

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1361-25**

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to amend Bylaw No. 1349-23, being the Land Use Bylaw.

WHEREAS Section 640 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality must pass a Land Use Bylaw;

WHEREAS The Municipal District of Pincher Creek No. 9 desire to amend sections of the Land Use Bylaw as shown on Schedule ‘A’ attached hereto; and

WHEREAS The purpose of the proposed amendment among other general clean up items is to allow for an adjustment in the parking for Tourist homes proposed at Castle Mountain Resort, clarify the procedure for conducting open house meetings and to introduce Data Centre Operation as a use in the Land Use Bylaw;

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw shall be cited as “Land Use Bylaw Amendment No. 1361-25”.
2. Amendments to Land Use Bylaw No. 1349-23 as per “Schedule A” attached. That the amendments to Bylaw No. 1349-23, being the Land Use Bylaw, include additions to the Table of Contents and make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
3. This bylaw shall come into force and effect upon third and final passing thereof and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.

READ a first time this 10 day of June 2025.

A PUBLIC HEARING was held this ____ day of _____, 2025.

READ a second time this ____ day of _____, 2025.

READ a third time and finally PASSED this ____ day of _____, 2025.

Reeve
Rick Lemire

Chief Administrative Officer
Roland Milligan

SCHEDULE 'A'

1. Revise Part III Development Permits by adding to Section 16.2 the following:

(c) be accompanied by a written report resulting from the public meeting (open house) required by the procedures found in Part VIII – Special Land Use Provisions and in accordance with Section 27.4.

2. Revise Part III Development Permits Section 27 *Developer's Responsibility* by adding the following:

27.4 Where the uses under Part VIII – Special Land Use Provisions require a public meeting (open house) it is the responsibility of the developer/applicant to complete the following:

(a) A public consultation plan implemented to the satisfaction of the Development Officer. The consultation plan shall contain the following:

- (i) Identification of the intended venue where the public meeting (open house) will be held;
- (ii) Acknowledgement that at minimum one (1) engagement with the public will occur and identification of any additional engagements;
- (iii) Appropriate timing of when the public meeting (open house) will occur given the time requirements for mailing the notification, observance of calendared holidays, and recognition of seasonal agriculture and ranching processes; and
- (iv) A draft copy of the notice described in subsection (b).

(b) The notification for the public meeting (open house) shall contain the following:

- (i) The date, time, and location for the meeting;
- (ii) A description of the proposed use as defined by this bylaw;
- (iii) A description of the intensity of the proposed use;
- (iv) A description of the existing and proposed utility servicing for the proposed use; and
- (v) A map of the proposed development site and the roads being used to access the location.

(c) The mailing for the notification for the public meeting (open house) shall be carried out by the development officer and paid for by the developer/applicant. The extent of the notification is determined by the individual uses under Part VIII – Special Land Use Provisions or as determined by the Development Officer.

3. Revise Part VIII as follows:

48.27 Prior to redesignation to Rural Recreation 1 or Rural Recreation 2, the proponent shall

conduct a public meeting (open house) with all adjacent property owners and all residences along the access road(s), as determined by the Development Officer, to the proposed development site. See Part III Section 27.4 for details.

53.2 Prior to a decision being made, the proponent shall hold a public meeting (open house) in

order to solicit the views of the public in regard to the application for a natural resource extractive uses development. Notices for the meeting shall be circulated to every household within 1.6km of the proposed development. See Part III Section 27.4 for details.

59.11 Prior to an application being made, the applicant shall hold a public meeting (open house) in order to solicit the views of the public in regard to the application and report the information received to the Development Authority. See Part III Section 27.4 for details.

4. Revise Part VIII – Special Land Use Provisions Section 62 Retail Cannabis Store as follows:

62.13 In issuing a development permit for a Retail Cannabis Store, ~~Council~~
Development Authority will consider and may place as a condition of approval the following:

5. Revise Part III Development Permits Section 16 Application for Development Permit as follows:

16.5 In determining the development permit application requirements and procedures pursuant to Section 16.4, the ~~Council~~ Development Authority may consider and be guided by the provisions outlined in Section 16.2 and may require the applicant to submit any or all of the following for the purpose of relating any proposal to the satisfaction of the Municipal District of Pincher Creek:

6. Revise Part VIII Section 47.19(c) as follows:

- (c) One hard surfaced, on-site parking stall per bedroom shall be provided and parking stalls shall not be tandem. The Development Authority shall not approve any variance to the off-street parking standard for a Tourist Home, **excepting development areas of Castle Mountain Resort where off-street parking has not been provided for the residential development.**

7. Add to Part I – General Section 6 Definitions the following:

DATA CENTRE OPERATION

The development of a heavy industrial facility consisting of a building or structure or group of buildings or structures housing powerful, highly specialized computers and storage devices that require 24/7 climate control. This use may include an on-site power plant.

NOISE IMPACT ASSESSMENT

An assessment prepared by an APEGA engineer which measures and maps noise and noise impacts.

