



Municipality of Crowsnest Pass
AGENDA
Regular Council Meeting
Council Chambers at the Municipal Office
8502 - 19 Avenue, Crowsnest Pass, Alberta
Tuesday, June 6, 2023 at 7:00 PM

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. CONSENT AGENDA

- 3.a Minutes of the Family and Community Support Services Advisory Committee of April 24, 2023
- 3.b Minutes of the Municipal Planning Commission of April 26, 2023
- 3.c MD of Pincher Creek - Letter to the Minister of Environment and Protected Areas Regarding Watercraft Inspection Stations
- 3.d Invitation to Bellecrest Days Parade on June 17, 2023

4. ADOPTION OF MINUTES

- 4.a Minutes of the Council Meeting of May 30, 2023

5. PUBLIC HEARINGS

- 5.a Bylaw 1149, 2023 - Land Use Bylaw Amendment re. Nuisance Grounds (Areas of Potential Environmental Concern Overlay District) - *public hearing*
- 5.b Bylaw 1150, 2023 - Safety Codes Permit Bylaw Amendment re. Nuisance Grounds (Areas of Potential Environmental Concern) - *Public Hearing*
- 5.c Bylaw 1151, 2023 - Land Use Bylaw Amendment re. Delegation of Authority - *Public Hearing*

6. DELEGATIONS

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

- 6.a RCMP Quarterly Update - Sergeant Randy Guinchard

7. REQUESTS FOR DECISION

- 7.a Bylaw 1149, 2023 - Land Use Bylaw Amendment re. Nuisance Grounds (Areas of Potential Environmental Concern Overlay District) - *Second and Third Readings*
- 7.b Bylaw 1150, 2023 - Safety Codes Permit Bylaw Amendment re. Nuisance Grounds

(Areas of Potential Environmental Concern) - *Second and Third Reading*

- 7.c Bylaw 1151, 2023 - Land Use Bylaw Amendment re. Delegation of Authority - *Second and Third Reading*
- 7.d Subdivision Endorsement Extension Request 2021-0-084 (Prairie Sky - Havens)
- 7.e Cypress Land Services Request for Concurrence on Behalf of Rogers for Installation of a Telecommunications Tower in the Sentinel Industrial Park.
- 7.f Cartwright Estates Cold Roll Additional Funding
- 7.g Preliminary Work for Skate Park Concept Design
- 7.h West Coleman Storm Upgrades Contract Award

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 Economic Interests of the Public Body - Property Tax Exemptions - *FOIP Act Section 25*
- 11.b Personal Privacy - Board Member Resignation - *FOIP Act Section 17*
- 11.c Economic Interests of the Public Body - Land Purchase Application - *FOIP Act Section 25*

12. ADJOURNMENT



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 3.a

Subject: Minutes of the Family and Community Support Services Advisory Committee of April 24, 2023

Recommendation: That Council accept the minutes of the Family and Community Support Services Advisory Committee of April 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 Family and Community Support Services Advisory Committee provides their minutes to keep Council apprised of FCSSAC activities.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[FCSSAC Minutes of April 24, 2023.pdf](#)



Family and Community Support Services Advisory Committee Meeting Minutes

Municipality of Crowsnest Pass
Monday April 24, 2023 – 6:30 PM
MDM Community Centre

Chairperson: K. McNeil

Secretary: Kim Lewis

Present: Kate McNeil – Chairperson
 Margaret Thomas – Vice Chairperson
 Lisa Sygutek – Council Representative
 Dean Ward – Council Representative
 Cathy Painter – Member at Large
 Mirjam Thielen- Member at Large
 Barb Kelly – Member at Large
 Kim Lewis – FCSS Programmer

Absent: Trent Smith – Manager of Community Services

1.0 Call to Order

K. McNeil called the meeting to order at 6:34pm.

2.0 Adoption of Agenda

#28 - 23 MOVED BY: D.WARD

That the meeting agenda be adopted with amendments.

CARRIED

3.0 Adoption of Minutes

3a) Adoption of Family and Community Support Services of March 27, 2023

#29 - 23 MOVED BY: K. MCNEIL

That the meeting minutes of March 27, 2023, be adopted as amended.

CARRIED

4.0 Correspondence

5.0 Public Input Period**6.0 Delegations****6a) Desiree Erdmann - Volunteer Crowsnest**

Desiree Erdmann attending the FCSS meeting to provide an update on Volunteer Crowsnest.



Bridging the gap between non-profit
organizations and volunteers



Volunteer Crowsnest is a new program funded by FCSS and aims to support non-profits, charitable organizations, volunteers and our community as a whole. Our goal is to build and strengthen the community while providing the opportunity to build a personal and professional network, communication skills and leadership skills. The initiative will enhance the social well-being of individuals and families in our community while building confidence, promoting volunteerism and strengthening connection.

Non-profit organizations can register to post volunteer opportunities, upcoming fundraisers, and events at volunteercrowsnest.ca. Volunteers do not need a profile to view current volunteer opportunities and will apply directly

to the organization they are interested in via the website. Opportunities can also be viewed at IGA and Pharmasave in the near future.

Volunteer Crowsnest exists as a support network to help bridge the gap between non-profit organizations and volunteers. The opportunities to make a positive impact on our community are endless and together we can build a stronger, more vibrant community.

Keep your eyes open for information on an upcoming non-profit luncheon and round table discussion.

Questions can be directed to Desiree Erdmann at volunteercrowsnest@gmail.com.

volunteercrowsnest.ca • volunteercrowsnest@gmail.com

Soon, volunteer boards will be up in IGA and Pharmasave with other locations being explored. Desiree will provide quarterly updates on the uptake and success of this program.

#30 - 23 MOVED BY: C. PAINTER

The Family Community Support Service Advisory Committee accepts the presentation made by Volunteer Crowsnest as information.

CARRIED

7.0 Business Arising from Previous Minutes**8.0 New Business****8a) 2024 FCSS Funding Application Review**

The 2024 FCSS Funding Application has been provided for review and or changes. The 2024 FCSS Funding Application will go out to the community the first week of June with the deadline for applications being July 31, 2023.

#31 - 23 MOVED BY: M. THOMAS

The Family Community Support Service Advisory Committee approves the 2024 FCSS Funding Application with amendments.

CARRIED

8.0 Administration Reports

8a) FCSS Programmer Update

- Asist (Applied Suicide Intervention Skills Training) planned for April 15 & 16, 2023. We had 18 people attend. Positive feedback.
- Working on May Seniors newsletter.
- Volunteer Appreciation - Friday April 21 at the MDM.
- Schedule is out for Youth week - May 1-5th.
- Planning for Seniors week
- Planning Spring BBQ- June 1.
- Roller Night Fever - Roller skating scheduled for June 2nd at the Coleman Complex
- Meals on wheels
- Subsidized taxi program
- Information & community referrals.

#32 - 23 MOVED BY: K. MCNEIL

The Family Community Support Service Advisory Committee accepts the FCSS Programmer update as information.

CARRIED

9.0 Committee Member Reports

L. Sygutek advised that Council had made a motion to sell the RIDECrowsnest bus.

10.0 In Camera

11. Adjournment

#33 - 23 MOVED BY: K. MCNEIL

That the meeting be adjourned at 7:57Pm.

CARRIED


Chairperson



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 3.b

Subject: Minutes of the Municipal Planning Commission of April 26, 2023

Recommendation: That Council accept the Minutes of the Municipal Planning Commission of April 26, 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 Municipal Planning Commission provides their minutes to keep Council apprised of exceptional development permits, subdivisions, recommended bylaw amendments, etc.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[2023 04 26_Municipal Planning Commission Minutes Approved.pdf](#)



Municipality of Crowsnest Pass
Minutes, Municipal Planning Commission
Wednesday, April 26, 2023, at 2:00 PM

- PRESENT:** Gaston Aubin, Vice Chair
Dave Filipuzzi, Member
Sam Silverstone, Member
Dean Ward, Member
- ADMINISTRATIVE:** Katherine Mertz, Development Officer
Kim Kozak, Development Officer
Johan Van Der Bank, Manager of Development & Trades
Sasha Lassey, Recording Secretary
- ABSENT:** Justin Ames, Chair
Kevin Bergeron, Member (Resigned)
Don Montalbetti, Member
-

1. CALL TO ORDER

As Chair Justin Ames is not present, Gaston Aubin will be acting chair for the meeting. Gaston Aubin called the meeting to order at 2:04 pm

Johan clarified some additional meeting procedures including 1) the result of a split vote (the motion to approve is deemed lost and the application is deemed refused, and members who voted against the motion to approve are required to provide their reasons, which must be recorded) and 2) that making a "negative motion" should be avoided and the definition of a "negative motion" (i.e. a motion to refuse an application is not deemed to be a negative motion, and thus is acceptable).

2. ADOPT AGENDA

2.1 Additions/Deletions

Additions: Roundtable – 9.2 Seacan in Blairmore
Delegation of Authority

MOTION by Dean Ward to accept the agenda as amended.

CARRIED

3. CONSENT AGENDA

4. **ADOPTION OF MINUTES**

4.1 Minutes of March 22, 2023

Dean Ward requested a change in the Minutes of March 22, 2023, to reflect Roundtable Discussion item 9.1 to include Justin Ames as a member of the Sub-Committee

MOTION by Dave Filipuzzi to adopt the minutes of March 22, 2023, as amended.

CARRIED

5. **SUBDIVISION APPLICATIONS**

6. **DEVELOPMENT PERMIT APPLICATIONS**

6.1 **DP2022-198 - 7914 20 Avenue, Coleman (Lot 9-10 Block 25 Plan 820L)**

MOTION by Dean Ward to:

Approve DP2023-198, to operate a "Hostel", "Workshop accessory to an approved use" (Art Studio and Artist Retreat) (both discretionary uses) inside an existing building, "Freestanding Sign" (discretionary use) and a "Fascia Sign" (permitted use), with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.2 **DP2023-049 - 3013 221 Street, Bellevue (Lot 14-15 Block 2 Plan 8311587)**

MOTION by Dave Filipuzzi to:

Approve DP2023-049, to operate a "Home Occupation - Class 2" Woodworking (discretionary use), with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.3 **DP2023-056 - 2132 128 Street, Blairmore (Lot 4 Block 21 Plan 1810330)**

MOTION by Dave Filipuzzi to:

Approve DP2023-056, for a "Single-family dwelling" (permitted use) and "Modular Home" (discretionary use), supported by a Comprehensive Site Development Plan for future phases (three additional dwelling units).

Approve the Comprehensive Site Development Plan for future phased development of four "Single-family Dwellings" / "Modular Dwellings" and a Development Permit for Phase 1 containing one (1) "Single Family Dwelling" (permitted use) / "Modular Home" (discretionary use) (Unit No. 2), with a 35% variance to the front yard setback, a 60%

variance to the rear yard setback, a 2% variance to the side yard setbacks, and tandem parking, with conditions as identified by Alternative A in the MPC request for decision package and add the condition as follows:

#5 - A condominium subdivision plan must also be registered prior to a development permit being issued for Units 1, 3 and 4.

CARRIED

6.4 DP2023-TH006 - 1837 71 Street, Coleman (Lot 3 Block A Plan 2466AA)

MOTION by Dean Ward to make a recommendation to council to amend the Land Use Bylaw to grant Development Officers the authority to automatically refuse any discretionary applications that are not eligible to be approved under the authority of the Municipal Planning Commission.

CARRIED

MOTION by Dean Ward to:

Refuse DP2023-TH006, to operate a "Tourist Home" (discretionary use) with a 54% variance to the minimum separation distance from 200 meters to 91 meters, and a 100% variance to the off-street parking requirement, with conditions as identified by Alternative A in the MPC request for decision package for the following reason:

- 1) The land use bylaw prescribes that the Municipal Planning Commission shall not approve a variance of these measurable standards.

CARRIED

6.5 DP2023-TH007 - 11105 108 Street, Blairmore (Lot 1 Block 1 Plan 1711995)

MOTION by Dave Filipuzzi to:

Approve DP2023-TH007, to operate a "Short-Term Rental / Bed & Breakfast" (discretionary use), with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.6 DP2023-TH008 - Unit #3 - 11910 21 Avenue, Blairmore (Unit 3, Block N/A, Plan 0611201)

MOTION by Dave Filipuzzi to:

Approve DP2023-TH008, to operate a "Tourist Home" (discretionary use) in one unit of a condominium fourplex, with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.7 DP2023-022 - 1716 East Hillcrest Drive, Hillcrest (NE 9-7-3 W5M)

MOTION by Dean Ward to:

Approve DP2023-022, for a "Single-Family Dwelling" (discretionary use), with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.8 DP2023-035 - 12731 20 Avenue, Blairmore (Lot 6 Block 6 Plan 3319I)

MOTION by Dean Ward to:

Approve DP2023-035, for a "Fascia Sign" (permitted use) with a variance to its location of the front sign to the roofline by 100% and for the number of signs by 100%, with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.9 DP2023-046 - 14838 22 Avenue, Frank (Lot 33-34 Block 29 Plan 2563BS)

MOTION by Dave Filipuzzi to:

Approve DP2023-046, for an "Accessory Building" (59.2m² detached garage) (permitted use) / Moved-in building (discretionary use), and two existing "Accessory Buildings" (14.4m² shed 1 and 19.8m² shed 2) (permitted uses), with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.10 DP2023-057 - 2000 1 Street, Coleman (Lot 17 Block 1 Plan 0815532)

MOTION by Dave Filipuzzi to:

Approve DP2023-057, for a "Home-Occupation - Class 2" (discretionary use) (Coal Town Furnace & AC - Plumbing and Heating), with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.11 DP2023-058 - 2925 214 Street, Bellevue (Lot 34 Block 5 Plan 2310236)

MOTION by Dean Ward to:

Approve DP2023-058, for a "Single-Family Dwelling" (permitted use) with a variance to the Lot Coverage by 34%. This application must be read in conjunction with DP2023-059 for a "Secondary Suite" by the same applicant in the basement of the Single-Family that is the subject of this DP2023-058, with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.12 DP2023-059 - 2925 214 Street, Bellevue (Lot 34 Block 5 Plan 2310236)

MOTION by Dean Ward to:

Refuse DP2023-059, for a "Secondary Suite" (76m²) (discretionary use) within the "Single-Family Dwelling", with conditions as identified by Alternative A in the MPC request for decision package for the following reason:

- 1) The proposed Secondary Suite floor area exceeds the standard of 84m² by 70% (59.06m²). Administration, section 14.2 (b) (vi) of the Land Use Bylaw states that the Municipal Planning Commission shall not approve a variance of more than 10% to the floor area of a secondary suite; and
- 2) Schedule 15, section 1.7 (b) states that an application for a secondary suite that encompasses the majority of the habitable floor area of the basement in a single storey Single-family Dwelling shall be refused, and where applicable the applicant shall be directed to apply for an up-down Duplex. A Duplex is a discretionary use in the R-1 District.

CARRIED

6.13 DP2023-060 - 8001 23 Avenue, Coleman (Lot 1 Block 35 Plan 820L)

MOTION by Dave Filipuzzi to:

Approve DP2023-060, for "Accessory Buildings":

- a. a 106.29m² Detached Garage (discretionary use) with a 52.60% variance to the lot coverage,
- b. a 6.94m² Metal Shed (permitted use) with an 87.5% variance to the east side yard setback, a 10.8% variance to the rear yard setback, and a 62.57% variance to the lot coverage, and
- c. a 9.52m² Wooden Shed (permitted use) with a 96.67% variance to the west side yard setback and a 76.24% variance to the lot coverage, with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.14 DP2023-063 - 12915 19 Avenue, Blairmore (Lot 3 Block 1 Plan 0311508)

MOTION by Dave Filipuzzi to:

Approve DP2023-063, for a "Temporary Storage Yard" and "Shipping Container, accessory to an approved use" (discretionary uses) for the placement of one 30m² shipping container for five years, with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.15 DP2023-064 - 13550 18 Avenue, Blairmore (Lot 8-9 Block 3 Plan 6050L)

MOTION by Dave Filipuzzi to:

Approve DP2023-064, for a "Home Occupation - Class 2" (discretionary use) ("South Mountain Beauty" Beauty Salon), with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.16 DP2023-066 - 2778 Valley Ridge Rd, Frank (Lot 3 Block 2 Plan 9912103)

MOTION by Dave Filipuzzi to:

Approve DP2023-066, for an "Accessory Building" (247.12m² garage) (discretionary use) with a variance to exceed the standard height from 6.7m to 11.04m (65%), with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.17 DP2023-068 - 1738 East Hillcrest Drive, Hillcrest (Lot 1 Block 2 Plan 0712040)

MOTION by Dean Ward to:

Approve DP2023-068, for a "Secondary Suite" (59m² stand-alone) (discretionary use), with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

7. BYLAW AMENDMENTS

8. APPEALS

9. ROUND TABLE DISCUSSION

9.1 Kamloops Tree Protection Bylaw

Discussion with the board regarding the Kamloops Tree Protection Bylaw and whether a similar bylaw should be included in the Land Use Bylaw Omnibus No. 3 review. The Municipal Planning Commission reached consensus that there is a need for at least considering such a bylaw amendment, and that there should be consideration for appropriate rules for urban areas versus rural areas. The consensus was that the question of whether to include tree protection should be posed at the Council workshop on Omnibus No. 3.

9.2 Blairmore Sea Can

Johan provided an update on the noted Seacan in Blairmore. Under the previous Land Use Bylaw, the owners were issued a development permit, however it is no longer allowed, therefore the recent application has been refunded. The owner will be referred to acquire a "hoarding permit" from the transportation department under the Traffic Bylaw to occupy a road allowance.

9.3 Delegation of Authority

The Municipal Planning Commission reached consensus to request that Administration bring a land use bylaw amendment to Council to delegate authority from the Municipal Planning Commission to the Development Officer regarding the following items:

- 1) Approval of a Tourist Home or Short-Term Rental / Bed & Breakfast that complies with all the established standards and does not propose a variance.
- 2) Automatic refusal of a Tourist Home or Short-Term Rental / Bed & Breakfast that proposes a variance beyond the Municipal Planning Commission's authority as established in the bylaw.
- 3) Site coverage for a Single-family Dwelling with an attached garage.
- 4) A Moved-in Building and a Moved-in Dwelling.
- 5) Single-family Dwelling in the NUA-1 district.
- 6) Tandem parking.

10. **NEXT MEETING**

10.1 Next Meeting May 24, 2023, at 2:00 pm.


11. **IN CAMERA**

12. **ADJOURN**

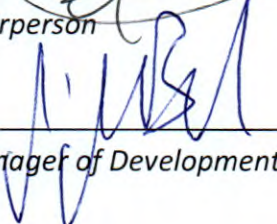
MOTION by Dave Filipuzzi to adjourn the meeting at 3:46 pm.

CARRIED

Approved By:



Chairperson



Manager of Development and Trades

May 24, 2023
Date

June 01, 2023
Date



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 3.c

Subject: MD of Pincher Creek - Letter to the Minister of Environment and Protected Areas Regarding Watercraft Inspection Stations

Recommendation: That Council accept the MD of Pincher Creek - Letter to the Minister of Environment and Protected Areas Regarding Watercraft Inspection Stations as information and to direct Administration to write a letter in support of reopening the watercraft inspection station.

Executive Summary:

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

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

The MD of Pincher Creek has written a letter to the Minister of Environment and Protected Areas regarding their concerns with removal of the watercraft inspection station from Highway 3 that was in place in order to continue the preventative measures for controlling aquatic invasive species.

Administration feels that this is an important request and should be supported by all municipalities in the region to have the water inspection station reopened.

Analysis of Alternatives:

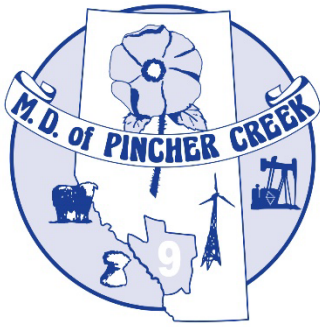
n/a

Financial Impacts:

n/a

Attachments:

[2023-05-25 Watercraft Inspection Station.pdf](#)



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Pincher Creek, AB
T0K 1W0
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info@mdpinchercreek.ab.ca
www.mdpinchercreek.ab.ca

May 25, 2023

Honourable Sonya Savage
Minister of Environment and Protected Areas
224 Legislature Building
10800 - 97 Avenue
Edmonton, AB T5K 2B6
aep.minister@gov.ab.ca

Dear Minister Savage,

Council for the MD of Pincher Creek, at their May 23, 2023 meeting, discussed water-related sports and tourism within our Municipality. This conversation brought concerns over aquatic invasive species (AIS) that can be transferred from other places around Alberta. We believe these AIS can be detrimental to our environment and are very problematic to eliminate once introduced.

Residents have recently noted that the watercraft inspection station located along Highway 3 has not been operational for a few years. Council for the MD is especially concerned about the closure of this station as we have many visitors coming through to participate in outdoor recreation. We believe that prevention is essential to control a situation before it occurs. A release of AIS would significantly affect the headwaters of the Oldman River Basin. The introduction would affect not only our municipalities but neighboring ones as well.

Council stresses the importance of reopening this watercraft inspection station to protect and prevent any introduction of AIS to our area.

Yours truly,

Rick Lemire
Reeve, MD of Pincher Creek No.9

cc: Town of Pincher Creek
Municipality of the Crowsnest Pass
MD of Ranchland
MD of Willow Creek
Cardston County



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 3.d

Subject: Invitation to Bellecrest Days Parade on June 17, 2023

Recommendation: That Council participate in the Bellecrest Days Parade on June 17, 2023 with the new float and discuss who would be available to attend.

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:

Council participates annually in Bellecrest Days with the parade being a major highlight. We are excited to debut our new float to the residents of Crowsnest Pass at Bellecrest Days.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[2023 05 31 - Invitation to Bellecrest Days Parade.pdf](#)

Bonnie Kawasaki

From: Cam Davidson <cam.edb@outlook.com>
Sent: May 31, 2023 9:39 AM
To: Bonnie Kawasaki; Bellecrest Community Association
Subject: Town float

Hi Bonnie,
I have one more request I'd like to squeeze in before the next council meeting...

On behalf of the Bellecrest association I'd like to invite the town to bring the new float to Bellecrest Days Parade 2023 on June 17th. Just like years past, as you all know, the parade will marshal and return to the campground on the south east corner of Bellevue (beside Crockets)

I'm the parade marshal again this year and looking forward to seeing the new float!

The parade gets underway at 11am and there is a Parade entry form on our website.

[BELLECREST COMM. ASSOC. - EVENTS](#)

BELLECREST COMM. ASSOC. - EVENTS

Sign up to be a vendor at Bellecrest Days

www.bellecrest.ca

Thanks, and hope to see you all there,

Cam Davidson (Bellecrest Assoc. President)



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 4.a

Subject: Minutes of the Council Meeting of May 30, 2023

Recommendation: That Council adopt the Minutes of the Council Meeting of May 30, 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 05 30 Council Meeting Minutes.docx](#)

Municipality of Crowsnest Pass

Council Meeting Minutes

Tuesday, May 30, 2023

A regular meeting of the Council of the Municipality of Crowsnest Pass was held in Council Chambers on Tuesday, May 30, 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
Brian McCulloch, Director of Finance
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

Additions:

In Camera

- e) Business Interests of a Third Party – Bellevue Inn - FOIP Act Section 16 - Councillor Ward
- f) Business Interests of a Third Party – McMan - FOIP Act Section 16 - Councillor Ward
- g) Personal Privacy – Personnel - FOIP Act Section 17 – Councillor Kubik

01-2023-05-30: Councillor Filipuzzi moved to adopt the agenda as amended.

Carried

CONSENT AGENDA

02-2023-05-30: Councillor Girhiny moved that Council approve the following Consent Agenda items as presented without debate:

3.a

Minutes of the Community Marketing Advisory Committee of February 15, 2023

THAT Council accept the Minutes of the Community Marketing Advisory Committee of February 15, 2023 as information.

3.b

Minutes of the Crowsnest Pass Senior Housing Board of March 20, 2023

THAT Council accept the Minutes of the Crowsnest Pass Senior Housing Board of March 20, 2023 as information.

3.c

Minutes of the Municipal Planning Commission of March 22, 2023

THAT Council accept the Minutes of the Municipal Planning Commission of March 22, 2023 as information.

3.d

Minutes of the Municipal Historic Resources Advisory Committee of April 24, 2023

THAT Council accept the Minutes of the Municipal Historic Resources Advisory Committee of April 24, 2023 as information.

3.e

Minutes of the Crowsnest Pass Community Library Board of April 25, 2023

THAT Council accept the Minutes of the Crowsnest Pass Community Library Board of April 25, 2023 as information.

3.f

Invitation to Ukrainian Day Celebration - August 20, 2023

THAT Council accept the Invitation to Ukrainian Day Celebration on August 20, 2023 as information.

Carried

ADOPTION OF MINUTES

03-2023-05-30: Councillor Kubik moved to adopt the Minutes of the Council Meeting of May 16, 2023 as presented.

Carried

PUBLIC HEARINGS

None

DELEGATIONS

Crowsnest Pass Chamber of Commerce - Daina Lazzarotto, President

Daina Lazzarotto, President of the Crowsnest Pass Chamber of Commerce was in attendance to provide an update to Council regarding Chamber activities and challenges facing the business community.

REQUESTS FOR DECISION

Bylaw No. 1152, 2023 – Fees, Rates and Charges Bylaw Amendment - Annual Lease Fee for Encroachment Agreements and Development Permit Penalty Fee - First Reading

04-2023-05-30: Councillor Girhiny moved first reading of Bylaw No. 1152, 2023 – Fees, Rates and Charges Bylaw Amendment - Annual Lease Fee for Encroachment Agreements and Development Permit Penalty Fee.

