



Municipality of Crowsnest Pass
AGENDA
Regular Council Meeting
Council Chambers at the Municipal Office
8502 - 19 Avenue, Crowsnest Pass, Alberta
Tuesday, December 17, 2024 at 7:00 PM

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. CONSENT AGENDA

3.a Minutes of the Crowsnest Pass Senior Housing Board of October 21, 2024

4. ADOPTION OF MINUTES

4.a Minutes of the Council Meeting of December 10, 2024

5. PUBLIC HEARINGS

5.a Bylaw 1203, 2024 Road Closure Bylaw - Public Hearing

5.b Bylaw 1209, 2024 - Land Use Bylaw Amendment - Administrative Housekeeping Matters - *Public Hearing*

6. DELEGATIONS

Delegations have 15 minutes to present their information to Council excluding questions. Any extension to the time limit will need to be approved by Council.

7. REQUESTS FOR DECISION

7.a Bylaw 1209, 2024 - Land Use Bylaw Amendment - Administrative Housekeeping Matters - *Second and Third Reading*

7.b Bylaw 1211, 2024 - Land Use Bylaw Amendment - Redesignation of the lands legally described as Lot 5, Plan 9611980 from "Grouped Country Residential - GCR-1" to "Non-Urban Tourism Accommodation & Recreation – NUTAR" - *First Reading*

7.c Bylaw 1213, 2024 - Procedure Bylaw Amendment - *Third Reading*

7.d Service Areas Update

8. COUNCIL MEMBER REPORTS

9. PUBLIC INPUT PERIOD

Each member of the public has up to 5 minutes to address Council. Council will only ask for clarification if needed,

they will not engage in a back and forth dialogue.

10. COUNCILOR INQUIRIES AND NOTICE OF MOTION

11. IN CAMERA

11.a Economic Interests of the Public Body - Land Sales Application - FOIP Act Section 25

11.b Economic Interests of the Public Body - Land Sales Application - FOIP Act Section 25

12. ADJOURNMENT



Municipality of Crowsnest Pass Request for Decision

Meeting Date: December 17, 2024

Agenda #: 3.a

Subject: Minutes of the Crowsnest Pass Senior Housing Board of October 21, 2024

Recommendation: That Council accept the Minutes of the Crowsnest Pass Senior Housing Board of October 21, 2024 as information.

Executive Summary:

Minutes of Internal Boards and Committees are provided to Mayor and Council at the subsequent meeting for Council's information.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

The Crowsnest Pass Senior Housing Board provides their minutes to keep Council apprised of activities involving Senior Housing.

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[nov min.pdf](#)



CROWSNEST PASS SENIOR HOUSING

PO Box 580, Coleman, AB Tel: 403.562.2102 Fax: 403.562.2106

BOARD MEETING MINUTES October 21, 2024

A regular meeting of the Management Body of Crowsnest Pass Senior Housing (CPSH) was held on Monday, October 21, 2024, at 10:00 a.m. at Peaks to Pines in Coleman, Alberta.

ATTENDEES:

Deb Ruzek: Board Chairperson, Dean Ward: Municipal Councillor, Shelley Price: Chief Administrative Officer, Dave Filipuzzi: Municipal Councillor, Marlene Anctil: Board Member, Diane Nummi: Board Member, Susan Demchuk: Vice Chair, Dee-Anna Strandquist: Finance Manager, Shannon Harker: HR

ABSENT:

Cathy Painter: Board Member

Minutes recorded by Shannon Harker

1. CALL TO ORDER

- 1.1 Deb Ruzek called the meeting to order at 9:58 a.m. and it was determined that a quorum of directors was present.

2. ADDITIONS/CHANGES TO AGENDA

None

3. APPROVAL OF AGENDA

- 3.1 Motion #110/24 to approve the agenda. — Dean Ward – cd.

4. APPROVAL OF PRIOR MINUTES

- 4.1 Motion #111/24 to approve the minutes of the meeting held September 23, 2024, as presented. — Dianne Nummi – cd.

5. BUSINESS ARISING FROM THE MINUTES

None

6. **CORRESPONDENCE**

None

7. **MANAGEMENT REPORTS**

7.1 #112/24 Motion to approve the Report from Management as presented – Marlene Anctil – cd.

8. **FINANCIAL REPORTS**

8.1 #113/24 Motion to approve August 2024 Financial Statement as presented – Marlene Anctil – cd.

8.2 #114/24 Motion to approve September 2024 Financial Statement as presented – Marlene Anctil – cd.

9. **BOARD CHAIRPERSON REPORT**

Request to move next month's meeting to November 25 @ 10am.

There is a need to review and improve Board Policies, the Board's input for the accreditation process has been requested.

Municipal members responsibilities, roles and terms of reference are required

Deb Ruzek would like to see everyone signing financials and increasing their involvement.

New processes will be discussed at the January meeting, including what to do with applications from individuals not qualified to sit on the Board.

10. **OTHER BOARD REPORTS**

The plan made for the Resident's bussing system is working effectively.

Meals on Wheels format will be changing effective November 11, 2024, all parties appear to be pleased with the changes.

11. **OLD BUISNESS**

None

12. **DELEGATE**

None

13. **NEW BUSINESS**

13.1 #115/24 Motion to approved paving at Tecumseh Manor – Susan Demchuk – cd.

13.2 #116/24 Motion to review the Business Plan's success bi-annually and to move forward with the new Business Plan – Dean Ward – cd

13.3 There was a discussion regarding Operating and Capital reserves, decisions regarding spending

tabled for next meeting.

- 13.4 #117/24 Motion to approve Policy 2.33 Quality Improvement Plan – Marlene Ancil -cd.
- 13.5 #118/24 Motion to approve Policy 4.02 & 4.31 Resident/Tenant Requests, Complaints and Concerns Resolution – Dianne Nummi - cd
- 13.6 #119/24 Motion to approve Policy 4.15 Property & Equipment Inventory – Dean Ward - cd
- 13.7 #120/24 Motion to approve Policy 4.16 Risk Management – Dean Ward – cd.
- 13.8 #121/24 Motion to approve Policy 4.21 Record Retention and Retention Manual – Dianne Nummi – cd.
- 13.9 #122/24 Motion to approve Policy 4.23 Collection, Access, Use and Disclosure of Information – Susan Demchuk – cd.
- 13.10 #123/24 Motion to approve Policy 4.03 Privacy – Dianne Nummi – cd.
- 13.11 #124/24 Motion to approve Policy 5.07 Access to Employee Personnel Records – Marlene Ancil - cd.

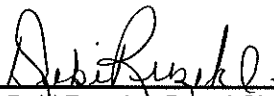
14. IN CAMERA

No Camera

15. ADJOURNMENT

- 15.1 Motion #125/24 to adjourn at 11:59a.m. – Dave Filipuzzi – cd.

The next regular board meeting – November 26, 10:00 a.m.



Debi Ruzek – Board Chairperson



Municipality of Crowsnest Pass Request for Decision

Meeting Date: December 17, 2024

Agenda #: 4.a

Subject: Minutes of the Council Meeting of December 10, 2024

Recommendation: That Council adopt the Minutes of the Council Meeting of December 10, 2024 as presented.

Executive Summary:

Minutes of the previous Council meeting are provided to Council for review and adoption.

Relevant Council Direction, Policy or Bylaws:

1041, 2020 Procedure Bylaw

Discussion:

n/a

Analysis of Alternatives:

n/a

Financial Impacts:

n/a

Attachments:

[2024 12 10 - Council Meeting Minutes.docx](#)

Municipality of Crowsnest Pass
Council Meeting Minutes
Tuesday, December 10, 2024

A regular meeting of the Council of the Municipality of Crowsnest Pass was held in Council Chambers on Tuesday, December 10, 2024.

Council Present:

Mayor Blair Painter, Councillors: Dave Filipuzzi, Doreen Glavin, Glen Girhiny, Lisa Sygutek, and Dean Ward

Council Absent:

Vicki Kubik

Administration Present:

Patrick Thomas, Chief Administrative Officer
Kristin Colucci, Deputy Chief Administrative Officer
Jeremy Wickson, Director of Development, Engineering & Operations
Trent Smith, Manager of Community Services
Bonnie Kawasaki, Recording Secretary
Laken McKee, Job Shadowing

CALL TO ORDER

Mayor Painter called the meeting to order at 1:00 pm.

ADOPTION OF AGENDA

Additions:

Councillor Inquiries and Notice of Motion

- a. Bellevue Main Street - Councillor Ward
- b. Correspondence to other Municipalities – Councillor Ward

01-2024-12-10: Councillor Filipuzzi moved to adopt the agenda as amended.

Carried

CONSENT AGENDA

02-2024-12-10: Councillor Glavin moved that Council approve the following Consent Agenda items as presented without debate:

3.a

Minutes of the Municipal Historic Resources Advisory Committee of October 21, 2024

THAT Council accept the Minutes of the Municipal Historic Resources Advisory Committee of October 21, 2024 as information.

3.b

Derek Medland - Request to Consider Discount on Municipal Fees for Low Income Seniors

THAT Council accept the Derek Medland - Request to Consider Discount on Municipal Fees for Low Income Seniors as information.

Carried

ADOPTION OF MINUTES

03-2024-12-10: Councillor Girhiny moved to adopt the Minutes of the Council Meeting of November 26, 2024 as presented.

Carried

04-2024-12-10: Councillor Glavin moved to adopt the Minutes of the Special Budget Meeting of November 28, 2024 as presented.

Carried

PUBLIC HEARINGS

None

DELEGATIONS

RCMP Quarterly Update Corporal Mark Amatto and Constable Natalie Stephenson

Corporal Mark Amatto, and Constable Natalie Stephenson of the Crowsnest Pass RCMP detachment were in attendance to present Council with the 2nd quarter update from 2024.

REQUESTS FOR DECISION

Bylaw 1210, 2024 - Land Use Bylaw Amendment - Redesignation of a portion of Lot 11, Block 7, Plan 820L, containing ±0.04 ha (0.11 acres) from "Retail Commercial C-1" to "Drive-In Commercial C-2" - First Reading

05-2024-12-10: Councillor Filipuzzi moved first reading of Bylaw 1210, 2024 - Land Use Bylaw Amendment - Redesignation of a portion of Lot 11, Block 7, Plan 820L, containing ±0.04 ha (0.11 acres) from "Retail Commercial C-1" to "Drive-In Commercial C-2".

Carried

Bylaw 1213, 2024 - Procedure Bylaw Amendment

06-2024-12-10: Councillor Girhiny moved first reading of Bylaw 1213, 2024 - Procedure Bylaw Amendment.

Carried

07-2024-12-10: Councillor Girhiny moved second reading of Bylaw 1213, 2024 - Procedure Bylaw Amendment.

Carried

2024 Q3 Financial Report

08-2024-12-10: Councillor Ward moved that Council accept the 2024 Q3 Financial Report as information.

Carried

COUNCIL MEMBER REPORTS

- Mayor Painter
 - Mayor Painter, Councillor Sygutek and Patrick Thomas, Chief Administrative Officer met with Minister Brian Jean, Minister of Energy & Minerals
 - Discussed the Grassy Mountain Mine project
 - Discussed the AER hearing being moved to Pincher Creek as our facilities are comparable or larger
 - Discussed original application from Riversdale, and that the application from Northback should be more complete

- Councillor Ward
 - Commented that there were additional people that the panel allowed to speak at the hearing without pre-registering as was the requirement
 - Christmas Party was excellent
 - Kudos to staff
 - Commented that they attended the EVR water presentation
 - They are making great strides with selenium monitoring and mitigation
 - The selenium numbers are being reduced as a result of EVR's efforts with the water treatment plants
 - Budget process was very well done
 - Pleased with the overall numbers and that 29 initiatives are moving forward
 - Our debt is taking less than 5% of the revenue to pay for it
 - Reminder that Seniors Lunch is being held December 11, 2024 at the MDM

- Councillor Sygutek
 - Reported that several persons who spoke at the public hearings were accosted and threatened by other members of the public
 - Noted that EVR needs to communicate their successes with selenium in a better way to the public

- Councillor Glavin
 - Attended the Fort MacLeod Santa Clause parade with Councillors Ward and Filipuzzi

PUBLIC INPUT PERIOD

None

COUNCILLOR INQUIRIES AND NOTICE OF MOTION

Bellevue Main Street - Councillor Ward

Councillor Ward communicated some issues that have been brought to his attention with respect to the transition from the pavement to the gravel and parking on the Bellevue Main Street project. Patrick Thomas, Chief Administrative Officer advised that they are looking at getting some milling done on the butt joints to lessen the transition, and that the cars that were blocking snow removal were moved and the area has now been cleared to facilitate parking.

Correspondence to other Municipalities - Councillor Ward

09-2024-12-10: Councillor Sygutek moved that Administration send out the letter, drafted by Councillor Ward, as amended, to MD of Pincher Creek, MD of Ranchlands, Fort Macleod, and Lethbridge and copy it to our MLA.

Carried

IN CAMERA

10-2024-12-10: Councillor Ward moved that Council go In Camera for the purpose of discussion of the following confidential matters under the Freedom of Information and Protection of Privacy Act and to take a short recess at 1:57 pm:

- a. Economic Interests of the Public Body – Land Sales Application - FOIP Act Section 25
- b. Economic Interests of the Public Body - Land Sales Application - FOIP Act Section 25
- c. Economic Interests of the Public Body - Land Sales Application - FOIP Act Section 25

Carried

Reconvene

Mayor Painter convened the In Camera meeting at 2:03 pm. Patrick Thomas, Chief Administrative Officer in attendance to provide advice to Council.

11-2024-12-10: Councillor Sygutek moved that Council come out of In Camera at 2:46 pm.

Carried

12-2024-12-10: Councillor Girhiny moved that Council counters the offer to purchase the road allowance between 6318-22 Ave and 6402-22 Ave subject to the following conditions:

1. That the price is \$5.70 per square foot for 6600 sf.
2. That the applicant is responsible for all costs associated with the closure of the subject lands to public travel.
3. That the applicant is responsible for all costs associated with redistricting the subject lands to a suitable land use District.
4. That the applicant is responsible for all costs relating to connecting the subject lands to all available services to municipal standards.
5. That the applicant is responsible for all subdivision and survey costs relating to this transaction.
6. That the applicant is responsible for all legal costs including the legal costs of the Municipality, if any.
7. That the applicant must begin construction on the site within 24 months of the date of the approval by Council.
8. In the event that the applicant does not begin construction within 24 months, the Municipality retains the option to purchase the lot back from the applicant at 50% of the purchase price.

