

**MINUTES
PUBLIC HEARING
Municipal District of Pincher Creek No. 9
Bylaw No. 1295-18
Tuesday, February 12, 2019
1:00 pm
MD Council Chambers**

In order to receive public input on proposed Bylaw No. 1295-18, a Public Hearing, conducted by the Council of the Municipal District of Pincher Creek No. 9, was held on Tuesday, February 12, 2019, in the Council Chambers of the Administration Building.

In attendance:

Council: Reeve Brian Hammond, Councillors Quentin Stevick, Rick Lemire, Bev Everts, and Terry Yagos

Staff: Director of Development and Community Services Roland Milligan, Planning Advisor Gavin Scott, Director of Finance Meghan Dobie, Public Works Superintendent Stu Weber, and Executive Assistant Tara Cryderman

1. Call Public Hearing to Order

The Public Hearing was called to order, the time being 1:00 pm.

2. Advertising Requirement

This Public Hearing has been advertised in accordance with Section 606 of the *Municipal Government Act*. This Public Hearing was advertised in the Pincher Creek Echo on January 30, 2019 and February 6, 2019, as well as the MD website and MD Social Media pages.

3. Purpose of Public Hearing

The purpose of this Public Hearing is to receive public input on proposed Bylaw No. 1295-18

The purpose of Bylaw No. 1295-18 is to amend Land Use Bylaw No. 1289-18 to allow for the establishment of an Urban Fringe around the Hamlet of Beaver Mines on lands described as:

All of Section 10 and South ½ Section 15 including Lot 1 Plan 9010037 within Township 6 Range 2 West of the 5th Meridian excepting all roads, portions within the boundary for the Hamlet of Beaver Mines and Lot 1 Block 8 Plan 1210773

4. Overview of Bylaw No. 1295-18

Planning Advisor Gavin Scott provided an overview of Bylaw No. 1295-18. This overview forms part of these minutes.

The definition of urban fringe was provided. This designation is also a planning tool for planning purposes.

The Municipal Development Plan (MDP), from 1987, was mentioned, and the introduction of the Urban Fringe designation. The growth of the Hamlet and the expansion of the Castle Area were mentioned.

The history of the MDP was explained.

The current Urban Fringe designations within the MD were mentioned, and the benefits this designation has provided.

The South Saskatchewan Regional Plan was mentioned.

The intent of the district, and the five (5) criteria for the district, was explained.

The effect of the change of zoning to the rural landowner was explained. The rural landowner is granted the same subdivision policies as the agricultural zoning. The development of the land must adhere to the land use district uses. The allowable uses, between the Agriculture District and the Urban Fringe District, were provided.

Mr. Scott provided some answers to the submitted questions.

The Urban Fringe lands would only apply to lands outside the Hamlet.

The growth plan for the Hamlet of Beaver Mines was mentioned.

The questionnaire that was circulated to the residents of the Hamlet was mentioned. This process is separate from the questionnaire, although the results of the questionnaire will be considered into the growth plan.

The necessity of an Area Structure Plan by an applicant to develop the lands was explained.

Water and wastewater, with regards to the sizing of the Hamlet, was mentioned.

5. Correspondence and Presentations

a. Verbal

Reeve Hammond asked if any audience members wished to make a presentation at this time. No one indicated their desire to speak.

b. Written

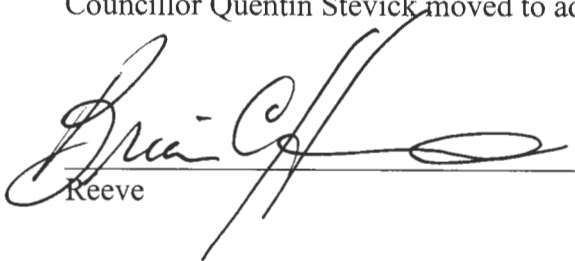
No further written submissions were received.

6. Closing Comments / Further Questions


There was no further discussion.

7. Adjournment

Councillor Quentin Stevick moved to adjourn the Public Hearing, the time being 1:18 pm.



Reeve



Interim Chief Administrative Officer
Sheldon Steinke, CLGM

Urban Fringe – Beaver Mines

What is an urban fringe?

It is the land surrounding the legal boundary of urban areas which can vary in depth dependent on the size of the urban and its growth pressures. It is also a planning tool which enables policy to be directed toward the identified area and dialog regarding urban rural issues are brought into focus.

When was the use of urban fringe introduced into the MD?

In 1987 the MD General Municipal Plan (Bylaw 809) introduced this planning tool as an objective of the municipality and similar language remains in the current Municipal Development Plan as an objective (see objectives 11 and 12). The context of the introduction was multi-faceted. The MD chose to control the expansion of Grouped Country Residential and also chose to prefer the development of its hamlets over agricultural areas for commercial, industrial and residential growth. With this choice, Grouped Country Residential development was limited to 3 areas of the MD and the pressure on the Town of Pincher Creek, Village of Cowley and MD hamlets was seen as the appropriate place for more intense growth.

The 1987 plan also spoke to the Hamlet of Beaver Mines with two general statements. Firstly, that there was a likely need for municipal sewer and water facilities if the hamlet continued grow and secondly, that expansion in the Castle area would likely have an effect on the Hamlet.

The MD of Pincher Creek first implemented an urban fringe land use district in 1989 with the adoption of Land Use Bylaw No. 845. At the time the new district was placed on lands adjacent to the Hamlets of Lundbreck and Pincher Station due to their potential for growth. In both cases the land has remained agriculture in nature and largely untouched by incursions of subdivision or non-agricultural development.