Carried

COUNCIL MEMBER REPORTS

Council reports since the May 16, 2023 meeting of Council:

- Councillor Girhiny
 - Attended the Crowsnest Historical Society AGM
- Councillor Glavin
 - Attended the South Canadian Rockies Association Tourism Night
 - Attended the Pinch-O-Crow Creekers Event at Peaks Campus
 - 270 Paddlers were at the event
 - Attended the Crowsnest Community Support Society windup barbecue
- Councillor Ward
 - Attended the Family and Community Support Services Advisory Committee Meeting
 - FCSSAC Community BBQ will be held on June 1, 2023 at Gazebo Park
 - Seniors' Luncheon will be held on June 8, 2023 at the Elk's Hall
- Councillor Kubik
 - Attended the Forest Products Advisory Committee Meeting
 - Update from Spray Lakes in finalizing their forest management plan with the Provincial Government

PUBLIC INPUT PERIOD

- Kevin Brennan - Coleman
 - Noted that the adjacent property was originally a laneway that is used to access his garages, and is now preventing sale of his property
 - Would like the Municipality to return the property to a laneway, but will purchase the lot to guarantee access

COUNCILLOR INQUIRIES AND NOTICE OF MOTION

None

IN CAMERA

05-2023-05-30: Councillor Filipuzzi 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 7:36 pm:

- a) Business Interests of a Third Party - Trilogy Security - FOIP Act Section 16
- b) Intergovernmental Relations - MD Of Pincher Creek - FOIP Act Section 21
- c) Economic Interests of the Public Body - Land Purchase Application - FOIP Act Section 25
- d) Economic Interests of the Public Body - Land Purchase Application - FOIP Act Section 25
- e) Business Interests of a Third Party – Bellevue Inn - FOIP Act Section
- f) Business Interests of a Third Party – McMan - FOIP Act Section 16
- g) Personal Privacy – Personnel - FOIP Act Section 17

Carried

Reconvene

Mayor Painter convened the In Camera meeting at 7:52 pm. Patrick Thomas, Chief Administrative Officer in attendance to provide advice to Council.

06-2023-05-30: Councillor Sygutek moved that Council come out of In Camera at 9:58 pm.

Carried

07-2023-05-30: Councillor Ward moved that the Municipality will repurchase the property located at 20813 25 Avenue from Trilogy Real Estate Group as per the conditions laid out in the agreement.

Carried

08-2023-05-30: Councillor Kubik moved that Council accept the offer to purchase a portion of the lane behind the residence at 7457-18 Avenue in Coleman subject to the following conditions:

1. That the applicant is responsible for all costs associated with the closure of the lane to public travel.
2. That the applicant is responsible for all costs associated with amending the Land Use Bylaw for the portion to be closed to R-1 Residential.
3. That the applicant is responsible for all costs associated with the land survey, subdivision and consolidation of the closed portion of the lane with the title to lots 11 and 12, Block 22, Plan 820L.

4. That the applicant is responsible for all legal costs associated with this transaction, including the legal costs of the Municipality, if any.
5. That this transaction be completed by March 1, 2024.
6. That the purchase price for the 500 square feet is \$2,000 (\$4.00/sf)
7. That the lane maintenance is the responsibility of the applicant.

Carried

09-2023-05-30: Councillor Kubik moved that Council accepts the offer to purchase Lot 25, Block 17, Plan 6808CU subject to the following conditions:

1. That the applicant is responsible for all costs associated with the land survey, subdivision and consolidation of the subject parcel with the titles to lots 1 and 2, Block 2, Plan 4292JK.
2. That the purchase price be \$4.00 per square foot or \$14,972 plus GST.
3. That the applicant is responsible for all legal costs associated with this transaction, including the legal costs of the Municipality, if any.
4. That this transaction be completed by September 30, 2023.

Carried

10-2023-05-30: Councillor Ward moved that Administration drafts a policy for tax incentives for multi residential developments.

Carried

ADJOURNMENT

11-2023-05-30: Councillor Filipuzzi moved to adjourn the meeting at 10:04 pm.

Carried

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 5.a

Subject: Bylaw 1149, 2023 - Land Use Bylaw Amendment re. Nuisance Grounds (Areas of Potential Environmental Concern Overlay District) - public hearing

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

Executive Summary:

Bylaw 1149, 2023 was given first reading on May 16, 2023 and a public hearing was scheduled for June 06, 2023.

On February 07, 2023 Council adopted motions to accept and publicly release the nuisance grounds environmental overview report prepared by Associated Environmental, and to direct Administration to prepare amendments to the Land Use Bylaw and the Safety Codes Permit Bylaw.

Relevant Council Direction, Policy or Bylaws:

Motion 20-2023-02-07: Councillor Glavin moved that the nuisance grounds reports be finalized and posted publicly.

Motion 21-2023-02-07 - Councillor Ward moved that appropriate amendments be drafted to the Land Use Bylaw and Safety Codes Bylaw as per the recommendations in the Nuisance Grounds report.

Land Use Bylaw No. 868, 2013 as amended.

Safety Codes Permit Bylaw No. 946, 2016 as amended.

Proposed Bylaw 1150, 2023 Amendment to the Safety Codes Permit Bylaw - Nuisance Grounds.

Discussion:

Public hearing.

Analysis of Alternatives:

Public hearing.

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaws 1149, 2023 and 1150, 2023 - public hearing notification.pdf](#)

[FORMATTED Bylaw 1149, 2023.pdf](#)

[Bylaw 1149, 2023 Schedule A.pdf](#)

NOTICE OF PUBLIC HEARING
MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA
PROPOSED BYLAW NO. 1149, 2023 and BYLAW NO. 1150, 2023

7:00 PM, June 06, 2023
Municipality of Crowsnest Pass Council Chambers
8502 – 19 Avenue, Coleman

PURSUANT to sections 230, 606, and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and section 66 of the Safety Codes Act, Chapter S-1, Revised Statutes of Alberta 2000, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta hereby gives notice of its intention to consider proposed Bylaw No. 1149, 2023, being a bylaw to amend Bylaw No. 868, 2013, being the municipal Land Use Bylaw, and proposed Bylaw No. 1150, 2023, being a bylaw to amend Bylaw 946, 2016, being the municipal Safety Codes Permit Bylaw.

The purpose of Bylaw No. 1149, 2023 and Bylaw No. 1150, 2023 is to establish standards and best practices for development and subdivision, and safety codes considerations for construction, in proximity to four identified Areas of Potential Environmental Concern relative to the existence of former nuisance grounds.

THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1149, 2023 and Bylaw No. 1150, 2023 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00 PM on June 06, 2023. Persons wishing to speak to the bylaws 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 bylaws should email: Bonnie Kawasaki, Executive Assistant to the CAO at bonnie.kawasaki@crowsnestpass.com no later than 12:00PM on May 30, 2023. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

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

The proposed bylaws may be inspected at the municipal office during normal business hours.

DATED at the Municipality of Crowsnest Pass in the Province of Alberta, May 17, 2023.

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1149, 2023
LAND USE BYLAW AMENDMENT – NUISANCE GROUNDS

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, in accordance with section 692 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Municipality of Crowsnest Pass determines it prudent to regulate development and subdivision in proximity to several Areas of Potential Environmental Concern (Nuisance Grounds), it wishes to amend the Land Use Bylaw as follows:

1. In Schedule 4 – Standards of Development, establish a development standard for new development and subdivision in proximity to four identified Areas of Potential Environmental Concern.
2. Establish a new Schedule 20 – Areas of Potential Environmental Concern Overlay District, to provide the standards and best practices for development and subdivision within a 300m setback distance from the identified nuisance grounds.
3. Associated amendments to the Table of Contents and schedule divider pages.

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. Replace the existing sections of the Land Use Bylaw with the revised sections of the Land Use Bylaw as identified in Schedule 'A' attached hereto and forming part of this bylaw.
2. Bylaw No. 868, 2013 is hereby amended.
3. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time in council this _____th 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

Schedule 4

STANDARDS OF DEVELOPMENT

1. The following is an alphabetical list with section number references of standards established in this Schedule:
 - Areas of Potential Environmental Concern (Nuisance Grounds)..... Section 30
 - Accessory Buildings and Uses Section 26
 - Alternative / Renewable Energy Development Section 48
 - Campground and Recreational Vehicle Park Standards Section 35
 - Cannabis Retail Sales Section 38
 - Canvas Covered Structures Section 34
 - Communication Antennae and Structures Section 24
 - Comprehensive Planning for Redesignation, Development Permit or Subdivision Applications Section 4
 - Corner Lot Sight Triangle Section 12
 - Decks Section 20
 - Demolition, Removal or Replacement of Buildings Section 9
 - Development in General..... Section 3
 - Drive-in Commercial Use Standards Section 32
 - Easements, Setback Distances and Public Safety Section 17
 - Easements, Rights-Of-Way and Legislated Setback Distances
 - Trans Canada High Pressure Gas Pipeline
 - Wildland-Urban Interface
 - Environmental Considerations Section 30
 - Wildlife and Wildland-Urban Interface
 - Wetlands, Watercourses, Riparian Areas and Regionally Sensitive Areas
 - Areas of Potential Environmental Concern (Nuisance Grounds)
 - Exposed Foundations..... Section 25
 - Fences Section 19
 - Flood-risk Lands..... Section 29
 - Historic Commercial Areas (also see Municipal Historic Resources) Section 52
 - Home Occupations..... Section 44
 - Industrial and Commercial Use Standards Section 31
 - Infill Development in Mature Neighbourhoods..... Section 6
 - Kennels Section 49
 - Landfills / Nuisance Grounds (Areas of Potential Environmental Concern)..... Section 30
 - Landscaping and Screening Standards..... Section 22
 - Lighting..... Section 14

Wetlands, Watercourses, Riparian Areas and Regionally Sensitive Areas

- 30.2 Development in the Municipality shall incorporate appropriate setbacks and other design considerations relative to its potential impact on the bed and shore of a watercourse or waterbody, riparian areas and/or regionally sensitive areas, by incorporating best practices, for example those promoted in relevant publications such as *“Stepping Back from the Water”* and *“Environmentally Significant Areas of Alberta”*.
- 30.3 It is the responsibility of the landowner or applicant for a development permit to obtain clearance from provincial agencies for wetland assessment and compensation and from provincial and/or federal agencies for the use of or impacting upon the bed and shore of a waterbody or watercourse.

Areas of Potential Environmental Concern (Nuisance Grounds)

- 30.4 Development and subdivision in the proximity of an Area of Potential Environmental Concern as identified in Schedule 20 shall comply with the standards and best practices established in that Schedule.

31. INDUSTRIAL AND COMMERCIAL USE STANDARDS

- 31.1 Industrial and commercial development in the Municipality shall incorporate locational, design and operational considerations (including restricting its hours of operation) to reduce its impact on municipal infrastructure and improve its compatibility with nearby land uses by mitigating conflicts and adverse effects upon those uses, including but not limited to:

- (a) measures to control or mitigate noise, smoke, vibration, effluent, dust, ash, odour, electrical interference, glare, heat and/or industrial waste to a level below what is reasonably considered to be offensive, noxious or a nuisance to the character and purpose of the adjacent land use district;
- (b) design, exterior building finish, landscaping, siting, setbacks, paving of parking areas, and other details, as appropriate and to the satisfaction of the Development Authority;

and the Development Authority may impose relevant conditions on a development permit to ensure compliance with this standard.

32. DRIVE-IN COMMERCIAL USE STANDARDS

- 32.1 Every drive-in commercial development shall:

- (a) provide at least 10 parking stalls subject to the standards in Schedule 6 of this bylaw;
- (b) clearly identify on site plans accompanying the development application the areas proposed for parking and vehicle circulation, including appropriate signs;
- (c) provide hard surfacing and surface drainage to the satisfaction of the Development Officer, in consultation with appropriate municipal staff;
- (d) provide a waiting bay not less than 18.3 metres (60 ft.) in length on the lot for every take-out service window;
- (e) provide adequate distance separation between all vehicle access points as well as between access points and streets or lanes to the satisfaction of the Development Authority;
- (f) ensure any vehicular access from Highway 3 is acceptable to Alberta Transportation;

AREAS OF POTENTIAL ENVIRONMENTAL CONCERN OVERLAY DISTRICT (APEC-OD)

Purpose: To promote public and landowner awareness of the presence and location of existing closed nuisance grounds that constitute Areas of Potential Environmental Concern (APECs) in the Crowsnest Pass, and of the best practices and standards that are encouraged and, in some instances, required for the development of a residence, school or hospital, or for a subdivision for residential, school or hospital purposes, within proximity of these areas.

Permitted Uses: Those uses listed as permitted in the underlying land use district.

Discretionary Uses: Those uses listed as discretionary in the underlying land use district.

Application:

1. The extent of the Overlay District is the land area within the recommended 300m setback distance from the Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3 nuisance grounds / APECs, as identified in the attached maps.
2. Except for the exemptions provided for herein, the regulations in this Overlay District apply to:
 - a proposed subdivision for the purpose of residential, school or hospital development;
 - the development of a residence and an addition to an existing residence or a school or hospital on an existing parcel; and
 - the development of parks and recreation areas;located within the distances from the APECs as determined in the Overlay District.

Exemption:

1. The regulations in this Overlay District do not apply to a development or a parcel of land that existed on February 07, 2023, and these may continue in their present form but shall not be added to or subdivided unless the application complies with the development and subdivision regulations established herein.
2. The regulations in this Overlay District do not apply to a development permit application for a use or a building / structure that is deemed to not be a residence, school or hospital.
3. A development permit application for an accessory structure associated with an existing or proposed residence, such as an outdoor space, an uncovered deck, a shed, or a garage, is not restricted by the provisions of the Overlay District.
4. An addition without a basement to an existing residence or the development of a new residence without a basement is not restricted by the provisions of the Overlay District.

Development and Subdivision Regulations:

1. A development permit application that is proposed on lands located within the Overlay District shall demonstrate compliance with the standards and best practices established in this Overlay District, to the satisfaction of the Development Authority, as follows:
 - 1.1 An addition with a basement to an existing residence or the development of a new residence with a basement, or the development of a school or hospital, requires a Phase II Environmental Site Assessment that verifies the absence of contaminants, offsite gas migration, or confirms that monitoring, mitigative measures and/or preventative measures are implemented, unless the Municipality of Crowsnest Pass previously completed the environmental assessment(s) and monitoring and provides the information to the applicant to make an informed decision to ensure that the nearby nuisance ground would not impact the proposed development. The Development Authority could require an applicant to include additional mitigative measures (i.e. soil vapour barriers applied to the basement walls) as part of the new construction.
 - 1.2 The development of a park or other recreational use should be restricted until a human health and ecological risk assessment is completed, to ensure there are no adverse affects from potential contamination in soil or water.
2. A subdivision application that is proposed on lands located within the Overlay District shall demonstrate compliance with the standards and best practices established in this Overlay District, as follows:
 - 2.1 A subdivision application requires a Phase II Environmental Site Assessment that verifies the absence of contaminants, offsite gas migration, or confirms that monitoring, mitigative measures and/or preventative measures are implemented, unless the Municipality of Crowsnest Pass previously completed the environmental assessment(s) and monitoring and provides the information to the applicant to make an informed decision to ensure that the nearby nuisance ground would not impact the proposed subdivision.
 - 2.2 A subdivision application for the development of a park or other recreational use should be restricted until a human health and ecological risk assessment is completed, to ensure there are no adverse affects from potential contamination in soil or water.

Rationale and Additional Information:

The Municipality of Crowsnest Pass (MCNP) retained Associated Environmental Consultants Inc. (Associated) to conduct an Environmental Overview of multiple nuisance grounds within the municipality, collectively referred to as the Project Area. On February 07, 2023 the Municipal Council received the final report for information and approved its public release. The rationale for the Overlay District is a partial and paraphrased extract from the Executive Summary of the final report. Additional and more detailed information may be obtained from the final report, "Municipality of Crowsnest Pass Nuisance Grounds Environmental Overview – 2022-8246" dated February 2023, which is available on the municipal website. In May 2023 the MCNP retained Associated Environmental Consultants Inc. to initiate Phase II Environmental Site Assessment and monitoring for the two nuisance grounds that it owns, i.e. Old Sartoris Staging Area and Hillcrest Ball Diamond Road.

Background

This project was initiated to determine whether setback variances are needed for previous and future developments within 300 metres (m) of the Project Area pursuant to the *Guideline for Setback Reviews [Waste Facility]*. The *Guideline* outlines the requirements for developers, subdivision authorities, and development authorities to evaluate a new development permit or subdivision application where the setback distances are planned or being considered to be reduced to less than the default 300 m setback for new

residences, schools, and hospitals. Typically, the default setback is 300 m from a non-operating landfill, pursuant to the *Matters Related to Subdivision and Development Regulation – Alberta Regulation 84/2022, dated October 24 2022*. To reduce the setback, the subdivision authority or development authority needs to have sufficient data to confirm the absence of nuisance (odours, vectors, and smoke) and contaminant migration (emissions, leachate, and landfill gas), or data to confirm the absence of pathways (i.e., mitigative measures). Developers typically provide environmental reports that meet the applicable guidelines to the authority for review as part of their subdivision or development application.

The May 2022 *Guideline for Setback Reviews [Waste Facility]* is an update to the May 2013 *Requesting Consent To Vary the Setback Distance For A Development To A Non Operating Landfill* document. The 2013 version required subdivision authorities and development authorities to submit a request to then Alberta Environment and Sustainable Resources (ESRD) to grant Ministerial consent to the setback variance. The 2022 version removed the requirements of the subdivision authorities and development authorities to receive consent from the Minister of Alberta Environment and Protected Areas (AEPA, formerly ESRD and Alberta Environment and Parks [AEP]). Similarly, the October 24, 2022, updated *Alberta Regulation 84/2022, Matters Related to Subdivision and Development Regulation, Part 3, Section 17, "Distance from wastewater treatment, landfill, waste sites"*, removed the requirement that a subdivision authority or development authority requires written consent of the Deputy Minister of AEPA. Based on these regulation updates, the Development Authority or the Subdivision Authority of the MCNP is not required to submit a request for a setback variance to AEPA.

Scope of Work

A desktop review was conducted to search for historical documents and reports related to known former nuisance/dumping grounds within the Project Area. In addition to the historical documents and reports, historical aerial photographs were reviewed to identify any other potential dumping sites. Eight (8) potential dumping locations were identified through air photograph review in addition to the four known nuisance grounds (i.e. Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3).

Following the desktop review, a geophysical survey was conducted by AKS Geoscience on September 1 and 2, 2022 to estimate the presence and extent of buried waste at nine of the twelve locations. The other three suspected sites were not surveyed because they were either discovered after the geophysical surveys had been completed at the other sites, were greater than 300 m away from current and potential future residential developments, or they are located on private property and the landowners did not give permission to access their properties for geophysical surveys.

From September 19 to 23, 2022, Associated completed site inspections and test pitting to confirm waste boundaries closest to nearby residences at Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3.

Findings

Four locations (Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3) are confirmed to be within 300 m of existing residences and may impact future neighbourhood expansions. Of the eight suspected former dumping locations, five are no longer suspected of containing buried waste. The other three sites could have potential buried waste, and it would be the responsibility of the private landowners to conduct their own environmental assessments for these locations.

The identified sites in this report are considered to be former nuisance grounds due to: 1) their age (dumping activities between the early 1940s to late 1970s); 2) that they were never formally operated or controlled; 3) had no record-keeping; and 4) that the dumping locations were never intended to be designed or constructed for waste management. Therefore, **the identified former nuisance grounds should be treated as Areas of Potential Environmental Concern (APECs), rather than landfills as defined in Alberta Regulation 84/2022, and as having the potential for soil and/or groundwater contamination**

that should have quantitative assessments (i.e. Phase II Environmental Site Assessments [ESAs]) completed to confirm if there are impacts to human and ecological health receptors.

Regulations and Government Correspondence

Based on correspondence with AEPA and Alberta Municipal Affairs, the MCNP, acting as the Subdivision/Development Authority, should amend and apply administrative controls (bylaws) that outline what type of permits/applications for both existing and new developments trigger additional environmental reviews if located within 300 m of a nuisance ground. The following items should be considered by the MCNP when amending/ updating or creating new bylaws:

Existing Properties and Development

- Existing properties do not fall under the Guideline for Setback Reviews [Waste Facility]. Therefore, MCNP is not restricted to limit permits/applications for existing developments and construction of items that are not considered residential dwellings. However, MCNP must make an informed decision when reviewing applications.
- The MCNP is not restricted to limit permits/applications for non-residential structures such as: outdoor spaces, uncovered decks, sheds, or garages. The MCNP could also allow additions to existing residential homes that do not have a basement.
- Based on the proximity to a nuisance ground, applications for home expansions or full home replacements that have basements should be more thoroughly scrutinized by MCNP. An environmental assessment must be available that verifies the absence of contaminants, offsite gas migration, or that preventative measures were put in place at the nuisance ground. The MCNP could also require an applicant to include additional mitigative measures (i.e. soil vapour barriers) as part of the new construction.
- Parks and recreational use should be restricted, until a human health and ecological risk assessment is completed, to ensure there are no adverse affects from potential contamination in soil or water.

New Developments and Subdivisions

- Schools and hospitals should not be constructed within 300 m of a nuisance ground without detailed environmental assessments and mitigative measures. Confirmation that no environmental concerns originating from the nuisance ground exist is required prior to construction.
- Parks and recreational use should be restricted, until a human health and ecological risk assessment is completed, to ensure there are no adverse affects from potential contamination in soil or water.
- Applicants for new developments or subdivisions should be required to conduct a detailed intrusive environmental assessment(s) to ensure that the nearby nuisance ground would not impact their development. Mitigative measures (i.e. soil vapour barriers) should be integrated into the design of their construction; unless MCNP previously completed the environmental assessments and provides the information to the applicant to make an informed decision.
- Environmental assessments, including on-going environmental monitoring of the nuisance grounds, should be kept recent (within five years), as there is potential for contaminants to change and migrate over time. Updated environmental assessments and/or monitoring may not be required if it can be proven that there are no human or ecological health concerns related to a nuisance ground and/or remediation was completed.

Other considerations for the MCNP are provided in Municipal Affairs' correspondence provided in Appendix N of the environmental overview report.

Recommendations

It is recommended that the APECs are assessed in the following order, from highest to lowest priority, based on existing residences and potential future neighbourhood expansions:

1. Bushtown (Owner: Alberta Government) – There is one existing residence approximately 50 m from buried waste, and dozens of existing houses within 60-300 m of the site, which are estimated to be hydraulically downgradient from the site. This site may also impact plans for future neighbourhood expansion.
2. Old Sartoris Staging Area (Owner: MCNP) – There are dozens of residences within 120 to 300 m from buried waste, which are estimated to be hydraulically downgradient from the site. Currently, this site does not impact potential future neighbourhood locations.
3. Hillcrest Ball Diamond Road (Owner: MCNP) – There are approximately five residences within 300 m of the site, one of which is estimated to be hydraulically downgradient. This site may also impact plans for future neighbourhood expansion.
4. Bellevue Old Highway 3 (Owner: Alberta Government) – There are approximately five residences within 170-300 m of the site, which are estimated to be hydraulically cross-gradient. Currently, this site does not impact potential future neighbourhood locations.

Potential contaminants of concern (PCOCs) in soil, groundwater, and soil vapour that should be assessed for include, but are not limited to: metals, salts (salinity), petroleum hydrocarbons (PHCs), BTEXS (benzene, toluene, ethylbenzene, xylenes, styrene), polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), pesticides, herbicides, dioxins and furans, and gases (methane).

Additional information may be obtained from the environmental overview report. The findings for the four (4) confirmed APECs are provided in Table 1, and a summary of suspected nuisance grounds locations is provided in Table 2. The checklist showing outstanding items that should be obtained through Phase II ESAs is provided in Table 3.

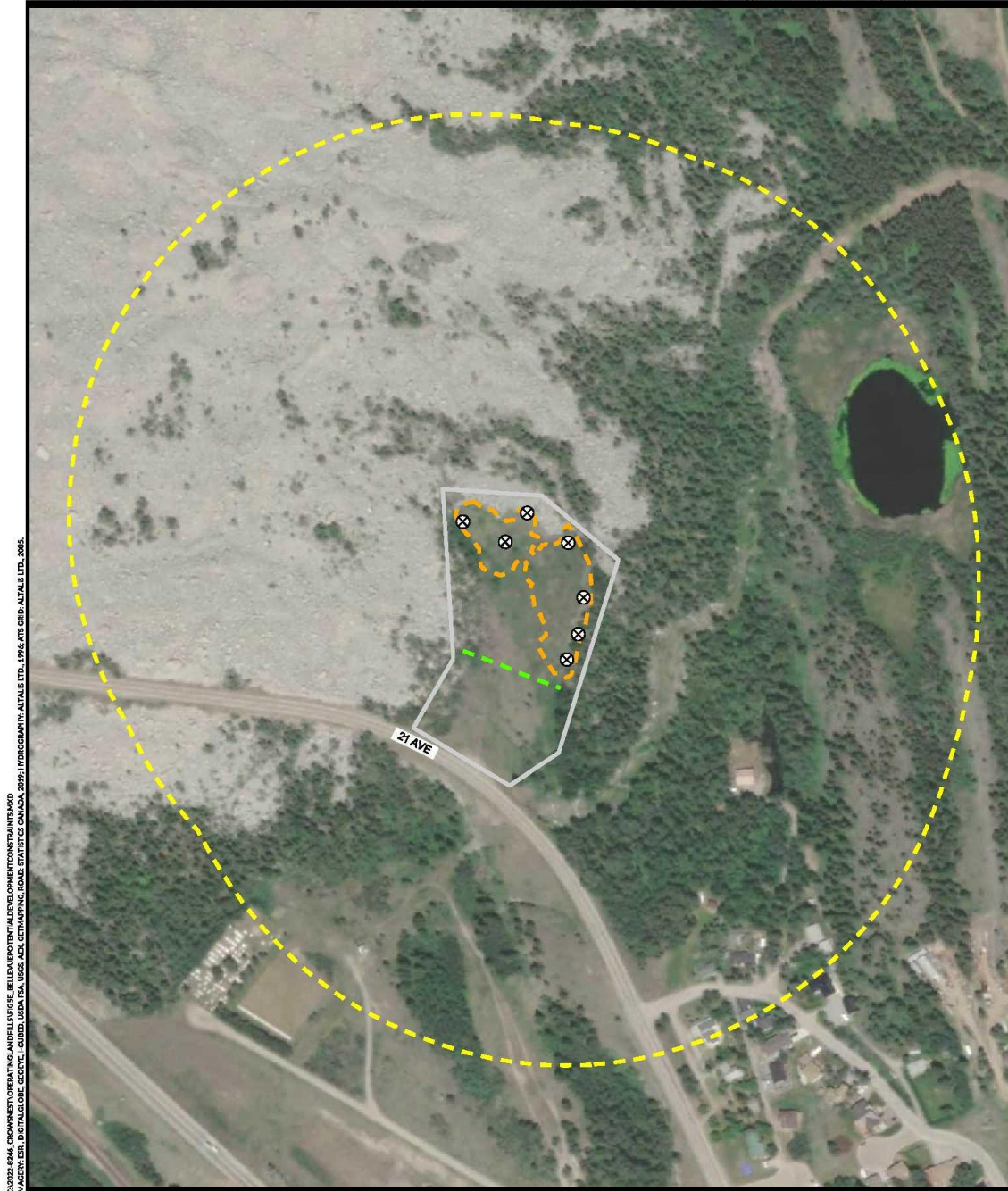
The environmental overview report is limited by the information available through the desktop search, existing records and local residents' memories of the former nuisance ground locations. The earliest aerial photographs are from 1949 and have too poor of a resolution to discern the waste boundaries. Some of the historical records may have incorrect information or are too vague. The possibility remains that there are additional unidentified nuisance grounds that could be encountered. If other nuisance grounds are encountered, a similar approach should be implemented as recommended for the sites listed in this report. If additional information becomes available and is deemed pertinent to this Environmental Overview, Associated requests notification of such for amendment of this report.







