

MINUTES
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
SPECIAL COUNCIL MEETING
MARCH 6, 2024

9813

The Special Meeting of Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday, March 6, 2024 in the MD of Pincher Creek Council Chambers.

Notice of this Special Council Meeting was posted on the MD website and social media.

PRESENT Reeve Dave Cox, Deputy Reeve John MacGarva, and Councillors Rick Lemire, and Tony Bruder.

STAFF CAO Roland Milligan, Development Officer Laura McKinnon, ORRSC Senior Planner Gavin Scott, and Executive Assistant Jessica McClelland.

Reeve Dave Cox called the meeting to order at 6:00 pm.

A. ADOPTION OF AGENDA

Councillor Tony Bruder 24/119

Moved that the Special Council Agenda for March 6, 2024 approved as presented.

Carried

B. PUBLIC HEARING 1349-23 LAND USE BYLAW

1. Public Hearing Called to Order

Reeve Dave Cox called the Public Hearing to order, the time being 6:00 pm.
CAO Roland Milligan overviewed the general rules of conduct during a public hearing.

2. Advertising Requirements

This Public Hearing has been advertised per Section 606 of the Municipal Government Act. This public hearing was advertised in Shootin the Breeze on February 21 and 28, 2024, and on the MD website and MD Social Media pages.

3. Purpose of the Hearing

The purpose of Bylaw No. 1349-23 is pursuant to Section 639 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; and

The Municipal District of Pincher Creek No. 9 has conducted a significant review of the previous Land Use Bylaw in response to a number of changes to the Municipal Development Plan and Castle Mountain Resort Area Structure Plan; and

The purpose is to conduct a general cleanup of the provisions within the land use bylaw and align it with the Municipal Development Plan and Castle Mountain Resort Area Structure Plan.

Planner Gavin Scott overviewed the history of Land Use Bylaws (LUB) in Alberta, stating that all municipalities are legislated to have a LUB. The current LUB was enacted in 2018, and due to many changes in the Municipal Development Plan and Castle Mountain Resort Area Structure Plan, Bylaw 1349-23 is consolidating the changes. As a LUB is a living document, going forward, there will be more changes based on requests and Council decisions.

4. Presentations:

VERBAL:

Reeve Dave Cox asked if anyone in the audience wished to make a statement and requested that they introduce themselves as their names are recorded for the minutes.

Janet Jones – Realtor and resident in the MD

- Receives many calls from potential buyers looking for places to allow camping.
- Changes to family recreations: if there are 10 acres, can you have more than 2 campers?

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- Changes to Grouped Country Residential: will it be more difficult to subdivide?

Gavin Scott

- If it is privately owned land, you don't need a permit to camp on your property, up to a limit.
- Majority of changes were regarding building a campground.
- Unless the land is already zoned Group Country Residential, you would need to apply for a rezoning.
- The Intermunicipal Development Plan shows where land is already zoned as Group Country Residential.

Don Hill – Resident in the MD

- Read online that some places are becoming very restrictive to agriculture and animals allowed on land.
- Are there changes in the LUB regarding renewable energy?

The Council confirmed the MD is an agriculture community, and changes to the Bylaw do not include animal restrictions.

Gavin Scott

- The Province still has the final say on renewables; soils and buffers have changed, but the Province needs to clarify the changes.
- AUC is exempt from local planning regulations, and the only avenue a municipality has is setback rules.
- MD already has a designation for where they don't want to see Wind Turbines go, South from Kerr Road are some areas that are more restrictive.

Nancy Barrios – Resident

- When you say South of Kerr Road, is this east and west?

Council confirmed, yes.

Emma LaRoche – Resident

- Is there a timeline for businesses to comply with the new bylaw?
- When can we apply using the new Bylaw?

Gavin Scott

- If you had prior approval, you are grandfathered in. Should you need a land use change, you would need to apply.
- A New Bylaw is in effect once the Council approves it.

Janet Jones

- Were the changes driven by the number of applications from agriculture to rural recreation?

Gavin Scott

- The new Bylaw addresses if the land is located adjacent to a provincial highway, or if they aren't, than the application would need a concept plan for the proposed rezoning.

Daryl Carlson

- Technical question: Bylaw states "if you apply, you MAY be asked to notify the public".
- Why is the time frame to respond only 7 days? It should be longer.

Gavin Scott

- Permitted use doesn't need notification. Discretionary use, MD would send notifications to adjacent landowners.
- Clarification on time frame for residents to respond – 7 days is minimum, MD goes beyond that.
- Province sets timelines for Municipalities to respond to applicants.
- Social media is more utilized.

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- We are talking about development permits, not a rezoning. A rezoning is a whole different process, as are subdivisions or renewable energy.

Laura McKinnon

- For a rezoning, we notify everyone along the road, not just adjacent landowners.

Sophie LaRoche

- The term “access roads”? What does this refer to? All access roads? (eg, Shell loop road connects to Gladstone Valley)
- More random camping now, bringing garbage, increasing road usage.
- What is the development density?

Gavin Scott

- LUB doesn't define density, but subdivision rules limit houses on a parcel of land.
- A campground could be dependant on feedback from neighboring residents.

Reeve Dave Cox

- One thing the MD is looking into a business license program to find out what is already in our MD.

Councillor Tony Bruder

- We are aware of the density of a landscape, and subdivision bylaws protect that.

Gerry Toews

- Are rezoning applications on pause?

Laura McKinnon

- Only for Rural Recreation 1 and 2, until the Bylaw passes.

Nancy Barrios

- What changes/growth can be expected for Castle Mountain?

Gavin Scott

- Growth has not changed since the Area Structure Plan was created for Castle Mountain.
- Any changes would begin with Castle Mountain Resort Inc.

Reeve Dave Cox asked three times if anyone else in the audience wished to speak. No one else asked to speak.

WRITTEN:

Laura McKinnon read into the record an email from resident Kathy Day.

- Section 18.1 does not mention natural wildlife corridors, especially Division 3, which interfere with normal agricultural use of the area.
- 18.9 mentioned compatibility with other existing and approved uses in the area.
- The biggest concern about notifications is that 7 days is not realistic.
- Appreciated 48.27 and 48.28.
- Will solar farm owners be required to make upfront deposits regarding decommissioning on the sites?

Reeve Dave Cox asked three times if anyone else in the audience had written responses they wanted heard. No one else asked to speak.

5. Closing Comments

- Council thanked administration and Gavin for all the hard work.
- Council thanked the public for attending.

6. Adjournment from Public Hearing

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Reeve Dave Cox adjourned the public hearing, the time being 6:56 pm.

F. ADJOURNMENT

Councillor Tony Bruder

24/120

Moved that Council adjourn the meeting, the time being 6:57 pm.

Carried



REEVE



CHIEF ADMINISTRATIVE OFFICER