Carried

13-2024-12-10: Councillor Glavin moved that Council counters the offer to purchase 1602-77 Street, subject to the following conditions:

1. That the price is \$6.40 per ft² for a total of \$65,000 (Instead of \$3.95 per ft² for an amount of \$40,000).
2. That the Municipality's intention to sell the property at a reduced land value is advertised pursuant to section 70 of the Municipal Government Act as an incentive to recover the taxes and make the property developable (building demolition and gas service realignment), as an incentive for economic development.
3. That the applicants are responsible for all costs associated with the redesignation of the lands to a suitable land use district.
4. That the applicants are responsible for all costs associated with the demolition of the building.

5. That the applicants are responsible for all costs associated for an easement or relocation of the gas lines servicing the adjacent property to the south, at 1610 - 77 Street.
6. That the applicants are responsible for all legal costs including the legal costs of the Municipality, if any.
7. That this application must be completed by September 30, 2025.
8. That, if rezoning and development permit applications were successful, the proposed redevelopment of the property for mini-storage shall be commenced by June 30, 2026 - at the failure of which the Municipality shall be entitled to re-purchase the property at 50% of the selling price, and this condition shall be registered on the certificate of land title as a right of first refusal in favor of the Municipality.

Defeated

14-2024-12-10: Councillor Ward moved that Council accepts the offer of \$2.10 per ft² to purchase a portion of the road allowance described as Plan 2446AA, that portion of surveyed trail (19th Avenue) lying south of the westerly production of the northerly boundary and east of the northerly production of the westerly boundary of Block H; and the remnant parcel legally described as Lot N/A, Block OT, Plan 2446AA, subject to the following conditions:

1. That the Municipality's intention to sell the property at a reduced land value is advertised pursuant to section 70 of the Municipal Government Act as an incentive for economic development.
2. That the applicant is responsible for all costs relating to the required Road Closure registration and any re-designation of land use.
3. That the applicants are responsible for all subdivision, easement and survey costs relating to this transaction.
4. That the applicant is responsible for all of the legal costs associated with these transactions.
5. That this transaction, including consolidation and re-subdivision of the subject Municipal lands, be completed by December 31, 2025.

Carried

ADJOURNMENT

15-2024-12-10: Councillor Filipuzzi moved to adjourn the meeting at 2:49 pm.
Carried

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



Municipality of Crowsnest Pass Request for Decision

Meeting Date: December 17, 2024

Agenda #: 5.a

Subject: Bylaw 1203, 2024 Road Closure Bylaw - Public Hearing

Recommendation: That Council holds a public hearing.

Executive Summary:

Council gave first reading of Bylaw 1203, 2024 on November 19, 2024.

Bylaw 1203, 2024 proposes the closure of a portion of road plan 2252HX and the consolidation of the closed road portion with the adjacent residential parcel (Plan 6632Y Lots 30 & 31).

The Road Closure Bylaw may be considered for second and third Reading only after the Bylaw has been signed by the Minister of Transportation and Economic Corridors.

Relevant Council Direction, Policy or Bylaws:

Section 22 of the Municipal Government Act

Discussion:

The Public Hearing was advertised pursuant to Section 606 of the Municipal Government Act. The notice of public hearing was published in the Crowsnest Pass Herald on November 27th and December 4th. Due to the Canada Post strike, adjacent landowners were notified via email or hand delivery. In addition, the Public Hearing was advertised on the municipal website.

The applicants own a residential parcel at 2702 27 Ave, Bellevue. A portion of the yard and fence encroaches into the road allowance. Council adopted Motion 23-2024-05-28 to accept an offer to purchase a portion of the road allowance, subject to road closure approval and a condition that the proposed purchase portion is amended to move the fence that encroaches into 27 Avenue back to the property line. Another condition was that the consolidation must be done through a plan of subdivision.

The applicant wishes to close the subject road portion and consolidate it with their existing parcel

(Plan 6632Y, Lots 30 and 31). See the attached Aerial Map.

The subject area is 3,050 ft² (more or less). The Municipality does not have plans to improve or otherwise use this portion of the road allowance.

The closed road portion will automatically assume the Residential R-1 District as part of the consolidation (section 28.4 in the Administration Part of the Land Use Bylaw provides that a rezoning application is not required).

At the time of writing this report, there have been no objections or easements requested from the list of referral agencies.

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[FORMATTED Bylaw No. 1203, 2024 notice.pdf](#)

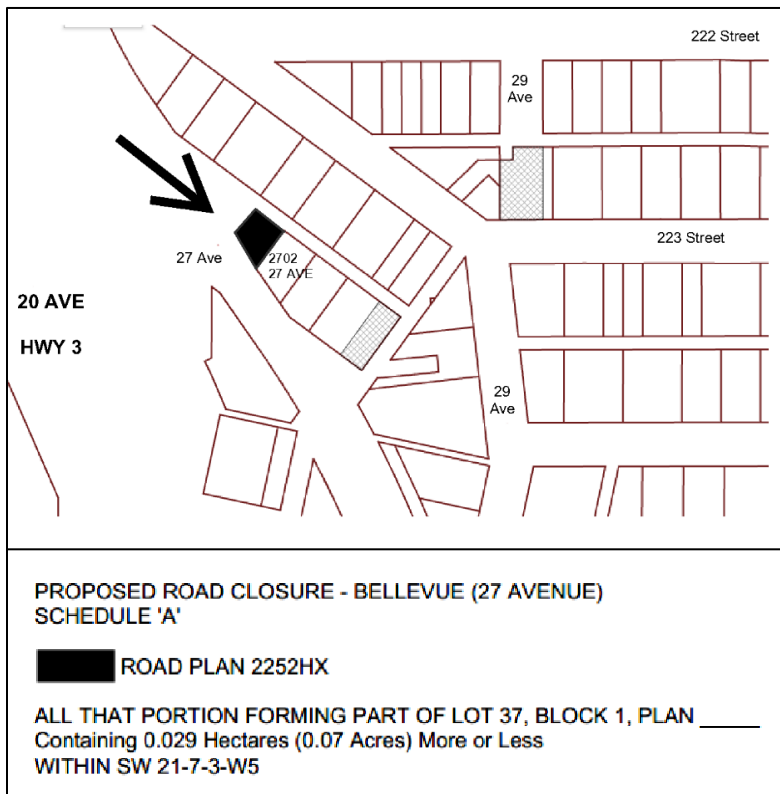
[Bylaw 1203, 2024 Schedule A.pdf](#)

[Aerial Map.pdf](#)

NOTICE OF PUBLIC HEARING
MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA
PROPOSED BYLAW NO. 1203, 2024

7:00pm, December 17, 2024
Municipality of Crowsnest Pass Council Chambers
8502 – 19 Avenue, Coleman

PURSUANT to sections 22, 216.4, and 606 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, notice is hereby given that the Council of the Municipality of Crowsnest Pass in the Province of Alberta will consider a bylaw to close a portion of a roadway located in Coleman, as legally described and depicted in the sketch below.



THE PURPOSE of this bylaw is to close to public travel, create titles to and dispose of portions of a public roadway in accordance with section 22 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1203, 2024 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00pm on December 17, 2024. Each person shall be allotted 5 minutes to present their position.

AND FURTHER TAKE NOTICE that anyone wishing to provide slide decks, maps, videos or a written submission regarding the proposed bylaw should email: Bonnie Kawasaki, Executive Assistant to the

CAO at bonnie.kawasaki@crowstpass.com with the bylaw number and public hearing date clearly marked in the subject line no later than 12:00pm on December 3, 2024. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

For questions regarding the proposed Bylaw Amendment please contact the Development Officer by calling 403-562-8833 or emailing development@crowstpass.com.

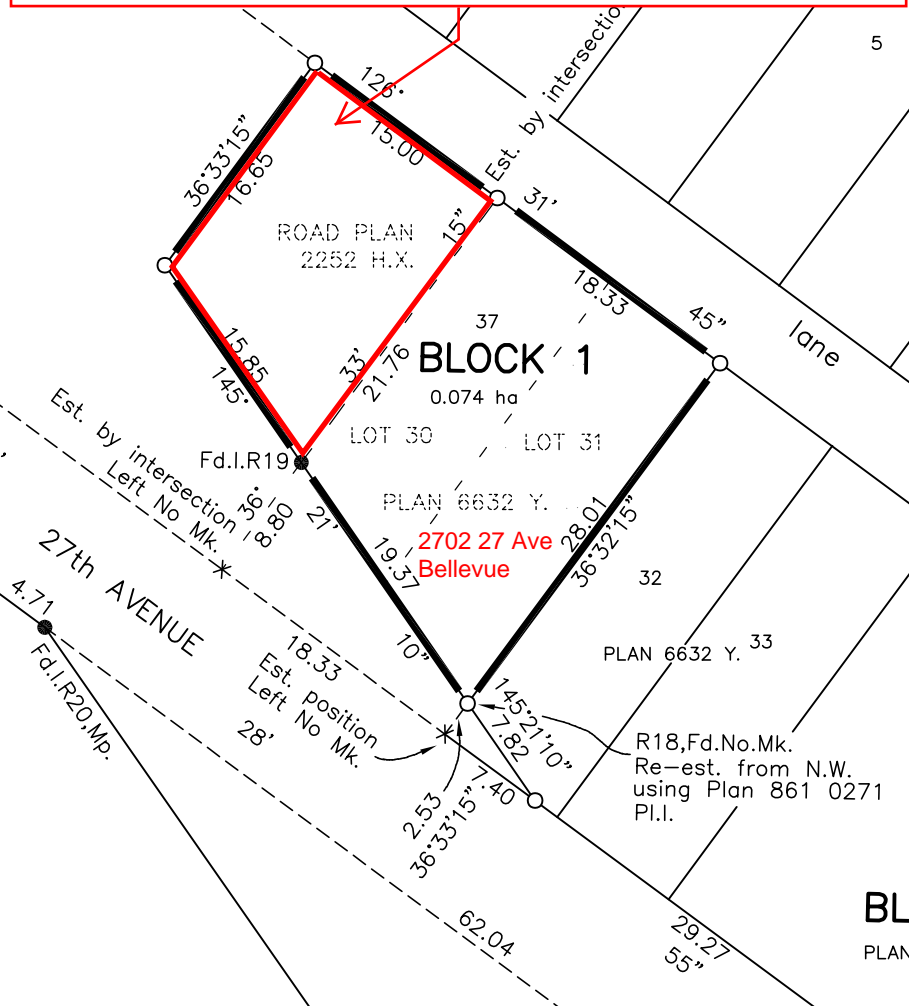
A copy of the proposed bylaw may be inspected at the municipal office during normal business hours.

DATED at the Municipality of Crowsnest Pass in the Province of Alberta this 20th day of November 2024.

ROAD PLAN 2252HX

ALL THAT PORTION FORMING PART OF LOT 37, BLOCK 1, PLAN _____

Containing 0.029 Hectares (0.07 Acres) More or Less



Municipality of Crowsnest Pass



Legend

- Adjacent Roads
- ⊕ Railway
- Road Labels
- Road Centerline
- ▨ Closed Roads
- ⋯ Boundary
- Title Linework
- ▭ Parcels

Notes

Crowsnest Pass

0.1 0 0.03 0.1 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Municipality of Crowsnest Pass Request for Decision

Meeting Date: December 17, 2024

Agenda #: 5.b

Subject: Bylaw 1209, 2024 - Land Use Bylaw Amendment - Administrative Housekeeping Matters - Public Hearing

Recommendation: That Council hold a public hearing for Bylaw 1209, 2024, and consider the input received.

Executive Summary:

The proposed land use bylaw amendments are administrative in nature. The need for these amendments were identified from matters that the "Development Office" encounters in the process of reviewing various types of applications, including development permits, subdivisions, and encroachment agreements, as well as land use bylaw enforcement through stop orders.

Relevant Council Direction, Policy or Bylaws:

Municipal Government Act s. 692 Planning Bylaws.
Bylaw No. 1165, 2023, as amended.

Discussion:

The general purpose of Bylaw No. 1209, 2024 is to clarify certain provisions:

- development standards regarding rear yard setbacks for a secondary suite in a laned and a laneless subdivision;
- the distinction between a Day Care Facility in the C-1 Districts versus the residential districts as well as the distinction between a Day Care Facility and a Day Home in the residential districts;
- the distinction between a public road, public thoroughfare and a street or avenue;
- administrative provisions and definitions regarding conceptual scheme preparation;
- what constitutes a complete application;
- the Municipality's jurisdiction on agreements with development permit and subdivision applicants;
- the option for Council to defer third reading of a bylaw when it is deemed necessary to complete a subdivision application or a development permit application;
- the option for Council to repeal a land use redesignation bylaw when it has not been

implemented within twelve months of third reading;

- the definition of public roadway and access to private property;
- the prohibition on the private use of Municipal property, roadways, and reserves;
- the encroachment of a canopy sign and a projecting sign over Municipal property;
- the definition of Development Officer and Development Office; and
- the definition of a landing.

Analysis of Alternatives:

Public Hearing.

Financial Impacts:

N/A

Attachments:

[Bylaw 1209, 2024 - public hearing notification.docx](#)

NOTICE OF PUBLIC HEARING

MUNICIPALITY OF CROWSNEST PASS IN THE PROVINCE OF ALBERTA PROPOSED BYLAW NO. 1209, 2024

7:00 PM, December 17, 2024

Municipality of Crowsnest Pass Council Chambers, 8502 – 19 Avenue, Coleman

PURSUANT to sections 230, 606, 640, and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Municipality of Crowsnest Pass in the Province of Alberta hereby gives notice of its intention to consider proposed Bylaw No. 1209, 2024, being a bylaw to amend Bylaw No. 1165, 2023, being the municipal land use bylaw.

The general purpose of Bylaw No. 1209, 2024 is to clarify certain provisions, development standards, and administrative definitions, regarding conceptual scheme preparation, what constitutes a complete application, the Municipality's jurisdiction on agreements with development permit and subdivision applicants, the deferral of third reading or the repeal of land use redesignation bylaws, the definition of public roadway and access to private property, the prohibition on the private use of Municipal property, roadways, and reserves, the encroachment of a canopy sign and a projecting sign over Municipal property, the definition of Development Officer and Development Office, and the definition of a landing.

Details of the proposed amendment are identified in Schedule 'A' attached to and forming part of the bylaw.

THEREFORE, TAKE NOTICE THAT a public hearing to consider the proposed Bylaw No. 1209, 2024 will be held in the Municipality of Crowsnest Pass Council Chambers at 7:00 PM on December 17, 2024. Persons wishing to speak to the bylaw shall be allotted 5 minutes to present their position.

AND FURTHER TAKE NOTICE that anyone wishing to provide slide decks, maps, videos or a written submission regarding the proposed bylaw should email: Bonnie Kawasaki, Executive Assistant to the CAO at reception@crowstpass.com no later than 12:00 PM on December 10, 2024. Verbal presentations (limited to 5 minutes) will be accepted at the public hearing.

For questions regarding the proposed Bylaw Amendment please contact the Development Officer by calling 403-562-8833 or emailing development@crowstpass.com.