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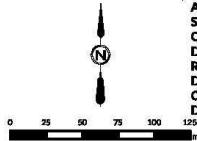


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LEGEND

- ⊗ Test Pit
- Fence
- 300m Buffer
- Estimated mixed waste boundary
- Site Boundary



AE PROJECT NO. 2022-8246
SCALE 1:4000
COORD. SYSTEM NAD 1983 3TM 114
DATE 2022-10-21
REV 00
DRAWN BY DK
CHECKED BY
ISSUED FOR REPORT

**FIGURE 5D
BELLEVUE OLD HIGHWAY 3 -
POTENTIAL DEVELOPMENT
CONSTRAINTS**

ENVIRONMENTAL OVERVIEW -
NUISANCE GROUNDS



Multi-family Apartment Residential – R-3	Schedule 2 – R-3 1
Modular Home Communities – R-4	Schedule 2 – R-4 1
Narrow Lot Residential – R-5	Schedule 2 – R-5 1
Grouped Country Residential – GCR-1	Schedule 2 – GCR-1 1
Retail Commercial – C-1	Schedule 2 – C-1 1
Drive-in Commercial – C-2	Schedule 2 – C-2 1
Comprehensive Commercial – C-3	Schedule 2 – C-3 1
Cannabis Retail Commercial – C-4	Schedule 2 – C-4 1
Industrial – I-1	Schedule 2 – I-1 1
Sentinel Industrial Park – SIP-1	Schedule 2 – SIP-1 1
Recreation and Open Space – RO-1	Schedule 2 – RO-1 1
Public – P-1	Schedule 2 – P-1 1
Non-Urban Commercial Recreation – NUCR-1	Schedule 2 – NUCR-1 1
Non-Urban Commercial Recreation – NUCR-2	Schedule 2 – NUCR-2 1
Non-Urban Area – NUA-1	Schedule 2 – NUA-1 1
Comprehensive Mixed Use – CM-1	Schedule 2 – CM-1 1
Comprehensive Resort Village – CRV	Schedule 2 – CRV 1
Comprehensive Ski Village – CSV	Schedule 2 – CSV 1
Direct Control – DC-1 (Crowsnest Mountain Resort)	Schedule 2 – DC-1 1
Direct Control – DC-2 (Turtle Mountain Restricted Development Area)	Schedule 2 – DC-2 1
Schedule 3 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT	Schedule 3 1
Schedule 4 STANDARDS OF DEVELOPMENT	Schedule 4 1
• <u>Areas of Potential Environmental Concern (Nuisance Grounds)</u>	<u>Section 30</u>
• Accessory Buildings and Uses	Section 26
• Alternative / Renewable Energy Development	Section 48
• Campground and Recreational Vehicle Park Standards	Section 35
• Cannabis Retail Sales	Section 38
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• Corner Lot Sight Triangle	Section 12
• Decks	Section 20
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AREAS OF POTENTIAL ENVIRONMENTAL CONCERN
OVERLAY DISTRICT (APEC-OD)



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 5.b

Subject: Bylaw 1150, 2023 - Safety Codes Permit Bylaw Amendment re. Nuisance Grounds (Areas of Potential Environmental Concern) - Public Hearing

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

Executive Summary:

Bylaw 1150, 2023 was given first reading on May 16, 2023 and a public hearing was scheduled for June 06, 2023.

On February 07, 2023 Council adopted motions to accept and publicly release the nuisance grounds environmental overview report prepared by Associated Environmental, and to direct Administration to prepare amendments to the Land Use Bylaw and the Safety Codes Permit Bylaw.

Relevant Council Direction, Policy or Bylaws:

Motion 20-2023-02-07: Councillor Glavin moved that the nuisance grounds reports be finalized and posted publicly.

Motion 21-2023-02-07 - Councillor Ward moved that appropriate amendments be drafted to the Land Use Bylaw and Safety Codes Bylaw as per the recommendations in the Nuisance Grounds report.

Land Use Bylaw No. 868, 2013 as amended.

Safety Codes Permit Bylaw No. 946, 2016 as amended.

Proposed Bylaw 1149, 2023 Land Use Bylaw Amendment - Nuisance Grounds.

Discussion:

Public hearing.

Analysis of Alternatives:

Public hearing.

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaws 1150, 2023 and 1149, 2023 - public hearing notification.pdf](#)

[FORMATTED Bylaw 1150, 2023 - Amend Safety Codes Permit Bylaw - Nuisance Grounds.pdf](#)

NOTICE OF PUBLIC HEARING
MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA
PROPOSED BYLAW NO. 1149, 2023 and BYLAW NO. 1150, 2023

7:00 PM, June 06, 2023
Municipality of Crowsnest Pass Council Chambers
8502 – 19 Avenue, Coleman

PURSUANT to sections 230, 606, and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and section 66 of the Safety Codes Act, Chapter S-1, Revised Statutes of Alberta 2000, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta hereby gives notice of its intention to consider proposed Bylaw No. 1149, 2023, being a bylaw to amend Bylaw No. 868, 2013, being the municipal Land Use Bylaw, and proposed Bylaw No. 1150, 2023, being a bylaw to amend Bylaw 946, 2016, being the municipal Safety Codes Permit Bylaw.

The purpose of Bylaw No. 1149, 2023 and Bylaw No. 1150, 2023 is to establish standards and best practices for development and subdivision, and safety codes considerations for construction, in proximity to four identified Areas of Potential Environmental Concern relative to the existence of former nuisance grounds.

THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1149, 2023 and Bylaw No. 1150, 2023 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00 PM on June 06, 2023. Persons wishing to speak to the bylaws 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 bylaws should email: Bonnie Kawasaki, Executive Assistant to the CAO at bonnie.kawasaki@crowsnestpass.com no later than 12:00PM on May 30, 2023. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

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

The proposed bylaws may be inspected at the municipal office during normal business hours.

DATED at the Municipality of Crowsnest Pass in the Province of Alberta, May 17, 2023.

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1150, 2023
SAFETY CODES PERMIT BYLAW AMENDMENT – NUISANCE GROUNDS

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 946, 2016, being the municipal Safety Codes Permit Bylaw, in accordance with and pursuant to the provisions of the Safety Codes Act of Alberta, as amended, relative to the bylaw making powers of a municipality to regulate the form, content and costs of permits for the use, occupancy, relocation, construction or demolition of buildings as well as for the cost of permits for electrical, gas, plumbing and private sewage disposal system installations.

WHEREAS the Legislature of the Province of Alberta has passed the Safety Codes Act, Chapter S-1, Revised Statutes of Alberta 2000, as amended;

AND WHEREAS the Municipality of the Crowsnest Pass is an accredited Municipality with the Safety Codes Council;

AND WHEREAS pursuant to section 66 of the Safety Codes Act, the Municipality of the Crowsnest Pass as an accredited municipality may make Bylaws:

- (a) respecting minimum maintenance standards for buildings and structures, and
- (b) respecting the carrying out of its powers and duties as an accredited municipality.

AND WHEREAS the Council of the Municipality of Crowsnest Pass determines it prudent to establish standards and best practices for the construction of a residence within 300 metres of former nuisance grounds (Area of Potential Environmental Concern), it wishes to amend the Safety Codes Permit Bylaw accordingly.

NOW THEREFORE, under the authority of and/or subject and pursuant to the provisions of the Safety Codes Act, Chapter S-1 and the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following bylaw amendments:

1. Under “15 BUILDING PERMITS”, add new sections 15.13, 15.13.1 and 15.13.2 as follows:

“15.13 The Municipality’s Land Use Bylaw identifies an Overlay District that establishes standards and best practices for the development of a residence, school or hospital within 300 metres of existing nuisance grounds as identified in an environmental overview report. Pursuant to Section 66(2)(a) of the Safety Codes Act the Municipality hereby requires the following:

15.13.1 In reviewing plans and making a decision on a Safety Codes Permit application for the construction of an addition with a basement to an existing residence, or the construction of a new residence with a basement, or the construction of a school or hospital, on land that is located within the areas identified in the Land Use Bylaw “Areas of Potential Environmental Concern Overlay District”, the Safety Codes Officer shall ensure that the plans submitted for the building permit application comply with the measures or construction specifications that may be recommended in a Phase II Environmental Site Assessment relative to the mitigation or prevention of contaminants or offsite gas migration (e.g. soil vapour barriers applied to the basement walls), subject to and in accordance with any applicable provisions and standards in the National Building Code – 2019 Alberta Edition.

15.13.2 This section does not apply to:

- 15.13.2.1 a building or structure that is deemed to not be a residence, school or hospital.
- 15.13.2.2 an accessory structure associated with a residence, such as an outdoor space, an uncovered deck, a shed, or a garage.
- 15.13.2.3 an addition without a basement to an existing residence or the construction of a new residence without a basement.”

2. Bylaw No. 946, 2016 is hereby amended.

3. Bylaw No. 1150, 2023 shall come 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



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 5.c

Subject: Bylaw 1151, 2023 - Land Use Bylaw Amendment re. Delegation of Authority - Public Hearing

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

Executive Summary:

Bylaw 1151, 2023 was given first reading on May 16, 2023 and a public hearing was scheduled for June 06, 2023.

On April 26, 2023 the Municipal Planning Commission adopted a motion that Administration consider preparing a land use bylaw amendment for Council's consideration to delegate some of the Municipal Planning Commission's authority to the Development Officer to reduce red tape. This connects to Council Motion 13-2023-04-04 - MPC Re-Evaluation & Omnibus 3 in that it provides some efficiency prior to further red tape reduction expected in Omnibus No. 3.

Relevant Council Direction, Policy or Bylaws:

Motion 13-2023-04-04 - MPC Re-Evaluation & Omnibus 3 - "Councillor Ward moved that Council accept the Municipal Planning Commission Administrative Report Update as information and to direct Administration to move forward with Omnibus 3 in order to allow for efficiencies to be implemented and then a re-evaluation of the Municipal Planning Commission at that time."

Land Use Bylaw No. 868, 2013 as amended.

Discussion:

Public hearing.

Analysis of Alternatives:

Public hearing.

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw 1151, 2023 - public hearing notification.pdf](#)

[FORMATTED Bylaw 1151, 2023.pdf](#)

[Bylaw 1151, 2023 - Schedule A.pdf](#)

NOTICE OF PUBLIC HEARING

MUNICIPALITY OF CROWSNEST PASS IN THE PROVINCE OF ALBERTA PROPOSED BYLAW NO. 1151, 2023

7:00 PM, June 06, 2023

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

PURSUANT to sections 230, 606, and 692 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 hereby gives notice of its intention to consider proposed Bylaw No. 1151, 2023, being a bylaw to amend Bylaw No. 868, 2013, being the municipal Land Use Bylaw.

The purpose of Bylaw No. 1151, 2023 is to reduce red tape by delegating authority to the Development Officer to decide upon, approve or refuse specific discretionary use development permit applications and specific variance applications that would otherwise be decided upon by the Municipal Planning Commission.

THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1151, 2023 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00 PM on June 06, 2023. Persons wishing to speak to the bylaw 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 no later than 12:00PM on May 30, 2023. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

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

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, May 17, 2023.

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1151, 2023
LAND USE BYLAW AMENDMENT – DELEGATION OF AUTHORITY

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, in accordance with section 692 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Municipality of Crowsnest Pass determines it prudent to reduce red tape by delegating authority to the Development Officer to decide upon, approve or refuse specific discretionary use development permit applications and specific variance applications that would otherwise be decided upon by the Municipal Planning Commission, as follows:

1. In the “*Administration*” Part of the Land Use Bylaw, amend “*Section 4 Development Officer*”, “*Section 5 Municipal Planning Commission*”, and “*Section 11 Discretionary Use and Variances*” as shown in Schedule ‘A’ attached hereto and forming part of this bylaw.
2. Associated amendments to the Table of Contents.

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. Replace the existing sections of the Land Use Bylaw with the revised sections of the Land Use Bylaw as identified in Schedule ‘A’ attached hereto and forming part of this bylaw.
2. Bylaw No. 868, 2013 is hereby amended.
3. This bylaw shall come 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

**MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA**

LAND USE BYLAW NO. 868-2013

The Council of the Municipality of Crowsnest Pass in the Province of Alberta enacts as follows:

BEING A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DEVELOPMENT OF LAND AND BUILDINGS WITHIN THE MUNICIPAL BOUNDARIES AND TO ESTABLISH THE AUTHORITIES REQUIRED TO EXERCISE THE RELATED POWERS, FUNCTIONS AND DUTIES ON BEHALF OF THE MUNICIPALITY, PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000.

THIS BYLAW MAY BE CITED AS THE MUNICIPALITY OF CROWSNEST PASS LAND USE BYLAW.

1. DEFINITIONS

- 1.1 For Definitions, see Schedule 19.

2. SCHEDULES AND MAPS

- 2.1 The Schedules and maps attached hereto form part of this bylaw.

3. DEVELOPMENT AUTHORITY

- 3.1 The office of "Development Authority" is established pursuant to the relevant provisions of the Act. It shall consist of the Development Officer, the Municipal Planning Commission and, in a Direct Control District, the Council and, upon an appeal, the Subdivision and Development Appeal Board.
- 3.2 The incumbent in the position of Development Officer and their supervisor(s) are hereby appointed as the Development Officer to fulfil that part of the Development Authority role assigned to the Development Officer in this bylaw.
- 3.3 The Council shall, in accordance with the Municipal Planning Commission Bylaw, appoint the members of the Municipal Planning Commission.
- 3.4 The Development Officer, the Municipal Planning Commission, the Subdivision and Development Appeal Board and the Council, as may be applicable, shall be the Development Authority for all purposes of the Act and shall exercise those powers, duties and functions assigned to them in this Bylaw and the Act.

4. DEVELOPMENT OFFICER

- 4.1 The Development Officer:
- (a) shall assist and advise the Municipal Planning Commission, Council, Administration, applicants and the public with respect to the provisions, standards and requirements of this Bylaw and other pertinent legislation and policies, and in regard to the planning of orderly and economical development within the Municipality;
 - (b) shall determine if an application is complete and shall notify the applicant accordingly;

- (c) shall process, refer and, as assigned to them, decide upon development permit applications in accordance with this bylaw;
- (d) shall decide upon permitted uses with or without conditions;
- (e) may refer any development permit application to the Municipal Planning Commission for a decision;
- (f) may approve variances as provided for in this Bylaw;
- (g) shall refer to the Municipal Planning Commission for a decision when an application for a variance exceeds the variance power assigned to the Development Officer, except as may be otherwise provided for in this bylaw;
- (h) shall refer discretionary use development permit applications to the Municipal Planning Commission for a decision, except as may be otherwise provided for in this bylaw;

~~may approve, with or without conditions, a discretionary use application for a new Modular Home that replaces an existing Mobile Home, Manufactured Home or Modular Home in any district where a Modular Home is listed as a discretionary use;~~

~~may approve, with or without conditions, a discretionary use application for an "Accessory Building or Use" for each RV stall in a campground for which the Municipal Planning Commission previously approved a Comprehensive Site Development Plan that allows in principle a discretionary use "Accessory Building or Use" on each RV stall, in any district where an "Accessory Building or Use" is listed as a discretionary use in a campground;~~

- (i) shall issue a Notice of Decision for a development permit application that was approved by the Development Officer ~~for a variance~~ or by the Municipal Planning Commission ~~for a discretionary use or a variance~~ and, if an appeal is not filed within the prescribed timeline and all conditions except those of a continuing nature have been met or fulfilled, shall issue a development permit;
- (j) shall issue a development permit when the Subdivision and Development Appeal Board has approved a proposed development;
- (k) may issue a Stop Order pursuant to the Act or, when deemed appropriate to do so, may obtain direction from the Municipal Planning Commission to issue a Stop Order and, for these purposes, acting with the delegation of the designated officer or the Chief Administrative Officer, may give reasonable notice to a landowner or occupant and thereafter may enter property at a reasonable time for inspection and enforcement;
- (l) shall maintain a public register of development permits issued by the Development Authority;
- (m) shall maintain a public register of approved amendments to this bylaw;
- (n) may prepare and maintain such forms and notices as they may deem necessary;
- (o) may require a Comprehensive Site Development Plan or an Area Structure Plan for a redesignation, development permit or subdivision application as provided for in Schedule 4.
- (p) in all its decisions, shall conform to the land uses provided for in each land use district, including as provided for "Similar Uses".

5. MUNICIPAL PLANNING COMMISSION

5.1 The Municipal Planning Commission, or the Development Officer pursuant to delegated authority provided for in this bylaw:

- (a) may approve a variance of any measurable standard established in this bylaw, and specifically as specified below:

11. DISCRETIONARY USES AND VARIANCES

- 11.1 Upon receipt of a completed application for a development permit for a discretionary use (except as may be otherwise provided for in this bylaw) or for variances assigned to the Municipal Planning Commission, the Development Officer shall process the application for a decision by the Municipal Planning Commission at its next available meeting, within the timelines prescribed in the Act.

Delegation of Authority to the Development Officer

Discretionary Uses

- 11.2 In addition to the authority otherwise assigned to it in this bylaw, the Development Officer is authorized to decide upon and either approve or refuse the following discretionary use development permit applications which are otherwise assigned to the Municipal Planning Commission:
- (a) a discretionary use application for a new Modular Home that replaces an existing Mobile Home, Manufactured Home or Modular Home in any district where a Modular Home is listed as a discretionary use;
 - (b) a discretionary use application for an “Accessory Building or Use” for each RV stall in a campground for which the Municipal Planning Commission previously approved a Comprehensive Site Development Plan that allows in principle a discretionary use “Accessory Building or Use” on each RV stall, in any district where an “Accessory Building or Use” is listed as a discretionary use in a campground;
 - (c) a discretionary use application for a Tourist Home or a Short-Term Rental / Bed & Breakfast that meets all the applicable minimum standards (i.e. the application does not propose a variance from an applicable minimum standard established in this bylaw), and further provided that the Development Officer shall refuse a discretionary use application for a Tourist Home or a Short-Term Rental / Bed & Breakfast that proposes such a variance (i.e. the Development Officer does not need to bring such an application to the Municipal Planning Commission for refusal);
 - (d) a discretionary use application for a Secondary Suite that meets all the applicable minimum standards (i.e. the application does not propose a variance from an applicable minimum standard established in this bylaw) or that proposes a variance to a standard that is within the Development Officer’s variance authority established here or elsewhere in this bylaw, including a maximum 10% variance to the maximum floor area (which is the maximum variance authority of the Municipal Planning Commission as established in this bylaw), and further provided that the Development Officer shall refuse a discretionary use application for a Secondary Suite that proposes to exceed the maximum 10% variance authority of the Municipal Planning Commission to the maximum floor area (i.e. the Development Officer does not need to bring such an application to the Municipal Planning Commission for refusal);
 - (e) a discretionary use application for a Home Occupation – Class 2 that meets all the applicable minimum standards (i.e. the application does not propose a variance from the applicable minimum standards established in this bylaw);
 - (f) a discretionary use application for a Moved-in Building or a Moved-in Dwelling for a use or a building that is listed as a permitted use in any applicable land use district and that does not propose to exceed the Development Officer’s variance authority established in this bylaw;
 - (g) a discretionary use application for a Single-family Dwelling in the NUA-1 District that does not propose to exceed the Development Officer’s variance authority established in this bylaw.

Variances

11.3 In addition to the authority otherwise assigned to it in this bylaw, the Development Officer is authorized to decide upon and either approve or refuse the following variance applications which are otherwise assigned to the Municipal Planning Commission:

- (a) a variance of not more than 10% to the maximum floor area of a Secondary Suite;
- (b) a variance to the maximum site coverage of a Single-family Dwelling (with an attached garage) in the R-1 District up to a percentage that is equal to the combined potential maximum site coverage percentages for a Single-family Dwelling and all Accessory Buildings, on the condition that a detached Accessory Building does not exist or has not been approved on the subject property;
- (c) a variance to allow tandem parking for a Tourist Home, a Short-Term Rental / Bed & Breakfast, a Secondary Suite, or a Home Occupation – Class 2, provided that no portion of a parked vehicle shall overhang a curb and gutter or a sidewalk or any portion thereof;

Restrictions on Delegated Authority

11.4 In exercising the delegated authority assigned to it in this section, the Development Officer shall:

- (a) incorporate the “Considerations for Discretionary Uses” and the “Considerations for Variances”; and
- (b) abide by the restrictions placed on the variance authority of the Municipal Planning Commission (e.g. the Development Officer shall not approve a discretionary use application for a Tourist Home, a Short-Term Rental / Bed & Breakfast, a Secondary Suite, or a Home Occupation – Class 2 that proposes a variance in excess of the variance authority assigned to the Municipal Planning Commission);

as established in this bylaw.

11.5 Notwithstanding the authority delegated to it in this section, the Development Officer may bring any application for which it has delegated authority to the Municipal Planning Commission for a decision.

12. REFERRAL OF A DEVELOPMENT PERMIT APPLICATION

Internal and External Referral

12.1 Prior to making a decision on a complete development permit application or bringing a development permit application before the Municipal Planning Commission for a decision, the Development Officer, within the decision timeline prescribed in the Act:

- (a) **may** refer a development permit application to any person who in their opinion may provide relevant comments respecting the Application (e.g. adjacent landowners, a municipal department or other agency); and
- (b) **shall** refer a development permit application to those government agencies as required by the Subdivision and Development Regulation.
- (c) **shall** refer to an adjacent municipality those types of development permit application as may be specified in an Intermunicipal Development Plan prior to deciding on an application.
- (d) **shall** refer to the pipeline operator a development permit application that is located within 260 m of the Trans Canada high pressure gas pipeline.

12.2 After the expiry of fourteen days, or such other referral time periods as may be required by the *Municipal Government Act*, the Subdivision and Development Regulation, an Intermunicipal



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Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 6.a

Subject: RCMP Quarterly Update - Sergeant Randy Guinchard

Recommendation: That Council accept the RCMP Update as information.

Executive Summary:

The RCMP detachment provides quarterly updates to Council regarding the human resources, financial data and crime statistics for the Crowsnest Pass.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

n/a

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[2023 Q4 Community Letter.docx](#)

[Crowsnest Pass PPSA Q4 Community Report 2.pdf](#)

[Crowsnest Pass Provincial stats.pdf](#)



May 31 2023

Sergeant R.J. Guinchard
Crowsnest Pass RCMP
Blairmore, Alberta T0K 0E0

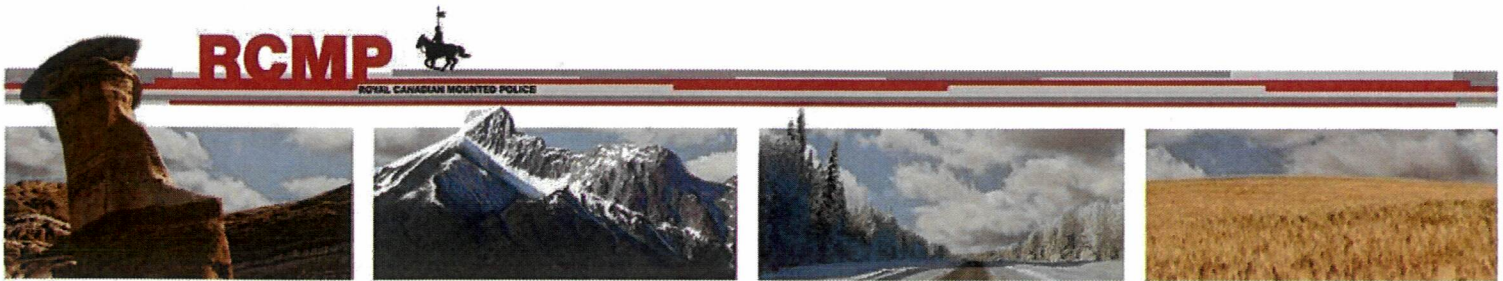
Dear Mayor and Council members,

Please find attached the quarterly Community Policing Report that covers the January 1st to March 31st, 2023 reporting period. This information serves to provide a quarterly snapshot of the human resources, financial data and crime statistics for the Crowsnest Pass RCMP Detachment. The sharing of quarterly reports demonstrates our ongoing commitment to transparency while delivering the high level of policing services that you, and the citizens you represent, have come to expect from the Alberta RCMP.

As we transition towards Spring, the safety and security of all Albertans will continue to be our main focus. In an effort to leverage technology to oversee and amplify our response to emergency incidents around the Province, your Alberta RCMP recently established a Real Time Operations Centre (RTOC). Working hand-in-hand with our Operational Communications Centre (OCC), the RTOC has senior police officers monitoring policing operations in real-time, assessing ongoing incident risk, coordinating specialized and expert resources, and managing the response. The existence of the RTOC provides our members real-time guidance, direction and support from seasoned and experienced police officers. The RTOC also ensures a coordinated response to cross-jurisdictional activities and significant events through enhanced interoperability with other policing agencies within the Province.

The attached reporting along with your valued feedback will help ensure that our service delivery to your community is meeting your needs on an ongoing basis. As the Chief of Police for your community, please do not hesitate to contact me if you have any questions or concerns.

