compensation, and
 - ii. shall be protected through an encroachment agreement subject to all other provisions of this Policy.
- c. A building with commercial or residential occupancy, including roof eaves, of which the construction started in the year 2023 and onward and which encroaches onto Municipal Lands shall be corrected through land purchase where feasible and approved by Council, and where not feasible or denied by Council:
 - i. shall not be required to be removed without compensation, and
 - ii. shall not be protected through an encroachment agreement, and
 - iii. shall be deemed to be an illegal building.

3.4 No Transfer to Successors in Title

The term of an encroachment agreement and its transferability, or otherwise, to successors in title, shall be dependent on the nature, extent and expected duration of the encroaching improvement, at the sole discretion of the Chief Administrative Officer or their designate.

3.5 Annual Lease Fee for Encroachment Agreements

Where a private improvement encroaches onto Municipal Reserve the landowner who owns the encroachment is required to remove the encroachment or apply to the Municipality to purchase the land upon which the private improvement encroaches (see Policy 2000-04 Disposal of Municipal Lands and Reserves Policy). If the purchase application is approved, the landowner is then responsible to obtain several additional

approvals (Municipal reserve closure, road closure, subdivision, rezoning, development permit) to bring the encroachment into compliance, at no cost to the Municipality.

It is a privilege and not a right to have a private improvement that encroaches onto Municipal Land protected through an encroachment agreement. Like an encroachment onto Municipal Reserve, the landowner of a private improvement that encroaches onto Municipal Lands should be reasonably expected to pay for the privilege to have that improvement protected through an encroachment agreement.

Therefore, starting upon the date of approval of this Policy by Council, every encroachment that was established prior to the cut-off date and is now the subject of a request for protection through an encroachment agreement, or that previously had an encroachment agreement that has now become expired and is the subject of a request for renewal of the agreement, shall be subject to a clause in the encroachment agreement that requires the landowner to pay an annual lease to the Municipality as may be determined in the Fees, Rates and Charges Bylaw. The annual lease amount may vary between a minimum and a maximum based on the nature and extent of the encroachment.

3.6 Municipal Control Over Encroachments Between Private Landowners

Except where expressly stated or implied in this Policy, the provisions of this Policy do not apply to an encroachment agreement between two private landowners.

Notwithstanding, the Municipality, as the Development Authority having management and control over the development of lands within its jurisdiction pursuant to the Municipal Government Act and the Land Use Bylaw, shall be included as a third-party signatory in an encroachment agreement between two private landowners, and the applicable provisions in the Land Use Bylaw shall apply.

3.7 Responsibilities

- a. Municipal Council to:
 - i. Approve by resolution this policy and any amendments.
 - ii. Consider the allocation of resources for successful implementation of this policy in the annual budget process.
- b. Chief Administrative Officer to:
 - i. Implement this policy and approve procedures.
 - ii. Ensure policy and procedure reviews occur and verify the implementation of policies and procedures.
- c. Development Engineering and Operations is the Responsible Department, and shall:
 - i. Ensure implementation of this policy and procedure.
 - ii. Ensure that this policy and procedure is reviewed every three years.
 - iii. Make recommendations to the Chief Administrative Officer of necessary policy or procedure amendments.

MUNICIPALITY OF CROWSNEST PASS

Blair Painter, Mayor

Date

Patrick Thomas, Chief Administrative Officer

Date



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 7.e

Subject: Crowsnest Lake Highway 3 Billboard Map Sign

Recommendation: That Council give direction to Administration regarding upgrades to or removal of the Crowsnest Lake Highway 3 Billboard Map Sign and the third parties to be involved in decisions regarding an upgrade.

Executive Summary:

The billboard map sign requires significant refurbishing if not complete replacement, or removal. If an upgrade was deemed the preferred option, then the opportunity exists to create a new product with the billboard sign, including for example a trails map or the showcasing of historic resources, tourist destinations and local businesses and recreation associations. It could be a bilateral project involving third parties, for example the Chamber of Commerce and/or other interested parties.

Relevant Council Direction, Policy or Bylaws:

This item was approved as a Department Initiative in the 2023 Municipal Budget (\$25,000).

Discussion:

The Crowsnest Lake picnic kiosk and billboard map sign are located in a roadside turnout frequented by travelers, tourists and local/regional recreationists. The roadside turnout accommodates a large parking lot, a public washroom, picnic tables and garbage receptacles (all of which it is understood to be operated by Alberta Transportation), and a boat launch, picnic kiosk and billboard map sign (operated by the Municipality). The roadside turnout offers spectacular mountain views and is the first stop for travelers entering Alberta from British Columbia.

In 2021 the Municipality became the caretaker of the picnic kiosk and billboard map sign on behalf of Alberta Transportation. The caretaker permit is valid until September 14, 2028 and may then be extended. This arrangement is similar to the arrangements for the Tourist Hut in Bellevue and the picnic kiosk in Frank. The latter two and the Bellevue/Hillcrest picnic kiosks were upgraded in 2021.

Renovations to the picnic kiosk at Crowsnest Lake are almost complete (painting and wall repairs) and the remaining item is a tin roof which will be installed in 2023. A recent photograph is attached.

The billboard map sign is dilapidated (recent photograph attached).

Project assessment and public/local business involvement for upgrades to the billboard map sign could be undertaken in-house. Design and fabrication of a new billboard map sign may have to be done by a consultant and a contractor.

Analysis of Alternatives:

1. Council can direct to undertake no upgrades to the billboard map sign and leave it in place.
2. Council can direct to remove the billboard map sign or abandon it in place by making it safe.
3. Council can direct what unilateral upgrades it wants to make to the billboard map sign.
4. Council can direct which third parties to consult with in determining what upgrades are made to the billboard map sign. This could involve, for example, the Chamber of Commerce, the Crowsnest Museum, the Bellevue Underground Mine, several local recreation associations, etc.

Financial Impacts:

The department initiative was approved for the 2023 budget at \$25,000.

Attachments:

[March_15_2023_-_Kiosk 2.pdf](#)

[March_15_2023_-_Billboard 2.pdf](#)







Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 7.f

Subject: Library 2023 Special Budget Request

Recommendation: That Council consider including into the 2023 Budget the following expenses, and award the contracts to the following vendors:

- 1) Library concrete repair - east-west sidewalk, stairs (including landings/top patio), and handrails - Bigg Catt Ltd. in the amount of \$43,820 plus GST
- 2) Library basement carpet replacement - Steiger Flooring Solutions in the amount of \$20,850 plus GST.

Executive Summary:

In January 2023 the library requested a repair of the concrete steps, patio and a portion of the sidewalk, and to replace the basement carpet (letter attached). These expenses are significant and were not included in the 2023 budget.

Relevant Council Direction, Policy or Bylaws:

2023 Municipal Budget

Discussion:

Concrete Replacement

The north-south sidewalk along 127 Street was inspected and found to be in a good condition, not requiring repairs.

The east-west sidewalk between the library and the adjacent property to the south, from the 127 Street sidewalk to the west end of the Library property (35m), requires replacement.

The wheelchair ramp was found to be in good condition, not requiring repairs.

A custom rebuild of the stairs and landings will include the replacement of the handrails if required.

1) Quote from JA Building Services - \$62,000 plus GST.

Replace existing east-west sidewalk.

Replace existing stairs, landings (and top patio), and re-use existing hand rails.

2) Quote from Bigg Catt Ltd. - \$43,820 plus GST.

Remove existing concrete.

Custom build new concrete east-west sidewalk, stairs (including landings/top patio), and handrails.

