

**Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION**

March 7, 2017

6:30 pm

Agenda

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Minutes of February 7, 2017
- 3. In Camera**
- 4. Unfinished Business**
- 5. Development Permit Applications**
 - a. Development Permit Application No. 2017-03
Municipal District of Pincher Creek – Public Works Department
Application for Shipping Container
Ptn. NE 23-6-30 W4M
 - b. Development Permit Application No. 2017-04
Margaret Moen
Moved-In Residential Building
SW 36-8-1 W5M
- 6. Development Reports**
 - a. Development Officer's Report
- Report for the month of February 2017
- 7. Correspondence**
 - a. Permit Timeline Suspension Request – McLaughlin Wind Farm
- Report from Director of Development and Community Services, dated February 27, 2017
- 8. New Business**
- 9. Next Regular Meeting** – April 4, 2017; 6:30 pm
- 10. Adjournment**

MD C. PINCHER CHIEFFebruary 15, 2017

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2017-04

1. Application Information

Applicant(s): Margaret Moen
Location: SW 36-8-1 W5M
Division: 4
Size of Parcel: 63.7 ha (157.6 acres)
Zoning: Agriculture
Development: Moved-In Residential Building

2. Background/Comment/Discussion

- On February 13, 2017, the MD received Development Permit Application No. 2017-04 for approval for a moved-in residential building.
- The proposed location is in the middle of the quarter section, with the proposed building location meeting all setback requirements of the land use district.
- This application is in front of the MPC because:
 - Within the Agriculture Land Use District, Moved-In Residential or Accessory Building are discretionary uses.
- The house is to be placed on a new foundation.
- The application was circulated to all adjacent landowners. The MD had not received any responses at the time of preparing this report.
- The application was also circulated to the Public Works Superintendent for comment. The Superintendent stated that he had no concerns with the proposed development, also noting that the road to the parcel is classified as an unimproved road.

Recommendation No. 1:

That Development Permit Application No. 2017-04, for a Moved-In Residential Building, be approved subject to the following Condition(s):

Condition(s):

- 1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
- 2. That the applicant enter into a Development Agreement with the M.D. of Pincher Creek No. 9, pursuant to Policy 310A, with the Agreement caveated on title indicating that the portion of Range Road 1-1 is an unimproved road receiving a lower priority maintenance and being the proposed access to this development, is a lower priority road.

Recommendation No. 2:

That Development Permit Application No. 2017-04, for a Moved-In Residential Building, be approved subject to the following Condition(s):

Condition(s):

- 1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.

Informative(s):

- 1. That portion of Range Road 1-1 (the Road) that provides access to the parcel, is classified as an ‘Unimproved Road’ within the MD’s road classification system. As such, please be aware that this portion of road does not receive the same level of regular maintenance as roads that have been upgraded to a higher standard.

Recommendation No. 3:

That Development Permit Application No. 2017-04 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 4:

That Development Permit Application No. 2017-04 be denied, with reasons for denial.

3. Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2016-30 and supporting documents

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Reviewed by: Wendy Kay, CAO

IMPORTANT NOTES:

1. In addition to completing this application form in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provision for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances;
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-refundable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. **THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.**
5. All development permits shall contain the following informative:

“ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER.”
6. In accordance with the Municipal Government Act, a decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 14 days of the expiry of the decision date.
7. Every approach to a residence is entitled to an approach number sign supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.

DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES REPORT
February 2017

Development / Community Services Activities includes:

- February 2-3 Robert's Rules Demystified – Vancouver
- February 7 Municipal Planning Commission Meeting
- February 9 Emerging Trends
- February 14 Policy and Plans Meeting
- February 14 Council Meeting
- February 15 Joint Health and Safety Meeting
- February 15 Intermunicipal Development Plan Committee Meeting
- February 16 Staff Meeting
- February 17 Supporting Successful Meeting Webinar
- February 21-March 3 Vacation

MUNICIPAL PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Director for February 2017

The Director did not issue any permits in February.

Development Permits Issued by Municipal Planning Commission for February 2017

No.	Applicant	Division	Legal Address	Development
2016-63	Douglas Bachura	5	SE 16-8-2 W5M	Secondary Farm Residence -- Park Model / Tiny Home (deemed similar to Manufactured Home)
2016-64	Terry Parker	5	SE 16-8-2 W5M	Secondary Farm Residence -- Doublewide Manufactured Home

MD OF PINCHER CREEK

February 27, 2017

TO: **Municipal Planning Commission**
FROM: **Roland Milligan, Director of Development and Community Services**
SUBJECT: **McLaughlin Wind Farm – Permit Timeline Suspension Request**
Development Permit No. 2012-03

Applicant

- Renewable Energy Services Ltd (RESL).