Sergeant R.J. Guinchard
Detachment Commander
Crowsnest Pass RCMP

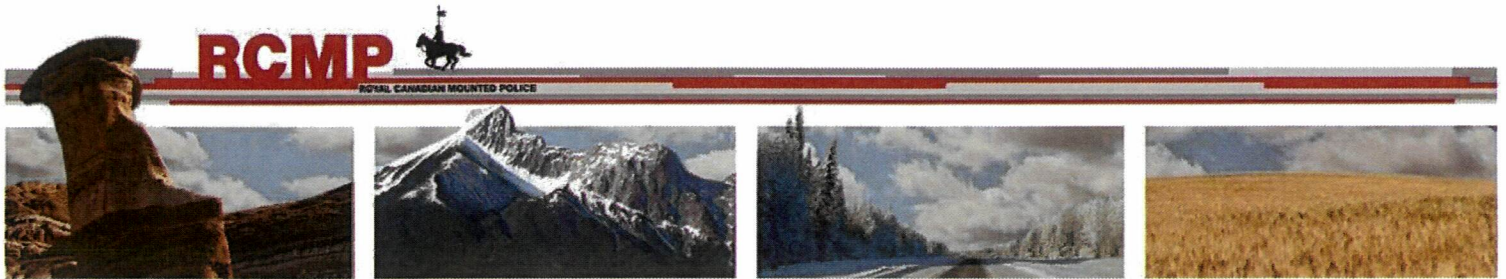


RCMP Provincial Policing Report

Detachment	Crowsnest Pass
Detachment Commander	
Quarter	Q4
Date of Report	

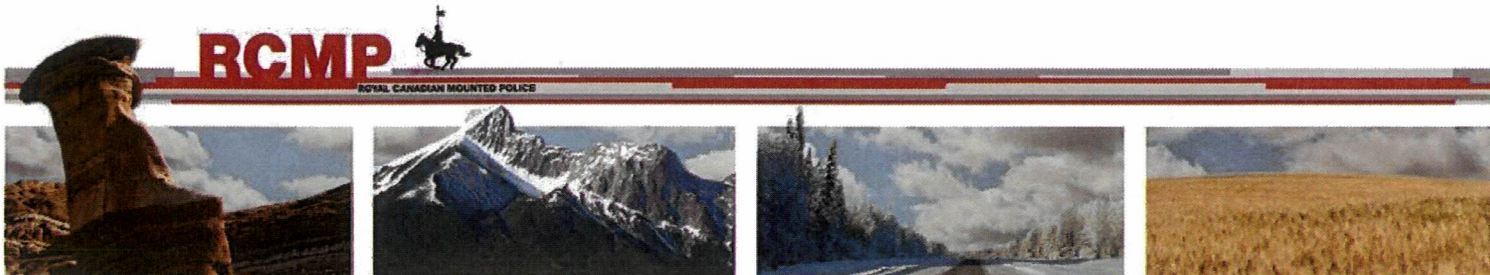
Community Consultations

Date	2023-05-4
Meeting Type	Community Connection
Topics Discussed	Policing Needs - Concerns by businesses - Foot patrols and community engagement initiatives.
Notes/Comments	Generally businesses are happy with policing levels. With summer coming mischief is a concern for downtown areas. Playground safety patrols traffic concerns remain a priority.



Community Priorities

Priority 1	OMG and Drug Related Activities
Current Status & Results	<p>A reorientation of members and detachment priorities has been made for members. CDSA issues have been made a priority by the Detachment Commander and we have already seen success in the laying of charges. There is much more work to do. The local OMG's have been publicly quiet since the Detachment made their illegal activities and social activities in local bars a priority to disrupt. In fact, they have been primarily engaged in Pincher Creek area of late however we anticipate them being more active as the ride season gets underway. The underlying message that the Detachment will push forward will be that the communities in the Detachment area have a poor view of their presence and they are unwelcome and we will use every resource at our disposal to ensure the message is conveyed and that any illegal activity will be investigated and prosecuted. The underlying message is we still have OMG in the area, they are still active in the drug trade, bar walks for 69.1a and other violations are necessary so keep the momentum going or we risk relapse from inattention.</p> <p>The OMG group the Rebels still remain a priority however their presence has been limited in the area due to continual enforcement, AGLC and traffic and from police contact with their members and associates. Our strategy to have a zero tolerance policy has disrupted their recruiting plans in the area and we have noticed although silent supporters exist open supporters have waned and are limited to only a few regular clients. The Detachment has been keen to pressure the open supporters in order to ensure that all persons involved with organized crime groups will be scrutinized and watched and any criminal activity will be detected and prosecuted. There is still a presence and they are still a concern based on intel that they are active in the CDSA trade. The area where the detachment was lacking was in CDSA intelligence and enforcement. This is an area that the Detachment Commander has brought a necessary focus to and the Detachment has seen and enjoyed success. More success is anticipated with the inclusion of special unit assistance such as the DUST Team in the coming new fiscal year. The members interested in this aspect have all been stellar and keen to participate and make a difference. I anticipate in the new fiscal year with thoughtful and actionable plans strong strides will be made in this area. Training, mentoring and coaching have been offered to the members as well as clear direction and plans for disrupting this issue in the municipalities. Actionable intelligence will be a priority as will enforcement arrests and warrants. A media and multimedia strategy assist will also be sought on drugs, drug culture and requests for info from the public by way of tips. A "make a difference in your community" and "a make your community safer" plan will be undertaken.</p>
Priority 2	Police / Community Relations



Current Status & Results

Foot patrols continue to be a staple at the detachment for visibility. Two officers have been instrumental in leading the way for these patrols. The patrols are very well received by community members and the businesses. It has greatly assisted in forging relationships and trust with businesses who see that members are interested in their feedback and have taken the time to engage them. Criminal Intelligence is also a positive spin off from these walks.

The general public have been receptive and open with thoughts on policing and seeing the police out of the vehicles and engaging the public in a friendly caring manner. As the weather improves this aspect of community policing will be a staple of the members daily duties and responsibilities when they are able. Nothing negative has or will come of community engagement and visibility of the police in this community.

Members have been quite good at ensuring they make an effort to be visible at all Farmers Markets on Thursdays. The market will switch from inside to outside in a couple months and this community engagement will continue.

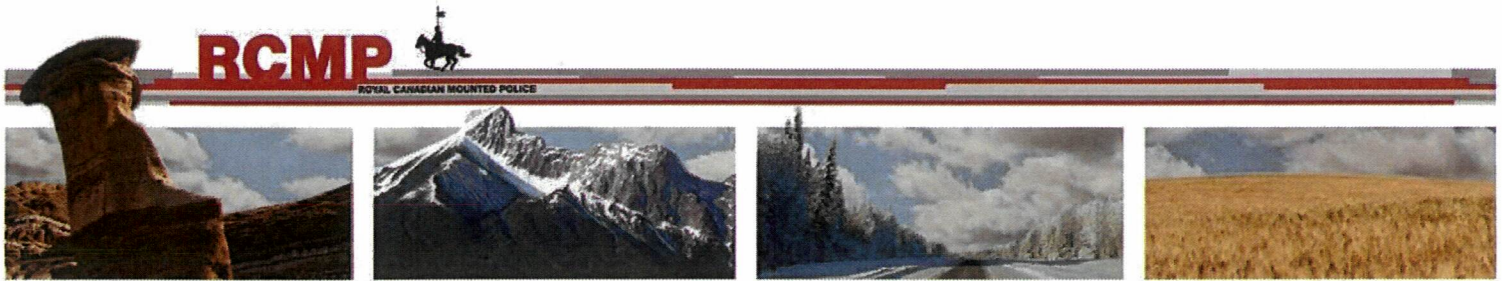
Detachment members continue with participation in community events both in and out of uniform. one officer has been most impressive in his engagement in the community, both visiting the high school on a regular basis, as well as other schools. He is also engaged in coaching both basketball and soccer, and has forged valuable positive relationships with both youths and parents.

The other members are also engaged in community activities. Detachment members are also participating in community activities both with the public and the other emergency services groups - Golf Tournaments and monthly breakfast meetings at the Fire Hall and other interagency functions - appreciation BBQ's. Members are active in coaching within the community and participating in activities. In this regard, members are participating within the community.

The Townhall engagements still have had disappointing turn outs despite using all avenues to promote for long periods prior. That said the engagement from those attending have been excellent and informative. We will continue to try and promote meeting to stimulate participation in the coming quarters. We will continue to build on the success of our Facebook page which has a very large following within the community. This platform has been amazingly effective in community engagement and has been overwhelmingly positive with members of the public defending the RCMP when negative posts are made. the Detachment Commander, I have made it a priority to engage and socialize with more members of the public to showcase and highlight the police/RCMP's work by the members; taking advantage of the opportunity to promote and facilitate dialogue for improvement in service delivery. All this work will continue into the new fiscal year.

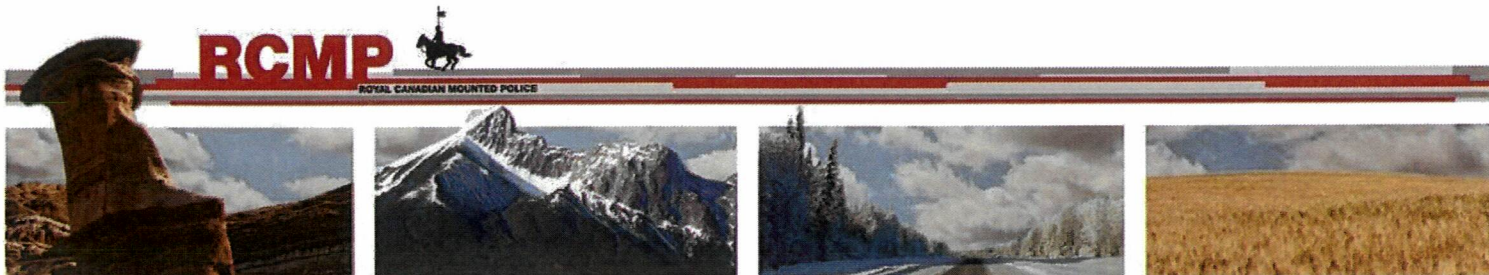
Priority 3

Property



<p>Current Status & Results</p>	<p>A new Detachment reporting matrix for members was developed with an aim to stimulate friendly competition between members in performance aspects i.e. violation tickets, check stops and community visibility. Rural patrols are still taking place however not all members are doing so on a regular basis. Additionally, a Pincher Creek member has been assisting with rural patrols in the M.D. of Pincher Creek area, which is also part of our area. The member also lives in the Crowsnest Pass area and is well known in the rural area he lives, thus spends a lot of time patrolling in our rural Detachment area. Ranchers and farmers are being engaged and remain a priority for rural equipment and cattle thefts. Strides have also been made with the local Hutterite Colony who are pro police and very open to providing criminal intelligence for the area. The Detachment commander has been instrumental in this area and has been introducing members to the colony.</p> <p>Active patrols continue to increase substantially since the addition of 2 new members. The Lock it or Lose it program is an ongoing program and as in the last quarter members continue to stop to engage persons outside their home or when their vehicles are running to ensure they are being safe about their personal vehicle security practices and any other matters that come to light in casual friendly conversation.</p> <p>Education on crime trends is being shared on the Det Facebook page which is extremely well followed. Info is Safety tips as well as theft alerts are being posted when thefts occur with a request for info or if any one has seen any suspicious activity or if video surveillance or still photos of a suspect are available we will post to generate tips and leads.</p>
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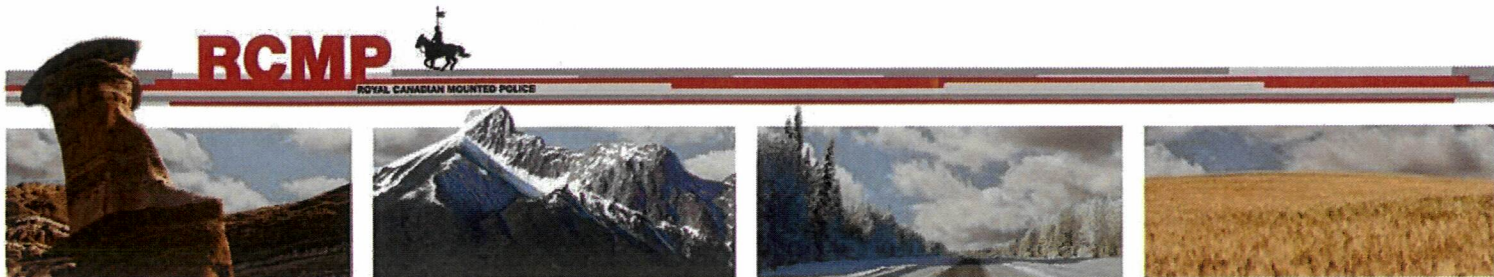
<p>Priority 4</p>	<p>Substance Abuse</p>
<p>Current Status & Results</p>	<p>The level of criminal intelligence has been increasing within the past year. The detachment's Facebook page has provided an excellent avenue for people to provide direct areas where the public believes there are problems, whether its mentioning certain criminal elements or actually stating information of criminal intelligence.</p> <p>To date 2 arrests for "possession for the purpose.." for scheduled substances have moved forward. From this, much criminal intelligence is streaming in, both due to Confidential Informant info and public information. The level has been so high we have been able to seek assistance from the Alberta RCMP DUST Team, who will be assisting with operations in the new year to make more of a dent in CDSA activities in the area.</p>
<p>Priority 5</p>	<p>Traffic</p>



**Current Status &
Results**

Q4: During this quarter joint operations with local by law on traffic related violations were undertaken with a high degree of success. The Detachment Commander with the Fire Chief, who is in charge of the by-law/peace officers committed to joint operations. The Detachment commander developed a plan for early am traffic enforcement based on council and public concerns about traffic violations between 5am and 7am. The by-law officers were included in this and in one specific operation generated \$5000 in revenue and effectively paid for the extra duties of the members. These operations will become more frequent in the coming fiscal year. Crowsnest Pass RCMP also requested more assistance from the K Div Traffic for SAD. This resulted in the Detachment Commander being able to garner District and traffic management support and more operations in our area are anticipated in the new fiscal year. One is planned already for the end of April. Member numbers have also increased and with this more violation tickets and check stops have been taking place this last quarter.

Q4: During this quarter joint operations with local by law on traffic related violations were undertaken with a high degree of success with an increase in violation tickets from previous quarters. This was a result of more members on the road working from transfers in. The Detachment commander developed a plan for early am traffic enforcement based on council and public concerns about traffic violations between 5am and 7am. The by-law officers were included in this and in one specific operation generated \$5000 in revenue and effectively paid for the extra duties of the members. These operations will become more frequent in the coming fiscal year. Crowsnest Pass RCMP also requested more assistance from the K Div Traffic for SAD. This resulted in the Detachment Commander being able to garner District and traffic management support and more operations in our area are anticipated in the new fiscal year.



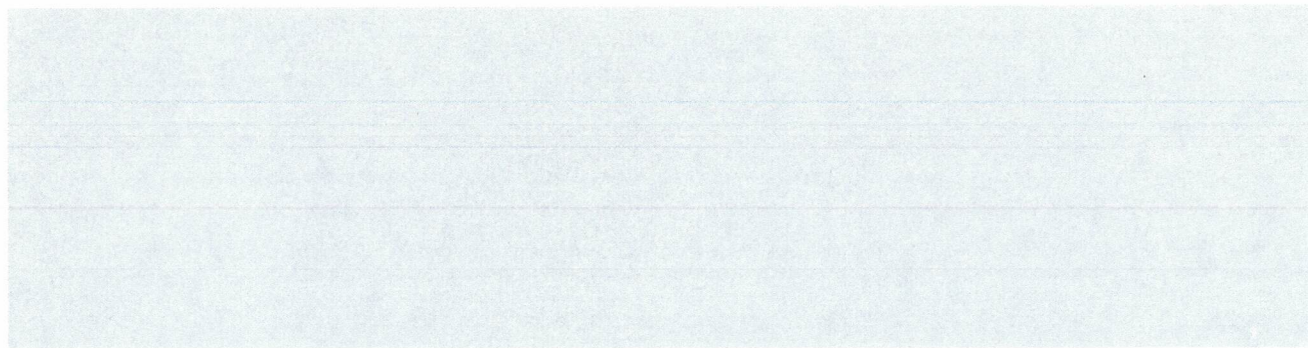
Crime Statistics¹

The following table provides policing statistics on actual offences within the periods listed. Please see Appendix for additional information and a five-year comparison.

Category	January - March			January - December		
	2022	2023	% Change Year-over-Year	2021	2022	% Change Year-over-Year
Total Criminal Code	112	111	-1%	526	565	7%
<i>Persons Crime</i>	30	47	57%	167	161	-4%
<i>Property Crime</i>	70	47	-33%	254	293	15%
<i>Other Criminal Code</i>	12	17	42%	105	111	6%
Traffic Offences						
<i>Criminal Code Traffic</i>	6	5	-17%	30	30	0%
<i>Provincial Code Traffic</i>	146	241	65%	1,364	526	-61%
<i>Other Traffic</i>	3	0	-100%	4	4	0%
CDSA Offences	1	3	200%	8	3	-63%
Other Federal Acts	1	4	300%	20	13	-35%
Other Provincial Acts	45	39	-13%	200	201	1%
Municipal By-Laws	7	2	-71%	33	32	-3%
Motor Vehicle Collisions	68	82	21%	282	315	12%

¹ Data extracted from a live database (PROS) and is subject to change over time.

Trends/Points of Interest



Provincial Police Service Composition²

Staffing Category	Established Positions	Working	Soft Vacancies ³	Hard Vacancies ⁴
Police Officers	9	8	2	0
Detachment Support	2	2	0	0

²Data extracted on March 31, 2023 and is subject to change over time.

³Soft Vacancies are positions that are filled but vacant due to maternity/paternity leave, medical leave, etc. and are still included in the overall FTE count.

4Hard Vacancies reflect positions that do not have an employee attached and need to be filled.

Comments

Police Officers: Of the nine established positions, eight officers are working. There are two officers on special leave (One Mat/Pat leave, one Other leave). One position is backfilled. There are no hard vacancies detected at this time.

Detachment Support: Of the two established positions, two resources are working. There are no soft or hard vacancies detected at this time.

Quarterly Financial Drivers



Crowsnest Pass Provincial Detachment Crime Statistics (Actual) January to March: 2019 - 2023

All categories contain "Attempted" and/or "Completed"

April 5, 2023

CATEGORY	Trend	2019	2020	2021	2022	2023	% Change 2019 - 2023	% Change 2022 - 2023	Avg File +/- per Year
Offences Related to Death		0	0	2	0	0	N/A	N/A	0.0
Robbery		0	0	0	0	0	N/A	N/A	0.0
Sexual Assaults		1	1	2	1	3	200%	200%	0.4
Other Sexual Offences		1	0	0	1	0	-100%	-100%	-0.1
Assault		18	18	24	11	26	44%	136%	0.9
Kidnapping/Hostage/Abduction		1	0	0	0	0	-100%	N/A	-0.2
Extortion		0	0	0	0	0	N/A	N/A	0.0
Criminal Harassment		8	4	13	13	8	0%	-38%	0.9
Uttering Threats		4	10	8	4	10	150%	150%	0.6
TOTAL PERSONS		33	33	49	30	47	42%	57%	2.5
Break & Enter		6	8	3	8	7	17%	-13%	0.2
Theft of Motor Vehicle		2	5	4	4	0	-100%	-100%	-0.5
Theft Over \$5,000		0	1	1	1	1	N/A	0%	0.2
Theft Under \$5,000		16	17	12	20	9	-44%	-55%	-1.1
Possn Stn Goods		4	4	5	0	1	-75%	N/A	-1.0
Fraud		16	16	13	8	8	-50%	0%	-2.4
Arson		0	0	0	0	0	N/A	N/A	0.0
Mischief - Damage To Property		0	10	13	15	9	N/A	-40%	2.3
Mischief - Other		21	11	3	14	12	-43%	-14%	-1.5
TOTAL PROPERTY		65	72	54	70	47	-28%	-33%	-3.8
Offensive Weapons		2	1	3	2	2	0%	0%	0.1
Disturbing the peace		7	6	7	8	8	14%	0%	0.4
Fail to Comply & Breaches		16	10	13	0	4	-75%	N/A	-3.4
OTHER CRIMINAL CODE		10	10	10	2	3	-70%	50%	-2.2
TOTAL OTHER CRIMINAL CODE		35	27	33	12	17	-51%	42%	-5.1
TOTAL CRIMINAL CODE		133	132	136	112	111	-17%	-1%	-6.4



Crowsnest Pass Provincial Detachment Crime Statistics (Actual) January to March: 2019 - 2023

All categories contain "Attempted" and/or "Completed"

April 5, 2023

CATEGORY	Trend	2019	2020	2021	2022	2023	% Change 2019 - 2023	% Change 2022 - 2023	Avg File +/- per Year
Drug Enforcement - Production		0	0	0	0	0	N/A	N/A	0.0
Drug Enforcement - Possession		1	1	4	1	1	0%	0%	0.0
Drug Enforcement - Trafficking		1	0	0	0	2	100%	N/A	0.2
Drug Enforcement - Other		0	0	0	0	0	N/A	N/A	0.0
Total Drugs		2	1	4	1	3	50%	200%	0.2
Cannabis Enforcement		0	2	0	0	1	N/A	N/A	0.0
Federal - General		1	1	3	0	0	-100%	N/A	-0.3
TOTAL FEDERAL		3	4	7	1	4	33%	300%	-0.1
Liquor Act		1	5	0	7	4	300%	-43%	0.8
Cannabis Act		1	2	0	1	0	-100%	-100%	-0.3
Mental Health Act		21	21	11	22	20	-5%	-9%	-0.1
Other Provincial Stats		29	12	26	15	15	-48%	0%	-2.5
Total Provincial Stats		52	40	37	45	39	-25%	-13%	-2.1
Municipal By-laws Traffic		3	2	1	1	0	-100%	-100%	-0.7
Municipal By-laws		8	2	8	6	2	-75%	-67%	-0.8
Total Municipal		11	4	9	7	2	-82%	-71%	-1.5
Fatals		0	1	0	0	0	N/A	N/A	-0.1
Injury MVC		4	3	2	7	6	50%	-14%	0.8
Property Damage MVC (Reportable)		56	59	33	48	67	20%	40%	1.1
Property Damage MVC (Non Reportable)		14	18	14	13	9	-36%	-31%	-1.5
TOTAL MVC		74	81	49	68	82	11%	21%	0.3
Roadside Suspension - Alcohol (Prov)		N/A	N/A	N/A	N/A	1	N/A	N/A	N/A
Roadside Suspension - Drugs (Prov)		N/A	N/A	N/A	N/A	0	N/A	N/A	N/A
Total Provincial Traffic		271	209	449	146	241	-11%	65%	-12.3
Other Traffic		1	2	0	3	0	-100%	-100%	-0.1
Criminal Code Traffic		8	12	3	6	5	-38%	-17%	-1.2
Common Police Activities									
False Alarms		10	9	9	8	5	-50%	-38%	-1.1
False/Abandoned 911 Call and 911 Act		2	6	1	16	8	300%	-50%	2.2
Suspicious Person/Vehicle/Property		25	39	15	40	21	-16%	-48%	-0.7
Persons Reported Missing		3	1	5	0	3	0%	N/A	-0.1
Search Warrants		0	0	0	0	0	N/A	N/A	0.0
Spousal Abuse - Survey Code (Reported)		25	10	28	28	27	8%	-4%	2.2
Form 10 (MHA) (Reported)		0	0	3	0	2	N/A	N/A	0.4



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 7.a

Subject: Bylaw 1149, 2023 - Land Use Bylaw Amendment re. Nuisance Grounds (Areas of Potential Environmental Concern Overlay District) - Second and Third Readings

Recommendation: That Council gives second and third reading of Bylaw 1149, 2023.

Executive Summary:

Bylaw 1149, 2023 was given first reading on May 16, 2023 and a public hearing was scheduled for June 06, 2023.

On February 07, 2023 Council adopted motions to accept and publicly release the nuisance grounds environmental overview report prepared by Associated Environmental, and to direct Administration to prepare amendments to the Land Use Bylaw and the Safety Codes Permit Bylaw.

Relevant Council Direction, Policy or Bylaws:

Motion 20-2023-02-07: Councillor Glavin moved that the nuisance grounds reports be finalized and posted publicly.

Motion 21-2023-02-07 - Councillor Ward moved that appropriate amendments be drafted to the Land Use Bylaw and Safety Codes Bylaw as per the recommendations in the Nuisance Grounds report.

Land Use Bylaw No. 868, 2013 as amended.

Safety Codes Permit Bylaw No. 946, 2016 as amended.

Proposed Bylaw 1150, 2023 Amendment to the Safety Codes Permit Bylaw - Nuisance Grounds.

Discussion:

The proposed Land Use Bylaw amendment, Bylaw 1149, 2023, establishes a new "Schedule 20 Areas of Potential Environment Concern Overlay District". This district establishes standards and best practices that reflect the findings and recommendations from the Nuisance Grounds Environmental Overview

Report. An amendment to the Safety Codes Permit Bylaw (proposed Bylaw 1150, 2023) proposes to introduce corresponding requirements for plans review by the Safety Codes Officer.

Essentially, an at-grade (no basement) addition to an existing residence, a new residence without a basement, and accessory structures (decks, sheds, garages) are not restricted. Subdivision, a school, a hospital, a house addition with a basement and a new house with a basement require a Phase II Environmental Site Assessment.

As the landowner of two of the four nuisance grounds (i.e. Old Sartoris Staging Area and Hillcrest Ball Diamond Road), the Municipality is in the process of commencing Phase II ESA monitoring as a due diligence requirement. Once completed, the findings and recommendations of these studies will confirm the absence of contaminants/gas migration or recommend the appropriate mitigative measures to enable the Development Authority and the Subdivision Authority to approve residential basement additions, new houses with basements, and subdivisions in the areas around these two nuisance grounds.

Analysis of Alternatives:

The Provincial Government owns the other two nuisance grounds (i.e. Bushtown and Bellevue Old Highway 3), and until the provincial government undertakes the required landowner due diligence Phase II ESAs, or provides the funding for it, the Development Authority will not be able to approve development permits for residential basement additions or new houses with basements, and the Subdivision Authority will not be able to approve residential subdivision applications, unless the affected landowner(s) pay for these studies at their own expense. The Bushtown and Hillcrest Ball Diamond Road sites affect future residential growth nodes identified in the Municipal Development Plan.

Financial Impacts:

N/A relative to the Land Use Bylaw amendment.

The initial Phase II ESAs for the two nuisance grounds owned by the Municipality are estimated to cost \$96,000, of which \$26,000 is surplus from the Phase I ESA and grants are being searched out for the remaining \$70,000.

Attachments:

[FORMATTED Bylaw 1149, 2023.pdf](#)

[Bylaw 1149, 2023 Schedule A.pdf](#)

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1149, 2023
LAND USE BYLAW AMENDMENT – NUISANCE GROUNDS

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, in accordance with section 692 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Municipality of Crowsnest Pass determines it prudent to regulate development and subdivision in proximity to several Areas of Potential Environmental Concern (Nuisance Grounds), it wishes to amend the Land Use Bylaw as follows:

1. In Schedule 4 – Standards of Development, establish a development standard for new development and subdivision in proximity to four identified Areas of Potential Environmental Concern.
2. Establish a new Schedule 20 – Areas of Potential Environmental Concern Overlay District, to provide the standards and best practices for development and subdivision within a 300m setback distance from the identified nuisance grounds.
3. Associated amendments to the Table of Contents and schedule divider pages.