Basement Carpet Replacement

1) Steiger Flooring Solutions - \$20,850 plus GST.

Remove and replace 2,700 ft² of carpet.

2) Mountain View Contracting - \$21,987.50 plus GST.

Remove and replace 2,727 ft² of carpet.

Analysis of Alternatives:

Concrete - the two quotes are for the same scope of work. The recommendation is to award the contract to the lowest bidder, which is Bigg Catt Ltd.

Carpet - the two quotes are for the same scope of work. The recommendation is to award the contract to the lowest bidder, which is Steiger Flooring Solutions.

Financial Impacts:

A total unbudgeted expense of \$64,670 plus GST for new basement carpets and a custom concrete rebuild.

Attachments:

[2023 Capital budget request - letter from Library.pdf](#)

Crowsnest Community Library

A member of the Chinook Arch Library System
Box 1177, Crowsnest Pass Alberta
Phone 403-562-8393 Fax 403-562-8397

January 24, 2023

Attention: Patrick Thomas – Chief Administrative Officer
and Municipality of Crowsnest Pass Council members.

The Library Board is requesting that the amount needed to repair / redo the concrete steps, patio and portion of sidewalk at the Library, be included in the 2023 capital budget. (17,000 quoted)

The concrete in these areas have been patched a number of times, and the patches do not last long. We had a patron trip and fall last year due to the state of the concrete. The sidewalk that needs to be used to access the wheelchair ramp is very rough and would be hard for a wheelchair to maneuver.

The Library Board is also requesting that the cost to replace the basement carpets be considered for the 2023 capital budget. (No quote at this time)

The carpets in the basement are very old. They have been through floods, and have seen many years of use. The carpets are crunchy in areas where the underlay is compromised. Children's programs are conducted in these areas and there are little ones crawling and sitting on carpets that would probably be deemed unhealthy.

The Municipality contracted carpet replacement on the main level of the Library in 2019, and it is holding up wonderfully. We feel it is far past time that the basement be done as well.

Thank you for your consideration.
Sincerely

Erin Matthews
Library Board Chair



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 7.g

Subject: Municipal Planning Commission Administrative Report Update

Recommendation: That Council has discussion on proposed changes they wish to see to the Municipal Planning Commission Bylaw.

Executive Summary:

Administration has prepared an update with the information that Council requested.

Relevant Council Direction, Policy or Bylaws:

Motion 14-2022-08-16: Councillor Ward moved that Administration come back with recommendations regarding the Municipal Planning Commission.

Motion 18-2022-10-18: Councillor Girhiny moved that the discussion on the Municipal Planning Commission be deferred for one month's time.

Motion 11-2022-11-29: Councillor Ward moved to defer the Municipal Planning Commission discussion to February of 2023.

Motion 06-2023-02-28: Mayor Painter moved that Administration provide a report to Council for the March 14th Council meeting containing Municipal Planning Commission meeting statistics.

Motion 08-2023-03-07: Councillor Ward moved that Administration also provide an analysis of statistics from May of 2022 to illustrate the timelines of issuing permits to those that are referred to the Municipal Planning Commission for approval versus the ones completed by Administration.

Discussion:

MPC Member Composition

It was suggested to change the makeup of the MPC to be 3 Councillors and 4 members of the public instead of the current 2 and 5, respectively.

Administrative Variance Power

Administration contacted Parkland County who changed their development authority from the MPC to their Development Department several years ago. This is similar to most municipalities in the Capital Region as well as the City of Lethbridge who also recently moved to this arrangement. The following is a summary of what was provided by Parkland County:

1. The Development Officers issues the notice of approval of a development permit for a discretionary use and for a variance that would usually go to the MPC, just as if the MPC had made the decision.
2. The usual appeal period and SDAB process remain in place.
3. The development permits are graded in terms of the complexity of the development permits that they are mandated to issue – this is based on experience, e.g. Development Officer 1, Development Officer 2, Senior Development Officer, etc. Based on complexity, the Development Officer supervisor or even the Development Manager will issue the DP.
4. Based on complexity and the possibility of an appeal, a short report may be created as part of the process to issue the DP, to ensure that the Development Officer's decision is supported by correct procedures, standards and bylaw interpretation.
5. Essentially everything is done the same way, except that there is no MPC, no MPC agenda or meeting, which means that the Development Officers can issue all types of development permits and variances more frequently just as they do for the typical permitted use development permits.
6. They have found that the turn-around times for development permits have decreased significantly and thereby reduces red tape.
7. The person who was interviewed is not aware of any complaints from ratepayers or developers about this process over the several years that it has been in place.
8. A LUB amendment is required to remove the MPC reference as a Development Authority, and appoint the Director, Acting Director or the Manager of Development and Planning as the Development Authority, who then delegates to staff.

Council Variance Power

This would involve designating Council to hold certain or all variance powers and thus each of these applications would then go to the Council meetings rather than the MPC.

Analysis of Alternatives:

Dependent on what outcome is decided.

Financial Impacts:

N/A

Attachments:

[2023 03 23 Council Report - Review of Municipal Planning Commission.docx](#)
[1042, 2020 - Municipal Planning Commission Bylaw - CONSOLIDATED.pdf](#)

Review of Municipal Planning Commission's Impact on Development Application Timelines - Development Department's Perspective

Executive Summary

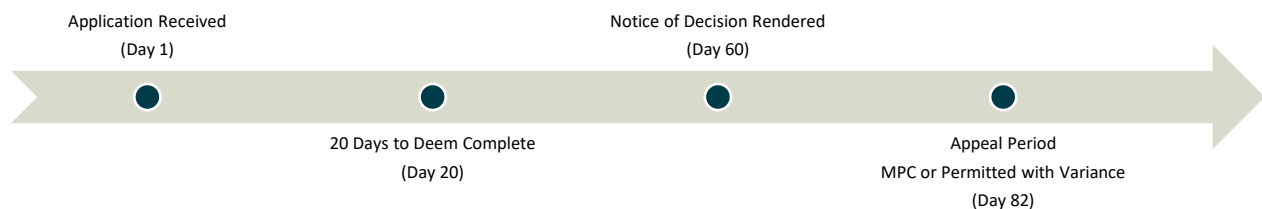
The following report details the findings of the development department regarding the Municipal Planning Commission (MPC) and its impact on development application timelines, while incorporating input from the Development Department feedback and any potential concerns about the current review process, its impact on staff workload, and suggestions for improvements.

Background Information

The Municipal Government Act (MGA) governs the process, stipulating specific timeframes and requirements that must be adhered to by the Development Authority.

Upon receiving a development application, it must be reviewed and deemed complete within 20 days as per the MGA. The review process involves determining the category of the development, which can fall into one of four types: Permitted, Permitted with Variance, Discretionary, or Discretionary with Variance. This categorization plays a vital role in deciding whether the application's decision will be made by a Development Officer or the Municipal Planning Commission (MPC) and can affect the time of review and the notice of decision being rendered. The Development Authority then has a total of 40 days to render a decision to the applicant following the completed date of review.

Once a decision has been made on a permitted application, a Development Officer can issue a permit. However, there is an additional waiting period for permitted with variance or discretionary uses. This waiting period, also known as the appeal period, lasts for 21 days, followed by an extra day to account for any potential incoming appeals.



Application maximum processing times

Data Disclaimer

The data presented in this report has been collected and analyzed as accurately as possible. It is important to note that data collection methods have evolved and varied over the years, which may have influenced the data's consistency and reliability. While every effort has been made to ensure the accuracy of the information provided, some inconsistencies or discrepancies may exist due to historical data collection practices. Readers should be aware of these limitations and consider them when interpreting the findings and recommendations of the report.