The proposed bylaw may be inspected at the municipal office during normal business hours, and on the municipal website: <https://www.crowstpass.com/public/download/files/237666> (scroll Municipal Government / Council / Bylaws / and go to bottom of the page).

DATED at the Municipality of Crowsnest Pass in the Province of Alberta, November 27, 2024.



Municipality of Crowsnest Pass Request for Decision

Meeting Date: December 17, 2024

Agenda #: 7.a

Subject: Bylaw 1209, 2024 - Land Use Bylaw Amendment - Administrative Housekeeping Matters - Second and Third Reading

Recommendation: That Council consider the input received at the public hearing before considering second and third readings of Bylaw 1209, 2024.

Executive Summary:

The proposed land use bylaw amendments are administrative in nature. The need for these amendments were identified from matters that the "Development Office" encounters in the process of reviewing various types of applications, including development permits, subdivisions, and encroachment agreements, as well as land use bylaw enforcement through stop orders.

A detailed explanation of the proposed amendments appears in the attached "The Purpose of Bylaw 1209, 2024 Amendments".

Relevant Council Direction, Policy or Bylaws:

Municipal Government Act s. 692 Planning Bylaws.
Bylaw No. 1165, 2023, as amended.

Discussion:

The general purpose of Bylaw No. 1209, 2024 is to clarify certain provisions:

- development standards regarding rear yard setbacks for a secondary suite in a laned and a laneless subdivision;
- the distinction between a Day Care Facility in the C-1 Districts versus the residential districts as well as the distinction between a Day Care Facility and a Day Home in the residential districts;
- the distinction between a public road, public thoroughfare and a street or avenue;
- administrative provisions and definitions regarding conceptual scheme preparation;
- what constitutes a complete application;
- the Municipality's jurisdiction on agreements with development permit and subdivision applicants;

- the option for Council to defer third reading of a bylaw when it is deemed necessary to complete a subdivision application or a development permit application;
- the option for Council to repeal a land use redesignation bylaw when it has not been implemented within twelve months of third reading;
- the definition of public roadway and access to private property;
- the prohibition on the private use of Municipal property, roadways, and reserves;
- the encroachment of a canopy sign and a projecting sign over Municipal property;
- the definition of Development Officer and Development Office; and
- the definition of a landing.

The proposed amendments are tracked in the attached Schedule 'A' to Bylaw 1209, 2024.

A detailed explanation of the purpose of the amendments is attached ("The Purpose of Bylaw 1209, 2024 Amendments").

The following minor changes were made to Schedule 'A' since first reading of Bylaw 1209, 2024:

1. The description of the "Development Officer" in Administration section 3.2 and in the definition of "Development Officer and Development Office" in Schedule 18B was revised by removing reference to the "Assistant Development Officer(s)" and, for clarity, by adding "..., with duties assigned by their supervisor in accordance with the applicable job description."
2. In Administration section 28.9 bylaws for the closure of roads and Municipal Reserves were added to the types of bylaw for which Council may defer third reading to allow an applicant to complete subsequent studies or applications for subdivision or a development permit, before considering third reading of the bylaw. The order of the subsections was revised to better fit under the appropriate sub-headings.
3. In Schedule 4 section 12.1 and section 21.6 a sentence was added to clarify a concern raised at first reading of the bylaw, that a Comprehensive Site Development Plan, a Conceptual Scheme or an Area Structure Plan should not apply to infill development where only one infill house is proposed. The sentence reads as follows: "*Typically, this is required for complex proposals, and is not likely required for simpler applications, such as a development permit for one or two additional dwelling units or to replace one or two existing dwelling units, or for a subdivision application for one or two additional parcels.*"
4. At first reading of Bylaw 1209, 2024 there was a question regarding the intent with holding a public hearing for a Conceptual Scheme. When a Conceptual Scheme is adopted by Council after a public hearing was held, it means that the Conceptual Scheme has standing under the *Matters Related to Subdivision and Development Regulation (Alberta Regulation 84/2022)*, and the subsequent subdivision application is not required by the legislation to be referred to adjacent landowners [Municipal Government Act, section 653 (4.1)]. The adjacent landowners will be notified of the public hearing. A more detailed explanation appears in paragraph 4(a) of the attached "The Purpose of Bylaw 1209, 2024 Amendments".

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[The Purpose of Bylaw 1209, 2024 Amendments.pdf](#)

[Bylaw 1209, 2024.docx](#)

[Bylaw 1209, 2024 - Schedule A.pdf](#)

The purpose of the amendments in Bylaw 1209, 2024 is as follows:

1. **Rear Yard Setbacks – Secondary Suite, Detached.** Clarify development standards regarding rear yard setbacks for a secondary suite in a laned and a laneless subdivision in the R-1, R-1A, R-2, CSV, and CRV districts. Where a rear lane does not exist, the rear yard setback for a Secondary Suite, Detached is 1.5 m instead of the typical 0.6 m for an Accessory Building. Where a rear lane does exist, the need for the increased rear yard setback is not pertinent, and therefore the setback is the typical 0.6 m. [in Schedule ‘A’ - see R-1, R-1A, R-2, CSV, and CRV districts]
2. **Day Care Facility, Commercial.** Clarify the applicable definitions to better distinguish between a “Day Care Facility” in the C-1 District versus in the residential districts, as well as between a “Day Care Facility” and a “Day Home” in the residential districts. This requires that a new use “Day Care Facility, Commercial” is added to the C-1 District. [in Schedule ‘A’ - see C-1 district, and the applicable definitions in Schedule 18A]
3. **Public Roadway and related definitions.** Clarify the applicable definitions to better distinguish between “Public Roadway”, “Public Thoroughfare”, and “Street or Avenue”. [in Schedule ‘A’ - see the applicable definitions in Schedule 18B]
4. Clarify administrative provisions and applicable definitions regarding:
 - a) **Conceptual Scheme preparation** – in the current land use bylaw the Development Officer may require that an applicant for a bareland condominium subdivision prepare a Comprehensive Site Development Plan. A more appropriate instrument to accomplish the same objective would be to use the Conceptual Scheme that is provided for in the Municipal Government Act, the Matters Relating to Subdivision and Development Regulation, and the Municipality of Crowsnest Pass Area Structure Plan Policy 2003-02 and associated Procedure. The preparation and the content are the same, and would also apply to other types of subdivision. Typically, this would be required for complex proposals where the proposed subdivision involves the coordination of infrastructure systems capacity and alignment – it is not likely required for simpler applications, such as a development permit for one or two additional dwelling units or to replace one or two existing dwelling units, or for a subdivision application for one or two additional parcels. At the Development Officer’s discretion, depending on the context of a proposed Conceptual

Scheme and how it may affect adjacent landowners and the larger community in the area of the subdivision application, a public hearing may be held before Municipal Council (the same as would apply to an Area Structure Plan bylaw). The difference is that a Conceptual Scheme may be adopted by resolution of Council whereas an Area Structure Plan is adopted by bylaw. The legislation is silent on who decides on the adoption of a Conceptual Scheme for a subdivision application other than referencing adoption “by the Municipality”, but because the Municipal Government Act assigns the holding of public hearings to the Municipal Council, it appears that the Municipal Council would hold the public hearing and could adopt the Conceptual Scheme by resolution [Municipal Government Act section 653 (6.1)]. Under the Municipal Government Act [section 678(1)] an adjacent landowner does not have standing to appeal a subdivision application, however the notification of an adjacent landowner regarding a subdivision application is required under MGA section 653(3)(b). Adjacent landowner notification is not required when the subdivision application was preceded by the preparation of an Area Structure Plan or a Conceptual Scheme for which a public hearing was held. When a public hearing was held for a Conceptual Scheme and the scheme is adopted by Council resolution (Council would vote on the matter), it means that the Conceptual Scheme has standing under the Municipal Government Act section 653 (4.1) and (6.1) and the Matters Related to Subdivision and Development Regulation (Alberta Regulation 84/2022) section 7(8), and thus the subsequent subdivision application would not be required by the legislation to be referred to adjacent landowners, because they were already notified when the public hearing was advertised. The same principle applies when an Area Structure Plan is adopted by bylaw. If the Development Officer requires the preparation of a Conceptual Scheme but does not require a public hearing, it would mean that the Conceptual Scheme does not have standing under the legislation, and thus adjacent landowners must be notified of the application. The option to require a Conceptual Scheme rather than an Area Structure Plan would depend on the extent of the plan area (a smaller area and fewer parcels would require a Conceptual Scheme rather than an ASP), and the complexity of the application (a simpler application with fewer parcels would require a Conceptual Scheme rather than an ASP). An Area Structure Plan requires significantly more preparation work and content than a Conceptual Scheme, therefore by providing the Development Officer and Subdivision Authority with the option to require the preparation of a Conceptual Scheme for subdivision applications that are not complex or that contain a small plan area and only a few parcels, it

could reduce red tape for the applicant. [Municipal Government Act, section 653 (4.1) and Matters Related to Subdivision and Development Regulation (Alberta Regulation 84/2022), section 7].

[in Schedule 'A' - see Administration section 4.1 (o), 5.1 (f), 9.2 (e), Schedule 4, section 3.1, 3.2, 12.1, and 21.6, and the applicable definition in Schedule 18A]

- b) **What constitutes a complete application?** Several items are clarified (in Schedule 'A' - see Administration section 9). It is important that for a subdivision application, it is not only the Subdivision Authority's delegate (i.e. the Oldman River Regional Services Commission) but also the Development Officer who determines when an application for subdivision is incomplete. The CAO and ORRSC have recently agreed on a revised procedure to ensure that the Municipality (represented by the Development Officer) is involved in the subdivision process earlier than what had been the case previously up to the present, to better represent the Municipality's interests. It is not that ORRSC was not representing the Municipality's interests, but more a matter of involving Municipal staff who have a firsthand knowledge of what those interests are with each subdivision application. [in Schedule 'A' - see Administration section 9]
- c) **Municipal jurisdiction to enter into agreements.** Clarify that the Municipality has sole jurisdiction to enter into agreements with development permit and subdivision applicants, and that the Municipal Planning Commission (who is the Development Authority and the Subdivision Authority) does not have a mandate to impose conditions on approvals that bind the Municipality to enter into agreements with the applicant. This item was identified in the recent past where the Municipal Planning Commission imposed a development permit condition that required that the applicant enter into an Encroachment Agreement with the Municipality, and this is now under judicial review because the Municipality is not prepared to enter into such an agreement. What the Development Authority should have done, and will be required to do if this amendment is adopted, is to impose a condition that the applicant "... resolve the encroachment to the Development Officer's satisfaction...". The applicant could then apply for an encroachment agreement with the Municipality, and if that fails, the encroachment must be removed in order for the applicant to comply with the development permit condition. [in Schedule 'A' - see Administration section 4.1 (r), 5.1 (h), 9.2 (d), and 22.9, in Schedule 4 section 27.11, and in Schedule 11 Sign Standards section 7.7 and 13.6]

- d) **Deferral of Third Reading of Bylaws.** Include a new provision in Administration section 28.9 that Council could defer third reading of a bylaw (for redesignation, road closure, or Municipal Reserve closure) when it is deemed necessary to complete a subdivision application or a development permit application. This process was used a couple of times in the recent pass, one of which was where a public hearing for a rezoning for seven new parcels in an existing country residential development identified concerns over the adequacy of groundwater. Council gave second reading to the bylaw to demonstrate to the applicant that in principle Council agrees with the proposed rezoning and subdivision but only if the concerns over groundwater adequacy were satisfactorily addressed. As a result, the bylaw was paused at second reading and the applicant was given the opportunity to prepare a Phase 2 groundwater assessment report to demonstrate adequate groundwater, and obtain subdivision approval, before Council would consider third reading of the bylaw. When the groundwater report was completed and the engineer found adequate groundwater was available to service the new parcels without affecting existing water wells, the Subdivision Authority approved the subdivision, and the bylaw was brought back to Council for third reading. Had the applicant been unable to demonstrate adequate groundwater, the Subdivision Authority would not have granted approval, and the rezoning bylaw would have been brought back to Council with a recommendation to deny third reading. Using this process of deferring third reading of a rezoning bylaw provides transparency to the rezoning and subdivision processes, demonstrates to the public that Council takes their concerns at public hearing seriously, and avoids the rezoning of land that eventually may not get subdivided (which creates parcels with multiple land uses, and is not a good practice). [in Schedule 'A' - see Administration section 28.9]
- e) **Repealing of Rezoning Bylaws not implemented.** The best practice for a rezoning bylaw that precedes a development permit or subdivision application would be to follow the process identified in par. d) above. However, where for some reason that process was not followed, the current land use bylaw provides Council the option to repeal a bylaw when the subsequent development permit or subdivision application is not completed. It is recommended to revise the existing provision in Administration section 28.10 by changing the 24-month period to 12 months. The reason for the recommended shorter timeline is that an applicant for development or subdivision that requires a rezoning bylaw should be encouraged to proceed with their

applications within twelve months of third reading, there being no particular reason not to proceed. The Development Authority has the discretion to approve a variance to a regulation in the land use bylaw, and if there is a case where an applicant provides a good reason to extend the 12-month period, the Development Authority could approve such an extension. [in Schedule 'A' - see Administration section 28.10]

- f) **No private use of Municipal property.** It is necessary to clarify that private landowners are not allowed to use Municipal property, roadways (including lanes), and reserves for private purposes. This prohibition is implicit to the public ownership of Municipal property, roads and reserves as expressed in the Municipal Government Act however, in many jurisdictions across Alberta this used to be a grey area that was sometimes overlooked by Municipalities, who now have to deal with enforcement action to correct past practices. The fact of the matter is that these lands are public property, and adjacent private landowners do not have the right to encroach upon or “annex” these properties or portions of these properties for their private use without applying for the closure of a road or a Municipal Reserve. Environmental Reserve cannot be closed but may be assigned to the use of a specific group through a public hearing, for a period of three years. There are other exemptions where the Municipality may agree to allow an existing encroachment but only onto a roadway or a rear lane, and by requiring that the adjacent landowner enter into an encroachment agreement, provide the Municipality with indemnification from liability, and pay an associated annual encroachment fee. In June 2023 Council adopted the Encroachment Agreement Policy 2001-03 to clarify which existing encroachments may be allowed, and amended the Fees Rates and Charges Bylaw to establish the associated annual encroachment fees.

This also applies to access to private property, which should not be taken across a Municipal property (e.g. a Municipal parking lot), Municipal Reserve, School Reserve, Community Reserves, Environmental Reserve, Conservation Reserve, or provincial or federal Crown Land. There are provisions in the Municipal Government Act whereby a Municipality or a School Board may agree to allow access across its property to private property in a specific case however, this may require an application and an access agreement.