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. Replace the existing sections of the Land Use Bylaw with the revised sections of the Land Use Bylaw as identified in Schedule 'A' attached hereto and forming part of this bylaw.
2. Bylaw No. 868, 2013 is hereby amended.
3. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time in council this _____th 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

Schedule 4

STANDARDS OF DEVELOPMENT

1. The following is an alphabetical list with section number references of standards established in this Schedule:
 - Areas of Potential Environmental Concern (Nuisance Grounds)..... Section 30
 - Accessory Buildings and Uses Section 26
 - Alternative / Renewable Energy Development Section 48
 - Campground and Recreational Vehicle Park Standards Section 35
 - Cannabis Retail Sales Section 38
 - Canvas Covered Structures Section 34
 - Communication Antennae and Structures Section 24
 - Comprehensive Planning for Redesignation, Development Permit or Subdivision Applications Section 4
 - Corner Lot Sight Triangle Section 12
 - Decks Section 20
 - Demolition, Removal or Replacement of Buildings Section 9
 - Development in General..... Section 3
 - Drive-in Commercial Use Standards Section 32
 - Easements, Setback Distances and Public Safety Section 17
 - Easements, Rights-Of-Way and Legislated Setback Distances
 - Trans Canada High Pressure Gas Pipeline
 - Wildland-Urban Interface
 - Environmental Considerations Section 30
 - Wildlife and Wildland-Urban Interface
 - Wetlands, Watercourses, Riparian Areas and Regionally Sensitive Areas
 - Areas of Potential Environmental Concern (Nuisance Grounds)
 - Exposed Foundations..... Section 25
 - Fences Section 19
 - Flood-risk Lands..... Section 29
 - Historic Commercial Areas (also see Municipal Historic Resources) Section 52
 - Home Occupations..... Section 44
 - Industrial and Commercial Use Standards Section 31
 - Infill Development in Mature Neighbourhoods..... Section 6
 - Kennels Section 49
 - Landfills / Nuisance Grounds (Areas of Potential Environmental Concern)..... Section 30
 - Landscaping and Screening Standards..... Section 22
 - Lighting..... Section 14

Wetlands, Watercourses, Riparian Areas and Regionally Sensitive Areas

- 30.2 Development in the Municipality shall incorporate appropriate setbacks and other design considerations relative to its potential impact on the bed and shore of a watercourse or waterbody, riparian areas and/or regionally sensitive areas, by incorporating best practices, for example those promoted in relevant publications such as *“Stepping Back from the Water”* and *“Environmentally Significant Areas of Alberta”*.
- 30.3 It is the responsibility of the landowner or applicant for a development permit to obtain clearance from provincial agencies for wetland assessment and compensation and from provincial and/or federal agencies for the use of or impacting upon the bed and shore of a waterbody or watercourse.

Areas of Potential Environmental Concern (Nuisance Grounds)

- 30.4 Development and subdivision in the proximity of an Area of Potential Environmental Concern as identified in Schedule 20 shall comply with the standards and best practices established in that Schedule.

31. INDUSTRIAL AND COMMERCIAL USE STANDARDS

- 31.1 Industrial and commercial development in the Municipality shall incorporate locational, design and operational considerations (including restricting its hours of operation) to reduce its impact on municipal infrastructure and improve its compatibility with nearby land uses by mitigating conflicts and adverse effects upon those uses, including but not limited to:

- (a) measures to control or mitigate noise, smoke, vibration, effluent, dust, ash, odour, electrical interference, glare, heat and/or industrial waste to a level below what is reasonably considered to be offensive, noxious or a nuisance to the character and purpose of the adjacent land use district;
- (b) design, exterior building finish, landscaping, siting, setbacks, paving of parking areas, and other details, as appropriate and to the satisfaction of the Development Authority;

and the Development Authority may impose relevant conditions on a development permit to ensure compliance with this standard.

32. DRIVE-IN COMMERCIAL USE STANDARDS

- 32.1 Every drive-in commercial development shall:

- (a) provide at least 10 parking stalls subject to the standards in Schedule 6 of this bylaw;
- (b) clearly identify on site plans accompanying the development application the areas proposed for parking and vehicle circulation, including appropriate signs;
- (c) provide hard surfacing and surface drainage to the satisfaction of the Development Officer, in consultation with appropriate municipal staff;
- (d) provide a waiting bay not less than 18.3 metres (60 ft.) in length on the lot for every take-out service window;
- (e) provide adequate distance separation between all vehicle access points as well as between access points and streets or lanes to the satisfaction of the Development Authority;
- (f) ensure any vehicular access from Highway 3 is acceptable to Alberta Transportation;

AREAS OF POTENTIAL ENVIRONMENTAL CONCERN OVERLAY DISTRICT (APEC-OD)

Purpose: To promote public and landowner awareness of the presence and location of existing closed nuisance grounds that constitute Areas of Potential Environmental Concern (APECs) in the Crowsnest Pass, and of the best practices and standards that are encouraged and, in some instances, required for the development of a residence, school or hospital, or for a subdivision for residential, school or hospital purposes, within proximity of these areas.

Permitted Uses: Those uses listed as permitted in the underlying land use district.

Discretionary Uses: Those uses listed as discretionary in the underlying land use district.

Application:

1. The extent of the Overlay District is the land area within the recommended 300m setback distance from the Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3 nuisance grounds / APECs, as identified in the attached maps.
2. Except for the exemptions provided for herein, the regulations in this Overlay District apply to:
 - a proposed subdivision for the purpose of residential, school or hospital development;
 - the development of a residence and an addition to an existing residence or a school or hospital on an existing parcel; and
 - the development of parks and recreation areas;located within the distances from the APECs as determined in the Overlay District.

Exemption:

1. The regulations in this Overlay District do not apply to a development or a parcel of land that existed on February 07, 2023, and these may continue in their present form but shall not be added to or subdivided unless the application complies with the development and subdivision regulations established herein.
2. The regulations in this Overlay District do not apply to a development permit application for a use or a building / structure that is deemed to not be a residence, school or hospital.
3. A development permit application for an accessory structure associated with an existing or proposed residence, such as an outdoor space, an uncovered deck, a shed, or a garage, is not restricted by the provisions of the Overlay District.
4. An addition without a basement to an existing residence or the development of a new residence without a basement is not restricted by the provisions of the Overlay District.

Development and Subdivision Regulations:

1. A development permit application that is proposed on lands located within the Overlay District shall demonstrate compliance with the standards and best practices established in this Overlay District, to the satisfaction of the Development Authority, as follows:
 - 1.1 An addition with a basement to an existing residence or the development of a new residence with a basement, or the development of a school or hospital, requires a Phase II Environmental Site Assessment that verifies the absence of contaminants, offsite gas migration, or confirms that monitoring, mitigative measures and/or preventative measures are implemented, unless the Municipality of Crowsnest Pass previously completed the environmental assessment(s) and monitoring and provides the information to the applicant to make an informed decision to ensure that the nearby nuisance ground would not impact the proposed development. The Development Authority could require an applicant to include additional mitigative measures (i.e. soil vapour barriers applied to the basement walls) as part of the new construction.
 - 1.2 The development of a park or other recreational use should be restricted until a human health and ecological risk assessment is completed, to ensure there are no adverse affects from potential contamination in soil or water.
2. A subdivision application that is proposed on lands located within the Overlay District shall demonstrate compliance with the standards and best practices established in this Overlay District, as follows:
 - 2.1 A subdivision application requires a Phase II Environmental Site Assessment that verifies the absence of contaminants, offsite gas migration, or confirms that monitoring, mitigative measures and/or preventative measures are implemented, unless the Municipality of Crowsnest Pass previously completed the environmental assessment(s) and monitoring and provides the information to the applicant to make an informed decision to ensure that the nearby nuisance ground would not impact the proposed subdivision.
 - 2.2 A subdivision application for the development of a park or other recreational use should be restricted until a human health and ecological risk assessment is completed, to ensure there are no adverse affects from potential contamination in soil or water.

Rationale and Additional Information:

The Municipality of Crowsnest Pass (MCNP) retained Associated Environmental Consultants Inc. (Associated) to conduct an Environmental Overview of multiple nuisance grounds within the municipality, collectively referred to as the Project Area. On February 07, 2023 the Municipal Council received the final report for information and approved its public release. The rationale for the Overlay District is a partial and paraphrased extract from the Executive Summary of the final report. Additional and more detailed information may be obtained from the final report, "Municipality of Crowsnest Pass Nuisance Grounds Environmental Overview – 2022-8246" dated February 2023, which is available on the municipal website. In May 2023 the MCNP retained Associated Environmental Consultants Inc. to initiate Phase II Environmental Site Assessment and monitoring for the two nuisance grounds that it owns, i.e. Old Sartoris Staging Area and Hillcrest Ball Diamond Road.

Background

This project was initiated to determine whether setback variances are needed for previous and future developments within 300 metres (m) of the Project Area pursuant to the *Guideline for Setback Reviews [Waste Facility]*. The *Guideline* outlines the requirements for developers, subdivision authorities, and development authorities to evaluate a new development permit or subdivision application where the setback distances are planned or being considered to be reduced to less than the default 300 m setback for new

residences, schools, and hospitals. Typically, the default setback is 300 m from a non-operating landfill, pursuant to the *Matters Related to Subdivision and Development Regulation – Alberta Regulation 84/2022, dated October 24 2022*. To reduce the setback, the subdivision authority or development authority needs to have sufficient data to confirm the absence of nuisance (odours, vectors, and smoke) and contaminant migration (emissions, leachate, and landfill gas), or data to confirm the absence of pathways (i.e., mitigative measures). Developers typically provide environmental reports that meet the applicable guidelines to the authority for review as part of their subdivision or development application.

The May 2022 *Guideline for Setback Reviews [Waste Facility]* is an update to the May 2013 *Requesting Consent To Vary the Setback Distance For A Development To A Non Operating Landfill* document. The 2013 version required subdivision authorities and development authorities to submit a request to then Alberta Environment and Sustainable Resources (ESRD) to grant Ministerial consent to the setback variance. The 2022 version removed the requirements of the subdivision authorities and development authorities to receive consent from the Minister of Alberta Environment and Protected Areas (AEPA, formerly ESRD and Alberta Environment and Parks [AEP]). Similarly, the October 24, 2022, updated *Alberta Regulation 84/2022, Matters Related to Subdivision and Development Regulation, Part 3, Section 17, “Distance from wastewater treatment, landfill, waste sites”*, removed the requirement that a subdivision authority or development authority requires written consent of the Deputy Minister of AEPA. Based on these regulation updates, the Development Authority or the Subdivision Authority of the MCNP is not required to submit a request for a setback variance to AEPA.

Scope of Work

A desktop review was conducted to search for historical documents and reports related to known former nuisance/dumping grounds within the Project Area. In addition to the historical documents and reports, historical aerial photographs were reviewed to identify any other potential dumping sites. Eight (8) potential dumping locations were identified through air photograph review in addition to the four known nuisance grounds (i.e. Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3).

Following the desktop review, a geophysical survey was conducted by AKS Geoscience on September 1 and 2, 2022 to estimate the presence and extent of buried waste at nine of the twelve locations. The other three suspected sites were not surveyed because they were either discovered after the geophysical surveys had been completed at the other sites, were greater than 300 m away from current and potential future residential developments, or they are located on private property and the landowners did not give permission to access their properties for geophysical surveys.

From September 19 to 23, 2022, Associated completed site inspections and test pitting to confirm waste boundaries closest to nearby residences at Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3.

Findings

Four locations (Bushtown, Old Sartoris Staging Area, Hillcrest Ball Diamond Road, and Bellevue Old Highway 3) are confirmed to be within 300 m of existing residences and may impact future neighbourhood expansions. Of the eight suspected former dumping locations, five are no longer suspected of containing buried waste. The other three sites could have potential buried waste, and it would be the responsibility of the private landowners to conduct their own environmental assessments for these locations.

The identified sites in this report are considered to be former nuisance grounds due to: 1) their age (dumping activities between the early 1940s to late 1970s); 2) that they were never formally operated or controlled; 3) had no record-keeping; and 4) that the dumping locations were never intended to be designed or constructed for waste management. Therefore, **the identified former nuisance grounds should be treated as Areas of Potential Environmental Concern (APECs), rather than landfills as defined in Alberta Regulation 84/2022, and as having the potential for soil and/or groundwater contamination**

that should have quantitative assessments (i.e. Phase II Environmental Site Assessments [ESAs]) completed to confirm if there are impacts to human and ecological health receptors.

Regulations and Government Correspondence

Based on correspondence with AEPA and Alberta Municipal Affairs, the MCNP, acting as the Subdivision/Development Authority, should amend and apply administrative controls (bylaws) that outline what type of permits/applications for both existing and new developments trigger additional environmental reviews if located within 300 m of a nuisance ground. The following items should be considered by the MCNP when amending/ updating or creating new bylaws:

Existing Properties and Development

- Existing properties do not fall under the Guideline for Setback Reviews [Waste Facility]. Therefore, MCNP is not restricted to limit permits/applications for existing developments and construction of items that are not considered residential dwellings. However, MCNP must make an informed decision when reviewing applications.
- The MCNP is not restricted to limit permits/applications for non-residential structures such as: outdoor spaces, uncovered decks, sheds, or garages. The MCNP could also allow additions to existing residential homes that do not have a basement.
- Based on the proximity to a nuisance ground, applications for home expansions or full home replacements that have basements should be more thoroughly scrutinized by MCNP. An environmental assessment must be available that verifies the absence of contaminants, offsite gas migration, or that preventative measures were put in place at the nuisance ground. The MCNP could also require an applicant to include additional mitigative measures (i.e. soil vapour barriers) as part of the new construction.
- Parks and recreational use should be restricted, until a human health and ecological risk assessment is completed, to ensure there are no adverse affects from potential contamination in soil or water.

New Developments and Subdivisions

- Schools and hospitals should not be constructed within 300 m of a nuisance ground without detailed environmental assessments and mitigative measures. Confirmation that no environmental concerns originating from the nuisance ground exist is required prior to construction.
- Parks and recreational use should be restricted, until a human health and ecological risk assessment is completed, to ensure there are no adverse affects from potential contamination in soil or water.
- Applicants for new developments or subdivisions should be required to conduct a detailed intrusive environmental assessment(s) to ensure that the nearby nuisance ground would not impact their development. Mitigative measures (i.e. soil vapour barriers) should be integrated into the design of their construction; unless MCNP previously completed the environmental assessments and provides the information to the applicant to make an informed decision.
- Environmental assessments, including on-going environmental monitoring of the nuisance grounds, should be kept recent (within five years), as there is potential for contaminants to change and migrate over time. Updated environmental assessments and/or monitoring may not be required if it can be proven that there are no human or ecological health concerns related to a nuisance ground and/or remediation was completed.

Other considerations for the MCNP are provided in Municipal Affairs' correspondence provided in Appendix N of the environmental overview report.

Recommendations

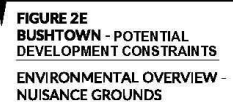
It is recommended that the APECs are assessed in the following order, from highest to lowest priority, based on existing residences and potential future neighbourhood expansions:

1. Bushtown (Owner: Alberta Government) – There is one existing residence approximately 50 m from buried waste, and dozens of existing houses within 60-300 m of the site, which are estimated to be hydraulically downgradient from the site. This site may also impact plans for future neighbourhood expansion.
2. Old Sartoris Staging Area (Owner: MCNP) – There are dozens of residences within 120 to 300 m from buried waste, which are estimated to be hydraulically downgradient from the site. Currently, this site does not impact potential future neighbourhood locations.
3. Hillcrest Ball Diamond Road (Owner: MCNP) – There are approximately five residences within 300 m of the site, one of which is estimated to be hydraulically downgradient. This site may also impact plans for future neighbourhood expansion.
4. Bellevue Old Highway 3 (Owner: Alberta Government) – There are approximately five residences within 170-300 m of the site, which are estimated to be hydraulically cross-gradient. Currently, this site does not impact potential future neighbourhood locations.

Potential contaminants of concern (PCOCs) in soil, groundwater, and soil vapour that should be assessed for include, but are not limited to: metals, salts (salinity), petroleum hydrocarbons (PHCs), BTEXS (benzene, toluene, ethylbenzene, xylenes, styrene), polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), pesticides, herbicides, dioxins and furans, and gases (methane).

Additional information may be obtained from the environmental overview report. The findings for the four (4) confirmed APECs are provided in Table 1, and a summary of suspected nuisance grounds locations is provided in Table 2. The checklist showing outstanding items that should be obtained through Phase II ESAs is provided in Table 3.

The environmental overview report is limited by the information available through the desktop search, existing records and local residents' memories of the former nuisance ground locations. The earliest aerial photographs are from 1949 and have too poor of a resolution to discern the waste boundaries. Some of the historical records may have incorrect information or are too vague. The possibility remains that there are additional unidentified nuisance grounds that could be encountered. If other nuisance grounds are encountered, a similar approach should be implemented as recommended for the sites listed in this report. If additional information becomes available and is deemed pertinent to this Environmental Overview, Associated requests notification of such for amendment of this report.








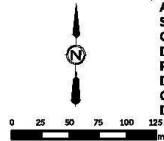
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- LEGEND**
-  Test Pit
 -  Natural Gas Pipeline ROW
 -  300m Buffer
 -  Estimated mixed waste boundary
 -  Site Boundary

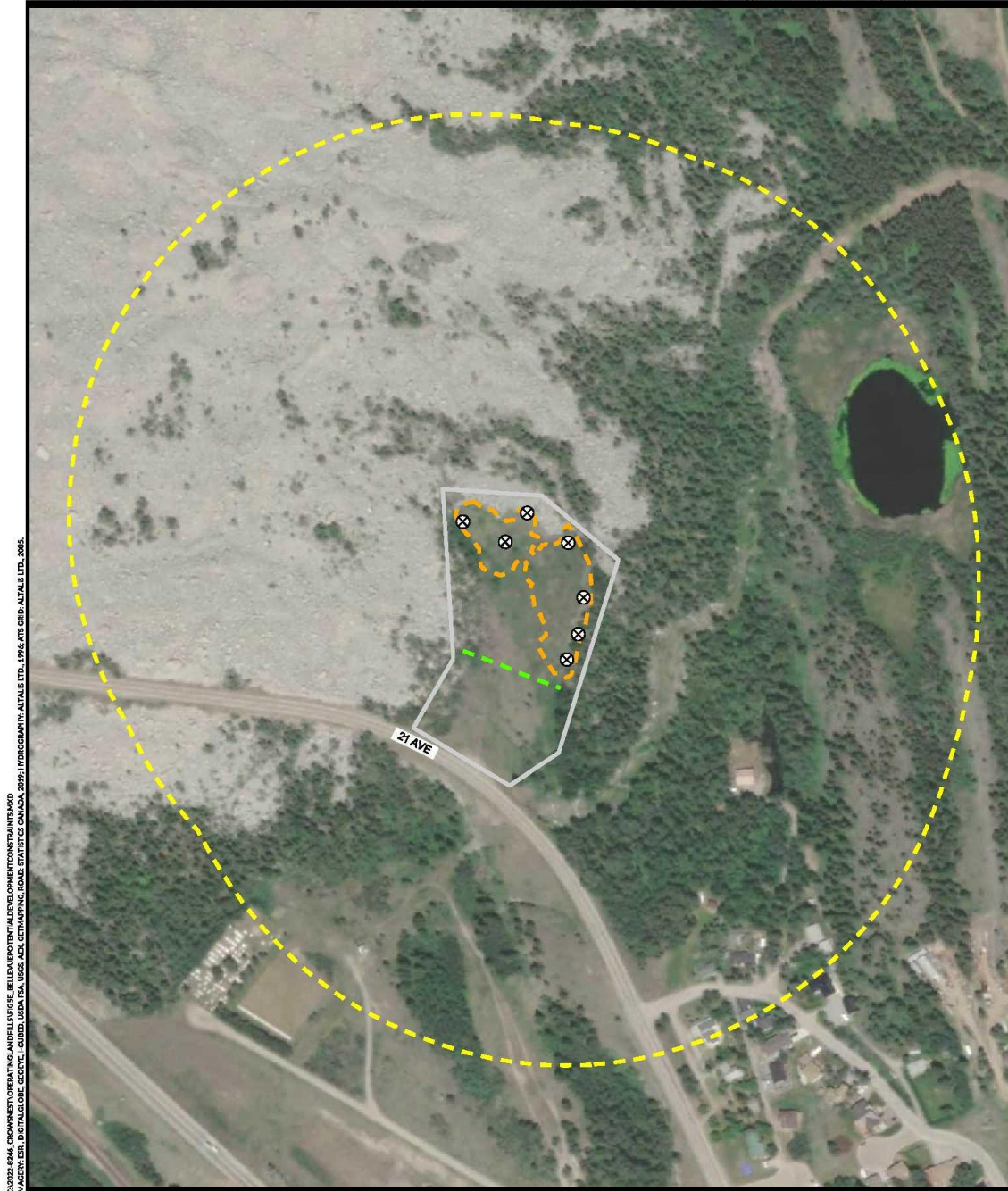


AE PROJECT NO. 2022-8246
 SCALE 1:5000
 COORD. SYSTEM NAD 1983 3TM 114
 DATE 2022-10-21
 REV 00
 DRAWN BY DK
 CHECKED BY
 DESCRIPTION ISSUED FOR REPORT

FIGURE 3E
OLD SARTORIS STAGING AREA -
POTENTIAL DEVELOPMENT
CONSTRAINTS
 ENVIRONMENTAL OVERVIEW -
 NUISANCE GROUNDS



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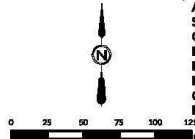


C:\2022\8246_CROWSNEST_PASS\LANDUSE\FIGURE 5D BELLEVUE OLD HIGHWAY 3 - POTENTIAL DEVELOPMENT CONSTRAINTS.MXD
MAGERY, ERN, DUSTAL, GORE, COORD. USDA, FRA, USGS, ADO, GETHAMPING, ROAD, STATISTICS CANADA, 2019, HYDROGRAPHY, ALTALS LTD, 1996, ATLS GRID, ALTALS LTD, 2005.



LEGEND

- ⊗ Test Pit
- Fence
- 300m Buffer
- Estimated mixed waste boundary
- Site Boundary



AE PROJECT NO. 2022-8246
SCALE 1:4000
COORD. SYSTEM NAD 1983 3TM 114
DATE 2022-10-21
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ISSUED FOR REPORT

**FIGURE 5D
BELLEVUE OLD HIGHWAY 3 -
POTENTIAL DEVELOPMENT
CONSTRAINTS**

ENVIRONMENTAL OVERVIEW -
NUISANCE GROUNDS



Multi-family Apartment Residential – R-3	Schedule 2 – R-3 1
Modular Home Communities – R-4	Schedule 2 – R-4 1
Narrow Lot Residential – R-5	Schedule 2 – R-5 1
Grouped Country Residential – GCR-1	Schedule 2 – GCR-1 1
Retail Commercial – C-1	Schedule 2 – C-1 1
Drive-in Commercial – C-2	Schedule 2 – C-2 1
Comprehensive Commercial – C-3	Schedule 2 – C-3 1
Cannabis Retail Commercial – C-4	Schedule 2 – C-4 1
Industrial – I-1	Schedule 2 – I-1 1
Sentinel Industrial Park – SIP-1	Schedule 2 – SIP-1 1
Recreation and Open Space – RO-1	Schedule 2 – RO-1 1
Public – P-1	Schedule 2 – P-1 1
Non-Urban Commercial Recreation – NUCR-1	Schedule 2 – NUCR-1 1
Non-Urban Commercial Recreation – NUCR-2	Schedule 2 – NUCR-2 1
Non-Urban Area – NUA-1	Schedule 2 – NUA-1 1
Comprehensive Mixed Use – CM-1	Schedule 2 – CM-1 1
Comprehensive Resort Village – CRV	Schedule 2 – CRV 1
Comprehensive Ski Village – CSV	Schedule 2 – CSV 1
Direct Control – DC-1 (Crowsnest Mountain Resort)	Schedule 2 – DC-1 1
Direct Control – DC-2 (Turtle Mountain Restricted Development Area)	Schedule 2 – DC-2 1
Schedule 3 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT	Schedule 3 1
Schedule 4 STANDARDS OF DEVELOPMENT	Schedule 4 1
• <u>Areas of Potential Environmental Concern (Nuisance Grounds)</u>	<u>Section 30</u>
• Accessory Buildings and Uses	Section 26
• Alternative / Renewable Energy Development	Section 48
• Campground and Recreational Vehicle Park Standards	Section 35
• Cannabis Retail Sales	Section 38
• Canvas Covered Structures	Section 34
• Communication Antennae and Structures	Section 24
• Comprehensive Planning for Redesignation, Development Permit or Subdivision Applications	Section 4
• Corner Lot Sight Triangle	Section 12
• Decks	Section 20
• Demolition, Removal or Replacement of Buildings	Section 9
• Development in General	Section 3
• Drive-in Commercial Use Standards	Section 32
• Easements, Setback Distances and Public Safety	Section 17
Easements, Rights-Of-Way and Legislated Setback Distances	
Trans Canada High Pressure Gas Pipeline	



Wildland-Urban Interface	
• Environmental Considerations	Section 30
Wildlife and Wildland-Urban Interface	
Wetlands, Watercourses, Riparian Areas and Regionally Sensitive Areas	
<u>Areas of Potential Environmental Concern (Nuisance Grounds)</u>	
• Exposed Foundations	Section 25
• Fences	Section 19
• Flood-risk Lands	Section 29
• Historic Commercial Areas (also see Municipal Historic Resources)	Section 52
• Home Occupations	Section 44
• Industrial and Commercial Use Standards	Section 31
• Infill Development in Mature Neighbourhoods	Section 6
• Kennels	Section 49
• <u>Landfills / Nuisance Grounds (Areas of Potential Environmental Concern)</u>	Section 30
• Landscaping and Screening Standards	Section 22
• Lighting	Section 14
• Lot Grading, Drainage and Stormwater Management (Retaining Walls)	Section 11
• Lot Sizes and Sub-Standard Lots	Section 5
• Maximum Grade	Section 10
• Modular Homes	Section 45
• Modular Home Communities	Section 46
• Multi-Family Dwellings	Section 41
• Municipal Historic Resources (also see Historic Commercial Areas)	Section 40
• Municipal Infrastructure, Utilities and Servicing	Section 16
• Number of Dwelling Units on A Parcel	Section 39
• Outdoor Washroom Facilities	Section 33
• Parking and Loading	Section 42
• Projections Into Yard Setbacks	Section 23
• Quality and Design of Development	Section 7
• Recreational Vehicles – Outdoor Storage and Temporary Sleeping Accommodations	Section 37
• Refuse Storage for Commercial, Industrial and Multi-Family Development	Section 15
• Relocation of Buildings	Section 43
• Road Access, Driveways and Parking Pads	Section 13
All Locations	
Urban Locations	
Rural Locations	
• Secondary Front Yard	Section 18
• Secondary Suites	Section 51
• Shipping Containers	Section 50
• Short-Term Rental / Bed & Breakfast and Tourist Homes	Section 54



• Show Homes and Real Estate Sales Offices.....	Section 27
• Signs	Section 47
• Slope-Adaptive Building and Site Design	Section 8
• Swimming Pools	Section 28
• Temporary Auto Sales Standards	Section 36
• Work Camps.....	Section 53
• Yard Setbacks and Yard Setback Variances.....	Section 21
Schedule 5	MULTI-FAMILY DWELLING STANDARDS.....Schedule 5 1
Schedule 6	OFF-STREET PARKING AND LOADING AREA STANDARDSSchedule 6 1
Schedule 7	RELOCATION OF BUILDINGSSchedule 7 1
Schedule 8	CRITERIA FOR HOME OCCUPATIONS.....Schedule 8 1
Schedule 9	MODULAR HOME DEVELOPMENT STANDARDS.....Schedule 9 1
Schedule 10	MODULAR HOME COMMUNITY REGULATIONSSchedule 10 1
Schedule 11	SIGN STANDARDSSchedule 11 1
Schedule 12	ALTERNATIVE/RENEWABLE ENERGY DEVELOPMENTSSchedule 12 1
Schedule 13	KENNEL REGULATIONSSchedule 13 1
Schedule 14	SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS.....Schedule 14 1
Schedule 15	STANDARDS FOR SECONDARY SUITESSchedule 15 1
Schedule 16	HISTORIC COMMERCIAL AREAS OVERLAY DISTRICT (HCAOD).....Schedule 16 1
Schedule 17	WORK CAMP REGULATIONS.....Schedule 17 1
Schedule 18	STANDARDS FOR SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME...Schedule 18 1
Schedule 19	DEFINITIONS.....Schedule 19 1
Schedule 20	<u>AREAS OF POTENTIAL ENVIRONMENTAL CONCERN OVERLAY DISTRICTSchedule 20 1</u>

MAPS

LAND USE DISTRICTS MAPS:

MAP 1	Municipality of Crowsnest Pass
MAP 2	Passburg Area
MAP 3	Bellevue / Hillcrest Area
MAP 4	Frank Area
MAP 4A	Frank Area
MAP 5	Blairmore Area
MAP 6	Coleman Area
MAP 7	Sentinel Area
MAP 8	Crowsnest Area

Schedule 20

AREAS OF POTENTIAL ENVIRONMENTAL CONCERN
OVERLAY DISTRICT (APEC-OD)



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 7.b

Subject: Bylaw 1150, 2023 - Safety Codes Permit Bylaw Amendment re. Nuisance Grounds (Areas of Potential Environmental Concern) - Second and Third Reading

Recommendation: That Council gives second and third reading of Bylaw 1150, 2023.