Development Application Timeline Comparison 2021-2023 (Present)

The data reviewed in this report was compiled from January 2021 to March 22, 2023, and includes information from approximately 446 applications that were completed.

In this time range, the average time for a Development Officer to review any file for completeness is 13 days.

Because this initial review may have a wide range depending on the completeness of the application, for the purpose of this report, the average dates reflected are from the Date Deemed Complete to the Notice of Decision.

On average, the average number of days from the Date Deemed Complete to the Notice of Decision take:

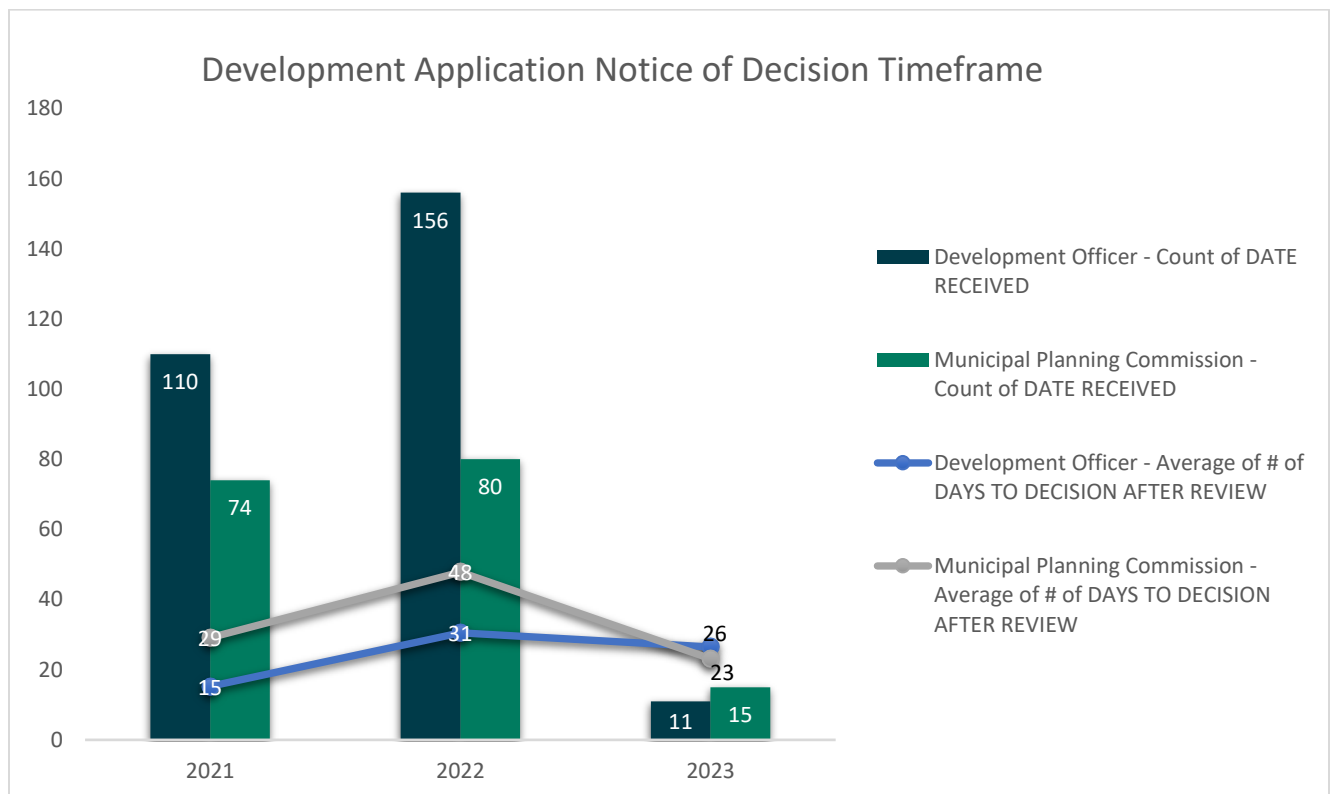
- **Permitted Use (162 Applications): 18 days**
 - Development Officer (160 Applications): 18 days
 - MPC (2 Applications): 22 days
- **Permitted with Variance (96 Applications): 26 days**
 - Development Officer (62 Applications): 22 days
 - MPC (34 Applications): 35 days
- **Discretionary (122 Applications): 41 days**
 - Development Officer (55 Applications): 46 days**
 - MPC (67 Applications): 37 days
- **Discretionary with Variance (66 Applications): 40 days**
 - Development Officer (0 Applications)
 - MPC (66 Applications): 40 days

**These permits were issued for Tourist Homes/Short-Term Rentals under the Development Officer time-specific authority. The increased average time was due to the waiting period that was required by the circumstances of the bylaw.

For all permitted use (without variance), a permit can be issued as soon as the Notice of Decision is issued. All others require a 21-day appeal period and are issued on the day following the appeal period, provided there are no appeals.

The Development Department has faced challenges due to increased development within the community. Despite these challenges, the Development Officers have been able to process applications and present them to the Municipal Planning Commission (MPC) for review quicker than in the past.

However, this success comes at the cost of increased workload and pressure on the Development Officers, who must balance their responsibilities and prioritize tasks to meet the expectations of both permitted use or permitted with variances within approving authority applications and applications that need to be reviewed by MPC, to meet the challenges of the MGA required deadlines.



Average application processing times (in days) from Date Deemed Complete to Notice of Decision for cases reviewed by the MPC and cases handled by the Development Team, highlighting the differences in timelines.

Municipal Planning Commission Meeting Summary

The MPC is responsible for reviewing development applications that are either Permitted with Variance outside the Development Officer's authority to approve, Discretionary, or Discretionary with Variances, and occasionally applications where the development department would like additional review to decide.

In the period from January 2021 to March 2023, 29 MPC meetings were held; of those, 27 were regular meetings and 2 were called as special meetings.

The average meeting length of time for all meetings was 76 minutes; shortest was 6 minutes (special meeting), and the longest was 158 minutes (2 hours, 38 minutes).

In those meetings:

- 182 development permits were reviewed.
- 29 Subdivisions were reviewed.

Municipal Planning Commission Application Outcomes

Of 182 development applications reviewed by the MPC from January 2021 to March of 2023, only 6 were refused or tabled to a future meeting to gather more information or request an extension from the applicant. Of those six, all applications were reviewed later by MPC and subsequently approved.