- g) **Development Officer Definition.** Clarify the definition of “Development Officer” and “Development Office” for the purpose that no individual staff

person has the sole mandate, responsibility, and accountability of “Development Officer”. Instead, the mandate, responsibility, and accountability of “Development Officer” is as a representative of the Municipal Administration acting in the best interests of the Municipality. This can only be accomplished by coordination of various Municipal departments, including the Chief Administrative Officer, Utilities, Transportation, and Community Services. The proposed definition of “Development Officer” clarifies that the incumbent(s) in the position(s) of “Development Officer” and the department manager, is the “Development Officer”. The revision to the definition of “Development Officer” further clarifies that the department supervisor may delegate duties to staff in the position(s) of Development Officer(s) in accordance with their job descriptions, to ensure that the duties, supervision, mandate, responsibilities, and accountability of the “Development Officer” is adequately and efficiently exercised. [reference to the Assistant Development Officer(s) was removed]

- h) **Landing Definition.** Clarify the definition of a “Landing” such that it does not contradict the definition and code requirements of “landing” in the National Building Code – Alberta Edition. In the Building Code there are various codes relating to the minimum dimensions of a “Landing” [3.1.6.3, 3.1.6.4. (1) and (2), 9.8.6.3, and Notes 3.4.3.3, 3.4.6.3, and 3.4.6.4]. The revised land use bylaw definition requires that the dimensions of a “Landing” must comply with the Building Code, and shall not be wider or longer than 1.5m. For a structure that is larger than that the Land Use Bylaw would define the structure as a deck, a patio, or a porch. This revision relates to default exemptions for the encroachment of certain structures into Municipal roads and lanes that are provided for in the Encroachment Agreement Policy 2001-03.

MUNICIPALITY OF CROWNEST PASS
BYLAW NO. 1209, 2024
LAND USE BYLAW AMENDMENT

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 1165, 2023, being the municipal Land Use Bylaw, in accordance with section 692 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

WHEREAS the Council of the Municipality of Crowsnest Pass determines it prudent to clarify certain provisions, development standards, and administrative definitions, regarding conceptual scheme preparation, complete application, the Municipality’s jurisdiction on agreements with development permit and subdivision applicants, the deferral of third reading or the repeal of land use redesignation bylaws, the definition of public roadway and access to private property, the prohibition on the private use of Municipal property, roadways, and reserves, the encroachment of a canopy sign and a projecting sign over Municipal property, the definition of Development Officer and Development Office, and the definition of a landing, it wishes to amend the Land Use Bylaw as identified in Schedule ‘A’ attached hereto and forming part of this bylaw.

AND WHEREAS the Municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

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 Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. Replace the existing sections of the Land Use Bylaw with the revised sections of the Land Use Bylaw as identified in Schedule ‘A’ attached hereto and forming part of this bylaw.
2. Bylaw No. 1165, 2023 is hereby amended.
3. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time in council this _____ day of _____ 2024.

READ a **second** time in council this _____ day of _____ 2024.

READ a **third and final** time in council this _____ day of _____ 2024.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



**MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA**

LAND USE BYLAW NO. 1165, 2023

Council of the Municipality of Crowsnest Pass in the Province of Alberta enacts as follows:

BEING A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DEVELOPMENT OF LAND AND BUILDINGS WITHIN THE MUNICIPAL BOUNDARIES AND TO ESTABLISH THE AUTHORITIES REQUIRED TO EXERCISE THE RELATED POWERS, FUNCTIONS AND DUTIES ON BEHALF OF THE MUNICIPALITY, PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000.

THIS BYLAW MAY BE CITED AS THE MUNICIPALITY OF CROWSNEST PASS LAND USE BYLAW.

1 INTERPRETATION

- 1.1 For Definitions, see Schedule 18.
- 1.2 Unless the context specifically implies otherwise, the land use definitions shall be interpreted to imply the requirement of the construction of a building as defined in this Bylaw.
- 1.3 If a regulation under a provincial act is repealed and a new regulation is substituted for it, any reference in this Bylaw to the repealed regulation shall be construed as a reference to the provisions of the new regulation relating to the same subject matter as the repealed regulation.

2 SCHEDULES AND MAPS

- 2.1 The Schedules and maps attached hereto form part of this Bylaw.

3 DEVELOPMENT AUTHORITY AND SUBDIVISION AUTHORITY

- 3.1 The office of "Development Authority" is established pursuant to the relevant provisions of the Act. It shall consist of the Development Officer, the Municipal Planning Commission and, in a Direct Control District, Council and, upon an appeal, the Subdivision and Development Appeal Board.
- 3.2 The incumbent(s) in the position(s) of Development Officer(s), and their direct supervisor(s), are hereby appointed as the "Development Officer" (or "Development Office") to fulfil that part of the Development Authority role assigned to the Development Officer in this Bylaw, with duties assigned by their supervisor in accordance with the applicable job description.
- 3.3 Council shall, in accordance with the Municipal Planning Commission Bylaw, appoint the members of the Municipal Planning Commission (MPC).
- 3.4 The Development Officer, the Municipal Planning Commission, the Subdivision and Development Appeal Board and Council, as may be applicable, shall be the Development Authority for all purposes of the Act and shall exercise those powers, duties and functions assigned to them in this Bylaw and the Act.
- 3.5 Pursuant to the Municipal Planning Commission Bylaw, the MPC is the Subdivision Authority.

4 DEVELOPMENT OFFICER

4.1 The Development Officer:

- (a) shall assist and advise the Municipal Planning Commission, Council, Administration, applicants and the public with respect to the provisions, standards and requirements of this Bylaw and other pertinent legislation and policies as may be relevant to a land use redesignation, a land use bylaw text amendment, a subdivision or a development permit, and in regard to the planning of orderly and economical development within the Municipality;
- (b) shall determine if an application is complete and shall notify the applicant accordingly;
- (c) shall process, refer and, as assigned to them, decide upon development permit applications in accordance with this Bylaw;
- (d) shall decide upon permitted uses with or without conditions;
- (e) may refer any development permit application to the Municipal Planning Commission for a decision;
- (f) may approve variances as provided for in this Bylaw;
- (g) shall refer to the Municipal Planning Commission for a decision when an application for a variance exceeds the variance power assigned to the Development Officer, except as may be otherwise provided for in this Bylaw;
- (h) shall refer discretionary use development permit applications to the Municipal Planning Commission for a decision, except as may be otherwise provided for in this Bylaw;
- (i) shall issue a Notice of Decision for a development permit application that was approved by the Development Officer or by the Municipal Planning Commission and, if an appeal is not filed within the prescribed timeline and all conditions except those of a continuing nature have been met or fulfilled, shall issue a development permit;
- (j) may revise, upon request from the applicant and landowner or upon the Development Officer's initiative as deemed necessary and applicable, minor details of conditions imposed upon a development permit for either a permitted use or a discretionary use pursuant to section 24 of this Part of the land use bylaw;
- (k) may issue a Stop Order pursuant to the Act or, when deemed appropriate to do so, may obtain direction from the Municipal Planning Commission to issue a Stop Order and, for these purposes, acting with the delegation of the designated officer or the Chief Administrative Officer, may give reasonable notice to a landowner or occupant and thereafter may enter property at a reasonable time for inspection and enforcement;
- (l) shall maintain a public register of development permits issued by the Development Authority;
- (m) shall maintain a public register of approved amendments to this Bylaw;
- (n) may prepare and maintain such forms and notices as they may deem necessary;
- (o) may require a Comprehensive Site Development Plan or [a Conceptual Scheme or an Area Structure Plan, as may be applicable](#), for a redesignation, development permit or subdivision application as provided for in Schedule 4;
- (p) in all its decisions, shall conform to the land uses provided for in each land use district, including as provided for "Similar Uses";

- (q) shall refuse an application for a use that is not listed within the applicable district, is not similar to any other use listed in the district, or that requests a variance in circumstances where this Bylaw expressly prohibits the issuance of a variance;
- (r) shall not impose a condition on a development permit that binds the Municipality into an agreement with the applicant, the landowner or a third party.

5 MUNICIPAL PLANNING COMMISSION

5.1 The Municipal Planning Commission, or the Development Officer pursuant to delegated authority provided for in this Bylaw:

- (a) **may approve** a variance of any measurable standard established in this Bylaw, and specifically as specified below:
 - (i) only in the GCR-1 and NUA-1 Districts, and only relative to the number of on-site customer visits, the outdoor storage of materials, commercial vehicles or heavy equipment, and the number of employees outside of members of the household who reside on the premises, the Development Authority may vary the standards for a Home Occupation – Class 2 in order to allow a small business start-up until the business requires relocation to a commercial or industrial District, to the extent that, in the sole discretion of the Development Authority, the Home Occupation would be compatible with the neighbourhood;
- (b) **shall not approve** a variance of a measurable standard established in this Bylaw, as specified below or as stated in:
 - (i) the parking requirement for a Tourist Home and a Short-Term Rental / Bed & Breakfast in any District that is not within the Historic Commercial Areas Overlay District;
 - (ii) the separation distance for a Tourist Home in the in the R-1 to R-5 Districts;
 - (iii) the maximum occupancy of a Tourist Home and a Short-Term Rental / Bed & Breakfast in any land use district;
 - (iv) the number of rental units in a Tourist Home in any land use district other than the Retail Commercial C-1 District;
 - (v) the number of Tourist Homes on a property in any land use district;
 - (vi) the parking requirement for and/or not more than 10% of the maximum habitable floor area of a Secondary Suite;
 - (vii) the maximum number of sleeping units in a Work Camp;
 - (viii) the maximum lot coverage ratio for Accessory Buildings for the purpose of accommodating a Secondary Suite, Detached;
 - (ix) the maximum height of an Accessory Building containing a Secondary Suite, Detached by more than 10 percent;
 - (x) the minimum habitable floor area of a principal building by more than 20 percent; and
 - (xi) any land use definition.
- (c) shall decide upon discretionary uses and any permitted uses referred to it by the Development Officer, with or without conditions;

- (d) may delegate to the Development Officer the discretion to revise, upon request from the applicant and landowner or upon the Development Officer's initiative as deemed necessary and applicable, minor details of conditions imposed upon a development permit for either a permitted use or a discretionary use pursuant to section 24 of this Part of the land use bylaw; and further, in the absence of such delegation having been expressly given in the development permit the Development Officer may deem such delegation to have been given by default;
- (e) may provide comments to Council prior to the adoption of Land Use Bylaw amendments and statutory plans;
- (f) may require a Comprehensive Site Development Plan or a Conceptual Scheme or an Area Structure Plan, as may be applicable, for a ~~redesignation~~, development permit or subdivision application as provided for in Schedule 4; ~~and~~
- (g) in all its decisions, shall conform to the land uses provided for in each land use district, including as provided for "Similar Uses";
- (h) shall not impose a condition on a development permit or on a subdivision approval that binds the Municipality into an agreement with the applicant, the landowner or a third party.

6 LAND USE DISTRICTS, LAND USES, BUILDINGS AND REGULATIONS

- 6.1 The municipality is divided into those districts specified in Schedule 1 and shown on the Land Use District Maps.
- 6.2 The one or more land uses and buildings that are:
 - (a) permitted uses in each district, with or without conditions; or
 - (b) discretionary uses in each district, with or without conditions;
 are described in Schedule 2 and may be qualified by and is subject to standards established in Schedule 4.
- 6.3 A land use that is not listed as permitted or discretionary in a district, is prohibited in that district.
- 6.4 The land uses listed in the land use districts are defined in the Definitions Schedule of this Bylaw, and the land use definitions shall be read together with, and their interpretation shall be understood to include, the accompanying land use regulations (that are not a measurable standard) established in any other applicable Schedule of this Bylaw.

7 CONTROL OF DEVELOPMENT AND DEMOLITION

* Note Regarding Restrictive Covenants

The Development Authority does not enforce Restrictive Covenants that attempt to regulate land use and to which it is not a party. As a result, a development permit for any specific land use or building may be issued even if a Restrictive Covenant prohibited the operation of that land use or building. The enforcement of such a Restrictive Covenant would be a matter between landowners and the standing of the Restrictive Covenant would be determined through the legal system. It is the responsibility of the landowner / applicant to determine if the property is subject to a Restrictive Covenant that prohibits the land use or building for which they are making a development permit application.

- 7.1 Development in the Municipality shall comply with the provisions, the land uses and land use districts, the regulations, and the development standards established in this bylaw, and with a

- (v) where applicable, a dimensioned floor plan and elevation plans of the existing and proposed buildings;
 - (vi) an application for a change of use of an existing building may require a site plan for the purpose of assessing off-street parking requirements;
 - (vii) the location of a building that is proposed to be demolished;
 - (viii) a Comprehensive Site Development Plan for the purpose of comprehensive planning, at no cost to the Municipality and to the Development Authority's satisfaction.
- (g) a copy of a roadside development permit issued by Alberta Transportation, if the subject property is within the provincial development control zone, i.e. 300 m from a provincial highway right-of-way or 800 m of the centerline of a provincial highway and public road intersection;
 - (h) the abandoned well information from the Alberta Energy Regulator and/or Licensee (as required by the Subdivision and Development Regulation) for a building larger than 47 m² (506 ft²) or for an addition to an existing building that will, as a result of the addition, become larger than 47 m² (506 ft²), affecting land on which an abandoned oil or gas well may be present;
 - (i) a copy of the written confirmation from the relevant provincial or federal government agency that the applicant is in communication with the agency regarding the work that is proposed for a property that is designated as a Provincial Historical Resource or is located within the Coleman National Historic Site of Canada.
 - (j) additional information relevant to the proposed development, including but not limited to, servicing, grading, compaction, traffic impact assessment, wetland assessment, geotechnical assessment, groundwater assessment, soil percolation tests, flood risk assessment, slope stability assessment, environmental impact assessment and/or a structural building plan. These studies shall be prepared by a qualified professional to demonstrate how any potential hazards can be mitigated. The Development Officer may impose conditions on the development permit to ensure that recommendations from these studies are followed in the development of the land; and
 - (k) such other information as may be required by the Development Officer to ensure that the development application conforms with the standards in this Bylaw.
- 8.2 The Development Authority may deal with an application without any of the information required in this section if, in its opinion, a decision can be properly made on the application without that information and an affected person can reasonably determine the possible effects of the proposed development.

9 **COMPLETE DEVELOPMENT PERMIT APPLICATIONS AND SUBDIVISION APPLICATIONS**

General

- 9.1 Within the timelines prescribed in the Municipal Government Act, including any written agreement with the Applicant to extend the timelines:
- (a) for a development permit application, the Development Officer; and
 - (b) for a subdivision application, the Development Officer and the Subdivision Authority's delegate pursuant to the Municipal Planning Commission Bylaw or the Subdivision Authority Bylaw,

shall determine if ~~thean~~ application is complete, i.e. that it provides sufficient information for the Development Authority or the Subdivision Authority, as applicable, to make an informed decision and to allow any person who may be notified of the Development Authority's decision or the subdivision referral or the Subdivision Authority's decision, to determine its possible effects.