Executive Summary:

Bylaw 1150, 2023 was given first reading on May 16, 2023 and a public hearing was scheduled for June 06, 2023.

On February 07, 2023 Council adopted motions to accept and publicly release the nuisance grounds environmental overview report prepared by Associated Environmental, and to direct Administration to prepare amendments to the Land Use Bylaw and the Safety Codes Permit Bylaw.

Relevant Council Direction, Policy or Bylaws:

Motion 20-2023-02-07: Councillor Glavin moved that the nuisance grounds reports be finalized and posted publicly.

Motion 21-2023-02-07 - Councillor Ward moved that appropriate amendments be drafted to the Land Use Bylaw and Safety Codes Bylaw as per the recommendations in the Nuisance Grounds report.

Land Use Bylaw No. 868, 2013 as amended.

Safety Codes Permit Bylaw No. 946, 2016 as amended.

Proposed Bylaw 1149, 2023 Land Use Bylaw Amendment - Nuisance Grounds.

Discussion:

The proposed Safety Codes Permit Bylaw amendment, Bylaw 1150, 2023, establishes a requirement that the Safety Codes Officer (building discipline) reviews plans for compliance with mitigative measures and construction specifications relative to contaminants and gas migration, as may be

recommended in a Phase II Environmental Site Assessment, when the subject property is located in the areas identified in "Schedule 20 Areas of Potential Environment Concern Overlay District" (see proposed Land Use Bylaw Amending Bylaw 1149, 2023).

Essentially, an at-grade (no basement) addition to an existing residence, a new residence without a basement, and accessory structures (decks, sheds, garages) are not restricted. A school, a hospital, a house addition with a basement and a new house with a basement require a Phase II Environmental Site Assessment.

As the landowner of two of the four nuisance grounds (i.e. Old Sartoris Staging Area and Hillcrest Ball Diamond Road), the Municipality is in the process of commencing Phase II ESA monitoring as a due diligence requirement. Once completed, the findings and recommendations of these studies will confirm the absence of contaminants/gas migration or will recommend the appropriate mitigative measures and construction specifications to enable the Development Authority and the Safety Codes Officer to approve residential basement additions and new houses with basements in the areas around these two nuisance grounds.

Analysis of Alternatives:

The Provincial Government owns the other two nuisance grounds (i.e. Bushtown and Bellevue Old Highway 3), and until the provincial government undertakes the required landowner due diligence Phase II ESAs, or provides the funding for it, the Development Authority and the Safety Codes Officer will not be able to approve development permits and building permits for residential basement additions or new houses with basements in the areas affected by these sites, unless the affected landowner(s) pay for these studies at their own expense.

Financial Impacts:

N/A relative to the Safety Codes Permit Bylaw amendment.

The initial Phase II ESAs for the two nuisance grounds owned by the Municipality are estimated to cost \$96,000, of which \$26,000 is surplus from the Phase I ESA and grants are being searched out for the remaining \$70,000.

Attachments:

[FORMATTED Bylaw 1150, 2023 - Amend Safety Codes Permit Bylaw - Nuisance Grounds.pdf](#)

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1150, 2023
SAFETY CODES PERMIT BYLAW AMENDMENT – NUISANCE GROUNDS

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 946, 2016, being the municipal Safety Codes Permit Bylaw, in accordance with and pursuant to the provisions of the Safety Codes Act of Alberta, as amended, relative to the bylaw making powers of a municipality to regulate the form, content and costs of permits for the use, occupancy, relocation, construction or demolition of buildings as well as for the cost of permits for electrical, gas, plumbing and private sewage disposal system installations.

WHEREAS the Legislature of the Province of Alberta has passed the Safety Codes Act, Chapter S-1, Revised Statutes of Alberta 2000, as amended;

AND WHEREAS the Municipality of the Crowsnest Pass is an accredited Municipality with the Safety Codes Council;

AND WHEREAS pursuant to section 66 of the Safety Codes Act, the Municipality of the Crowsnest Pass as an accredited municipality may make Bylaws:

- (a) respecting minimum maintenance standards for buildings and structures, and
- (b) respecting the carrying out of its powers and duties as an accredited municipality.

AND WHEREAS the Council of the Municipality of Crowsnest Pass determines it prudent to establish standards and best practices for the construction of a residence within 300 metres of former nuisance grounds (Area of Potential Environmental Concern), it wishes to amend the Safety Codes Permit Bylaw accordingly.

NOW THEREFORE, under the authority of and/or subject and pursuant to the provisions of the Safety Codes Act, Chapter S-1 and the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following bylaw amendments:

1. Under “15 BUILDING PERMITS”, add new sections 15.13, 15.13.1 and 15.13.2 as follows:

“15.13 The Municipality’s Land Use Bylaw identifies an Overlay District that establishes standards and best practices for the development of a residence, school or hospital within 300 metres of existing nuisance grounds as identified in an environmental overview report. Pursuant to Section 66(2)(a) of the Safety Codes Act the Municipality hereby requires the following:

15.13.1 In reviewing plans and making a decision on a Safety Codes Permit application for the construction of an addition with a basement to an existing residence, or the construction of a new residence with a basement, or the construction of a school or hospital, on land that is located within the areas identified in the Land Use Bylaw “Areas of Potential Environmental Concern Overlay District”, the Safety Codes Officer shall ensure that the plans submitted for the building permit application comply with the measures or construction specifications that may be recommended in a Phase II Environmental Site Assessment relative to the mitigation or prevention of contaminants or offsite gas migration (e.g. soil vapour barriers applied to the basement walls), subject to and in accordance with any applicable provisions and standards in the National Building Code – 2019 Alberta Edition.

15.13.2 This section does not apply to:

- 15.13.2.1 a building or structure that is deemed to not be a residence, school or hospital.
- 15.13.2.2 an accessory structure associated with a residence, such as an outdoor space, an uncovered deck, a shed, or a garage.
- 15.13.2.3 an addition without a basement to an existing residence or the construction of a new residence without a basement.”

2. Bylaw No. 946, 2016 is hereby amended.

3. Bylaw No. 1150, 2023 shall come 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



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 7.c

Subject: Bylaw 1151, 2023 - Land Use Bylaw Amendment re. Delegation of Authority - Second and Third Reading

Recommendation: That Council gives second and third reading of Bylaw 1151, 2023.

Executive Summary:

Bylaw 1151, 2023 was given first reading on May 16, 2023 and a public hearing was scheduled for June 06, 2023.

On April 26, 2023 the Municipal Planning Commission adopted a motion that Administration consider preparing a land use bylaw amendment for Council's consideration to delegate some of the Municipal Planning Commission's authority to the Development Officer to reduce red tape. This connects to Council Motion 13-2023-04-04 - MPC Re-Evaluation & Omnibus 3 in that it provides some efficiency prior to further red tape reduction expected in Omnibus No. 3.

Relevant Council Direction, Policy or Bylaws:

Motion 13-2023-04-04 - MPC Re-Evaluation & Omnibus 3 - "Councillor Ward moved that Council accept the Municipal Planning Commission Administrative Report Update as information and to direct Administration to move forward with Omnibus 3 in order to allow for efficiencies to be implemented and then a re-evaluation of the Municipal Planning Commission at that time."

Land Use Bylaw No. 868, 2013 as amended.

Discussion:

The proposed Land Use Bylaw amendment, Bylaw 1151, 2023, proposes to delegate specific discretionary uses and variances to the Development Officer, based on the items that the Municipal Planning Commission has seen in its agenda that it feels could have been dealt with effectively and more efficiently by the Development Officer, without adverse impact on landowners, applicants, or the development permit process.

Analysis of Alternatives:

The proposed delegation of authority is restricted. It is an interim step and will be reviewed as part of Omnibus No. 3, which is expected to be forthcoming by the fall of 2023.

Proposed revision to Bylaw 1151, 2023 prior to third reading - Considering that, as recommended by the Municipal Planning Commission, the proposed bylaw delegates the approval of a discretionary use Single-family Dwelling in the NUA-1 district to the Development Officer, Council may want to consider adding the approval of a discretionary use Accessory Building in the NUA-1 district to the delegated authority of the Development Officer.

Financial Impacts:

Staff resource efficiency.

Attachments:

[FORMATTED Bylaw 1151, 2023.pdf](#)

[Bylaw 1151, 2023 - Schedule A.pdf](#)

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1151, 2023
LAND USE BYLAW AMENDMENT – DELEGATION OF AUTHORITY

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, in accordance with section 692 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Municipality of Crowsnest Pass determines it prudent to reduce red tape by delegating authority to the Development Officer to decide upon, approve or refuse specific discretionary use development permit applications and specific variance applications that would otherwise be decided upon by the Municipal Planning Commission, as follows:

1. In the “*Administration*” Part of the Land Use Bylaw, amend “*Section 4 Development Officer*”, “*Section 5 Municipal Planning Commission*”, and “*Section 11 Discretionary Use and Variances*” as shown in Schedule ‘A’ attached hereto and forming part of this bylaw.
2. Associated amendments to the Table of Contents.

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. Replace the existing sections of the Land Use Bylaw with the revised sections of the Land Use Bylaw as identified in Schedule ‘A’ attached hereto and forming part of this bylaw.
2. Bylaw No. 868, 2013 is hereby amended.
3. This bylaw shall come 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

**MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA**

LAND USE BYLAW NO. 868-2013

The Council of the Municipality of Crowsnest Pass in the Province of Alberta enacts as follows:

BEING A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DEVELOPMENT OF LAND AND BUILDINGS WITHIN THE MUNICIPAL BOUNDARIES AND TO ESTABLISH THE AUTHORITIES REQUIRED TO EXERCISE THE RELATED POWERS, FUNCTIONS AND DUTIES ON BEHALF OF THE MUNICIPALITY, PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000.

THIS BYLAW MAY BE CITED AS THE MUNICIPALITY OF CROWSNEST PASS LAND USE BYLAW.

1. DEFINITIONS

- 1.1 For Definitions, see Schedule 19.

2. SCHEDULES AND MAPS

- 2.1 The Schedules and maps attached hereto form part of this bylaw.

3. DEVELOPMENT AUTHORITY

- 3.1 The office of "Development Authority" is established pursuant to the relevant provisions of the Act. It shall consist of the Development Officer, the Municipal Planning Commission and, in a Direct Control District, the Council and, upon an appeal, the Subdivision and Development Appeal Board.
- 3.2 The incumbent in the position of Development Officer and their supervisor(s) are hereby appointed as the Development Officer to fulfil that part of the Development Authority role assigned to the Development Officer in this bylaw.
- 3.3 The Council shall, in accordance with the Municipal Planning Commission Bylaw, appoint the members of the Municipal Planning Commission.
- 3.4 The Development Officer, the Municipal Planning Commission, the Subdivision and Development Appeal Board and the Council, as may be applicable, shall be the Development Authority for all purposes of the Act and shall exercise those powers, duties and functions assigned to them in this Bylaw and the Act.

4. DEVELOPMENT OFFICER

- 4.1 The Development Officer:
- (a) shall assist and advise the Municipal Planning Commission, Council, Administration, applicants and the public with respect to the provisions, standards and requirements of this Bylaw and other pertinent legislation and policies, and in regard to the planning of orderly and economical development within the Municipality;
 - (b) shall determine if an application is complete and shall notify the applicant accordingly;

- (c) shall process, refer and, as assigned to them, decide upon development permit applications in accordance with this bylaw;
- (d) shall decide upon permitted uses with or without conditions;
- (e) may refer any development permit application to the Municipal Planning Commission for a decision;
- (f) may approve variances as provided for in this Bylaw;
- (g) shall refer to the Municipal Planning Commission for a decision when an application for a variance exceeds the variance power assigned to the Development Officer, except as may be otherwise provided for in this bylaw;
- (h) shall refer discretionary use development permit applications to the Municipal Planning Commission for a decision, except as may be otherwise provided for in this bylaw;

~~may approve, with or without conditions, a discretionary use application for a new Modular Home that replaces an existing Mobile Home, Manufactured Home or Modular Home in any district where a Modular Home is listed as a discretionary use;~~

~~may approve, with or without conditions, a discretionary use application for an "Accessory Building or Use" for each RV stall in a campground for which the Municipal Planning Commission previously approved a Comprehensive Site Development Plan that allows in principle a discretionary use "Accessory Building or Use" on each RV stall, in any district where an "Accessory Building or Use" is listed as a discretionary use in a campground;~~

- (i) shall issue a Notice of Decision for a development permit application that was approved by the Development Officer ~~for a variance~~ or by the Municipal Planning Commission ~~for a discretionary use or a variance~~ and, if an appeal is not filed within the prescribed timeline and all conditions except those of a continuing nature have been met or fulfilled, shall issue a development permit;
- (j) shall issue a development permit when the Subdivision and Development Appeal Board has approved a proposed development;
- (k) may issue a Stop Order pursuant to the Act or, when deemed appropriate to do so, may obtain direction from the Municipal Planning Commission to issue a Stop Order and, for these purposes, acting with the delegation of the designated officer or the Chief Administrative Officer, may give reasonable notice to a landowner or occupant and thereafter may enter property at a reasonable time for inspection and enforcement;
- (l) shall maintain a public register of development permits issued by the Development Authority;
- (m) shall maintain a public register of approved amendments to this bylaw;
- (n) may prepare and maintain such forms and notices as they may deem necessary;
- (o) may require a Comprehensive Site Development Plan or an Area Structure Plan for a redesignation, development permit or subdivision application as provided for in Schedule 4.
- (p) in all its decisions, shall conform to the land uses provided for in each land use district, including as provided for "Similar Uses".

5. MUNICIPAL PLANNING COMMISSION

5.1 The Municipal Planning Commission, or the Development Officer pursuant to delegated authority provided for in this bylaw:

- (a) may approve a variance of any measurable standard established in this bylaw, and specifically as specified below:

11. DISCRETIONARY USES AND VARIANCES

- 11.1 Upon receipt of a completed application for a development permit for a discretionary use (except as may be otherwise provided for in this bylaw) or for variances assigned to the Municipal Planning Commission, the Development Officer shall process the application for a decision by the Municipal Planning Commission at its next available meeting, within the timelines prescribed in the Act.

Delegation of Authority to the Development Officer

Discretionary Uses

- 11.2 In addition to the authority otherwise assigned to it in this bylaw, the Development Officer is authorized to decide upon and either approve or refuse the following discretionary use development permit applications which are otherwise assigned to the Municipal Planning Commission:
- (a) a discretionary use application for a new Modular Home that replaces an existing Mobile Home, Manufactured Home or Modular Home in any district where a Modular Home is listed as a discretionary use;
 - (b) a discretionary use application for an "Accessory Building or Use" for each RV stall in a campground for which the Municipal Planning Commission previously approved a Comprehensive Site Development Plan that allows in principle a discretionary use "Accessory Building or Use" on each RV stall, in any district where an "Accessory Building or Use" is listed as a discretionary use in a campground;
 - (c) a discretionary use application for a Tourist Home or a Short-Term Rental / Bed & Breakfast that meets all the applicable minimum standards (i.e. the application does not propose a variance from an applicable minimum standard established in this bylaw), and further provided that the Development Officer shall refuse a discretionary use application for a Tourist Home or a Short-Term Rental / Bed & Breakfast that proposes such a variance (i.e. the Development Officer does not need to bring such an application to the Municipal Planning Commission for refusal);
 - (d) a discretionary use application for a Secondary Suite that meets all the applicable minimum standards (i.e. the application does not propose a variance from an applicable minimum standard established in this bylaw) or that proposes a variance to a standard that is within the Development Officer's variance authority established here or elsewhere in this bylaw, including a maximum 10% variance to the maximum floor area (which is the maximum variance authority of the Municipal Planning Commission as established in this bylaw), and further provided that the Development Officer shall refuse a discretionary use application for a Secondary Suite that proposes to exceed the maximum 10% variance authority of the Municipal Planning Commission to the maximum floor area (i.e. the Development Officer does not need to bring such an application to the Municipal Planning Commission for refusal);
 - (e) a discretionary use application for a Home Occupation – Class 2 that meets all the applicable minimum standards (i.e. the application does not propose a variance from the applicable minimum standards established in this bylaw);
 - (f) a discretionary use application for a Moved-in Building or a Moved-in Dwelling for a use or a building that is listed as a permitted use in any applicable land use district and that does not propose to exceed the Development Officer's variance authority established in this bylaw;
 - (g) a discretionary use application for a Single-family Dwelling in the NUA-1 District that does not propose to exceed the Development Officer's variance authority established in this bylaw.

Variances

11.3 In addition to the authority otherwise assigned to it in this bylaw, the Development Officer is authorized to decide upon and either approve or refuse the following variance applications which are otherwise assigned to the Municipal Planning Commission:

- (a) a variance of not more than 10% to the maximum floor area of a Secondary Suite;
- (b) a variance to the maximum site coverage of a Single-family Dwelling (with an attached garage) in the R-1 District up to a percentage that is equal to the combined potential maximum site coverage percentages for a Single-family Dwelling and all Accessory Buildings, on the condition that a detached Accessory Building does not exist or has not been approved on the subject property;
- (c) a variance to allow tandem parking for a Tourist Home, a Short-Term Rental / Bed & Breakfast, a Secondary Suite, or a Home Occupation – Class 2, provided that no portion of a parked vehicle shall overhang a curb and gutter or a sidewalk or any portion thereof;

Restrictions on Delegated Authority

11.4 In exercising the delegated authority assigned to it in this section, the Development Officer shall:

- (a) incorporate the “Considerations for Discretionary Uses” and the “Considerations for Variances”; and
- (b) abide by the restrictions placed on the variance authority of the Municipal Planning Commission (e.g. the Development Officer shall not approve a discretionary use application for a Tourist Home, a Short-Term Rental / Bed & Breakfast, a Secondary Suite, or a Home Occupation – Class 2 that proposes a variance in excess of the variance authority assigned to the Municipal Planning Commission);

as established in this bylaw.

11.5 Notwithstanding the authority delegated to it in this section, the Development Officer may bring any application for which it has delegated authority to the Municipal Planning Commission for a decision.

12. REFERRAL OF A DEVELOPMENT PERMIT APPLICATION

Internal and External Referral

12.1 Prior to making a decision on a complete development permit application or bringing a development permit application before the Municipal Planning Commission for a decision, the Development Officer, within the decision timeline prescribed in the Act:

- (a) **may** refer a development permit application to any person who in their opinion may provide relevant comments respecting the Application (e.g. adjacent landowners, a municipal department or other agency); and
- (b) **shall** refer a development permit application to those government agencies as required by the Subdivision and Development Regulation.
- (c) **shall** refer to an adjacent municipality those types of development permit application as may be specified in an Intermunicipal Development Plan prior to deciding on an application.
- (d) **shall** refer to the pipeline operator a development permit application that is located within 260 m of the Trans Canada high pressure gas pipeline.

12.2 After the expiry of fourteen days, or such other referral time periods as may be required by the *Municipal Government Act*, the Subdivision and Development Regulation, an Intermunicipal



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Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 7.d

Subject: Subdivision Endorsement Extension Request 2021-0-084 (Prairie Sky - Havens)

Recommendation:

That Council gives the subdivision extension request for Subdivision 2021-0-084 (Prairie Sky - Havens) for a period of 12 months to June 06, 2024.

Executive Summary:

The Oldman River Regional Services Commission is in receipt of a subdivision endorsement extension request for the subdivision known as 2021-0-084 in 22 Avenue, West Coleman. The original subdivision approval, which will create three Residential R-1 parcels that are now on one certificate of title, was given on May 28, 2021 by the Municipal Planning Commission. As a result of several factors, the applicant has been unable to complete the conditions of subdivision approval. These matters have now been resolved, the applicant has complied with some of the conditions, and is ready to complete the remainder of the conditions.

Relevant Council Direction, Policy or Bylaws:

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

Discussion:

See the attached report from the Oldman River Regional Services Commission.

Analysis of Alternatives:

The applicant requested an extension to November 26, 2023. It is recommended that Council considers approving a 12 month extension to June 06, 2024 instead.

Financial Impacts:

N/A

Attachments:

[Extension Request 2021-0-084.pdf](#)

Memo



To: Municipality of Crowsnest Pass Council

File: 2021-0-084

From: Ryan Dyck, Planner

Date: May 25, 2023

Re: Subdivision Endorsement Extension Request

Background & Proposal

The Oldman River Regional Services Commission is in receipt of a subdivision endorsement extension request for the property known as Lots 11, 13 & 14, Block 19, Plan 232AI – a title separation approval resulting in three 0.115 acre residential parcels located in the Carbondale area west of Coleman. The original subdivision approval was given on May 28, 2021, by the Municipal Planning Commission. This is the applicant's first extension request.

As per section 657(1) of the Municipal Government Act (MGA), if a plan of subdivision is not endorsed by the subdivision authority for a municipality within one year from the date on which the subdivision approval is given, the plan may not be accepted by Alberta Land Titles unless the time period is extended by Council. There is not a legislated expiry date for subdivision approval extensions. Typical practice is to consider a 12-month subdivision extension, which is the MGA statutory time limit for the original approval to be finalized.

Recommended Action

The applicant has now satisfied the conditions of approval, namely the submission of a geotechnical report addressing slope stability and drainage, as well as the relocation of services, and has submitted a letter requesting an extension until Nov. 26, 2023. Accordingly, Council has the following options to consider:

1. Grant the extension in order for the applicant to finalize the conditions of the approval. A time extension must be granted by a resolution of Council pursuant to Section 657(6) of the MGA. Note that the extension should be granted as is (with the original conditions of approval) or refused.
2. Refuse to grant the extension. Note that there is no appeal of decision on a time extension request.

Once Council has reviewed the request and made a decision, we would appreciate notification of the decision in writing for our file. If you have any questions or need clarification, please contact me at your convenience.

RD/jm
ATTACHMENTS

RESOLUTION

2021-0-084

Municipality of Crowsnest Pass Residential subdivision of Lots 11, 13 & 14, Block 19, Plan 232AI within NE1/4 7-8-4-W5M

THAT the Residential subdivision of Lots 11, 13 & 14, Block 19, Plan 232AI within NE1/4 7-8-4-W5M (Certificate of Title No. 201 029 401), to create titles for three 0.047 ha (0.115 acre) parcels for residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the Municipality of Crowsnest Pass.
2. That the applicant is responsible for submitting a Historic Resources (HR) Application to Alberta Culture and Tourism via the Online Permitting and Clearance (OPaC). The applicant must provide to the Subdivision Authority a copy in writing of the Historical Resources Act clearance prior to final endorsement.
3. That a drainage plan be prepared to the satisfaction of the Subdivision Authority.
4. That a geotechnical report addressing slope stability be prepared to the satisfaction of the Subdivision Authority.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw;
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. Potential development concerns regarding grading and drainage will be dealt with at the time of individual development permit applications.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(c) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Telus Communications Inc. has no objection.

- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.

Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514-4783 for any questions.

- (f) ATCO Gas has no need for a Utility Right of Way on the subject property at this time, and therefore has no objection to the proposed subdivision.
- (g) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“Reference your file to create three (3) parcels for residential use at the above noted location.

The proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017(“the regulation”).

Alberta Transportation’s primary objective is to allow subdivision and development of properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway network.

To that end, the parcels to be created will be well removed from Highway 3 with indirect access to the highway being gained solely by way of the town’s internal street system. As such, strictly from Alberta Transportation’s point of view, we do not anticipate that the creation of the residential parcels as proposed would have any appreciable impact on the highway.

Therefore, pursuant to Section 16 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 14 and 15(2).

Notwithstanding the foregoing, the applicant would be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the center point of the intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines however given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local street system, in this instance a permit from Alberta Transportation will not be required and development of the three (3) residential parcels could proceed under the direction, control and management of the municipality. The applicant could contact the undersigned, at Lethbridge 403-388-3105, in this regard.

Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.”

(h) Historical Resources – Barry Newton, Land Use Planner:

"We have reviewed the captioned Subdivision Application and determined that the property in question has an HRV value of 4a.

Consequently, the applicant must obtain *Historical Resources Act* approval prior to proceeding with any land surface disturbance associated with development by submitting a Historic Resources Application through Alberta Culture, Multiculturalism and Status of Women's Online Permitting and Clearance (OPaC) system – www.opac.alberta.ca.