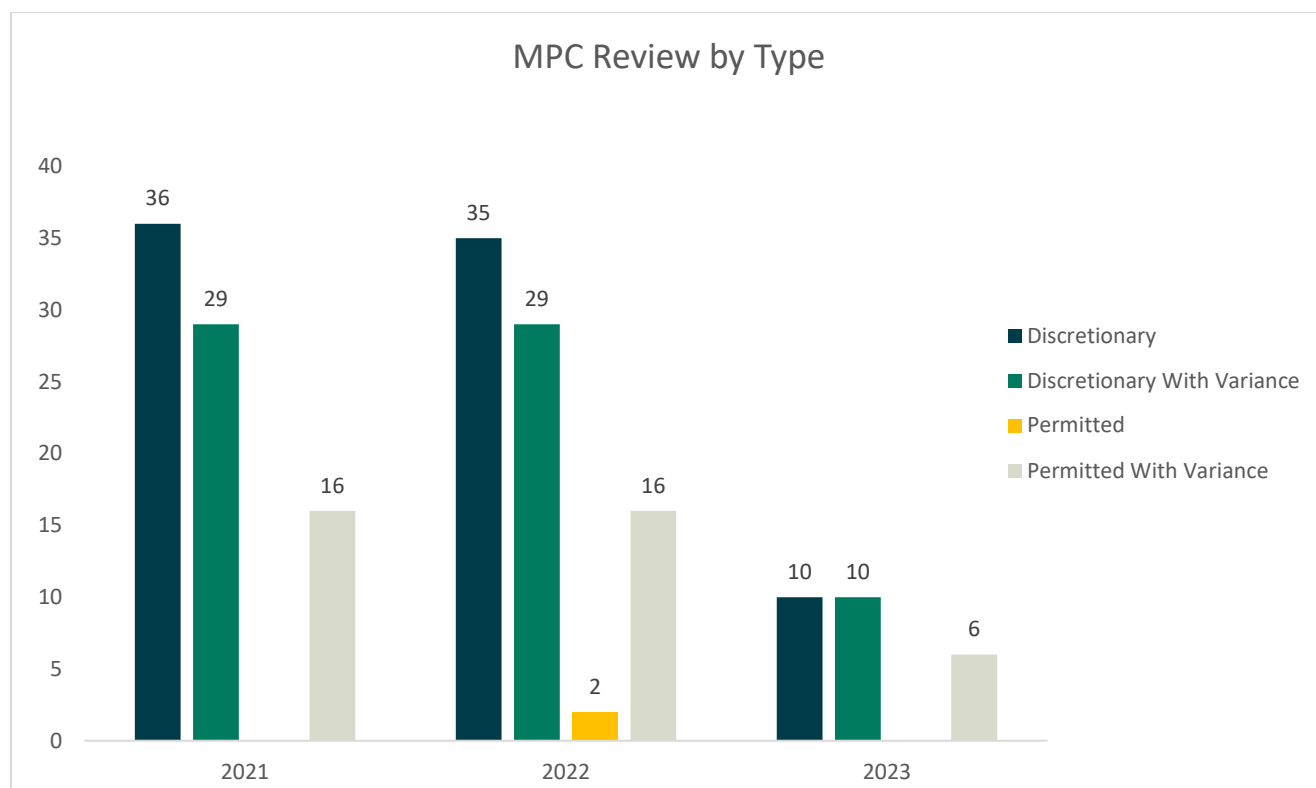
In most applications, the conditions as recommended by the development officers were approved as presented. There are very few occasions where the MPC refuses an application outside of the recommendation from the Development Officer, even in instances of a refused application.

Additionally, there were very few cases where additional conditions were imposed as part of the MPC decision.

Year	# DPs Reviewed	Number DPs Approved	Number DPs Refused or Tabled
2021	73	71	2
2022	76	74	2
2023	33	31	2
Grand Total	182	176	6

MPC Review Type Frequency

The Development Department found that some discretionary uses and/or increasing the development officer's ability to approve higher variances could be removed from MPC review or reviewed internally by the development team, potentially reducing delays.



Frequency of discretionary use cases that required MPC review, identifying cases where an internal committee or the Development Team could have made the decision instead.

Municipal Planning Commission Staff Workload Distribution

From January 2021 to March 2023, there were 29 Meetings held, with a total of 182 DP (Development Permit) applications reviewed (average of 6 applications per meeting).

The time spent per application for preparation is 5 hours, and an additional 5 hours are required on the meeting day for all staff. In addition, there is an administrative time allotted of 1 hour per meeting.

Each MPC meeting currently requires:

- 30 hours (6 DP applications x 5 hours per application) for preparation
- 6 hours (4 Staff Members x 1.25 hours per meeting + 1 administrative hour) for meeting day

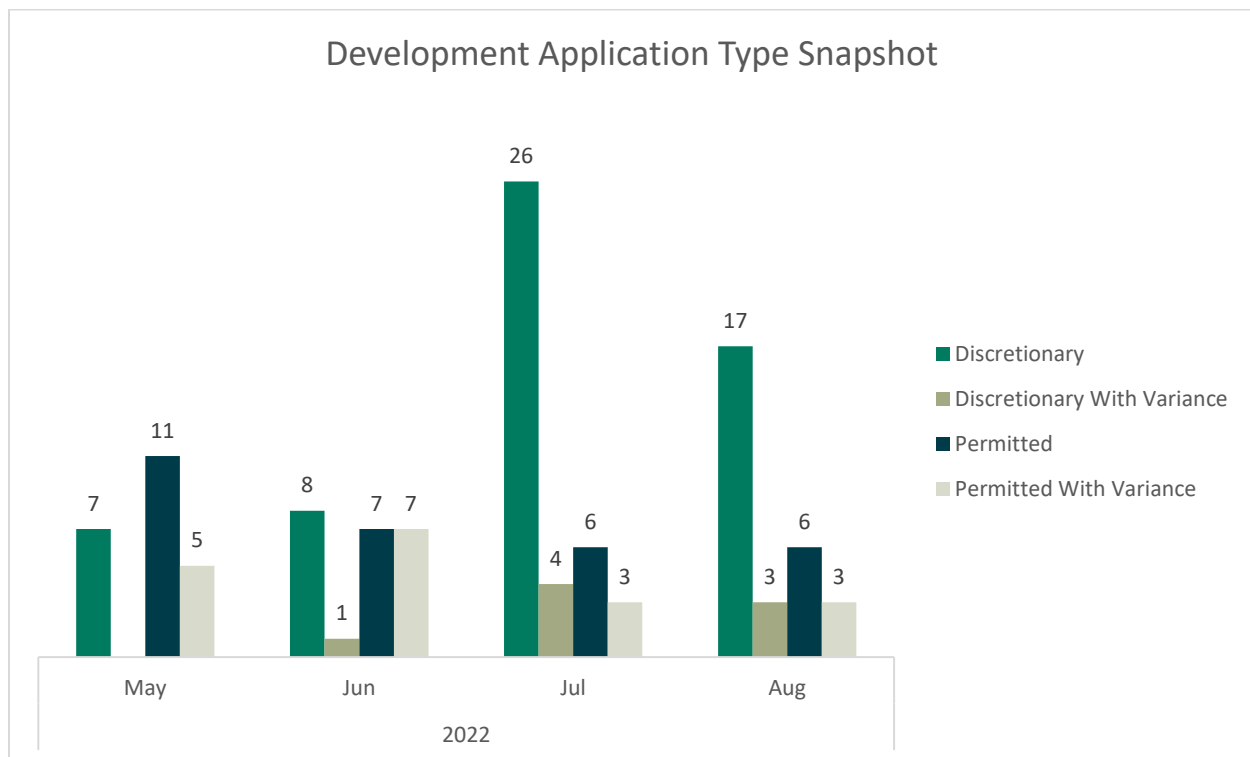
Therefore, the total time required per meeting is approximately 36 hours.

As a result of the increased workload during the two-week period before a scheduled MPC meeting, all new applications that are under the Development Officer Authority to approve are held until the MPC preparations have been completed. This increases the average time to Notice of Decision for Development Officer authority approvals.

May 2022 – August 2022 Application Type Review

A total of 114 applications were reviewed for the period of May 2022 to August 2022.

