

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
November 6, 2018

2. To protect and conserve the natural scenic attributes of foothills grazing lands.

18. As far as possible, to cooperate with the province in managing non-renewable resources, water resources and historical resources recognizing that the province has assumed a leadership role in managing these resources.

20. To review developments on a case by case basis for which cumulative effects on the landscape and environment shall be a key consideration.

In support of the goals and objectives, the Municipal Planning Commission finds that the proposal fails to recognize Part II E. 3(a) which states:

3. The municipality recognizes the following environmentally significant areas:

(a) environmentally significant areas identified in the ESA study;¹

1 See: Environmentally Significant Areas in the Oldman River Region: Municipal District of Pincher Creek (Cottonwood Consultants: 1987, for Alberta Forestry, Lands and Wildlife and the Oldman River Regional Planning Commission).

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Municipal Planning Commission (MPC)
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November 6, 2018

Councillor Terry Yagos

18/185

Moved that the Municipal Planning Commission approves Development Permit No. 2018-68, for two (2) Category 3 Wind Turbines, Nos. T3 and T4, within SE 2-8-29 W4M, all being part of the Windy Point 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 is serviced by an existing transmission line.

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. 2018-68 and all additional Windy Point 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.
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 roadways.

Councillor Quentin Stevick requested a recorded vote.

Councillor Terry Yagos – In Favour
Councillor Bev Everts – Opposed
Reeve Brian Hammond – Opposed
Councillor Rick Lemire – Opposed
Member Michael Gerrand – Opposed
Councillor Quentin Stevick – Opposed
Motion Defeated

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
November 6, 2018

Councillor ...

18/187

Moved that the Municipal Planning Commission deny Development Permit No. 2018-70, for two (2) Category 3 Wind Turbines, Nos. T6 and T7, within SE 3-8-29 W4M, all being part of the Windy Point Wind Farm, for the following reasons:

The reasons for the denial are as follows:

1. This application does not comply with Bylaw 1062-02, being the Municipal Development Plan (MDP), specifically the following:

The Municipal Planning Commission finds that the proposal does not live up to the goal of the Municipal Development Plan found in Part II B. which states:

To protect and conserve agricultural land for agricultural use to the fullest extent possible without unduly restricting compatible economic diversification or development while respecting the natural environment.

Further to that goal, the Municipal Planning Commission finds that the proposal fails to meet the objectives of the Municipal Development Plan specifically the following:

1. To conserve and protect agricultural land, including foothills grazing lands, for extensive agriculture by:

(a) minimizing conflicts with non-agricultural uses;

(b) discouraging the fragmentation of agricultural and grazing land into small nonagricultural parcels;

(c) ensuring that agricultural lots or parcels remain as large as possible; and

(d) endeavouring to maintain traditional ranching activities.

2. To protect and conserve the natural scenic attributes of foothills grazing lands.

18. As far as possible, to cooperate with the province in managing non-renewable resources, water resources and historical resources recognizing that the province has assumed a leadership role in managing these resources.

20. To review developments on a case by case basis for which cumulative effects on the landscape and environment shall be a key consideration.

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Member Michael Gerrand

18/188

Moved that the Municipal Planning Commission deny Development Permit No. 2018-71, for two (2) Category 3 Wind Turbines, Nos. T8 and T9, within NE 35-7-29 W4M, all being part of the Windy Point Wind Farm, for the following reasons:

The reasons for the denial are as follows:

1. This application does not comply with Bylaw 1062-02, being the Municipal Development Plan (MDP), specifically the following:

The Municipal Planning Commission finds that the proposal does not live up to the goal of the Municipal Development Plan found in Part II B. which states:

To protect and conserve agricultural land for agricultural use to the fullest extent possible without unduly restricting compatible economic diversification or development while respecting the natural environment.

Further to that goal, the Municipal Planning Commission finds that the proposal fails to meet the objectives of the Municipal Development Plan specifically the following:

1. To conserve and protect agricultural land, including foothills grazing lands, for extensive agriculture by:

(a) minimizing conflicts with non-agricultural uses;

(b) discouraging the fragmentation of agricultural and grazing land into small nonagricultural parcels;

(c) ensuring that agricultural lots or parcels remain as large as possible; and

(d) endeavouring to maintain traditional ranching activities.