8. Add to Part VIII – Special Land Use Provisions the following:

Section 63 Data Centre Operation

REDESIGNATION REQUIREMENT

- 63.1 All ‘Data Centre Operation’ uses shall apply for redesignation to Direct Control – DC.
- 63.2 Prior to a decision being made, the proponent shall hold a public meeting (open house) in order to solicit the views of the public in regard to the application for a data centre operation. Notices for the meeting shall be circulated to every household within 1.6 km of the proposed development.
- 63.3 Application for redesignation shall include:
 - (a) operation plans including water (source, usage and disposal) and number of employees;
 - (b) details of roads, access points and traffic volumes;
 - (c) details on any proposed power plant including battery energy storage systems;
 - (d) weed control and management plan;
 - (e) reclamation planning and security;

- (f) acknowledgement of the historic resources value for the property and the need to gain provincial clearance where appropriate; and
- (g) analysis of impacts including noise, fencing and security lighting on adjacent properties or structures including a locational plan that includes distances to all other development.

63.4 The applicant shall provide noise impact assessment in accordance with Section 63.10.

REFERRALS

63.5 The municipality shall solicit and consider the comments of:

- (a) Alberta Environment;
- (b) any landowners within 1.6km (1.0 mile) of the lot; and
- (c) Alberta Transportation where applicable;

before approving a development application for a data centre operation use.

DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

63.6 An application for a data centre operation shall be accompanied by all the application submission requirements in accordance Part III - Development Permits, Section 16.2, 16.3 and 18.2 as well as the following information:

- (a) floor plans, elevations and renderings conveying all proposed buildings and structures that will form part of the facility including trailers, shipping containers, back-up power generators and related storage buildings;
- (b) a breakdown of the number of computer units, fans and any pertinent information concerning their anticipated noise impacts;
- (c) noise impact assessment (NIA) completed by a qualified APEGA professional which measures sound from the proposed facility to all dwellings and other buildings within 1 mile (1.6km). The assessment shall be undertaken in accordance with the principles specified in AUC Rule 012 or a comparable standard, regardless of whether the proposed operation involves the on-site generation of electric energy.
- (d) a fire protection plan (including code compliance) and emergency response plan;
- (e) any proposed signage to be presented in accordance with Section 55 of this part; and
- (e) any other information that may be required by the Development Officer or Council.

63.7 Proposals for data centre operations integrating an on-site power plant or backup power source shall indicate the total MW at full build-out, and any pertinent information concerning their anticipated noise impacts. All structures related to energy generation shall be indicated on the site plan.

63.8 An application for a data centre operation that draws its power from the electricity grid shall be accompanied by verification in writing from the electrical service provider that the projected electrical consumption of the proposed use can be accommodated and that the utility supply equipment and related infrastructure is sufficiently sized to accommodate the proposal.

63.9 The applicant shall submit from the Alberta Utilities Commission:

- (a) a copy of proof of exemption of an approval for applications utilizing an on-site power plant generating less than 10 megawatts (MW);
- (b) a copy of any approvals required by for applications utilizing an on-site power plant generating 10 MW or more.

63.10 At all times during the operation of the data centre operation noise compliance shall be:

Proximity to Transportation	Dwelling density per quarter section of land					
	1 to 8 dwellings		9 to 160 dwellings		Greater than 160 dwellings	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
Category 1	50 dB	40 dB	53 dB	43 dB	56 dB	46 dB
Category 2	55 dB	45 dB	58 dB	48 dB	61 dB	51 dB
Category 3	60 dB	50 dB	63 dB	53 dB	66 dB	56 dB

Category 1: dwelling(s) distance is more than or equal to 500 metres (m) from heavily travelled roads or rail lines and not subject to frequent aircraft flyovers from proposed development.

Category 2: dwelling(s) distance is more than or equal to 30 m, but less than 500 m from heavily travelled roads or rail lines and not subject to frequent aircraft flyovers from proposed development.

Category 3: dwelling(s) distance is less than 30 m from heavily travelled roads, or rail lines or subject to frequent aircraft flyovers from proposed development.

	Daytime	Nighttime
Adjacent parcels zoned for Industrial purposes	75 dB	70 dB

63.11 Facilities used in conjunction with data centre operation shall integrate noise management strategies to achieve noise compliance, including but not limited to exhaust baffles, roof and side extensions on the exhaust side of buildings, sound-absorbent padding, and fire-resistant sound-absorbing walls. Where the above measures do not adequately mitigate sound to achieve noise compliance specified in section 63.10, more sophisticated sound mitigation solutions shall be required prior to commencement of operations.

63.12 At no time shall the cumulative modelled sound level of a Data Centre (and its associated improvements) at the development property boundary exceed the sound levels of section 63.10 unless:

- (a) an easement, as approved by the Municipal Planning Commission, is agreed to by the affected landowner and registered on the affected title, or
- (b) the affected landowner is the crown or an agent of the crown, excluding statutory roads or road plans, and will be asked for comment under a different clause in this bylaw.

63.13 In response to noise complaints:

- (a) by residents, the data centre operation that is the subject of those complaints may, at the discretion of Council, be required to undertake sound level testing at the location of the most affected dwelling to demonstrate that the noise threshold in is not exceeded.
- (b) by operators of other properties, the Council may determine that noise compliance testing is required to demonstrate compliance.
- (c) any required compliance testing shall be undertaken at the cost of the developer.

9. Replace all references to the *Matters Relating to Subdivision and Development Regulation* with *Matters Related to Subdivision and Development Regulation*.