9.2 The Development Officer may deem a development permit application or a subdivision application to be incomplete:

- (a) where pertinent information required to properly evaluate the ~~development~~ application is incomplete; or
- (b) where, in the Development Officer's opinion, the nature and/or the quality of the material supplied is inadequate to support the merits of the application; or
- (c) where the land use designation of the subject parcel requires correction, remedy or reconciliation (refer to subsection 9.4); or
- (d) where the nature of a proposed development or subdivision requires an agreement between the applicant landowner and the Municipality, or the applicant landowner and an adjacent landowner (e.g. an encroachment agreement or an access easement); or
- (e) where, in the Development Officer's opinion, a Comprehensive Site Development Plan, a Conceptual Scheme, or an Area Structure Plan (or other statutory plan or plan amendment) is required for the purpose of comprehensive and coordinated planning of land uses and infrastructure to properly evaluate and make an informed decision on a development permit application or a subdivision application; or
- (f) where the subject property is located within an approved plan of subdivision that has not yet been registered in the Land Titles Office; or
- (g) where municipal improvements that are required to be undertaken by the applicant or a Third-Party to service the subject property have not been accepted by the Municipality through a Construction Completion Certificate; or
- (h) where the Subdivision and Development Regulation prohibits a Development Authority or a Subdivision Authority from issuing a development permit or approving a subdivision application under certain circumstances or otherwise prescribes the conditions under which a development permit or a subdivision application shall be processed (e.g. with respect to the provincial development control zone from a provincial highway right-of-way, sour gas facilities, oil and gas wells, abandoned oil and gas wells, setback distances from wastewater treatment plants, landfills, etc), and ~~the~~ approval from the applicable authority or pertinent information relevant to those circumstances is incomplete; or
- (i) where provincial or federal legislation, of which the Development Officer may be aware ~~of~~, requires provincial or federal approval or review of the proposed development or subdivision prior to municipal approval (e.g. the Highways Development and Protection Act); or
- (j) where this bylaw requires the applicant to provide certain assessments, studies, or other information ~~at the time of application~~ (e.g. but not limited to, a traffic impact assessment, or an engineered design of water, wastewater, or stormwater systems, or an assessment of slope stability, or the suitability of a parcel for Private Sewage Disposal Systems-as established in Schedule 4 subsection 8.3); or
- (k) where ~~athe~~ subject property is designated as a Provincial Historical Resource or is located within the Coleman National Historic Site of Canada and provincial or federal

approval that may be required for the proposed work is outstanding, unless the application is accompanied by written confirmation from the relevant provincial or federal government agency that the applicant is in communication with the agency regarding the work that is proposed for the property; or

- (l) where the applicant is required to obtain Historic Resources (HR) clearance from the appropriate provincial government agency, unless the applicant could be required as a condition of approval to provide to the Development Authority or the Subdivision Authority a copy in writing of the Historical Resources Act clearance prior to issuance of a development permit or final endorsement of a subdivision application.

Notifying The Applicant Of An Incomplete Application

- 9.3 Within the timelines prescribed in the Act, including any written agreement with the Applicant to extend the timeline, the Development Officer shall notify the applicant in writing (by regular mail or email) whether or not the application is deemed complete and, when applicable, what additional information is required by a specified date in order to make the application complete.

Lands With Multiple Land Use Designations

- 9.4 The Development Officer shall not accept an application for development approval for lands that bear more than one land use designation until such a time that the issue has been corrected, remedied or reconciled.

10 PERMITTED USES AND VARIANCES

- 10.1 Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall, if the application otherwise conforms with this Bylaw, issue a development permit with or without conditions.
- 10.2 Upon receipt of a completed application for a development permit for a permitted use that seeks variance from one or more standards in this Bylaw that fall within the restrictions assigned to the Development Officer in this Bylaw, the Development Officer shall issue a development permit with or without conditions and may approve or refuse the variances sought.
- 10.3 The Development Officer may refer any application for a permitted use or a variance that is within their variance authority, to the Municipal Planning Commission for a decision.

11 DISCRETIONARY USES

- 11.1 Upon receipt of a completed application for a development permit for a discretionary use (except as may be otherwise provided for in this Bylaw) or for variances assigned to the Municipal Planning Commission, the Development Officer shall process the application for a decision by the Municipal Planning Commission at its next available meeting, within the timelines prescribed in the Act.

Delegation of Authority to the Development Officer

General

- 11.2 In addition to the authority otherwise assigned to it in this Bylaw, the Development Officer is authorized, but not required, to decide upon and either approve or refuse the following discretionary uses development permit applications which are otherwise assigned to the Municipal Planning Commission:

Transfer and Continuance

- 22.8 When a development or use has been commenced pursuant to an issued development permit, the development permit by which it was approved is deemed to be valid and transferrable and it shall “run with the land” or continue and remain in effect on the subject property until a new development permit is issued and commenced that effectively replaces the previous development or use on the subject property, except when:
- (a) a temporary development permit was issued for a limited time pursuant to the Act and/or this Bylaw, or
 - (b) the development permit was issued conditional upon a valid encroachment agreement that has an expiry date.
- 22.9 A development permit that is conditional upon a valid encroachment agreement with an expiry date shall expire when the encroachment agreement expires. To maintain the validity of such a development permit, the landowner is required to apply to renew the encroachment agreement prior to its expiry (encroachment agreements are regulated by Municipal policy, the Development Authority or the Subdivision Authority cannot impose a condition of approval that binds the Municipality or an adjacent private landowner into an encroachment agreement with the applicant, and there is no guarantee of an encroachment agreement being entered into or renewed).
- 22.10 After commencement, a development permit issued for a commercial or industrial land use shall expire when the use has not been carried on for twelve consecutive months.

23 REAPPLICATION INTERVAL

- 23.1 If a development permit application was accepted as complete, processed, reviewed and refused by the Development Authority and there was no appeal filed within the prescribed timeline or if, on appeal, a development permit was refused, the Development Officer shall not accept another application by the same or a new applicant for the same use or a similar use on the subject property for a period of six (6) months after the date of refusal.
- 23.2 Notwithstanding the period referenced in subsection 23.1, the Development Officer may modify the re-application interval only for a use that conforms to all the standards and regulations of the bylaw and that was revised to resolve the reason(s) why the original application had been refused.
- 23.3 When a development permit was approved with or without conditions, the applicant has the right to apply for and have considered on its merits a second application for a development permit for the same use, even though the approved permit which has not been acted upon (not commenced) is outstanding.

24 REVISING, SUSPENDING OR CANCELLING A DEVELOPMENT PERMIT

- 24.1 Pursuant to the applicable provisions of the Municipal Government Act and the provisions of this section 24 regarding notification requirements and the right to appeal, minor details of conditions imposed upon a development permit for either a permitted use or a discretionary use may be revised:
- (a) upon request from the applicant and landowner, or
 - (b) upon the Development Officer’s initiative,
- as deemed necessary and applicable to facilitate the implementation of the development permit and/or to accomplish the satisfactory completion of conditions and deadlines (e.g. a deadline to comply with a condition, or the material used for a screening fence if the screening

- 26.3 A person who, without lawful excuse, fails to comply in part or in whole with any provision, condition or order identified in a Stop Order issued for the purpose of remedying an alleged contravention of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine pursuant to section 27 of this Bylaw.

27 PENALTIES AND FINES

27.1 Pursuant to the applicable provisions of the Municipal Government Act:

- (a) A person who, without lawful excuse, contravenes or fails to comply in part or in whole with any provision or any standard or condition of this Bylaw or of a development permit or of a Stop Order or of a subdivision approval or of a decision by an applicable appeal board, is guilty of an offence and is liable, upon summary conviction, to a fine in an amount not less than that established in the Fees, Rates, and Charges Bylaw, and not exceeding \$10,000.00, or to imprisonment for not more than one year, or to both a fine and imprisonment.
- (b) For the purposes of section 27.1 (a), it is not a lawful excuse to state that a development permit, a Stop Order, a subdivision approval, or a decision by an applicable appeal board, defectively states the substance of an alleged offence.
- (c) A Community Peace Officer or Bylaw Enforcement Officer, in collaboration with the Development Officer, may issue a Municipal Violation Tag for an offence under this Bylaw, a development permit, or a Stop Order in the amount established in the Fees, Rates and Charges Bylaw.
- (d) The penalty amounts for a second offence, third offence, or any subsequent offences, shall be in accordance with the provisions of the Fees, Rates and Charges Bylaw.
- (e) A person who is issued a Municipal Violation Tag may pay the fine amount to the Municipality on or before the required date, to avoid prosecution.
- (f) If a (provincial) Violation Ticket is issued in respect to an offence for which a Municipal Violation Tag has not been paid, the Community Peace Officer or Bylaw Enforcement Officer, in collaboration with the Development Officer:
 - (i) may specify the fine amount established in the Fees, Rates and Charges Bylaw, to be paid by the accused person for the offence; or
 - (ii) may require the accused person to appear in court without the alternative of making a voluntary payment.

28 LAND USE BYLAW ADMINISTRATION

Amendment or Repeal of Bylaw ~~and Land Use Redesignations~~

- 28.1 The procedure for amendment or repeal of this Bylaw, including a land use redesignation, is prescribed under the relevant provisions of the Act.
- 28.2 An application to amend this Bylaw or to redesignate land from one district to another shall be made to the Development Officer.
- 28.3 The Development Officer may, in addition to the information provided on the amendment or land use designation application form, request such other information as the Development Officer deems necessary to properly evaluate the application.
- 28.4 A bylaw amendment to redesignate land is not required when the subject land is:
 - (a) a portion of or the whole of a closed road or lane, or

- (b) a portion of or a whole parcel of a closed Municipal Reserve, or
- (c) at the discretion of the Development Officer having regard for the context of the situation, a portion or the whole of a parcel other than the above,

in the case of (a) or (b) above, in respect of which Council had previously notified the public and adjacent landowners, held a public hearing, and adopted a bylaw to close the road, lane or Municipal Reserve **and** [including in the case of (c) above] **provided** that the subject portion or parcel shall be consolidated with an adjacent designated parcel by means of a plan of subdivision; and further, the subject portion or parcel shall be deemed to assume the same district as the parcel to which it is consolidated and the land use district map shall be updated accordingly – *for clarity, if the subject portion or parcel is not to be consolidated with an adjacent designated parcel, then a bylaw amendment to redesignate the land is required.*

Deferring or Rescinding/Repealing of a Bylaw/Land Use Redesignations

- 28.5 Council may defer third reading of a land use redesignation bylaw, a Municipal Reserve closure bylaw, or a road closure bylaw, until after an associated subdivision has been registered at the Land Titles Office (to avoid the proliferation of parcels with multiple land uses), or until after the Notice of Decision for an associated development permit has been issued and it was not appealed, or until after the applicant has completed an associated subdivision application or an associated development permit application and has obtained approval (where Council required additional details, assessments, or studies to be completed prior to land use redesignation, Municipal Reserve closure, or road closure).
- 28.6 Council, at its sole discretion, may rescind an amending bylaw which has redesignated certain lands within the municipality to accommodate a proposed subdivision and/or development. Council may rescind the said redesignation bylaw and ~~redesignate/rezone~~ the lands back to their original designation if:
 - (a) the proposed subdivision has not been applied for, ~~decided upon or extended~~ within twelve (12)24 months of the redesignation bylaw being given third and final reading; and/or
 - (b) the proposed development has not been applied for, ~~decided upon, commenced or extended~~ within twelve (12)24 months of the redesignation bylaw being given third and final reading.
- 28.7 The rescinding of ~~the redesignation~~-bylaw shall be undertaken in accordance with the provisions of the Act.

Notification To Adjacent Municipalities

- 28.8 A draft version of a proposed land use bylaw, amendment bylaw or redistricting bylaw shall be referred to an adjacent municipality in accordance with the provisions of an applicable intermunicipal development plan and regard shall be had to any comments received prior to amendment of this Bylaw.

Referral to the Municipal Planning Commission

- 28.9 The Development Officer may, after first reading of and prior to a public hearing for a proposed land use bylaw, amendment bylaw or redistricting bylaw, submit the proposed bylaw to the Municipal Planning Commission, who may provide a recommendation to Council.

Re-application for a Redesignation of Land Use

- 28.10 If an application for a land use redesignation is refused by Council, another application for a redesignation:



- (a) on the same lot, and
- (b) for the same or a similar use,

shall not be accepted for at least six months after the date of refusal, and then provided that any additional requested information has been provided by the applicant in support of a new land use redesignation.

Public Register

28.11 The Development Officer shall maintain a public register and maps of all approved amendments to this Bylaw.

Adoption Of Bylaw

28.12 The Municipality of Crowsnest Pass Land Use Bylaw No.868-2013, as amended, is hereby repealed.

28.13 This Bylaw comes into effect upon the final passing thereof.



RESIDENTIAL – R-1

PURPOSE: To provide for a residential environment with the development of predominantly Single-Detached Dwellings while providing opportunities for additional land uses.

1. PERMITTED USES

Accessory Building or Use up to 72.8 m² (784 ft²), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
 Day Home
 Exploratory Excavation / Grade Alteration / Stockpiling
 Home Occupation – Class 1
 Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
 Secondary Suite, Attached
 Sign – Types:
 Home Occupation
 Subdivision Entrance
 Subdivision or Development Marketing
 Single-Detached Dwelling

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m² (784 ft²) in the front yard of the principal building and/or prior to the establishment of the principal building or use
 Accessory Building or Use over 72.8 m² (784 ft²)
 Canvas Covered Structure
 Day Care Facility
 Duplex / Semi-Detached Dwelling
 Home Occupation – Class 2
 Manufactured Home
 Moved-In Building
 Moved-In Dwelling
 Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
 Secondary Suite, Detached
 Short-Term Rental / Bed & Breakfast
 Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Single-Detached Dwelling	13.7	45	30.5	100	418.1	4,500
Duplex / Semi-Detached Dwelling (per building – i.e. for two units)	15.3	50	30.5	100	465.0	5,000
All other uses	As approved by the Subdivision Authority					
Corner lots	See Schedule 4					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	6.1 to property line or 6.5 to back of existing or future public walkway or 7.5 to back of public curb	20 to property line or 21.33 to back of existing or future public walkway or 7.5 to back of public curb	1.5	5	7.6	25

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard, where building does not contain a Secondary Suite	–	0.6 m (2 ft)
Side Yard, where building contains a Secondary Suite	–	1.5 m (5 ft)
Rear Yard, where building does not contain a Secondary Suite.		
• <u>laned or laneless</u>	–	0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite.		
• <u>laned</u>	–	0.6 m (2 ft)
• <u>laneless</u>	–	1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building, except Duplex / Semi-Detached Dwelling	–	35%
Duplex / Semi-Detached Dwelling (on one certificate of title)	–	45%
Accessory buildings, except on a Duplex / Semi-Detached Dwelling lot	–	15%
Accessory building on a Duplex / Semi-Detached Dwelling lot	–	5%

6. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	–	13.0 m (42.7 ft)
Secondary Suite, Detached (above garage)	–	7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	–	5.0 m (16.4 ft)
Other accessory buildings	–	5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

Single-Detached Dwelling	–	102 m ² (1,100 ft ²) habitable floor area
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8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. OFF-STREET PARKING AND LOADING – See Schedule 6.