2. To protect and conserve the natural scenic attributes of foothills grazing lands.

18. As far as possible, to cooperate with the province in managing non-renewable resources, water resources and historical resources recognizing that the province has assumed a leadership role in managing these resources.

20. To review developments on a case by case basis for which cumulative effects on the landscape and environment shall be a key consideration.

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In support of the goals and objectives, the Municipal Planning Commission finds that the proposal fails to recognize Part II L. 3(a) which states:

3. *The municipality recognizes the following environmentally significant areas:*
 - (a) *environmentally significant areas identified in the ESA study;¹*

1 See: *Environmentally Significant Areas in the Oldman River Region: Municipal District of Pincher Creek* (Cottonwood Consultants: 1987, for Alberta Forestry, Lands and Wildlife and the Oldman River Regional Planning Commission).

2. This application negatively impacts the environmentally significant area referred to as Summerview, as identified within the Environmentally Significant Areas in the Oldman River Region Municipal District of Pincher Creek, prepared by Cottonwood Consultants Ltd, dated February 1987. This area contains a regionally significant montane grassland with limber pine ridges and nesting falcons among other ecologically sensitive species. This area contains large patch terrestrial native cover interspersed with wetland habitat which supports terrestrial biodiversity currently untouched by development excepting the residence located in NE 26 7-29 W4M. The Municipal Planning Commission believes that this WECS proposal (with its tower and road installation) would irreversibly damage this intact grassland area. And further the proposal would be a detriment to grazing agriculture and the natural scenic attributes of foothills grazing, and would set forth a series of cumulative effects harmful to the landscape and the environment.

Member Michael Gerrand requested a recorded vote

Councillor Terry Yagos – Opposed
Councillor Bev Everts – In Favour
Reeve Brian Hammond – In Favour
Councillor Rick Lemire – In Favour
Member Michael Gerrand – In Favour
Councillor Quentin Stevick – In Favour
Motion Carried

Reeve Brian Hammond

18/189

Moved that the Municipal Planning Commission deny Development Permit No. 2018-72, for one (1) Category 3 Wind Turbine, No. T10, within SE 35-7-29 W4M, all being part of the Windy Point Wind Farm, all being part of the Windy Point Wind Farm, for the following reasons:

The reasons for the denial are as follows:

1. This application does not comply with Bylaw 1062-02, being the Municipal Development Plan (MDP), specifically the following:

The Municipal Planning Commission finds that the proposal does not live up to the goal of the Municipal Development Plan found in Part II B. which states:

To protect and conserve agricultural land for agricultural use to the fullest extent possible without unduly restricting compatible economic diversification or development while respecting the natural environment.

Further to that goal, the Municipal Planning Commission finds that the proposal fails to meet the objectives of the Municipal Development Plan specifically the following:

1. To conserve and protect agricultural land, including foothills grazing lands, for extensive agriculture by:

(a) minimizing conflicts with non-agricultural uses;

(b) discouraging the fragmentation of agricultural and grazing land into small nonagricultural parcels;

(c) ensuring that agricultural lots or parcels remain as large as possible; and

(d) endeavouring to maintain traditional ranching activities.

2. To protect and conserve the natural scenic attributes of foothills grazing lands.

18. As far as possible, to cooperate with the province in managing non-renewable resources, water resources and historical resources recognizing that the province has assumed a leadership role in managing these resources.

20. To review developments on a case by case basis for which cumulative effects on the landscape and environment shall be a key consideration.

In support of the goals and objectives, the Municipal Planning Commission finds that the proposal fails to recognize Part II E. 3(a) which states:

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Councillor Martin Stevick

18/190

Moved that the Municipal Planning Commission approves Development Permit No. 2018-73, for one (1) Category 3 Wind Turbine, No. T11, within NE 26-7-29 W4M, all being part of the Windy Point 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 is serviced by an existing transmission line.