Background/Comment

- The MD issued the required development permit for the McLaughlin Wind Farm in April 2012. This project consists of 20 Category 3 turbines.
- This project was provided a three year suspension in March 2014, taking the project timeline to March 2017.
- Attached is the email from RESL, requesting an additional three year suspension of the permits' timeline.

Discussion

- In their email, the applicant states two reasons for this request:
 1. Changes to the AUC Rule 12 concerning noise and setback requirements.
As a result to this change, the applicant was required to undertake additional noise / flicker studies and negotiate the acquisition of additional lands to comply with the changes.
 2. Changes to AEP guidelines.
As a result to this change, the applicant was required to conduct additional environmental studies including bird and bat monitoring.
- As a result, the applicant requires additional time to undertake the necessary engineering to incorporate the changes, obtain additional approvals and undertake stakeholder's consultation.

This application is in front of MPC for the following reason:

53.19 *A Category 3 WECS development permit shall have a maximum five (5) year development time line as outlined in subsections (a), (b) and (c) below.*

(a) Commencement of construction shall occur within two (2) years of the issuance of the development permit. A time extension as described in (c) or a timeline suspension as described in (d) must be applied for prior to the expiration of the two (2) year commencement of construction period;

(d) The MPC may consider suspending the five (5) year timeline described above in cases where a development hardship is proven to the satisfaction of MPC. The MPC shall specify the duration of any timeline suspension as part of the approval.

Recommendation

That the report from the Director of Development and Community Services, dated February 27, 2017, regarding the three year timeline suspension request from Renewable Energy Services Ltd, for the McLaughlin Wind Farm – Development Permit No. 2012-03, be received;

And that the applicant's request, pursuant to Section 53.19(d) of the LUB, be approved;

And further that the timeline for the validity of Development Permit No. 2012-03, being the McLaughlin Wind Farm, be extended to March 7, 2020.

Enclosures

Supporting Documents: Email from Renewable Energy Services Ltd, dated February 24, 2017

Roland Milligan

Reviewed by: Wendy Kay, CAO

Tara Cryderman

Sent: Peter Archibald <parchibald@resl.ca>
Friday, February 24, 2017 7:48 AM
To: Roland Milligan
Subject: McLaughlin Wind Farm Project - Development Permit Timeline Suspension Request - Permit No. 2012-03

Hello Rolland,

Please consider this email our formal request for a further suspension to the Development Permit timeline for Permit Number 2012-03. We are requesting a further three (3) year timeline suspension for reasons outlined below:

1. Changes to AUC Rule 12 concerning noise and setback requirements; and
2. Changes AEP guidelines.

As a result of the change outlined in Point 1 above, RESL was required to undertake additional noise / flicker studies and negotiate the acquisition of additional lands to comply with the changes. As a result of the change outlined in Point 2 above, RESL was required conduct additional environmental studies including bird and bat monitoring. During the course of this work, a LEK and Swanson's Hawk nest site was discovered that were not present within the project area previously. To comply with the new AEP guidelines, RESL has made several significant changes to mitigate and have submitted these to the AUC for review. RESL is in the late stages of project development and currently sits in Gate 4 of the approval process waiting for AUC approval to move into the final stage (Gate 5).

RESL requires the additional time to undertake the necessary engineering to incorporate the changes, obtain additional approvals and undertake stakeholder consultation.

Please contact me directly if you require any additional information.

Kind Regards,

Peter.

Peter Archibald, B.Eng., CSS
Engineering & Construction Manager
(902) 631-4441 direct
(902) 442-8196 office
(902) 864-2704 fax



30 Memory Lane,
Lower Sackville, NS B4C 2J3

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MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
April 3, 2012

**Development Permit Application 2012-03
Renewable Energy Services Ltd; McLaughlin Wind Farm Project
Lot 1, Block 1, Plan 111 3120; 23-6-29 W4M**

Councillor Rodney Cyr

12/018

Moved that the Municipal Planning Commission approves Development Permit No. 2012-03, being the McLaughlin Wind Farm, and grants approval with the following Reason(s), and Condition(s):

Reason(s):

1. Pursuant to Bylaw No. 1062-02, being the Municipal Development Plan, Policy N(1)(b) and (d) the proposed project is located on lands already designated for industrial development, and will be serviced by additional transmission upgrades.
2. A wind farm development caveat is currently registered on the title of the affected lands, SE 26-6-29 W4M, SW 26-6-29 W4M, and the SE 27-6-29 W4M. In the opinion of the MPC, this caveat is of sufficient force that it meets the intent and is an adequate substitute for the easement required by Section 53.26(a) of the LUB. For this reason, the MPC has granted a waiver of Section 53.26(a), with the understanding that, should the existing caveat be removed at any time from the title of the affected lands, being the SE 26-6-29 W4M, SW 26-6-29 W4M, and the SE 27-6-29 W4M, the developer shall register an easement pursuant to Section 53.26(a).
3. Pursuant to Section 53.26(a) of the LUB, an easement is currently registered on the title of the affected lands, NW 14-6-29 W4M, NE 14-6-29 W4M, NE 15-6-29 W4M, SE 22-6-29 W4M, and NE 22-6-29 W4M.