10. RELOCATION OF BUILDINGS – See Schedule 7.

11. CRITERIA FOR HOME OCCUPATIONS – See Schedule 8.

12. MANUFACTURED HOME DEVELOPMENT STANDARDS – See Schedule 9.

13. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

14. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

15. DEFINITIONS – See Schedule 18.



RESIDENTIAL – R-1A

PURPOSE: *To provide for a residential environment with the development of predominantly Single-Detached Dwellings while providing opportunity for additional land uses.*

1. PERMITTED USES

- Accessory Building or Use up to 72.8 m² (784 ft²), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
- Day Home
- Exploratory Excavation / Grade Alteration / Stockpiling
- Home Occupation – Class 1
- Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Secondary Suite, Attached
- Sign – Types:
 - Home Occupation
 - Subdivision Entrance
 - Subdivision or Development Marketing
- Single-Detached Dwelling

DISCRETIONARY USES

- Accessory Building or Use up to 72.8 m² (784 ft²) in the front yard of the principal building and/or prior to the establishment of the principal building or use
- Accessory Building or Use over 72.8 m² (784 ft²)
- Canvas Covered Structure
- Day Care Facility
- Home Occupation – Class 2
- Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Secondary Suite, Detached
- Short-Term Rental / Bed & Breakfast
- Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Single-Detached Dwelling	13.7	45	30.5	100	418.1	4,500
All other uses	As approved by the Subdivision Authority					
Corner lots	See Schedule 4					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	6.1	20	1.5	5	7.6	25

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

- Front Yard – the actual front yard setback of the principal building
- Side Yard, where building does not contain a Secondary Suite – 0.6 m (2 ft)
- Side Yard, where building contains a Secondary Suite – 1.5 m (5 ft)
- Rear Yard, where building does not contain a Secondary Suite.
 - laned or laneless – 0.6 m (2 ft)
- Rear Yard, where building contains a Secondary Suite.
 - laned – 0.6 m (2 ft)
 - laneless – 1.5 m (5 ft)



5. MAXIMUM LOT COVERAGE RATIO

- Principal building – 35%
- Accessory buildings – 15%

6. MAXIMUM BUILDING HEIGHT

- Principal building, up to two-storey, no walkout basement – 10.0 m (32.8 ft)
- Principal building, two-storey walk-out basement – 13.0 m (42.7 ft)
- Secondary Suite, Detached (above garage) – 7.5 m (24.6 ft)
- Secondary Suite, Detached (stand-alone structure) – 5.0 m (16.4 ft)
- Other accessory buildings – 5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

- Single-Detached Dwelling – 102 m² (1,100 ft²) habitable floor area

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. OFF-STREET PARKING AND LOADING – See Schedule 6.

10. RELOCATION OF BUILDINGS – See Schedule 7.

11. CRITERIA FOR HOME OCCUPATIONS – See Schedule 8.

12. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

13. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

14. DEFINITIONS – See Schedule 18.



DUPLEX OR SEMI-DETACHED RESIDENTIAL – R-2

PURPOSE: To accommodate predominantly two-unit dwellings while providing opportunity for additional land uses.

1. PERMITTED USES

- Accessory Building or Use up to 72.8 m² (784 ft²), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
- Day Home
- Duplex / Semi-Detached Dwelling
- Exploratory Excavation / Grade Alteration / Stockpiling
- Home Occupation – Class 1
- Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Secondary Suite, Attached
- Sign – Types:
 - Home Occupation
 - Subdivision Entrance
 - Subdivision or Development Marketing

DISCRETIONARY USES

- Accessory Building or Use up to 72.8 m² (784 ft²) in the front yard of the principal building and/or prior to the establishment of the principal building or use
- Accessory Building or Use over 72.8 m² (784 ft²)
- Canvas Covered Structure
- Day Care Facility
- Home Occupation – Class 2
- Manufactured Home
- Moved-In Building
- Moved-In Dwelling
- Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Secondary Suite, Detached
- Short-Term Rental / Bed & Breakfast
- Single-Detached Dwelling
- Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Duplex / Semi-Detached Dwelling (per building – i.e. for two units)	18.3	60	30.5	100	650.3	6,000
Single-Detached Dwelling	15.2	50	30.5	100	464.5	5,000
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Duplex / Semi-Detached Dwelling	6.1	20	1.5	5	As approved by the Development Authority	
Corner lots	As approved by the Development Authority				As approved by the Development Authority	
All other uses	6.1	20	1.5	5	As approved by the Development Authority	

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard, where building does not contain a Secondary Suite	–	0.6 m (2 ft)
Side Yard, where building contains a Secondary Suite	–	1.5 m (5 ft)
Rear Yard, where building does not contain a Secondary Suite	–	0.6 m (2 ft)
• <u>laned or laneless</u>	–	0.6 m (2 ft)
Rear Yard, where building contains a Secondary Suite	–	0.6 m (2 ft)
• <u>laned</u>	–	0.6 m (2 ft)
• <u>laneless</u>	–	1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building	–	40%
Accessory buildings	–	15%

6. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	–	13.0 m (42.7 ft)
Secondary Suite, Detached (above garage)	–	7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	–	5.0 m (16.4 ft)
Other accessory buildings	–	5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

Duplex / Semi-Detached Dwelling (per unit)	–	74.3 m ² (800 ft ²) habitable floor area
Single-Detached Dwelling	–	102 m ² (1,100 ft ²) habitable floor area

8. SIDE YARD PROJECTIONS – See Schedule 4.

9. CORNER LOTS – See Schedule 4.

10. OFF-STREET PARKING AND LOADING – See Schedule 6.

11. RELOCATION OF BUILDINGS – See Schedule 7.

12. HOME OCCUPATIONS – See Schedule 8.

13. MANUFACTURED HOME DEVELOPMENT STANDARDS – See Schedule 9.

14. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

15. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

16. DEFINITIONS – See Schedule 18.



COMPREHENSIVE SKI VILLAGE – CSV

PURPOSE: To provide for the development of residential, recreational and tourist-oriented land uses in a ski village.

1. PERMITTED USES

- Accessory Building or Use up to 72.8 m² (784 ft²), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
- Day Home
- Duplex / Semi-Detached Dwelling
- Exploratory Excavation / Grade Alteration / Stockpiling
- Home Occupation – Class 1
- Multi-Unit Residential Building
- Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Secondary Suite, Attached
- Short-Term Rental / Bed & Breakfast
- Single-Detached Dwelling
- Sign – Types:
 - Home Occupation
 - Subdivision Entrance
 - Subdivision or Development Marketing

DISCRETIONARY USES

- Accessory Building or Use up to 72.8 m² (784 ft²) in the front yard of the principal building and/or prior to the establishment of the principal building or use
- Accessory Building or Use over 72.8 m² (784 ft²)
- Canvas Covered Structure
- Day Care Facility
- Home Occupation – Class 2
- Manufactured Home
- Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Secondary Suite, Detached
- Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Single-Detached Dwelling	9.1	30	30.5	100	278.7	3,000
Duplex / Semi-Detached Dwelling – per unit	9.1	30	30.5	100	278.7	3,000
Multi-Unit Residential Building – per unit						
– interior unit	6.1	20	30.5	100	185.8	2,000
– end unit	9.1	30	30.5	100	278.7	3,000
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Single-Detached Dwelling-	0	0	1.5	5	3.0	10
Duplex / Semi-Detached Dwelling	3.0	10	1.5	5	3.0	10
Multi-Unit Residential Building						
– interior unit	6.1	20	–	–	7.6	25
– end unit	6.1	20	3.0	10	7.6	25
All other uses	As approved by the Development Authority					

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard, where building does not contain a Secondary Suite	–	0.6 m (2 ft)
Side Yard, where building contains a Secondary Suite	–	1.5 m (5 ft)
Rear Yard, where building does not contain a Secondary Suite.		
• <u>laned or laneless</u>	–	0.6 m (2 ft)
SideRear Yard, where building contains a Secondary Suite,		
• <u>laned</u>	–	<u>0.6 m (2 ft)</u>
• <u>laneless</u>	–	1.5 m (5 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building	–	40%
Accessory buildings	–	15%

6. SPECIFIED GRADING PLANS FOR LOTS IN SOUTHMORE

In the Southmore subdivision a grading plan has been approved for each lot. A development permit issued in this subdivision shall include the approved grading plan for the subject property, and development on that property shall comply with the approved grading plan. Any deviation from the approved grading plan shall be prohibited, unless a revised grading plan has been designed and approved by a professional engineer (see definition) to the Development Officer’s satisfaction.

7. MAXIMUM BUILDING HEIGHT

Principal building, no walkout basement (except Multi-Unit Residential Building)	–	10.0 m (32.8 ft)
Principal building, walk-out basement (except Multi-Unit Residential Building)	–	13.0 m (42.6 ft)
Multi-Unit Residential Building	–	12.0 m (39.4 ft)
Secondary Suite, Detached (above garage)	–	7.5 m (24.6 ft)
Secondary Suite, Detached (stand-alone structure)	–	5.0 m (16.4 ft)
Other accessory buildings	–	5.0 m (16.4 ft)

8. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING (per dwelling unit)

Single-Detached Dwelling	–	102 m ² (1,100 ft ²) habitable floor area
Duplex / Semi-Detached Dwelling (per unit)	–	69.7 m ² (750 ft ²) habitable floor area
All other uses	–	As approved by the Development Authority

9. ZERO FRONT YARD SETBACK VARIANCE – See Schedule 4.

10. STANDARDS OF DEVELOPMENT – See Schedule 4.

11. STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS – See Schedule 5.



12. **OFF-STREET PARKING AND LOADING** – See Schedule 6.
13. **RELOCATION OF BUILDINGS** – See Schedule 7.
14. **CRITERIA FOR HOME OCCUPATIONS** – See Schedule 8.
15. **MANUFACTURED HOME DEVELOPMENT STANDARDS** – See Schedule 9.
16. **SIGN STANDARDS** – See Schedule 11.
17. **STANDARDS FOR SECONDARY SUITES** – See Schedule 15.
18. **STANDARDS FOR SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME** – see Schedule 17.
19. **DEFINITIONS** – See Schedule 18.

COMPREHENSIVE RESORT VILLAGE – CRV

PURPOSE: To accommodate the development of a designated area within the municipality for multi-unit residential, recreational and related resort activities.

1. PERMITTED USES

Accessory Building or Use up to 72.8 m² (784 ft²), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
 Exploratory Excavation / Grade Alteration / Stockpiling
 Home Occupation – Class 1
 Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
 Secondary Suite, Attached
 Short-Term Rental / Bed & Breakfast
 Sign – Types:
 Home Occupation
 Subdivision Entrance
 Subdivision or Development Marketing
 Single-Detached Dwelling

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m² (784 ft²) in the front yard of the principal building and/or prior to the establishment of the principal building or use
 Accessory Building or Use over 72.8 m² (784 ft²)
 Canvas Covered Structure
 Duplex / Semi-Detached Dwelling
 Home Occupation – Class 2
 Moved-In Building
 Moved-In Dwelling
 Multi-Unit Residential Building
 Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
 Secondary Suite, Detached
 Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Single-Detached Dwelling	9.1	30	30.5	100	278.7	3,000
Duplex / Semi-Detached – per unit	9.1	30	30.5	100	278.7	3,000
Multi-Unit Residential Building – per unit						
– interior unit	6.1	20	30.5	100	185.8	2,000
– end unit	9.1	30	30.5	100	278.7	3,000
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Single-Detached Dwelling	3.0	10	1.5	5	3.0	10
Duplex / Semi-Detached Dwelling	3.0	10	1.5	5	3.0	10
Multi-Unit Residential Building						
– interior unit	6.1	20	–	–	7.6	25
– end unit	6.1	20	3.0	10	7.6	25
All other uses	As approved by the Development Authority					

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard, <u>where building does not contain a Secondary Suite</u>	–	0.6 m (2 ft)
<u>Side Yard, where building contains a Secondary Suite</u>	–	<u>1.5 m (5 ft)</u>
Rear Yard, <u>where building does not contain a Secondary Suite,</u>		
• <u>laned or laneless</u>	–	0.6 m (2 ft)
<u>Rear Yard, where building contains a Secondary Suite,</u>		
• <u>laned</u>	–	<u>0.6 m (2 ft)</u>
• <u>laneless</u>	–	<u>1.5 m (5 ft)</u>

5. MAXIMUM LOT COVERAGE RATIO

Principal building	–	40%
Accessory buildings	–	15%

6. MAXIMUM BUILDING HEIGHT

Principal building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, two-storey walk-out basement	–	13.0 m (42.6 ft)
Multi-Unit Residential Building	–	12.0 m (39.4 ft)
<u>Secondary Suite, Detached (above garage)</u>	–	<u>7.5 m (24.6 ft)</u>
<u>Secondary Suite, Detached (stand-alone structure)</u>	–	<u>5.0 m (16.4 ft)</u>
<u>Other Accessory buildings</u>	–	5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING (per dwelling unit)

Single-Detached Dwelling	–	102 m ² (1,100 ft ²) habitable floor area
Duplex / Semi-Detached Dwelling (per unit)	–	74.3 m ² (800 ft ²) habitable floor area
All other uses	–	As approved by the Development Authority

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS – See Schedule 5.