The applicant should review the Land Use Procedures Bulletin: Subdivision Development Historical Resources Act Compliance (<https://open.alberta.ca/publications/subdivision-historical-resources-act-compliance>) prior to OPaC submission (attached)."

(i) Canada Post has no comment.

(j) Comments from Terry MacDougall:

"I have some questions that I would appreciate an answer to before I determine whether or not to register concerns before the May 25, 2021 deadline.

Here they are:

1. Why do the owners have to subdivide their land when there is already a subdivision and registered titles in place? I assume from your write-up that this is simply an issue of ownership to break up one title which includes the three lots into three separate titles for the three original lot configurations.
2. If so, which owner is assigned to each of the three lots?
3. I have a Certificate of Title # 051 129 353 for Lot 12, Block 19, Plan 232AI
4. Have any DPs and/or building permits been applied for on any of the three lots in question? If so, can you please provide copies?
5. Can you please provide me with a copy of the Carbondale Servicing Study (2013) which is referenced in your write-up?
6. Given the nature of my inquiries, is there anything else that I should know?

Thank you for your attention to these matters."

(k) Comments from Leslie Bratcher:

"This is in regards to file # 2021-0-084. I do have a few concerns with this development. First, is not knowing exactly how this housing is being built, example is it a 2 storey building or maybe 3 stories! Will the 100+ year old trees be removed? Do not want that, by the way. Access to parking, the road is barely 2 lane in this area. Lastly, my concern is the lack of consideration and responsibilities of this contractor. We have had previous problems with him, before bylaw officers were re-instated here."

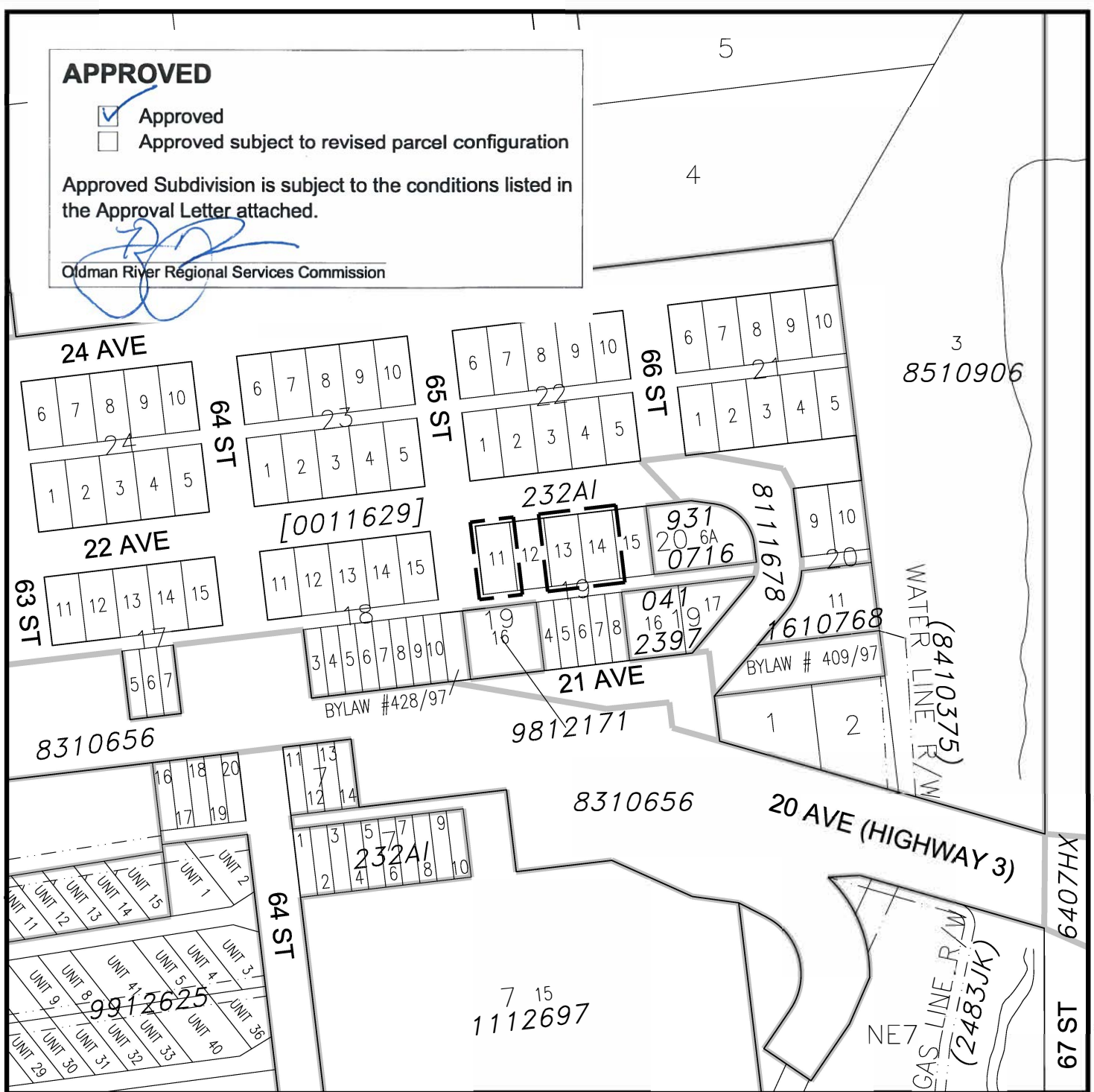
(l) ATCO Transmission high pressure pipelines has no objections. Questions or concerns can be forwarded to hp.circulations@atco.com.

APPROVED

- ☒ Approved
☐ Approved subject to revised parcel configuration

Approved Subdivision is subject to the conditions listed in the Approval Letter attached.

Oldman River Regional Services Commission



SUBDIVISION SKETCH

See Sketch by Brown Okamura & Associates Ltd. file no. 20-15114

LOTS 11, 13 & 14, BLOCK 19, PLAN 232A1

WITHIN NE 1/4 SEC 7, TWP 8, RGE 4, W 5 M

MUNICIPALITY OF CROWSNEST PASS

DATE: APRIL 19, 2021

FILE: 2021-0-084



OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 50 100 150 200 Metres

April 19, 2021 N:\Subdivision\2021\2021-0-084.dwg



PROPOSED

LOT 11 30.55 0.047±ha (0.115±ac)	LOT 12 30.54	LOT 13 15.27 0.047±ha (0.115±ac)	LOT 14 15.27 0.047±ha (0.115±ac)
15.24		15.25	15.27

Detail Scale 2.5x



SUBDIVISION SKETCH

See Sketch by Brown Okamura & Associates Ltd. file no. 20-15114

LOTS 11, 13 & 14, BLOCK 19, PLAN 232A

WITHIN NE 1/4 SEC 7, TWP 8, RGE 4, W 5 M

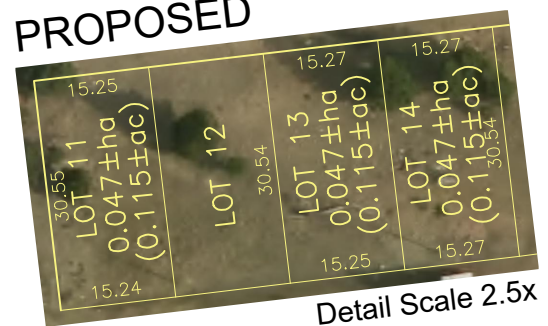
MUNICIPALITY OF CROWSNEST PASS

DATE: APRIL 19, 2021

FILE: 2021-0-084



PROPOSED



Detail Scale 2.5x

AERIAL PHOTO DATE: April 22, 2019



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 7.e

Subject: Cypress Land Services Request for Concurrence on Behalf of Rogers for Installation of a Telecommunications Tower in the Sentinel Industrial Park.

Recommendation: That Council approve the request for concurrence and direct Administration to provide the requested letter of concurrence to Cypress Land Services for the Rogers Proposal W6576.

A sample resolution has also been provided should Council prefer that method of concurrence. See Appendix 5 - Sample Resolution in the attached Request for Concurrence.

Executive Summary:

On February 21, 2023, the Municipality received an information package pertaining to the initiation of the consultation process for a proposed telecommunications tower to be constructed by Rogers in the Sentinel Industrial Park. The consultation process has now been completed by Cypress Land Services on behalf of Rogers. A copy of the Request for Concurrence, which includes the public consultation results, is attached for Council's consideration.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

Administration is in agreement that the proposed tower location in the Sentinel Industrial Park is an appropriate site for placement of the proposed tower in order to improve communications at the west end of the Crowsnest Pass corridor. The proposed location is zoned as Sentinel Industrial Park SIP-1 District and therefore an appropriate zoning for a communications tower.

The purpose of concurrence is not for the Municipality to debate the merits of the tower nor the location but rather to confirm that Rogers has done their due diligence in the required public consultation process. Of the two objections received, one did not want to see additional towers and one wanted to see the tower sited at a different location. Rogers determined that a tower was

needed and that ultimately this was the best location for the tower.

Analysis of Alternatives:

Council could choose to advise that they are not in concurrence with the proposed telecommunications tower based on the identified concerns, and request that Rogers further investigates how to address the identified concerns.

Typically, concerns regarding health and safety and property values are deemed to be satisfactorily addressed by federal government policies and regulations.

The final decision on the approval of the proposed tower rests with ISED on behalf of the Government of Canada.

Financial Impacts:

n/a

Attachments:

[W6576 - Request for Concurrence.pdf](#)

May 23, 2023

VIA: joan.vanderbank@crownsnestpass.com

Johan van der Bank
Manager of Development and Trades
Municipality of Crowsnest Pass

Dear Johan van der Bank,

Subject:	Request for Concurrence for a Rogers Telecommunications Tower
Address:	3706 18 Ave, Coleman, AB T0K 0M0
Title #:	031-445-685
Coordinates:	49.628125, -114.58194444
Rogers Site:	W6576

Please be advised that following Innovation, Science and Economic Development Canada (ISEDs) consultation process commonly referred to as the CPC, Rogers has completed the public consultation process and is respectfully requesting concurrence for the proposal to build a 61-metre self support tower and equipment installation. Enclosed please find evidence of the following efforts regarding this public notification process:

- On February 21, 2023, an Information Package was submitted to the Municipality of Crowsnest Pass formalizing the initiation of the consultation process with the land use authority for the proposed tower location. Please see **Appendix 1: Information Package**.
- On February 27th, 2023, 6 Notification packages were issued to property owners, occupants, and other recipients that fell within three (3) times the tower height (183m) of the proposed location, as per ISED's policy. Please see **Appendix 2: Affidavit of Notification**.
- On March 1st, 2023, notice of the proposed tower proposal was placed in the Crowsnest Pass Herald. Please see **Appendix 3: Newspaper Notices**.
- On April 3rd, 2023, the 30-day consultation period concluded. During the consultation period, 1 property owner and 1 community member provided written comments of opposition regarding the proposed tower. The property owner next to the proposed location wrote in opposition of the tower with a handful of concerns that Rogers attempted to address. The neighbors' main concern is regarding the tower placement being so close to their property line causing view disruption to their RV Park. While some views to the north may be impacted, the majority of views from this commercial industrial area are to the west and south and will not be impacted by the placement of the tower. Please see **Appendix 4: Comments Received During Consultation**.

If Council concurs with the proposed tower project, please find in **Appendix 5: Resolution Example**, a sample resolution which may be used.

Rogers is committed to working with the community to find an acceptable location and infrastructure design. Should you require any additional information, please do not hesitate to contact us at 604-620-0877 or by e-mail at kristina@cypresslandservices.com.

Kristina Bell
Land Use Planner

A handwritten signature in cursive script that reads "Kristina Bell".

Cypress Land Services
Agents for Rogers

cc: Leroy Cortez, Rogers Communications Inc

Appendix 1: Information Package



Cypress Land Services Inc.

Telephone: 604.259.8809

Suite 1051 – 409 Granville Street

Facsimile: 604.620.0876

Vancouver, BC V6C 1T2

Website : www.cypresslandservices.com

February 21, 2023

Via Email: johan.vanderbank@crowsnestpass.com

Johan van der Bank
Manager of Development and Trades
Municipality of Crowsnest Pass

Dear Johan van der Bank,

Subject:	ROGERS Telecommunications Facility Proposal Information Package
Location:	3706 18 Ave, Coleman, AB T0K 0M0
PIN/Title #:	031-445-685
Coordinates:	49.628125, -114.58194444
ROGERS Site:	W6576 – Crowsnest Park

Overview

Cypress Land Services Inc., in our capacity as agents to Rogers Communications Inc. (Rogers), is submitting this information package (Information Package) to initiate the consultation process related to the installation and operation of a telecommunications facility within the Municipality of Crowsnest Pass. The new facility will improve wireless services to nearby neighborhoods along Highway 3. This Information Package is intended to formalize the consultation process.

Proposed Site

The proposed site is location is identified as **3706 18 Avenue, Coleman PIN: 031-445-685**, located approximately 420m south of Crowsnest Highway in the Sentinel Industrial Park near the Crowsnest River RV Park (**Schedule A: Tower Site Location**). The property is currently privately owned, and Rogers has entered into a lease agreement with the property owner.

Rationale for Site Selection

Rogers seeks to maintain and improve high quality, dependable network services to Canadians. In order to improve network performance, Rogers is seeking to add the proposed communications tower.

The proposed site is a result of many considerations. Existing structures, including towers and rooftops, were initially reviewed during the site selection process. After careful examination, it

has been determined that there are no viable existing structures in the area that would be suitable for the operations of Rogers' network equipment. The closest tower over 5km away already has Rogers' equipment on it and would not provide the intended service coverage objectives of this proposed tower. There are also no rooftops in the area at a high enough elevation. Please see **Schedule B: Map of Existing Towers**.

Tower Proposal Details

Rogers is proposing to install a 61m self-support tower, with 6 initial antennas and an equipment shelter at the base, enclosed by a chain-link fence compound area, occupying an area of 15m by 15m. Rogers has completed preliminary design plans in **Schedule C: Preliminary Plans** and a **Photo-simulation, Schedule D**. The tower may have adequate space for third party equipment.

Consultation Process

Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, requires all proponents to consult with the local land use authority and public, notwithstanding that ISED has exclusive jurisdiction in the licensing of telecommunication sites, such as the proposed tower. The Municipality of Crowsnest Pass has not adopted its own telecommunications policy applicable to private land. Therefore, following ISED's requirements, Rogers would like to initiate ISED's Default Public Consultation Process (as described in the CPC-2-0-0-03 – Radiocommunication and Broadcasting Antenna Systems, commonly referred to as the "CPC").

Information on the "CPC" consultation process developed by ISED may be found online at:

[CPC-2-0-0-03 — Radiocommunication and Broadcasting Antenna Systems - Spectrum management and telecommunications](#)

In order to obtain comments, concerns or questions in regard to the proposed tower site, the CPC requires Rogers to send out notification packages to all properties located within three (3) times the height of the proposed tower. A notice in the local paper is also required in order to allow for public comment on the proposed site. This comment period is minimum of 30 days. We expect the notification package to be sent in March 2023.

At the conclusion of the consultation process, Rogers will prepare a summary of comments received from the community as well as the replies provided by Rogers. Rogers is requesting that, subsequent to the completed consultation process and report to Council, a letter or resolution of concurrence is issued by the municipality of Crowsnest Pass.

Health and Safety

Health Canada's Safety Code 6 regulations are applicable to this, and all, telecommunications sites. Safety Code 6 seeks to limit the public's exposure to radiofrequency electromagnetic fields and ensures public safety. Additional information on health and safety may be found on-line at:

Health Canada:

http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php

Concurrence Requirements

In order to complete the consultation process, Rogers will be requesting concurrence from Crowsnest Pass in a form acceptable by ISED.

Conclusion

Please consider this Information Package as the official commencement of the consultation process for this site. Rogers is committed to working with Crowsnest Pass and the community throughout the consultation process.

We look forward to working together during this process. Please do not hesitate to contact us by phone at 604.620.0877 or by email at kristina@cypresslandservices.com.

Thank you in advance for your assistance and consideration.

Sincerely,

CYPRESS LAND SERVICES

Agents for ROGERS



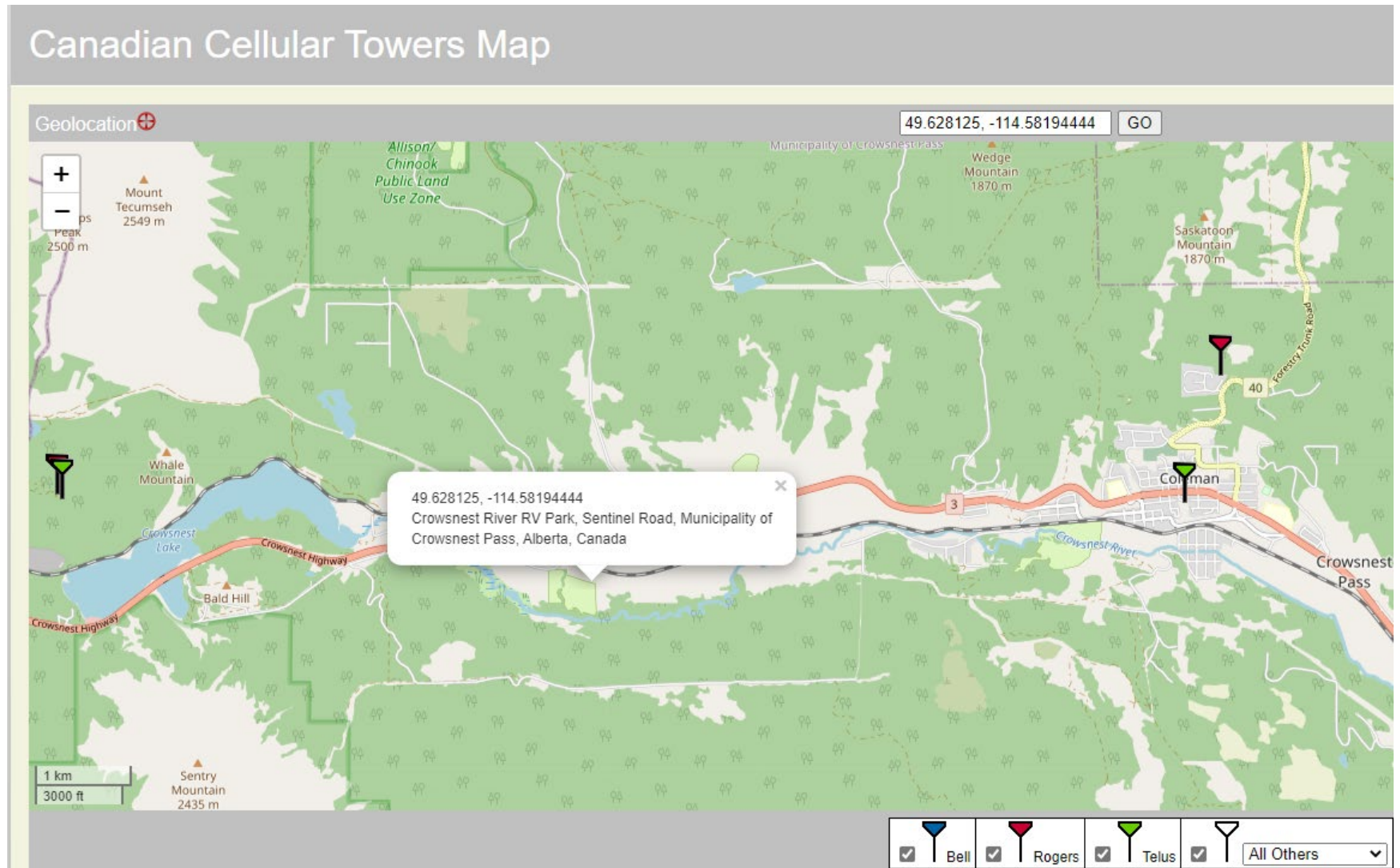
Kristina Bell

Land Use Planner – Government Affairs

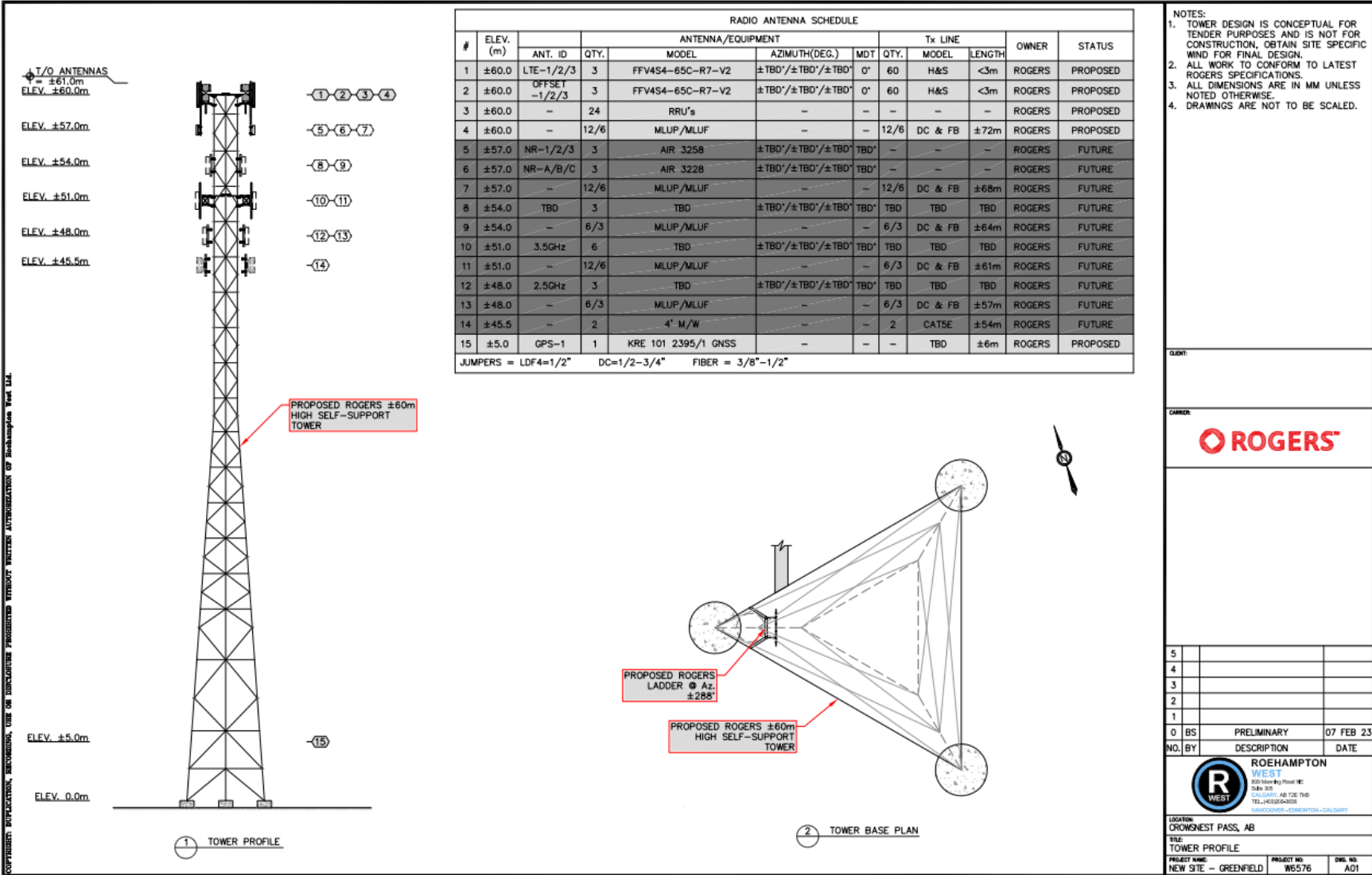
**SCHEDULE A
ROGERS TOWER LOCATION**



**SCHEDULE B
MAP OF EXISTING SITES**



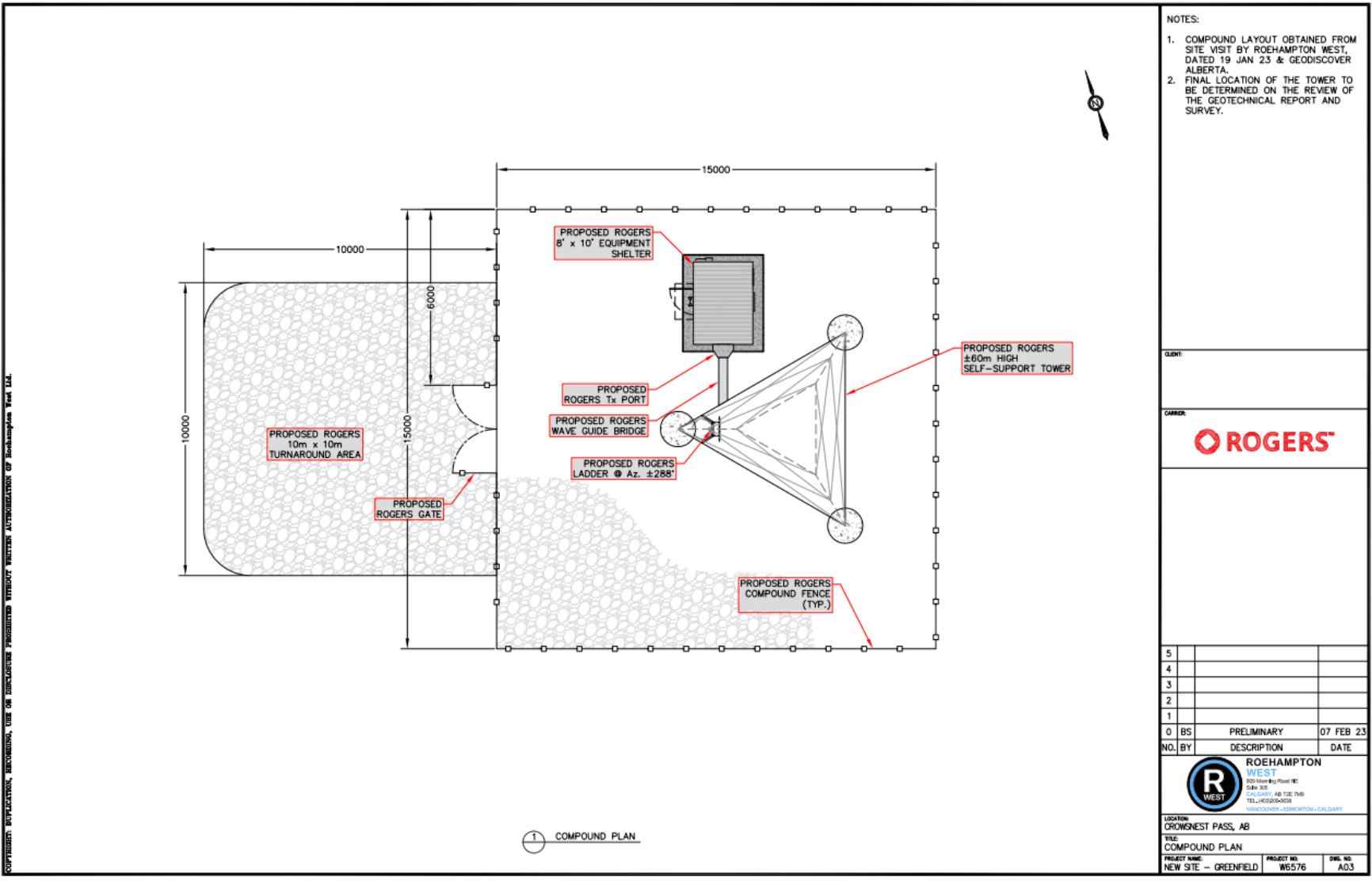
SCHEDULE C
PRELIMINARY DESIGN PLANS – TOWER PROFILE



SCHEDULE C PRELIMINARY DESIGN PLANS – SITE PLAN



SCHEDULE C **PRELIMINARY DESIGN PLANS - COMPOUND PLAN**



**SCHEDULE D
PHOTO-SIMULATION**

BEFORE



AFTER



View: Looking southeast from Highway 3 and 18th Ave

*Photo Simulation is a close representation and is for conceptual purposes only – not to scale.
Proposed design is subject to change based on final engineer plans*

Appendix 2: Affidavit of Notification Package

Affidavit of Cypress Land Services

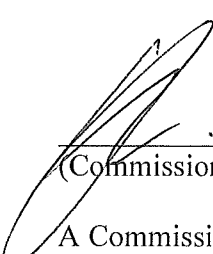
I, Kristina Bell, Land Use Planner, in the City of Vancouver in the Province of B.C., make an Oath and say:

1. THAT I caused to be sent by regular mail, a notification letter, as included in Appendix A, to property owners, occupants and other recipients, as listed in Appendix B, on February 27th, 2023

Kristina Bell

Kristina Bell – Land Use Planner
Cypress Land Services Inc.