- 58 Discretionary
 - Development Officer: 40** (See page 8)
 - MPC: 18
- 8 Discretionary with Variance
 - Development Officer: 0
 - MPC: 8
- 30 Permitted
 - Development Officer: 29
 - MPC: 1
- 18 Permitted with Variance
 - Development Officer: 11
 - MPC: 7

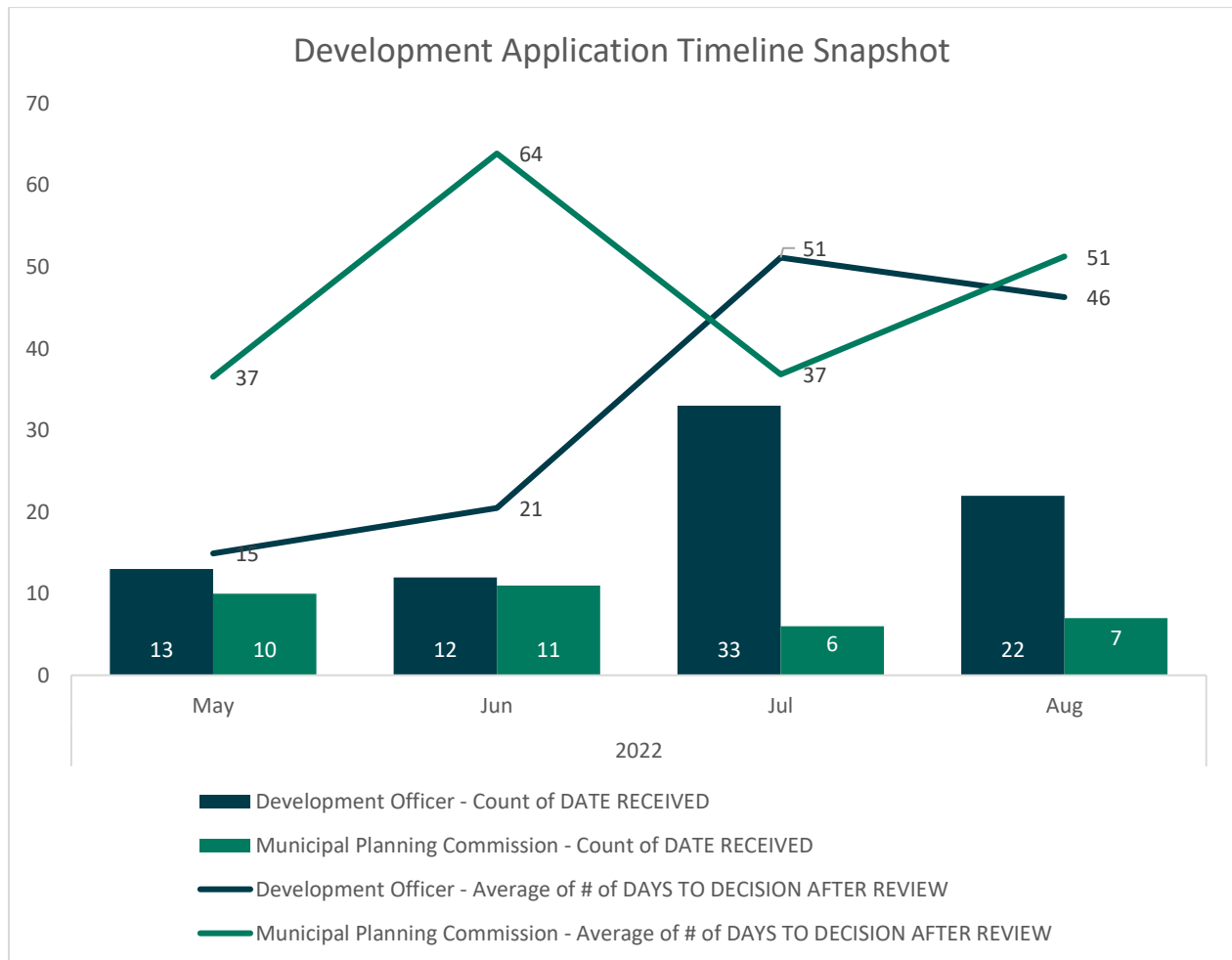


Number of application by type submitted from May 2022 to August 2022: Permitted, Permitted with Variance, Discretionary, Discretionary with Variance

May 2022 – August 2022 Application Timeline Review

A total of 114 applications were reviewed for the period of May 2022 to August 2022.

- 80 applications decision were made by the development officers; 34 decisions by MPC.
- Average review time was 19 days for all applications.
- Average time from Date Deemed Complete to Notice of Decision
 - Development Officer: 39 days **
 - MPC: 48 days



Snapshot of development applications submitted between May and August 2022, including average number of days between the Date Deemed Complete and Date of Decision.

****** Some discretionary permits were issued for Tourist Homes/Short-Term Rentals under the Development Officer time-specific authority. The increased average time was due to the waiting period that was required by the circumstances of the bylaw.

Key Findings

Workload Concerns: The Development Department staff express that holding more than one MPC meeting per month would significantly increase their workload, which is already heavy.

Red Tape Reduction: Omnibus No. 3, aimed at addressing land uses and reducing red tape, is expected to improve the current process by streamlining certain aspects.

Decision-Making Process: The Development Department finds that removing some discretionary uses from MPC review and/or increasing the development officer's ability to approve higher variances could be removed from MPC review or reviewed internally, potentially reducing delays.

Staff Efficiency: Decision-making by the Development Team, rather than MPC, could potentially reduce the workload and improve the efficiency of the application process.

Appeal Process: Regardless of MPC's involvement, the legislated appeal process would ensure fairness, transparency, and impartiality.

Automatic Refusals: Discretionary applications where either authority (Development Officer or MPC) must refuse the application due to current Land Use Bylaw restrictions and can only be reviewed at an appeal level cause undue red-tape and extra waiting times for the applicant.

Potential Recommendations

1. **Re-evaluate Discretionary Uses:** Consider revising the list of discretionary uses requiring MPC review to streamline the process and reduce unnecessary delays, including decisions that are restricted from approval by either authority, allowing them to be refused by the Development Authority.
2. **Implement Omnibus No. 3:** Implementation of Omnibus No. 3 to address land uses and reduce red tape.
3. **Internal Review Committee:** Explore the possibility of having the Development Authority review applications bi-weekly or delegate decision-making authority to the Development Team.
4. **Monitor and Evaluate:** Regularly monitor and evaluate the impact of any changes made to the MPC review process to ensure continuous improvement in efficiency and timeliness.

By incorporating the Development Department's feedback and addressing concerns about workload and inefficiencies, the Development Department can better serve applicants and support the growth and development of the community.