10. OFF-STREET PARKING AND LOADING – See Schedule 6.

11. RELOCATION OF BUILDINGS – See Schedule 7.

12. SIGN STANDARDS – See Schedule 11.

13. STANDARDS FOR SECONDARY SUITES – See Schedule 15.

14. STANDARDS FOR SHORT-TERM RENTAL / BED & BREAKFAST AND TOURIST HOME – see Schedule 17.

15. DEFINITIONS – See Schedule 18.



RETAIL COMMERCIAL – C-1

PURPOSE: *To provide an area suited for commercial uses which are compatible with historical main streets, and will maintain a strong central business district, while allowing a variety of other uses that may be determined to be compatible with this area depending on their locations and applicable mitigating measures.*

1. PERMITTED USES

- Accessory Building or Use up to 18.6 m² (200 ft²), not in the front yard of the principal building and/or not prior to the establishment of the principal building or use
- Animal Care Service Facility, Small
- Arts and Crafts Studio
- Boarding House
- Cannabis Retail Sales
- Community Facility
- Exploratory Excavation / Grade Alteration / Stockpiling
- Financial Institution
- Food and/or Beverage Service
- Home occupation – Class 1
- Office
- Personal Service
- Private Utility – except freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Recreation Facility, Indoor (Small)
- Retail – Store, Small
- Short-Term Rental / Bed & Breakfast, inside an approved dwelling unit
- Sign – Types:
 - A-board
 - Canopy
 - Fascia or Wall
 - Freestanding
 - Murals
 - Portable
 - Projecting
 - Subdivision or Development Marketing

DISCRETIONARY USES

- Accessory Building or Use up to 18.6 m² (200 ft²) in the front yard of the principal building and/or prior to the establishment of the principal building or use
- Accessory Building or Use over 18.6 m² (200 ft²)
- Canvas Covered Structure
- Cultural Establishment
- Day Care Facility, commercial
- Dwelling Unit, secondary to an established principal use on the subject parcel - (maximum 2 units)
- Entertainment Establishment
- Funeral Home
- Gaming or Gambling Establishment
- Hostel
- Hotel
- Medical and/or Dental Clinic
- Mixed-Use Building
- Mixed-Use Development
- Parking Facility
- Place of Worship
- Private Utility – freestanding Solar Collector and freestanding Small Wind Energy Conversion System
- Recreation Facility, Indoor (Large)
- Retail – Store, Large
- Shipping Container accessory to an established principal use on the subject parcel
- Sign – Types:
 - Roof
 - Third-Party
- Single-Detached Dwelling existing as of June 18, 2013
- Temporary Storage Yard
- Tourist Home, inside an approved dwelling unit
- Workshop

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
All uses	4.6	15	30.5	100	139.4	1,500



3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All principal uses	none		none		7.6	25

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	– the actual front yard setback of the principal building
Side Yard	– 0.9 m (3 ft)
Rear Yard	– 0.9 m (3 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building and accessory buildings – 80%.

6. MAXIMUM BUILDING HEIGHT

Principal building, excluding Mixed-Use Building	– 10.0 m (32.8 ft)
Mixed-Use Building not exceeding 3 storeys	– 14.0 m (45.9 ft)
Mixed-Use Building exceeding 3 storeys	– As approved by the Development Authority
Accessory building	– 5.0 m (16.4 ft)

7. **MAIN STREET GROUND FLOOR** – See Schedule 4.

8. **STANDARDS OF DEVELOPMENT** – See Schedule 4.

9. **OFF-STREET PARKING AND LOADING** – See Schedule 6.

10. **RELOCATION OF BUILDINGS** – See Schedule 7.

11. **SIGN STANDARDS** – See Schedule 11.

12. **ANIMAL CARE SERVICE FACILITY REGULATIONS** – See Schedule 13.

13. **SHIPPING CONTAINER / TRANSPORT TRAILER REGULATIONS** – See Schedule 14.

14. **HISTORIC COMMERCIAL AREAS** – See the Historic Commercial Areas Overlay District (HCA-OD).

15. **STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME** – See Schedule 17.

16. **DEFINITIONS** – See Schedule 18.



Schedule 4

STANDARDS OF DEVELOPMENT

1. The following is an alphabetical list with section number references of the general development standards and the land use specific development standards that are established in this Schedule:

Applicability of this Schedule.....	Section 2
Accessory Buildings and Uses.....	Section 28
General Provisions.....	28.1
Accessory Building or Use Prior to Principal Building or Use.....	28.2
Accessory Building in the Front Yard of a Principal Building.....	28.3
Canvas Covered Structures.....	28.4
Communication Antennae and Structures.....	28.5
Decks.....	28.6
Fences in any Residential Land Use District, CRV and CSV.....	28.7
Outdoor Washroom Facilities.....	28.8
Refuse Storage for Commercial, Industrial and Multi-Unit Residential Development.....	28.9
Retaining Walls.....	28.10
Shipping Containers.....	28.11
Signs.....	28.12
Swimming Pools.....	28.13
Access to Roads, Driveways and Parking Pads.....	Section 3
All Locations.....	4.1
Urban Locations.....	4.2
Rural / Non-Urban Locations.....	4.3
Animal Care Service Facilities.....	Section 29
Apartment, Multi-Unit Residential and Mixed-Use Building.....	Section 30
Cannabis Retail Sales.....	Section 31
Comprehensive Planning for Redesignation, Development Permit or Subdivision Applications.....	Section 3
Comprehensive Site Development Plan.....	3.1
Area Structure Plan.....	3.2
Corner Lot Sight Triangle.....	Section 3
Demolition, Removal or Replacement of Buildings.....	Section 6
Drive-in Commercial.....	Section 32
Easements, Setback Distances and Public Safety.....	Section 7
Easements, Rights-Of-Way and Legislated Setback Distances.....	7.1
Future Highway 3X.....	7.2
Railway Lines.....	7.3
Setbacks Adjacent to Highway.....	7.4
TC Energy High Pressure Gas Pipeline.....	7.5
Wildland-Urban Interface.....	7.6
Environmental Considerations.....	Section 8
Areas of Potential Environmental Concern (APEC).....	8.1
Flood-Risk Lands.....	8.2
Private Sewage Disposal Systems.....	8.3



- Municipal, Environmental and Conservation Reserve, and Conservation Easement8.4
- Tree Felling.....8.5
- Wetlands, Watercourses, Riparian Areas, Regionally Sensitive Areas.....8.6
- Wildlife and Wildland-Urban Interface.....8.7
- Exploratory Excavation / Grade Alteration / Stockpiling Section 33
- Exposed Foundations Section 9
- Historic Resources and Main Street Ground Floor..... Section 10
- Home Occupations Section 34
- Industrial and Commercial Section 11
- Infill Development in Mature Neighbourhoods Section 12
- Landscaping and Screening..... Section 13
- Lighting (Outdoor)..... Section 14
- Lot Grading, Drainage and Stormwater Management (Retaining Walls) Section 15
- Lot Sizes and Non-Standard Lots Section 16
- Manufactured Homes..... Section 35
- Manufactured Home Communities..... Section 36
- Maximum Grade Section 17
 - Fully Developable Lots..... 17.1
 - Slope Stability Assessment..... 17.2
 - Urban Driveways..... 17.3
- Number of Dwelling Units, Recreational Vehicles and Principal Buildings on a Parcel of Land or a Bare Land Condominium Unit Section 18
 - Number of Dwelling Units and Cabins and/or Recreational Vehicles on a Parcel of Land or a Bare Land Condominium Unit..... 18.1
 - Number of Principal Buildings and Uses on a Parcel of Land or a Bare Land Condominium Unit..... 18.2
 - Provisions for Additions and Demolitions..... 18.3
- Parking and Loading Section 19
- Private Utilities Section 37
 - Water, Wastewater, Stormwater, Gas, Electricity, and Telecommunications 37.1
 - Electric Utility – Solar Collector 37.2
 - Electric Utility – Small Wind Energy Conversion System 37.3
- Projections Into Yard Setbacks Section 20
- Public Utilities, Infrastructure Mains, and Service Connections Section 21
- Quality and Design of Development..... Section 22
- Recreational Vehicles – Outdoor Storage and Temporary Sleeping Accommodations Section 23
- Relocation of Buildings..... Section 24
- Renewable Energy Operations Section 38
- Secondary Suites Section 39
- Short-Term Rental / Bed & Breakfast and Tourist Homes..... Section 40
- Show Homes and Real Estate Sales Offices Section 25
- Slope-Adaptive Building and Site Design..... Section 26
- Temporary Auto Sales Section 41



Tourism Accommodation	Section 42
Tree Felling	Section 43
Work Camps	Section 44
Yard Setbacks, Yard Setback Variances, Front Yard Location, and Secondary Front Yard	Section 27

GENERAL DEVELOPMENT STANDARDS

2. APPLICABILITY OF THIS SCHEDULE

- 2.1 In addition to more specific or more restrictive standards as may be established within an individual land use district or in a discretionary use development permit, the following standards apply to all land uses in all land use districts.
- 2.2 All development shall comply with this Bylaw, the land uses, standards and regulations prescribed in the applicable district, the conditions attached to a development permit, the standards established in this Schedule, any other standards established by the Municipality of Crowsnest Pass in and enforced through other municipal bylaws and any federal and provincial regulations that may apply to a development, which is to be determined by an applicant or landowner or their agent and complied with by an applicant or landowner or their agent at their sole risk and responsibility and to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters and at no cost to the Municipality.

3. COMPREHENSIVE PLANNING FOR REDESIGNATION, DEVELOPMENT PERMIT OR SUBDIVISION APPLICATIONS

3.1 Comprehensive Site Development Plan

- (a) The Development ~~Officer~~Authority or the Subdivision Authority, as the case may be, may require an applicant for a redesignation ~~(rezoning) or,~~ a development permit ~~or a Bare Land Condominium subdivision~~ to prepare a comprehensive site development plan as follows:
- (i) As provided in sections 12.1, 18.2(a), 21.6, 27.14, and 42 of this Schedule, or in Table 1 of Schedule 6, or in section 4.4 of Schedule 16.
- (ii) When the Development Officer ~~or the Subdivision Authority, as applicable,~~ deems it necessary for the purpose of ~~sound planning practices to ensure~~ comprehensive and coordinated planning of land uses and infrastructure ~~for a complex development permit or a bare land condominium subdivision,~~ the applicant for a redesignation, or a development permit ~~or a bare land condominium subdivision~~ shall, at no cost to the Municipality and to the satisfaction of the Development Authority ~~or the Subdivision Authority,~~ prepare a Comprehensive Site Development Plan as part of the application for the redesignation, or development permit ~~or bare land condominium subdivision.~~
- (iii) A Comprehensive Site Development Plan must describe the following information:
- (A) ~~Parcel boundaries and sizes, the layout of the proposed development or bare land condominium subdivision on the parcel,~~ parcel boundaries and dimensions, land uses, density of population, location of buildings, parking and loading areas, landscaping, amenity spaces, property line yard setbacks and other relevant development standards to the Development Officer's satisfaction.
- (B) The location and specifications of access and egress points into and from the parcel from and to public roadways, including vehicular and pedestrian

connections to adjacent properties, supported by a qualified transportation engineering review if required.

- (C) The location and capacity and upsizing requirements of existing or required municipal water, and wastewater, and stormwater infrastructure and servicing connections at the property line, based on the designproposed volumes required and produced by the proposed development ~~or bare land condominium subdivision on the parcel.~~
- (D) The relation of the proposed development to future subdivision and development of adjacent areas.
- (E) The sequence of the proposed development ~~or bare land condominium subdivision proposed for the parcel.~~
- (F) Any other information that the Development Officer ~~Authority or Subdivision Authority~~ deems relevant to making an informed decision on the development permit ~~or bare land condominium subdivision~~ application.
- (iv) The Development Officer ~~Authority or the Subdivision Authority, as may be applicable,~~ may require that a Comprehensive Site Development Plan is subject to satisfactory public consultation prior to being an application being deemed complete.
- (v) The Development Authority may approve blanket variances to yard setbacks and building heights in a Comprehensive Site Development Plan.

3.2 Conceptual Scheme or Area Structure Plan

- (a) The Development Officer ~~or the Subdivision Authority, as the case may be,~~ may require an applicant for redesignation or subdivision (excluding a bare land condominium subdivision) to prepare a conceptual scheme or an area structure plan as follows:
 - (i) When the Development Officer ~~or the Subdivision Authority~~ deems it necessary for the purpose of sound planning practices comprehensive and coordinated planning of land uses and infrastructure, the applicant for a redesignation or a subdivision application shall, at no cost to the Municipality and to the Development Officer's ~~and/or Subdivision Authority's~~ satisfaction, prepare a conceptual scheme or an area structure plan in accordance with relevant Council policy as part of the application for redesignation or subdivision.
 - (ii) A conceptual scheme must describe the following information to the Development Officer's satisfaction:
 - (A) The layout of the proposed subdivision, with parcel or block boundaries and dimensions.
 - (B) Municipal Reserve, Environmental Reserve, and Conservation Reserve.
 - (C) Land uses and density of population.
 - (D) Public roadways.
 - (E) The location and capacity and upsizing requirements of existing or required on-site and off-site municipal water, wastewater, and stormwater infrastructure, based on the design volumes required and produced by the proposed subdivision.
 - (F) The relation of the proposed subdivision to future subdivision and development of adjacent areas.
 - (G) The sequence of the proposed subdivision.

(H) The additional information provided for in the Subdivision and Development Regulation, that the Development Officer may deem relevant to making an informed decision on the subdivision application.

- (iii) The Development Officer may require that a conceptual scheme is subject to satisfactory public consultation, including a public hearing pursuant to s. 653(4.1) of the Act, prior to a subdivision application being deemed complete.
- (iv) An Area Structure Plan must describe the information and comply with the preparation process requirements prescribed in the Act and relevant Council policy.
- (v) A conceptual scheme and an Area Structure Plan shall demonstrate consistency with other applicable statutory plans~~the Municipal Development Plan.~~

4. ACCESS TO ROADS, DRIVEWAYS AND PARKING PADS

4.1 All Locations

- (a) ~~New Subdivision and~~ development shall provide physical and legal public access to a public roadway ~~or lane~~ of a type at the sole discretion of the Municipality, and that is constructed to the minimum engineering standards and is maintained by the Municipality, **except for:**
 - (i) development that is accessed by a private easement agreement and a registered easement plan; and
 - (ii) development internal to a condominium plan; and
 - (iii) development internal to an unsubdivided Manufactured Home Community or a multi-use development containing private internal roadways.
- (b) A municipal parking lot, public utility lot, municipal reserve, school reserve, environmental reserve, conservation reserve, community services reserve, or other Municipal, provincial, or federal publicly owned property shall not be used to provide roadway access to private property without the express authorization and written agreement by the Municipality and/or a School Board and/or another level of government, as may be applicable.
- (c) ~~New d~~Development, except “Single-Detached Dwelling” and “Duplex / Semi-Detached Dwelling”, shall be designed so that vehicular movements necessary to access and exit a driveway, a parking stall, a parking lot, a loading bay, or a drive-through establishment, from and onto a public ~~roadway~~street can be safely carried out entirely on the subject parcel of land.
- (d) The typical location of a property access (i.e. an urban curb crossing or a rural ditch crossing) from a municipal road onto a parcel of land is governed by Administrative Policy and does not require a development permit however, where a new access is proposed as part of a development permit application the Development Officer may, at their sole discretion, require that the proposed property access is reviewed by the Development Authority or its delegate.
- (e) The Development Authority may require access to be located so that it can be shared with an adjoining lot or development.
- (f) The Development Authority may require a minimum separation distance between vehicular access points, and between vehicular access points and street-street intersections or street-lane intersections.
- (g) Access from a public road or lane into a parcel, driveway, garage, parking pad, and into and internal to a “Parking Facility”, parking area and loading area shall meet the applicable turning radius guidelines in “*Design Vehicle Dimensions for Use in Geometric Design*” (Transportation Association of Canada, 1997, as amended) or in “*Chapter D – At-grade*

- (b) The Development Authority may require that a principal building in the flood fringe be flood proofed pursuant to the recommendations of a professional engineer (see definition), as a condition of issuing a development permit for the building. This requirement does not apply to accessory buildings.