Sworn/Affirmed/Declared before me at the City of Vancouver, in the Province of B.C., this 27th day of February 2023.


(Commissioner's Signature)

A Commissioner for Taking Affidavits for the Province of B.C.

Oliver Szenowicz
A Commissioner for Taking Affidavits for British Columbia
Cypress Land Services
1051-409 Granville Street Vancouver BC
Tel: 778-828-8518 Expires Apr 30 2025

(Commissioner's stamp or printed name and expiry date)

Appendix A: Notification Letter



**Public Consultation Package – Telecommunications Facility
Proposal**

Municipal Address: 3706 18 Ave, Coleman, AB T0K 0M0

PIN/Title #: 031-445-685

Coordinates: 49.628125, -114.58194444

ROGERS Site ID: W6576 – Crowsnest Park

Contact

Rogers Communications Inc.
c/o Cypress Land Services, Attn: Kristina Bell
Agents to Rogers Communications Inc.
Suite 1051 - 409 Granville Street
Vancouver, BC V6C 1T2
Telephone: 604-620-0877
Fax: 604-620-0876
Email: publicconsultation@cypresslandservices.com

February 27th, 2023

Purpose of the Notice

This notification package is an invitation to the public to provide comments regarding a proposed telecommunications tower to be located at 3706 18 Ave, Coleman, Alberta at the coordinates: 49.628125, -114.58194444. The proposed project is located approximately 420m south of Crowsnest Highway in the Sentinel Industrial Park near the Crowsnest River RV Park.

Introduction

Rogers Communications Inc. ("Rogers") strives to improve coverage and network quality to remain the leading wireless provider in Canada. Rogers has become aware of the need to improve/provide services in this area. Rogers is proposing an installation which consists of a 61-meter self-support tower, with a fenced equipment compound occupying an area of 15m by 15m.

Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, is responsible for the approval of these antenna systems and towers and requires Rogers to consult with the nearby public and local municipality. The Municipality of Crowsnest Pass has not adopted a telecommunications consultation or siting policy. Therefore, ISED's default consultation process will be followed. As part of the public notification process, it is expected that notices shall be mailed or delivered to all owners and tenants located within a radius of three (3) times the tower height. Notwithstanding that ISED has exclusive jurisdiction in the licensing of telecommunication sites, such as the proposed tower. After reviewing this proposal, the Municipality of Crowsnest Pass will make its recommendation to ISED and Rogers.

The antenna system is proposed to be located here:



Antennas in the Vicinity

Rogers investigated the area for collocation options on nearby tower sites, buildings, and other structures. After careful examination, it has been determined there are no viable existing structures in the area that would be suitable for the operations of Rogers' network equipment. The closest tower over 5km away already has Rogers' equipment on it and it would not provide the intended service coverage objectives of the proposed tower. There are also no rooftops in the area at a high enough elevation. The proposed tower may have adequate space to add third party equipment in the future.

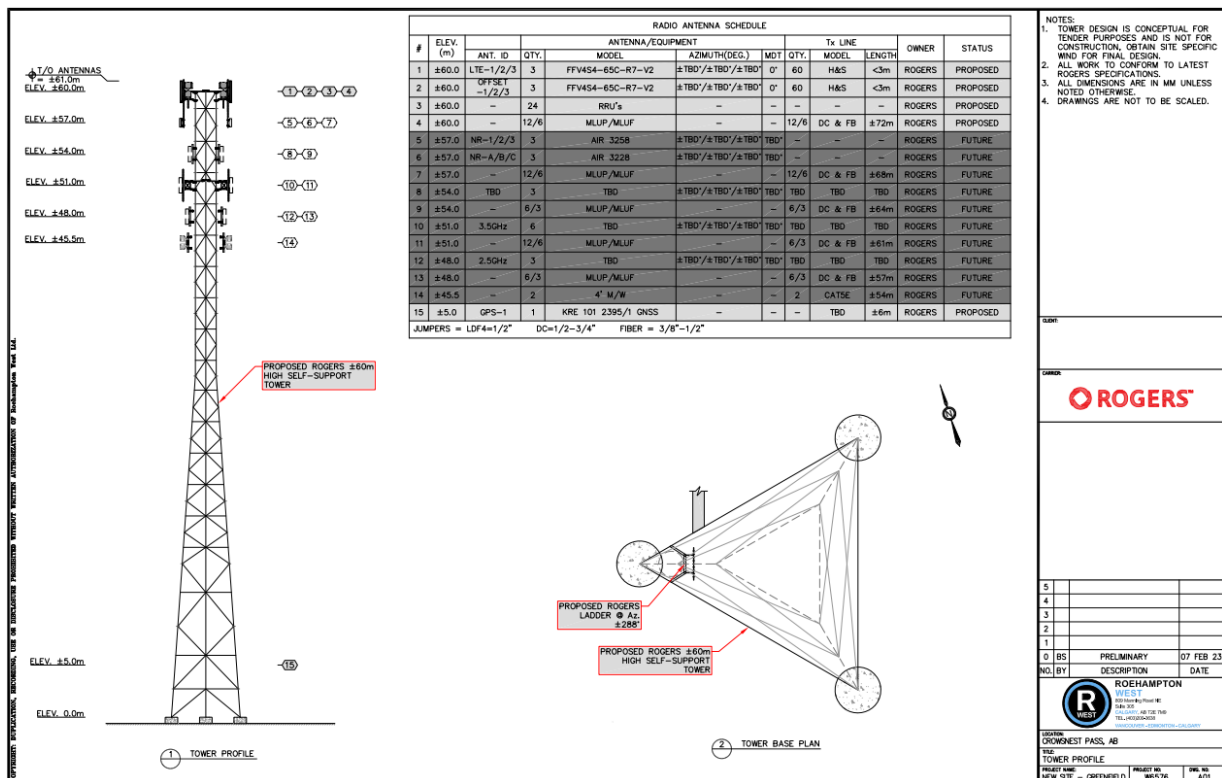
Network Requirements and Site Selection

Rogers has determined that this area has unreliable wireless services. As a result, the requirement for a new wireless antenna site in this area was acknowledged. An in-depth survey of the surrounding area identified a potential site at this location. The proposed site was chosen to balance the communications needs of the community with the visual impact towers can have on the landscape. This site was chosen because it is situated in an industrial area.

Details of the Proposed Installation

Rogers has completed preliminary design plans and a photo-simulation. These preliminary design plans are subject to final engineered design, land survey and approval of Transport Canada. The tower will include six (6) initial antennas. The Photo-Simulation is a close representation and is for conceptual purposes only. Applications to both Nav Canada and Transport Canada have been submitted; comments are pending.

TOWER PROFILE



SITE PLAN



COMPOUND PLAN

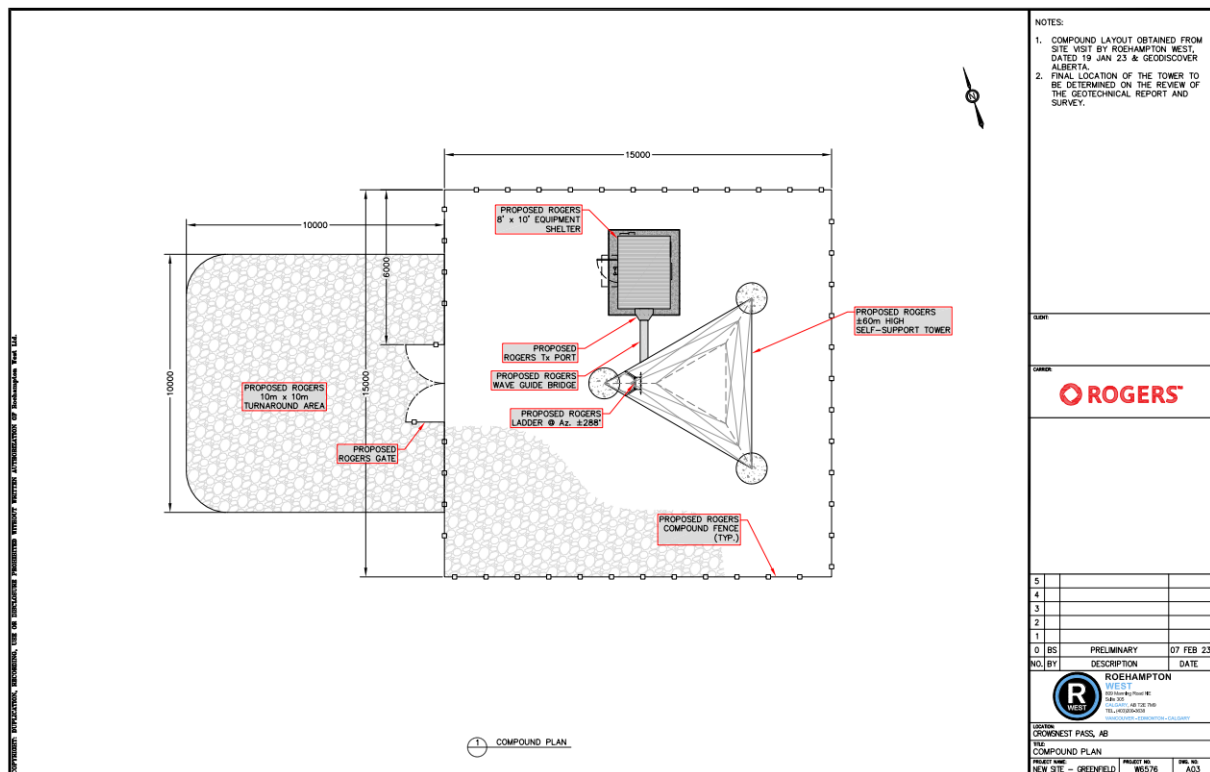


PHOTO-SIMULATION

BEFORE



AFTER



View: Looking southeast from Highway 3 and 18th Ave

*Photo Simulation is a close representation and is for conceptual purposes only – not to scale.
Proposed design is subject to change based on final engineer plans*

Health Canada's Safety Code 6 Compliance

Health Canada is responsible for research and investigation to determine and promulgate the health protection guidelines/limits for exposure to electromagnetic energy. Accordingly, Health Canada has developed a guideline entitled "Limits of Human Exposure to Radiofrequency Electromagnetic Field in the Frequency Range from 3kHz to 300 GHz – Safety Code 6". Canada's exposure limits are among the most stringent guidelines that are based on established effects.

ISED, under its authority, has adopted Safety Code 6 for the protection of the general public. As such, ISED requires all proponents and operators to ensure that their installations comply with the Safety Code 6 at all times.

Rogers attests that the radio antenna system described in this notification package will, at all times, comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment. More information in the area of radiofrequency exposure and health is available at the following web site: <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines.html>

Transport Canada's Aeronautical Obstruction Marking Requirements

Rogers attests that the radio antenna system described in this notification package will comply with Transport Canada / NAV Canada aeronautical safety requirements. Rogers makes all necessary applications to Transport Canada and NAV Canada. Rogers does not predict painting or lighting will be required. Comments from Transport Canada and NAV Canada are pending.

For additional detailed information, please consult Transport Canada at: <https://tc.canada.ca/en/aviation/general-operating-flight-rules/marking-lighting-obstacles-air-navigation>

Impact Assessment Act

ISED requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation, including the Impact Assessment Act. Rogers attests the installation proposed will comply with the Impact Assessment Act requirements.

Engineering Practices

Rogers attests that the radio antenna system described in this notification package will be constructed in compliance with the National Building Code of Canada and comply with good engineering practices including structural adequacy.

Rogers and Public Comment Submission

In order to obtain comments, concerns or questions in regard to the proposed tower site, ISED requires Rogers to send out notification packages to all properties located within three times the height of the proposed tower and place a newspaper advertisement. The closing period for comments to be received by Rogers is April 3rd, 2023.

ISED's Spectrum Management

Please be advised that the approval of this site and its design is under the exclusive jurisdiction of the Government of Canada through ISED. For more information on ISED's public consultation guidelines including CPC-2-0-03 contact (<http://www.ic.gc.ca/towers>) or the local ISED office at:

Southern Alberta District Office

Harry Hays Building
220 - 4th Avenue SE, Suite 478
Calgary AB T2G 4X3
Telephone: 1-800-267-9401 or 403-292-4881
Fax: 403-292-4295
Email: ic.spectrumcalgary-calgaryspectre.ic@canada.ca
(By appointment only)

Closing Date for Submission of Written Public Comments

ISED's rules contain requirements for timely response to your questions, comments or concerns. We will acknowledge receipt of your communication within **14 days** and will provide a formal response to the Municipality and those members of the public who communicated to Rogers, within **60 days**. The members of the public who communicated with Rogers will then have **21 days** to review and reply to Rogers a final response.

Proponent's Contact Information

Rogers c/o Cypress Land Services, Attn: Kristina Bell
Agents to Rogers
Suite 1051, 409 Granville Street
Vancouver, BC V6C 1T2
Telephone: (604) 620-0877
Fax: 604-620-0876
Email: publicconsultation@cypresslandservices.com

Local Government Contact Information:

Johan van der Bank
Manager of Development and Trades
Municipality of Crowsnest Pass
P.O. Box 600 | Crowsnest Pass, Alberta T0K 0E0
Telephone: (403) 562-8833
Email: johan.vanderbank@crowsnestpass.com

Public Comment Record
Rogers Proposed Telecommunications Facility Installation
Municipal Address: 3706 18 Ave, Coleman, AB T0K 0M0
PIN/Title #: 031-445-685
Coordinates: 49.628125, -114.58194444
ROGERS Site ID: W6576 – Crowsnest Park

Name:

Address:

Telephone:

E-mail:

Comments

To be considered part of this consultation, comments must be received by close of business day on April 3rd, 2023. Please forward your comments to:

Rogers Communications Inc.
c/o Cypress Land Services
Suite 1051 - 409 Granville Street
Vancouver, BC V6C 1T2
Email: publicconsultation@cypresslandservices.com
Fax: 604-620-0876

** Comments received shall form part of ISED's Public Consultation Process under the Spectrum Management and Telecommunications Client Procedures Circular CPC-2-0-03, Issue 6.*

Appendix B: List of Property Owners, Occupants and Other Recipients

Appendix 3: Newspaper Notice



Photo top to bottom:
Autumn gold. Lee Lake in mid-October, the day Monica and I first noticed the presence of a single, lingering loon.

The Lee Lake loon, moments before Monica and David, converging on her from opposite directions, were able to capture her.

David, fighting to maintain control, holds the struggling loon moments after her capture, just before she was slipped into a zippered coat for transportation to waiting veterinarians.

Photo, courtesy of the Alberta Institute for Wildlife Conservation (AIWC), showing the loon's lethal, debilitating wound caused by fishing hooks, wire, and multiple loops of tightly-bound fishing line.

Death of a Loon cont'd from page 11

David McIntyre photos





CROWSNEST PASS
13013 20 Ave, Blairmore, AB
403.562.2844

LISTINGS NEEDED! CALL FOR A COMPLIMENTARY EVALUATION!

NEW



\$399,000
1833 71 Street Coleman
• Beautiful mountain home with updates
• Gorgeous views from deck & private yard
• Open concept living plus a den on main floor
• Three bedrooms and extra large bath upstairs
• Generous mud room with laundry
Blaine Gross 403.331.7312 Christi Hollingshead 403.632.5339

NEW PENDING



139.06 ACRES
\$850,000
CATTLE/HORSE GRASSLAND
ID#1102310 • PINCHER CREEK, AB
• Grassland just 4 miles west of Pincher Creek
• Good perimeter fencing and some cross fencing
• Barn and shop building with a concrete floor
• 2009 Mobile home in main yard
• Secondary yard has mobile home and garage
EXCLUSIVE FARMREALSTATE.COM
Blaine Gross 403.331.7312 Christi Hollingshead 403.632.5339


SOLD



8018 20 Avenue Coleman
• Charming and roomy 3 bedroom home
• Located on a corner lot on a quiet street
• Wood burning fireplace and bonus room
• Completely fenced yard with courtyard
• Garage has been converted into a studio
Kim Cunningham 403.563.7760

\$699,000
0.68 Acres, Rural Pincher Creek
• 1,700 sq. ft. private oasis home
• 2 Bedrooms, 1 bath plus double car garage
• Heated workshop with large cold storage room
• Huge, open concept living area with in-floor heat
• Access to full quarter for recreation
Blaine Gross 403.331.7312 Christi Hollingshead 403.632.5339

1.866.345.3414 | WWW.CROWSNESTREALESTATECENTRE.COM



Notice of Proposed Rogers Communication Inc. Telecommunications Facility

Description: As part of the public consultation process required by Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada, Rogers Communication Inc. is inviting the public to comment on a proposed telecommunications facility consisting of a 61-metre self-support tower, with a fenced compound in Sentinel Industrial Park, in order to provide dependable wireless data and voice communication services to areas along Highway 3.


Location: 3706 18 Ave, Coleman, Alberta (PIN/Title #: 031-445-685)
Coordinates: 49.628125 N, 114.5819444 W

For More Information:
Contact Rogers Communications Inc. at:
Kristina Bell
c/o Cypress Land Services
Agents to Rogers Communications Inc.
Suite 1051, 409 Granville Street
Vancouver, BC V6C 1T2
Tel: 604.620.0877
Email:
publicconsultation@cypresslandservices.com

The public is welcome to comment on the proposal by the end of the business day on April 3rd, 2023 with respect to this matter.

Rogers File: W6576 – Crowsnest Pass

Location Map



Proposed Location

Appendix 5: Sample Resolution

Resolution

Whereas Rogers Communications Inc. ("Rogers") proposes to erect a wireless telecommunication tower and accessory structure on certain lands more particularly described as Title Number: **031-445-685**, with the civic address of, **3706 18 Ave, Coleman, Alberta**;

AND WHEREAS proponents of telecommunication towers are regulated by ISED on behalf of the Government of Canada and as part of their approval, ISED requires proponents to consult with land use authorities as provided for in CPC-2-0-03;

AND WHEREAS Rogers has consulted with the Municipality of Crowsnest Pass and the Municipality has no objection to the proposed telecommunications tower;

AND WHEREAS Rogers has consulted with the public by notifying all property owners and occupants within three (3) times the tower height and has provided 30 days for written public comment;

AND WHEREAS there are no significant land use issues identified by the consultation;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Clerk be instructed to advise Rogers that:
 - a) Rogers has satisfactorily completed its consultation with Municipality;
 - b) The Municipality is satisfied with Rogers' public consultation process and does not require any further consultation with the public; and
 - c) The Municipality concurs with Rogers proposal to construct a wireless telecommunications facility provided it is constructed substantially in accordance with the plans submitted to it and described as W6576.



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 7.f

Subject: Cartwright Estates Cold Roll Additional Funding

Recommendation: That Council approves additional funding from the Road Reserve in the amount of \$22,000 for the Cartwright Estates Cold Roll project.

Executive Summary:

The budget for this project is \$20,000.00. Quote from Read on Roads is \$41,708.65. Request for Council to approve an additional \$22,000.00.

Relevant Council Direction, Policy or Bylaws:

2021 Council Initiative

Discussion:

This section of 18th Ave requires surface improvements. The proposed work will improve safety and drivability.

Analysis of Alternatives:

- Proceed with completing the cold roll project
- Maintain the road by filling in potholes with cold mix.

Financial Impacts:

Additional funds will need to be taken from reserves. (\$185k unallocated within the Road Reserve).

Attachments:



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 7.g

Subject: Preliminary Work for Skate Park Concept Design

Recommendation: That Council approve funding in the amount of \$6,600.00 for survey and geotechnical services to be funded from Green Space Reserve.

Executive Summary:

New Line Skate Park Inc is working to develop a concept design for a skateboard park in Flumerfelt Park. To complete the concept design, they require both a survey and geotechnical services of the site. Current quotes total \$6,600 for the two services.

Relevant Council Direction, Policy or Bylaws:

A skateboard park has been a proposed capital project for a number of years and currently is listed as a 2026 project with possible funding of donations and long term debt.

Discussion:

New Line Skate Park Inc is working to develop a concept design for a skate park in Flumerfelt Park. To complete the concept design, they require both a survey and geotechnical services for the site. The two companies being put forward are Lone Pine Geotechnical Ltd \$3,000 and Align Surveys Ltd \$3,600. Both companies have experience with skate board parks. Administration is recommending using Green Space Reserve which at the beginning of 2023 has a balance available of \$60,000.

Analysis of Alternatives:

- Approve funding from Green Space Reserve
- Approve funding from a different funding source.
- Not approve funding and terminate proceeding with a concept design.

Financial Impacts:

additional expenditure of \$6,600.00.

Attachments:



Municipality of Crowsnest Pass Request for Decision

Meeting Date: June 6, 2023

Agenda #: 7.h

Subject: West Coleman Storm Upgrades Contract Award

Recommendation: That Council ratifies the award of the West Coleman Storm Upgrades to East Butte Contracting Ltd. for \$846,563.00 with \$80,000 of additional funding from that Road Reserve.

Executive Summary:

A tender was posted for the West Coleman Storm Upgrades project. The project had 12 contractors who viewed the project, 9 who registered and ultimately 4 that submitted bids. The results were reviewed and it is recommended to award to East Butte Contracting. The project is slated to be completed during the summer of 2023.

Relevant Council Direction, Policy or Bylaws:

Municipal Capital Plan

Discussion:

The project was identified as part of the 2019 Deep Infrastructure program.

The project involves stormwater improvements from the laneway between 18th and 19th Ave and from 70th to 71st Street and then along 71st Street from 18th Ave to the CPR right of way.

Analysis of Alternatives:

- Council may award the project to East Butte Contracting Ltd.
- Council may decline to award and the project will be cancelled indefinitely

Financial Impacts:

\$80,000 in additional funds from the road reserve. (approximately \$185k available in reserve)

Attachments:

[L01.Patrick Thomas.Tender Results and Recommendation.pdf](#)

[West Coleman Storm Project Limits.pdf](#)

Municipality of Crowsnest Pass
P.O. Box 600
Crowsnest Pass, AB T0K 0E0

May 26, 2023
File: N:\1776\003\00\L01

Attention: Patrick Thomas, Chief Administrative Officer

Dear Mr. Thomas:

**Re: West Coleman Storm Upgrades
Tender Results and Recommendation**

On May 25, 2023 at 2:00 p.m. local time, a total of four (4) Tenders were submitted for the above noted project. We have reviewed the tender submissions and checked for arithmetic errors. The following summarizes the tenders received from lowest to highest.

<u>Tenders</u>	<u>Tender Amount</u>
1. East Butte Contracting Ltd.	\$846,563.00
2. McNally Contractors (2011) Ltd.	\$987,084.13
3. Whissell Contracting Ltd.	\$1,006,332.69
4. BYZ Enterprises Inc.	\$1,269,492.00

The tender amount includes an \$65,000 extra work allowance and 5% GST.

East Butte Contracting Ltd. has provided the proper bonding and safety qualifications and has completed related projects of this nature. Based upon the above, it is our recommendation that the work be awarded to the low bidder, East Butte Contracting Ltd. for the tender amount of \$846,563.00

Upon notice from the Municipality of Crowsnest Pass, MPE will prepare the necessary Contract Documents for execution by both parties.

If you have any questions or require additional information, please contact the undersigned at (403) 317-3650.

Yours truly,

MPE ENGINEERING LTD.



Trevor Siemens, C.E.T.
Project Manager

TS:

Cc: Jody Petrone, MPE Engineering Ltd., Municipal Infrastructure Manager



- NOTES:
1. FOR INFORMATION REGARDING GENERAL NOTES, UTILITIES, SYMBOLS AND ABBREVIATIONS REFER TO THE LEGEND AND ABBREVIATIONS DRAWINGS.
 2. CONFIRM EXISTING UTILITY LOCATIONS AND ELEVATIONS PRIOR TO INSTALLATION OF NEW UTILITIES. COORDINATE UTILITY CONFLICTS WITH THE OWNER'S REPRESENTATIVE.

THIS DRAWING MAY HAVE BEEN MODIFIED FROM ITS ORIGINAL SIZE. ALL SCALE NOTATIONS INDICATED (i.e. 1:1000 etc) ARE BASED ON 11"x17" FORMAT DRAWINGS

1	21-02-01	FOR TENDER
ISSUE	YY-MM-DD	REVISION

DRAFT



MUNICIPALITY OF CROWSNEST PASS

WEST COLEMAN STORM UPGRADES
OVERALL SITE PLAN

DESIGNED	T.J.S., J.M.P.	JOB	1776-003-00
DRAWN	T.J.S.	SCALE	1:1000
DATE	FEBRUARY 2021	DRAWING	C1.1