Date of Consolidation: February 10, 2021

Consolidation of Bylaw No. 1042, 2020

Municipality of Crowsnest Pass *Municipal Planning Commission Bylaw*

Adoption April 7, 2020

As Amended By:

Bylaw No. 1066, 2021 adopted February 9, 2021

**This Consolidation is not an Official Bylaw. It is prepared by the Chief Administrator's Office for assistance only.
Copies of the Official Bylaw(s) may be purchased from the Municipal Office.
This Consolidated Bylaw was authorized pursuant to Bylaw 1009, 2018 CAO Bylaw.**

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1042, 2020
MUNICIPAL PLANNING COMMISSION BYLAW

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to establish a municipal planning commission to act as subdivision authority and development authority

WHEREAS Section 626 of the *Municipal Government Act* provides that a council may by bylaw establish a municipal planning commission;

AND WHEREAS Section 623 of the *Municipal Government Act* provides a council must by bylaw provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality;

AND WHEREAS Section 624 of the *Municipal Government Act* provides a council must by bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality;

AND WHEREAS the Council of the Municipality of Crowsnest Pass considers it desirable and necessary to establish a Municipal Planning Commission to exercise the functions and duties of the subdivision authority and the development authority;

NOW THEREFORE, the Council of the Municipality of Crowsnest Pass in the Province of Alberta enacts as follows:

1. Short Title

1.1 This Bylaw shall be cited as the “Municipal Planning Commission Bylaw”.

2. Definitions

2.1 In this Bylaw, any word or expression used in the Act has its statutory meaning unless otherwise specified in this section, and

(a) “**Act**” means the *Municipal Government Act*, RSA 2000, c M-26;

(b) “**Chair**” means the Member elected as chair of the MPC;

(c) “**Code of Conduct**” means the code of conduct established by the Municipality in accordance with the Act;

(d) “**Council**” means the duly elected Council of the Municipality;

(e) “**Councillor**” means an individual elected to be a member of the Council including the Mayor;

(f) “**Development Officer**” means the individual or individuals appointed as development officer by the Municipality;

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- (g) **“Land Use Bylaw”** means the bylaw adopted from time to time as the land use bylaw for the Municipality pursuant to the Act;
- (h) **“Member”** means a member of the MPC;
- (i) **“Municipality”** means the municipal corporation of the Municipality of Crowsnest Pass;
- (j) **“Municipal Planning Commission”** or **“MPC”** means the municipal planning commission of the Municipality as established pursuant to this Bylaw;
- (k) **“Organizational Meeting”** means the annual meeting prescribed under subsection 192(1) of the Act; and
- (l) **“Vice-Chair”** means the individual appointed as vice-chair for the MPC.

3. Establishment

- 3.1 The Municipal Planning Commission of the Municipality of Crowsnest Pass, hereinafter called the MPC, established by Bylaw No, 365, 1995, is hereby continued.

4. Appointment

- 4.1 All Members shall be appointed by resolution of Council at the Organizational Meeting.
- 4.2 The MPC shall have seven Members.
- 4.3 Five Members shall be appointed from the public-at-large and must be adult residents of the Municipality.
- 4.4 Two Members shall be appointed from Council.
- 4.5 Members shall be appointed for the following terms:
 - (a) Members from the public-at-large shall be appointed for three year terms; and
 - (b) Councillors shall be appointed for one year terms.
- 4.6 Terms of appointment shall begin and expire as follows:
 - (a) for Members from the public-at-large, terms of appointment shall begin on January 1 of the year of the appointment and end on December 31 at the expiry of the term of appointment; and
 - (b) for Councillors, terms of appointment shall begin the day after the Organizational Meeting of the year of the appointment and end on the day of the Organizational Meeting at the expiry of the term of appointment.

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- 4.7 No individual who is a Member of the MPC shall be a member of the Municipality's subdivision and development appeal board.
- 4.8 Council may alter the term of office of any Member.
- 4.9 Members may be reappointed for consecutive terms.

5. Resignation

- 5.1 Any Member may resign at any time upon providing written notice to the Chair and the CAO.

6. Disqualification

- 6.1 A Member ceases to be a Member if:
 - (a) the Member ceases to be a resident of the Municipality;
 - (b) the Member becomes an employee of or a Councillor for the Municipality;
 - (c) in the case of a Councillor, the Councillor ceases to be a Councillor; or
 - (d) the Member is removed from the MPC by a resolution of Council.

7. Vacancies

- 7.1 The Chair shall immediately advise Council when there is a mid-term vacancy.
- 7.2 Administration shall advertise the vacancy and Council shall attempt to fill the vacancy as soon as possible.
- 7.3 Members appointed mid-term shall hold office for the remainder of the term unless Council provides otherwise by resolution.

8. Remuneration

- 8.1 Members shall not be remunerated for attending meetings unless Council provides otherwise in this Bylaw.
- 8.2 Upon pre-approval by Council, Members may be reimbursed expenses to attend relevant training, meetings or conferences, consistent with the Municipality's policies and procedures on reimbursement.

9. Code of Conduct

- 9.1 Members shall abide by the Code of Conduct adopted by Council.

10. Orientation

- 10.1 The CAO shall provide orientation materials and training to all Members of the MPC.
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11. Functions and Duties of the MPC

11.1 The MPC has the following powers and duties:

- (a) to exercise the subdivision powers and duties on behalf of the Municipality as the Municipality's Subdivision Authority, in accordance with the Act and the Land Use Bylaw; and
- (b) to exercise the development powers and perform duties on behalf of the Municipality as the Municipality's Development Authority, in accordance with the Land Use Bylaw.

12. Meetings and Procedures

- 12.1 At the first meeting of the MPC following the Organizational Meeting, the Members shall elect one Member as Chair and one Member as Vice-Chair to hold office for a term of one year from the date of election.
- 12.2 The Chair shall preside over meetings of the MPC.
- 12.3 In the Chair's absence, the Vice-Chair shall preside over the meeting. If both the Chair and Vice-Chair are absent, the Members present shall elect one Member of the Members present to preside over the meeting.
- 12.4 The MPC shall hold meetings when and as necessary to consider applications, in accordance with the Act.
- 12.5 Four Members of the MPC shall constitute a quorum.
- 12.6 MPC meetings shall be held in public; however, the MPC may deliberate and make its decisions in meetings that are closed to the public in accordance with the Act.
- 12.7 The MPC shall not hear any public delegations. ***Amended – Bylaw 1066, 2021, Adopted February 9, 2021.***
- 12.8 The MPC may only ask a member of the public for points of clarification on an application before them. ***Amended – Bylaw 1066, 2021, Adopted February 9, 2021.***
- 12.9 The decision of the majority of the Members present at a meeting shall be deemed to be the decision of the whole MPC.
- 12.10 All Members present at a meeting are required to participate and vote. In the event of a tie vote, the decision shall be deemed to be decided in the negative.
- 12.11 Where required by the Act, the MPC shall give its decision in writing together with reasons.
- 12.12 The MPC may issue orders, decisions, development permits, and approvals with or without conditions and such orders, decisions, development permits, and approvals may be signed by the Chair or a delegate.

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- 12.13 For those matters not covered by this Bylaw or the Act, the MPC may establish rules of procedure necessary for the conduct of its meetings provided the rules are consistent with this Bylaw and the Act.

13. Administrative Support for the MPC

- 13.1 The Chief Administrative Officer or their delegate shall act as administrative support for the MPC and shall attend all meetings of the MPC but shall not be a Member of the MPC or vote.

- 13.2 The administrative support staff shall:

- (a) ensure all statutory requirements for the MPC are met;
- (b) give notice of all meetings in accordance with the Act;
- (c) prepare the MPC agenda and the agenda package for distribution;
- (d) record and distribute the minutes of the MPC meetings;
- (e) record the decisions of the MPC and the reasons for the decisions;
- (f) assist the Development Officer, as required, to ensure notices of MPC decisions are given as required by the Land Use Bylaw; and
- (g) undertake and complete such other tasks as the MPC may direct.