Condition(s):

1. This development meet the minimum provisions as required in Land Use Bylaw 1140-08.
2. This development meet all NAV Canada, Transport Canada, Alberta Utilities Commission and all other required regulatory permit(s), approval(s) and/or condition(s).
3. The applicant or developer comply with all specifications declared in Development Permit Application No. 2012-03 and all additional McLaughlin Wind Farm information submitted and forming part of this permit.
4. A Road Use Agreement as prescribed by the MD of Pincher Creek No. 9 shall be duly executed prior to any heavy hauling or construction.
5. Municipal Pincher Creek No. 9 Utility Permits shall be secured for all utility lines affecting municipal right-of-ways prior to commencement of construction.
6. All buried power lines must be located outside the road right-of-way except for road crossings. All buried power lines located within road crossings must be constructed and installed to a standard acceptable to the MD of Pincher Creek No. 9, registered with Alberta One-Call and approved by the Public Works Department.

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
April 3, 2012

7. That the developer accept all responsibility and holds harmless the MD of Pincher Creek No. 9 for any activities of the developer's agents, contractors or workers that takes place within the MD of Pincher Creek No. 9 developed or undeveloped right-of-ways.
8. Should the wind farm development caveat currently registered on title of the affected lands, SE 26-6-29 W4M, SW 26-6-29 W4M, and the SE 27-6-29 W4M, be removed at any time, an easement shall be registered on the title of the affected lands pursuant to Section 53.26(a). At the time of commencement of construction, the developer is required to supply a copy of the title for the affected lands, SE 26-6-29 W4M, SW 26-6-29 W4M, and the SE 27-6-29 W4M, to the Development Authority.
9. The developer adheres to the post construction reclamation plan submitted with the wind farm application in respect to restoring and re-vegctating developed wind farm road ways

Carried

Mainstream Renewable Resources – Oldman 2 Wind Farm Amendment Request

Reeve Rod Zielinski 12/019

Moved to table this request to the next MPC meeting pending notification of adjacent landowners within 2 km of the project, providing them an opportunity to comment.

Carried

8. NEXT MEETING - Tuesday, May 1, 2012 at 6:30 pm

9. ADJOURNMENT

Councillor Bjorn Berg 12/020

Moved that the meeting adjourn at 8:45 p.m.

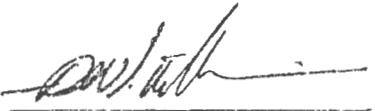
Carried

Vice Chairperson Dennis Owen
Municipal Planning Commission

Development Officer Roland Milligan
Municipal Planning Commission

3. The applicant or developer comply with all specifications declared in Development Permit Application No. 2012-03 and all additional McLaughlin Wind Farm information submitted and forming part of this permit.
4. A Road Use Agreement as prescribed by the MD of Pincher Creek No. 9 shall be duly executed prior to any heavy hauling or construction.
5. MD of Pincher Creek No. 9 Utility Permits shall be secured for all utility lines affecting municipal right-of-ways prior to commencement of construction.
6. All buried power lines must be located outside the road right-of-way except for road crossings. All buried power lines located within road crossings must be constructed and installed to a standard acceptable to the MD of Pincher Creek No. 9, registered with Alberta One-Call and approved by the Public Works Department.
7. That the developer accept all responsibility and holds harmless the MD of Pincher Creek No. 9 for any activities of the developer's agents, contractors or workers that takes place within the MD of Pincher Creek No. 9 developed or undeveloped right-of-ways.
8. Should the wind farm development caveat currently registered on title of the affected lands, SE 26-6-29 W4M, SW 26-6-29 W4M, and the SE 27-6-29 W4M, be removed at any time, an easement shall be registered on the title of the affected lands pursuant to Section 53.26(a). At the time of commencement of construction, the developer is required to supply a copy of the title for the affected lands, SE 26-6-29 W4M, SW 26-6-29 W4M, and the SE 27-6-29 W4M, to the Development Authority.
9. The developer adheres to the post construction reclamation plan submitted with the wind farm application in respect to restoring and re-vegetating developed wind farm road ways

This permit becomes effective the **11th day of April, 2012**, unless an appeal pursuant to section 686(1) of the Municipal Government Act is lodged within fourteen (14) days.

SIGNED: 
Roland Milligan, Development Officer

IMPORTA... - See Attached

THIS IS NOT A BILL. DII I