In 2002 with the adoption of a new MD Municipal Development Plan, a new Land Use Bylaw followed and with it a proposal to designate an Urban Fringe around the Hamlet of Beaver Mines. In reviewing the meeting minutes during that time their appears to be no record of opposition to the proposal yet in the final adoption the land proposed for Urban Fringe around the Hamlet was eliminated from the final bylaw. From a planning point of view this would make sense in that without water and sewer service the Hamlet could not expand according to policy and therefore the pressure to develop would be minimized to the internal footprint of the hamlet.

Has the use of Urban Fringe in the MD been effective?

In the years following the implementation of urban fringe around the two MD hamlets, the Village of Cowley, and the Town of Pincher Creek, several instances have come forward where the Fringe zoning benefitted municipal decision making.

In the Agriculture Operation Practices Act urban fringe was listed as an area in which the Minimum Distance Separation for odour was utilized in keeping feedlot operators from setting up or expanding existing operations in proximity to urban areas. In the MD that played out in proximity to the Town.

Another instance was with Wind Farm Industrial (WFI) development. Within an identified urban fringe Wind Energy Conversion Systems are prohibited and the urban fringe district policy has been used to deter conversion to the WFI district.

As far as subdivision is concerned, the agriculture policies have been utilized in the urban fringe so that agricultural operations have the same rights to subdivision that they would have under Agriculture zoning. First parcel out policy has been utilized by agricultural operations in a few instances over the past decade. What has not been seen except where allowed around the Town of Pincher Creek is the fragmentation of agricultural land in the urban fringe zoned lands.

So what has changed?

With the re-introduction of regional plans under the PC government, a new movement of land use, regionalization and mechanisms for protection began under the South Saskatchewan Regional Plan. With regionalization on the minds of government a new sense of provincial priorities resulted. In the MD, that meant that the gravel portion of Highway 774 would be paved, funding for regional water/sewer projects would be realized, and with the election of the NDP this process continued and a new set of Parks was designated in the Castle Region and a Castle Mountain Ski Resort master plan was written. The positive flow of money into the area creates a necessity to review municipal planning policy in the area including the Hamlet of Beaver Mines.

What is the intent of an urban fringe district?

INTENT

The intent of the Urban Fringe - UF district is to:

- (a) continue extensive agricultural use of lands surrounding urban municipalities and designated hamlets until the lands are needed for urban expansion; and
- (b) discourage the development and the fragmentation of land which may compromise the logical, orderly and economic expansion of urban boundaries; and
- (c) discourage uses and development which would conflict with those in the adjoining urban community; and
- (d) provide coordinated and mutually satisfactory management of land uses in consultation with the adjoining urban municipality;
- (e) implement the Intermunicipal Development Plan surrounding the Town of Pincher Creek.

What is the effect of a change in zoning to urban fringe on the rural land owner?

As mentioned above there is no effect when it comes to subdivision policy. The MD utilizes Agriculture subdivision policies in the Urban Fringe.

In the case of development, the two districts do differ with certain uses being moved from permitted to discretionary and others either being added to the urban fringe or removed from the urban fringe district. Generally, the uses removed in the urban fringe district are categorized as uses that are incompatible within the proximity of the urban area. In the current MD bylaw these differences include:

Agriculture - A

USES

2.1 Permitted Uses

Accessory buildings
Accessory structures
Accessory use
Extensive agriculture
Farm buildings and structures
Home occupation
Manufactured home, singlewide and doublewide
[Modular home](#)
Public utility
Single-detached residence
Solar energy system, household
Wind Energy Conversion System - Category 1

2.2 Discretionary Uses

[Airstrip](#)
Animal care service, major and minor
[Aquaculture](#)
[Aquaponics](#)
[Auctioning establishment](#)
Bed and breakfast facility
[Big game farm](#)
Cemetery
Club or fraternal organization
Construction/Field/Work Camp
Country inn
Existing commercial / Private recreation
[Farmer's market](#)
Garden suite
[Group home](#)
Intensive horticultural operation
[MET Tower](#)
Moved-in residential building
Moved-in accessory buildings
Outdoor storage
Public and institutional uses
Public park or recreation
[Secondary farm residence](#)
Shipping containers
[Shooting range](#)
Sign
[Specialty manufacturing / Cottage industry](#)
Solar energy system, household - greater than 150 kW
[Stockpile](#)
Topsoil stripping
[Wind Energy Conversion System - Category 2](#)

Urban Fringe - UF

USES

2.1 Permitted Uses

Accessory buildings
Accessory structures
Accessory use
Extensive agriculture
Farm building and structures
Manufactured homes, single wide and doublewide
Single-detached residence
Solar energy system, household

2.2 Discretionary Uses

Animal care major and minor
Bed and breakfast facility
Cemetery
Existing commercial / Private recreation
[Outdoor storage](#)
Garden suite
Home occupation
Intensive horticultural operation
Moved-in accessory building
Moved-in residential building
Public and institutional uses
Public park or recreation
Public utility
[Secondary suite](#)
Shipping containers
Sign
Solar energy system, household - greater than 150 kW
Topsoil stripping
[Wastewater treatment plant](#)
Wind Energy Conversion System - Category 1

Other questions - answers

The urban fringe would only apply to the lands outside the current boundary.

Urban fringe doesn't require any pre-planning by way of an area structure plan or growth plan. The growth plan is a separate process and will occur as other MD priorities are completed. The questionnaire that was circulated is the beginning of the growth plan process.

If urban fringe was proposed to be developed an area structure plan would be required.

Development would be a private matter but would need MD approval per the planning documents of the MD.

To my knowledge the water and sewer engineering did not include the fringe area. This would have to be addressed by any potential developer during an area structure plan process.