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. 2018-73 and all additional Windy Point 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. 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 roadways.
8. That the Gifford residence be removed and the foundation be removed to one (1) meter below surface prior to commencement of construction, and that the Development Officer inspect the parcel to ensure compliance prior to construction. Also Turbine 11 is to be relocated to non-native grassland, and all access to the parcel utilize the current road system.

Councillor Terry Yagos

18/191

Moved that the resolution be amended, the amendment as follows:

Removal of Condition 8 in its entirety.

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Councillor Quentin Stevick requested a recorded vote on the amending motion.

Councillor Terry Yagos – In Favour
Councillor Bev Everts – Opposed
Reeve Brian Hammond – In Favour
Councillor Rick Lemire – In Favour
Member Michael Gerrand – Opposed
Councillor Quentin Stevick – Opposed
Amending Motion Lost

Councillor Quentin Stevick requested a recorded vote on the main motion.

Councillor Terry Yagos – Opposed
Councillor Bev Everts – Opposed
Reeve Brian Hammond – Opposed
Councillor Rick Lemire – Opposed
Member Michael Gerrand – Opposed
Councillor Quentin Stevick – In Favour
Main Motion Defeated

Member Michael Gerrand

18/192

Moved that the Municipal Planning Commission deny Development Permit No. 2018-73, for one (1) Category 3 Wind Turbine, No. T11, within NE 26-7-29 W4M, all being part of the Windy Point Wind Farm, for the following reasons:

The reasons for the denial are as follows:

1. This application does not comply with Bylaw 1062-02, being the Municipal Development Plan (MDP), specifically the following:

The Municipal Planning Commission finds that the proposal does not live up to the goal of the Municipal Development Plan found in Part II B. which states:

To protect and conserve agricultural land for agricultural use to the fullest extent possible without unduly restricting compatible economic diversification or development while respecting the natural environment.

Further to that goal, the Municipal Planning Commission finds that the proposal fails to meet the objectives of the Municipal Development Plan specifically the following:

1. To conserve and protect agricultural land, including foothills grazing lands, for extensive agriculture by:

(a) minimizing conflicts with non-agricultural uses;

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Member Michael Gerrand requested a recorded vote

Councillor Jerry Yagos – Opposed
Councillor Bev Everts – In Favour
Reeve Brian Hammond – In Favour
Councillor Rick Lemire – In Favour
Member Michael Gerrand – In Favour
Councillor Quentin Stevick – Opposed
Motion Carried

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3. *The municipality recognizes the following environmentally significant areas:*

(a) *environmentally significant areas identified in the ESA study;¹*

1 See: *Environmentally Significant Areas in the Oldman River Region: Municipal District of Pincher Creek* (Cottonwood Consultants: 1987, for Alberta Forestry, Lands and Wildlife and the Oldman River Regional Planning Commission).

2. This application negatively impacts the environmentally significant area referred to as Summerview, as identified within the Environmentally Significant Areas in the Oldman River Region Municipal District of Pincher Creek, prepared by Cottonwood Consultants Ltd, dated February 1987. This area contains a regionally significant montane grassland with limber pine ridges and nesting falcons among other ecologically sensitive species. This area contains large patch terrestrial native cover interspersed with wetland habitat which supports terrestrial biodiversity currently untouched by development excepting the residence located in NE 26 7-29 W4M. The Municipal Planning Commission believes that this WECS proposal (with its tower and road installation) would irreversibly damage this intact grassland area. And further the proposal would be a detriment to grazing agriculture and the natural scenic attributes of foothills grazing, and would set forth a series of cumulative effects harmful to the landscape and the environment.

Councillor Quentin Stevick requested a recorded vote

Councillor Terry Yagos – Opposed
Councillor Bev Everts – In Favour
Reeve Brian Hammond – In Favour
Councillor Rick Lemire – In Favour
Member Michael Gerrand – In Favour
Councillor Quentin Stevick – In Favour
Motion Carried

Chairman Jim Welsch returned to the meeting, the time being 9:14 pm, and assumed the chair.