14. Subdivision Delegation

- 14.1 Council hereby delegates the following subdivision powers, duties and functions to the Oldman River Regional Planning Commission:

- (a) providing advice to applicants for subdivision;
- (b) processing applications for subdivision;
- (c) collecting all pertinent subdivision approval fees;
- (d) notifying applicants, pertinent agencies, government departments and adjacent landowners of applications as required by the Act;
- (e) preparing draft resolutions for consideration by the MPC;
- (f) appearing at meetings of the MPC as requested to do so from time to time;
- (g) compiling the documentation of all pertinent comments of those persons and local authorities to which the notice of application was given;
- (h) conducting a site inspection (where feasible to do so) at the location of the proposed application for subdivision approval;

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- (i) finalizing the required endorsement of plans of survey or other instruments for registration purposes at Land Titles Office;
- (j) conveying the notification of final subdivision approval to the registered owner and/or the authorized agent;
- (k) maintaining a control registry and corresponding archival information relating to the application for subdivision approval on behalf of the Municipality;
- (l) providing of all pertinent information for consideration at a hearing of the appropriate subdivision and development appeal board;
- (m) appearing, for the purpose of providing pertinent information, at a hearing of a subdivision and development appeal board;
- (n) performing any other duties or functions as requested, by resolution of Council, as agreed to by the Oldman River Regional Planning Commission; and
- (o) performing any other duties or functions as required by the *Subdivision and Development Regulations*.

15. Rules of Interpretation

- 15.1 The headings in this Bylaw are for guidance purposes and convenience only.
- 15.2 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 15.3 In this Bylaw, a citation of or reference to any enactment of the Province of Alberta or of Canada, or of any other bylaw of the Municipality, is a citation of or reference to that enactment or bylaw as amended, whether amended before or after the commencement of the enactment or bylaw in which the citation or reference occurs.

16. Coming into Force

- 16.1 This Bylaw repeals and replaces Bylaw No. 365, 1995 and Bylaw No. 483, 1998.
- 16.2 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

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READ a **first** time in council this 7th day of January 2020.

READ a **second** time in council this 7th day of April 2020.

READ a **third and final** time in council this 7th day of April 2020.

Original Signed

Blair Painter
Mayor

Original Signed

Patrick Thomas
Chief Administrative Officer

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Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 7.h

Subject: Fire Extinguisher Program

Recommendation: That Council provides direction on the Fire Extinguisher Program.

Executive Summary:

Previous Council, in 2016, were presented with the option to enter into fire extinguisher service and sales, due to Kost Fire Safety from Medicine Hat being the only known entity providing this service at the time.

Providing this service is onerous considering the time, operational expenses and administration for operating what is essentially a small business, inside a fire department. Conducting fire extinguisher sales and services may be interpreted as having negative optics due to the fire department also conducting fire inspections which often call for fire extinguisher installation and servicing, however, we obviously don't require anyone to use our service, they are able to use whom they choose.

Relevant Council Direction, Policy or Bylaws:

N/A

Discussion:

Since its inception in 2016, the extinguisher program has provided a service for repairs, servicing, and sales for the Municipality and the private civilian market. It is believed that around the 2016 period there were extremely limited businesses that could satisfy this requirement and Crowsnest Pass Fire Rescue could fill the void. Minor equipment was purchased and installed at Fire Station 1 in Blairmore to service extinguishers. No other fire departments contacted are doing this type of services to the public, with some departments maintaining only the internal fire extinguishers for their municipality.

Servicing extinguishers requires technician certification (done in Calgary), annual service room certification (which has now doubled in price) and other supplies which are costly expenditures. There is currently only one technician remaining who provides the service which makes for an unsustainable service as we are completely reliant on their availability. Additionally, there is a significant amount of

administrative time committed to this, taking away from other more important tasks.

Volume of extinguisher services:

Extinguisher Service (Annuals, 6 year, and Hydrostatic testing)

2020 Private Industry 189 Municipal 203

2021 Private Industry 221 Municipal 138

2022 Private Industry 184 Municipal 104

(Will fluctuate year to year)

The overall demand has been moderate to low. Those who have engaged our services are usually repeat customers on an annual basis.

Of note, fees have already been adjusted to become aligned with industry standards-as seen in 1108, 2022 Fees, Rates, and Charges Bylaw. These fees can all be raised further to cover the additional expenses however rates would then be well in excess of private market rates.

We are currently not advertising this service, as an increase in sales or service would overextend our existing capacity. We are continuing to provide service and sales to the customers we currently have and are still accepting new customers wanting service.

Increasing our extinguisher technicians may be a problem as the biggest issue we have with “volunteers” in the fire service today is their ability to commit time. When a person comes onto the fire department, there is an extensive list of competencies, training, and time commitments they are expected to do. Many find that these are more than they signed up for and these demands must compete with their full time jobs, families, and personal interests. We work hard to ensure that we have a full complement of members who are able to respond to emergency calls and attend training throughout the year. Adding an extra component such as extinguisher servicing adds additional challenges. We have had members in the past who expressed an interest in it, and we sent them to Calgary to be qualified and they were unable to commit to doing the work once qualified.

This initiative was originally proposed by the former fire chief in 2016, since then, we have put considerable effort into the success of the program but are just not realizing the projections that were put forward to Council at that time. Appendix A and B are attached for Council's information to illustrate the financials associated with this program.

Analysis of Alternatives:

1. Council could direct Administration to continue sales and service as currently operating.
2. Council could direct Administration to restrict service to municipal assets, though all the same expenditures would remain such as technician and service room expenses, just without the income from the public sector.
3. Council could direct Administration to discontinue the program.

Financial Impacts:

There will be some cost savings to the Municipality of Crowsnest Pass with the removal of this

function as expenditures regularly exceed revenues and at best, break even, however, there would also be an increased cost as existing municipal extinguisher needs would be completed through the private sector. Our current rates are similar to the private sector.

Attachments:

[Appendix A.pdf](#)

[Appendix_B.pdf](#)

Fire Extinguisher Program 2018-2022		2018	2019	2020	2021	2022
Revenues						
Sale of Services		\$1,994.00	\$3,555.00	\$8,612.00	\$4,893.00	\$5,293.00
<i>Total Revenue</i>		\$1,994.00	\$3,555.00	\$8,612.00	\$4,893.00	\$5,293.00
Salaries, Wages & Benefits		\$3,345.00	\$1,955.00	\$3,075.00	\$2,268.00	\$2,680.00
Contract services			\$571.46	\$2,100.00	\$2,100.00	\$2,326.00
Repairs & Maintenance					\$175.00	
Licenses/Registrations/Permits			\$56.00	\$999.00	\$525.00	\$535.00
General Supplies		\$2,995.87	\$5,141.77	\$3,899.00	\$390.00	\$664.00
<i>Total Expense</i>		\$6,340.87	\$7,724.23	\$10,073.00	\$5,458.00	\$6,205.00
Excess Revenue/Expense		-\$4,346.87	-\$4,169.23	-\$1,461.00	-\$565.00	-\$912.00

2023 CNPFR
* Projected

Appendix B

Facility	Annuals				6-year				Hydros			
	2.5 lbs	5 lbs	10 lbs	20 lbs	2.5 lbs	5 lbs	10 lbs	20 lbs	2.5 lbs	5 lbs	10 lbs	20 lbs
Fire Stations	1	5	11	10			1				1	
Blairmore Warehouse, Electric Shop, Mechanics, Operations	1	3	9	1		1					2	
Hillcrest Shop	1	4	2	1						1	1	
Ski Hill (includes units)	2	12	4	1	1			2		2		1
Coleman Operations Shops (including Units)	1	4	3	1	1	1	3					
Municipal Office		5				1						
Sports Complex		3	24	1			1				2	
MDM	3	9	2							1		
Pump Houses & Lagoon		2	10			2				1	2	
Pool			3									
Elks Hall			3				1				2	
Municipal units and equipment	11	11	3	1		2			1	2	1	

Extinguisher Count	20	58	74	16	2	7	6	2	1	7	11	1
Cost	\$ 200.00	\$ 580.00	\$ 740.00	\$ 224.00	\$ 46.00	\$ 224.00	\$ 270.00	\$ 150.00	\$ 38.00	\$ 364.00	\$ 715.00	\$ 95.00
Tech. Cost	\$ 100.00	\$ 290.00	\$ 370.00	\$ 80.00	\$ 30.00	\$ 105.00	\$ 90.00	\$ 30.00	\$ 20.00	\$ 140.00	\$ 220.00	\$ 20.00

205

Total cost for MCNP extinguishers	\$	3,646.00
Total compensation for technician	\$	1,495.00
Extinguisher room certification	\$	3,039.75
Misc. Supplies	\$	200.00
	\$	(1,088.75)

NOTE: Fire extinguisher numbers include Municipal buildings, Fire Services vehicles, and some remaining Municipal vehicles and mobile equipment.

* Projected

Facility	Annuals				6-year				Hydros			
	2.5 lbs	5 lbs	10 lbs	20 lbs	2.5 lbs	5 lbs	10 lbs	20 lbs	2.5 lbs	5 lbs	10 lbs	20 lbs
Fire Stations	1	5	11	10			1				1	
Blairmore Warehouse, Electric Shop, Mechanics, Operations	1	3	9	1		1					2	
Hillcrest Shop	1	4	2	1						1	1	
Ski Hill (includes units)	2	12	4	1	1			2		2		1
Coleman Operations Shops (including Units)	1	4	3	1	1	1	3					
Municipal Office		5				1						
Sports Complex		3	24	1			1				2	
MDM	3	9	2							1		
Pump Houses & Lagoon		2	10			2				1	2	
Pool			3									
Elks Hall			3				1				2	
Municipal units and equipment	11	11	3	1		2			1	2	1	
Extinguisher Count	20	58	74	16	2	7	6	2	1	7	11	1
Cost Pincher Creek company	\$ 240.00	\$ 696.00	\$ 888.00	\$ 192.00	\$ 49.90	\$ 209.65	\$ 239.70	\$ 83.90	\$ 34.95	\$ 244.65	\$ 527.45	\$ 59.95
Cost Calgary company	\$ 200.00	\$ 580.00	\$ 740.00	\$ 160.00	\$ 46.00	\$ 224.00	\$ 267.00	\$ 150.00	\$ 39.00	\$ 364.00	\$ 709.50	\$ 95.00
Pincher Creek services	\$	3,466.15										
Calgary services	\$	3,574.50										



Municipality of Crowsnest Pass Request for Decision

Meeting Date: April 4, 2023

Agenda #: 7.i

Subject: 2023 New Initiative Discussion

Recommendation: That Council has discussion on possible additions to the new initiatives for 2023.

Executive Summary:

The growth in the 2022 assessment will result in \$1,037,673 in additional tax revenue beyond what was forecasted in Budget 2023. As a result, the Municipality has the ability to consider additional initiatives for 2023 in addition to increase transfers to reserves.

Relevant Council Direction, Policy or Bylaws:

15-2023-03-28: Councillor Ward moved that Administration bring back the list of deferred initiatives from Budget 2023 for consideration at the same meeting that the Property Tax Rates Bylaw comes back for second reading.

Discussion:

N/A

Analysis of Alternatives:

N/A

Financial Impacts:

Dependent on initiatives approved

Attachments:

[2023 Initiatives Final.pdf](#)

2023 Initiatives

Initiative Name	Requested Amount	Recommended Amount	Funding Source
COUNCIL INITIATIVES			
Gazebo Park Beautification - Design	\$ 100,000.00	\$ 20,000.00	Mill Rate Stabilization
Community Electronic Signage	\$ 100,000.00	\$ -	Defer to 2024
Water Feature in Front of Municipal Office	\$ 25,000.00	\$ -	Defer to 2024
Beautification	\$ 34,890.00	\$ -	Defer to 2024
Dust Suppression	\$ 10,000.00	\$ 10,000.00	Taxes
Bylaw Enforcement Position	\$ 50,000.00	\$ 50,000.00	Taxes
New Development Position	\$ 72,000.00	\$ 72,000.00	Taxes
Multi Use Facility	\$ 8,800,000.00	\$ -	Defer to 2024
Municipal Office Building	\$ 5,000,000.00	\$ -	Defer to 2024
Completion of a Walking Path Between Bellevue and Frank	\$ -	\$ -	Defer to 2024
Public Washroom/Coleman walking trail	\$ 130,000.00	\$ -	Defer to 2024
Marketer/Event Coordinator	\$ 95,000.00	\$ 20,000.00	Taxes
Road Repairs Pavement Patch	\$ 100,000.00	\$ -	Defer to 2024
Housing Strategy	\$ 1,500,000.00	\$ -	Defer to 2024
Man Van	\$ 4,000.00	\$ 4,000.00	Taxes
Noxious Weeds	\$ 5,000.00	\$ 5,000.00	Taxes
Spring Community Barbecue	\$ 9,000.00	\$ 9,000.00	Taxes
2 New Sani Dumps	\$ 300,000.00	\$ -	Defer to 2024
Economic Development Plan	\$ 100,000.00	\$ 100,000.00	Mill Rate Stabilization
Road Repair Curb to Curb	\$ 100,000.00	\$ -	Defer to 2024
DEPARTMENT INITIATIVES			
NIT Play Structure	\$ 105,000.00	\$ -	Defer to 2024
MDM Rental Curtains	\$ 30,000.00	\$ 30,000.00	Mill Rate Stabilization
2023 Asphalt Milling & Overlay	\$ 425,000.00	\$ -	Defer to 2024
Road Deep Base Repair	\$ 250,000.00	\$ -	Defer to 2024
New Blade for Loader	\$ 20,000.00	\$ 20,000.00	Fleet Reserve
CPO Patrol Unit	\$ 80,000.00	\$ 80,000.00	Fleet Reserve
Firefighting Training Structure	\$ 250,000.00	\$ -	Defer to 2024
Facility Fencing	\$ 35,000.00	\$ -	Defer to 2024
Laserfiche Custom AP Workflow Build	\$ 18,000.00	\$ 18,000.00	IT Reserve
MDM Windows, Exterior Doors and Fascia	\$ 650,000.00	\$ -	Defer to 2024
Overhead Door Openers in Shops	\$ 30,000.00	\$ -	Defer to 2024
Crowsnest Lake Highway 3 Billboard	\$ 25,000.00	\$ 25,000.00	Mill Rate Stabilization
Fire Alarm Upgrades - MDM and Elks Hall	\$ 30,000.00	\$ 30,000.00	Facilities Reserve
Coleman Fire Hall Furnaces and Unit Heater	\$ 17,000.00	\$ 17,000.00	Facilities Reserve
Sportsplex Furnace	\$ 7,000.00	\$ 7,000.00	Facilities Reserve
Crush Asphalt	\$ 150,000.00	\$ -	Defer to 2024
Lodge Decks	\$ 62,000.00	\$ 62,000.00	Mill Rate Stabilization
Update Community Trail Master Plan	\$ 250,000.00	\$ -	Defer to 2024
Transportation Master Plan (Roads)	\$ 250,000.00	\$ -	Defer to 2024
Facility Master Plan	\$ 250,000.00	\$ -	Defer to 2024
Demolition of Old Fire Training Centre	\$ 25,000.00	\$ -	Defer to 2024
Landfills Phase II	\$ 200,000.00	\$ -	Defer to 2024
TOTALS	\$ 19,693,890.00	\$ 579,000.00	