8.3 Private Sewage Disposal Systems

- (a) A Private Sewage Disposal System (PSDS) is not allowed within the urban area as defined in this bylaw (refer to section 21 of this Schedule).
- (b) Pursuant to Policies 2.3.5 and 4.2.9 of the Municipal Development Plan, when a PSDS is allowed outside of the urban area pursuant to section 21 of this Schedule, a subdivision application or a development permit application shall be deemed incomplete until the applicant provides the appropriate level of assessment established in the Model Process for PSDS (see definition), or an equivalent assessment to the Municipality's satisfaction, at no cost to the Municipality.
- (c) When for some reason the requirement of subsection 8.3(b) was not completed at the application stage, the Subdivision Authority or the Development Authority, as applicable, shall impose a condition on a subdivision approval or a development permit approval to require that the applicant provide the appropriate level of assessment established in the Model Process for PSDS (see definition), or an equivalent assessment to the Municipality's satisfaction, at no cost to the Municipality.
- (d) In reviewing a subdivision application for:
 - (i) suitability of the land for the intended purpose, and
 - (ii) conformance with the provisions of a growth plan, a statutory plan, and this land use bylaw, and
 - (iii) compliance with the Act and Regulations made under the Act,
 the Subdivision Authority shall consider, among other things as may be required, the PSDS assessment provided by the applicant in subsections (b) and (c).
- (e) The Subdivision Authority or the Development Authority, as applicable, may impose a condition on a subdivision approval or a development permit approval regarding the registration of a Restrictive Covenant to require the installation of a specific type(s) of PSDS recommended in the said PSDS assessment for the subject parcel [refer to subsections (b), (c) and (d)], and to prohibit the use of the parcel for the intended purposes unless a specific recommended type(s) of PSDS is installed in accordance with the Safety Codes Act.

8.4 Municipal, Environmental and Conservation Reserve, and Conservation Easement

Use of Reserves and Publicly Owned Lands

- (a) A private landowner shall not use Municipal lands such as public parking lots, public roadways, public thoroughfares, boulevards, public utility lots, easements, municipal reserve, school reserve, environmental reserve, conservation reserve, community services reserve, or other Municipal, provincial, or federal publicly owned property for private purposes such as, but not limited to, the storage of goods, vehicles, equipment, or materials, or the encroachment of private off-street parking spaces, goods, buildings, structures, or fences onto the aforesaid lands.

Municipal Reserve

- (b) When the Municipality requires the dedication of Municipal Reserve, the Subdivision Authority shall ensure that it is accomplished in accordance with the provisions of the

- (b) Those properties that are designated by bylaw as a Municipal Historic Resource.
- (c) Those properties that are designated as a Provincial Historical Resource.
- (d) The properties, buildings and structures listed in the Heritage Management Plan Inventory as Historically Significant.
- (e) A property within the Coleman National Historic Site of Canada.

Main Street Ground Floor

- 10.3 Ground floor development on the historic commercial “Main Streets” in Coleman, Blairmore and Bellevue, as defined in the Historic Commercial Areas - Overlay District, shall:
- (a) predominantly consist of active commercial and/or retail uses that contribute to street-level pedestrian activity; and
 - (b) provide a continuous street wall with activated spaces and transparency at the ground floor level (avoiding blank walls) that improves safety and surveillance while attracting interest; and
 - (c) incorporate the requirements described in Schedule 5, section 6.

11. INDUSTRIAL AND COMMERCIAL

- 11.1 Industrial and commercial development in the Municipality shall incorporate locational, design and operational considerations (including restricting its hours of operation) to reduce its impact on municipal infrastructure and improve its compatibility with nearby land uses by mitigating conflicts and adverse effects upon those uses, including but not limited to:
- (a) measures to control or mitigate noise, smoke, vibration, effluent, dust, ash, odour, electrical interference, glare, heat and/or industrial waste to a level below what is reasonably considered to be offensive, noxious or a nuisance to the character and purpose of the adjacent land use district;
 - (b) design, exterior building finish, landscaping, siting, setbacks, hard-surfacing of parking areas, and other details, as appropriate and to the satisfaction of the Development Authority;
 - (c) and the Development Authority may impose relevant conditions on a development permit to ensure compliance with this standard.

12. INFILL DEVELOPMENT IN MATURE NEIGHBOURHOODS

- 12.1 The ~~Development Officer~~~~Development Authority or the Subdivision Authority~~ may require an applicant to prepare a Comprehensive Site Development Plan, Conceptual Scheme, or an Area Structure Plan, as applicable, to complete a development permit application or a subdivision application prior to approving for infill development or subdivision within a mature neighbourhood. Typically, this would be required for complex proposals where the proposed development involves the coordination of infrastructure systems capacity and alignment – it is not likely required for simpler applications, such as a development permit for one or two additional dwelling units or to replace one or two existing dwelling units, or for a subdivision application for one or two additional parcels.~~any block which has been determined to have redevelopment or infill potential. The determination of blocks with~~An application for redevelopment or infill in a mature neighbourhood~~potential~~ shall be consistent with the relevant Municipal Development Plan policies.
- 12.2 The Development Authority shall require that a development permit application for infill development in a mature neighbourhood or area of historic significance is compatible with existing mature development, with regard to building height, mass and style, yard setbacks, roof slopes, slope-adaptive building and site design considerations, density, and other

- (a) Is(are) responsible for ensuring adherence to and completion of construction in accordance with the approved engineered grading plan and/or drainage plan; and
- (b) Provide(s) a survey stamped and permitted by a professional engineer upon completion of the development to demonstrate that the approved engineered grades and drainage design have been implemented satisfactorily.

16. LOT SIZES AND NON-STANDARD LOTS

- 16.1 The Council may approve a bylaw to ~~redesignate~~~~rezone~~ a parcel into a land use district when the subject parcel does not meet the minimum or maximum lot size or minimum lot dimensions established in the district, and such a parcel shall be considered a non-standard lot.
- 16.2 The Subdivision Authority may approve a subdivision application that will result in a parcel that does not meet the minimum or maximum lot size or minimum lot dimensions established in a land use district,, and such a parcel shall be considered a non-standard lot. The Subdivision Authority shall not approve a subdivision that will result in a non-standard lot when the required variance is otherwise expressly prohibited by this Bylaw or a provincial or federal statute or regulation.
- 16.3 The approval of a non-standard lot either through ~~redesignation~~~~rezoning~~ or subdivision shall not be a guarantee that the Development Authority will approve a variance to a standard in this Bylaw to accommodate the subsequent development on a non-standard lot.
- 16.4 The Development Authority may approve a development permit on a non-standard lot with any variances that may be required to accommodate a proposed development, if in its opinion the proposed variances would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels.
- 16.5 The Subdivision Authority may approve a subdivision application for a lot that contains an existing development that, after allowing for the variances provided for in this Bylaw and after the plan of subdivision is registered, will not meet the minimum measurable standards of this Bylaw:
 - (a) only if the purpose of the subdivision is to accommodate a development that existed on the date of the initial adoption of this Bylaw (i.e. December 05, 2023), and
 - (b) only up to the variance authority that is assigned in this Bylaw to the Municipal Planning Commission,and such approval shall not be granted if the variance is otherwise expressly prohibited by this Bylaw or a provincial or federal statute or regulation.
- 16.6 The Subdivision Authority and the Development Authority may, at their discretion, omit from the calculation of minimum or maximum standards for lot area or from minimum standards for lot dimensions any part of a lot which, because of rock, steep slopes or other physical features cannot be reasonably developed for the proposed use, including access, parking and buildings.
- 16.7 The minimum lot size standards established in the land use districts do not apply in a bare land condominium subdivision.

17. MAXIMUM GRADE

17.1 Fully Developable Lots

- (a) A lot with an effective grade of 15% or less is considered fully developable.

17.2 Slope Stability Assessment

- 20.3 Subject to the relevant development standards in this Bylaw (e.g. corner sight triangles, fence height, etc.), the following accessory buildings, uses, and structural features of any building may project into the minimum standard for yard setbacks (notwithstanding any approved variance) that are established in Schedule 2 of this Bylaw, **by the percentages and distances stated below:**
- (a) eaves or gutters, not more than 0.6 m (2 ft) into any yard; and further provided that eaves or gutters do not project over the property line and do not discharge stormwater run-off onto adjacent property.
 - (b) a chimney, belt course, cornice, sill, cantilever, bay window, or other similar architectural or structural feature may project into any yard up to the lesser of 1.0m or 50% of the minimum yard setback standard;
 - (c) a balcony or a porch may project 2.0 metres (6.6 ft) into the front yard setback standard, 3.0 metres (10 ft) into the rear yard setback standard, and 50% into the side yard setback standard.
 - (d) Decks:
 - (i) a **ground level deck** attached to the front or rear elevation of a building may project 50% into the minimum front or rear yard setback standard and may project into the side yard up to the side property line; and
 - (ii) a **raised deck** may project 25% into the minimum front yard setback standard (i.e. projections into the rear yard setback and the side yard setback standards are not allowed)

21. PUBLIC UTILITIES, INFRASTRUCTURE MAINS, AND SERVICE CONNECTIONS

Prohibition on Water Diversion and Private Sewage Disposal

21.1 In the **urban area** of the Municipality as defined in this bylaw:

- (a) water diversion for household purposes is prohibited [pursuant and in addition to the prohibition of the same as established in the Water (Ministerial) Regulation - Alberta Regulation 205/1998], and/or
- (b) the installation of a Private Sewage Disposal System (PSDS) is prohibited, except in the urban area of Frank south of Highway 3,
and as a result:
 - (c) **existing and new development in the urban area:**
 - (i) shall not divert water for household purposes or for industrial, commercial or institutional use, and
 - (ii) shall not install a private sewage disposal system (except in the urban area of Frank south of Highway 3), and instead
 - (iii) shall be connected to the municipal water supply system and the municipal wastewater collection system pursuant to subsection 21.2 (except that in the urban area of Frank south of Highway 3 water connections are required but wastewater connections are not available).



Existing and New Subdivision and Development Shall Connect to Municipal Water and Wastewater

21.2 When subdivision or development is approved **in the urban area** of the Municipality (as defined in this bylaw):

- (a) on an unserviced parcel where municipal water and wastewater infrastructure mains **are readily available** to the subject parcel but service connections to the parcel boundary have not been installed; or
- (b) on an unserviced parcel where municipal water and/or wastewater infrastructure mains **are not readily available** to the subject parcel,

then the Subdivision Authority or the Development Authority, as applicable, shall impose a condition on the subdivision approval or the development permit that requires the landowner to, respectively:

- (c) install service connections at no cost to the Municipality; or
- (d) bring municipal water and/or wastewater infrastructure mains to a location that makes them readily available to the subject parcel and install service connections for the subject parcel, at no cost to the Municipality (except that in the urban area of Frank south of Highway 3 water connections are required but wastewater connections are not available).

Conditions Regarding Private Utilities, Public Utilities, and Franchise Utilities

21.3 The Subdivision Authority or the Development Authority may impose a subdivision condition or a development permit condition to require that:

- (a) the applicant or landowner shall make arrangements satisfactory to the Municipality for the supply of:
 - (i) private utilities when the parcel is located **outside of the urban area**, or
 - (ii) public utilities when the parcel is located **within the urban area** – refer to subsection 21.2 (except that in the urban area of Frank south of Highway 3 water connections are required but wastewater connections are not available),
 and/or
 - (iii) franchised services or facilities,
 necessary to service the subdivision or development, at no cost to the Municipality;

and

- (b) notwithstanding the prohibition of Private Sewage Disposal Systems in the **urban area** [see subsection 21.1 (b)], the landowner shall, where applicable and required, enter into a Restrictive Covenant with the Municipality regarding the provision of a Private Sewage Disposal System holding tank from where wastewater is pumped to the property line before it enters by gravity into the Municipal wastewater collection system.

Service Connections for Fee Simple Lots and Units in a Bareland Condominium Subdivision

21.4 The service connections from municipal water and wastewater mains to a lot shall be independent from the service connections to any other lot. For greater clarity, a unit in a bare land condominium subdivision is not a lot.

Other Considerations

21.5 Building foundations and sub-grade pilings, and/or the service connections to municipal infrastructure mains (e.g. curb stop water valves and wastewater service), respectively shall be set back from the lot boundary of a parcel a distance that allows safe excavation for municipal maintenance and repair.

- 21.6 In a block where infill development potential has been identified consistent with the Municipal Development Plan, a coordinated approach to the provision of public utilities and infrastructure mains may be required, and for this purpose the Development Officer may require a development permit applicant or a subdivision applicant to prepare subject to the preparation of a Comprehensive Site Development Plan, a Conceptual Scheme, or an Area Structure Plan, as applicable, to the satisfaction of the Development Officer (and subject to Council approval of an area structure plan bylaw) Development Authority or the Subdivision Authority, at no cost to the Municipality. Typically, this would be required for complex proposals where the proposed development involves the coordination of infrastructure systems capacity and alignment – it is not likely required for simpler applications, such as a development permit for one or two additional dwelling units or to replace one or two existing dwelling units, or for a subdivision application for one or two additional parcels.
- 21.7 A subdivision application or a development permit application shall be refused where, in the opinion of the Subdivision Authority or the Development Authority, the proposed subdivision or development will have a detrimental effect on an existing or planned:
- (a) transportation or communication system, including primary highways, secondary highways, railway, airport site or communication facility; or
 - (b) regionally significant service, public works or utilities, including pipelines and power transmission lines.

22. QUALITY AND DESIGN OF DEVELOPMENT

- 22.1 In addition to the standards established in this Bylaw, the Development Authority may require additional standards as a condition of a development permit, in order to improve the quality of any proposed development such as, but not limited to, hard-surfaced parking areas, exterior finishes to buildings, landscaping, yard setbacks, slope-adaptive building and site design considerations, and the impact on existing development in mature neighbourhoods or areas of historic significance.
- 22.2 Development shall comply with the following standards:
- (a) The design, character and appearance of buildings, signs and properties shall be consistent with the intent of the land use district in which the building, sign or property is located and compatible with other buildings, signs and properties in the same district in the vicinity.
 - (b) The Development Authority may regulate the exterior finish of buildings or signs to improve the quality of any proposed development within any land use district.
 - (c) The Development Authority may require that the appearance of walls exposed to public view from beyond the site be improved where, in its opinion, the appearance of such walls is incompatible with the finishing standards of surrounding developments.
 - (d) The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.
 - (e) If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

23. RECREATIONAL VEHICLES – OUTDOOR STORAGE AND TEMPORARY SLEEPING ACCOMMODATIONS

General Provisions

- (a) Decks – refer to subsections 28.6 and 20.3(d); and
- (b) All other accessory structures described in this subsection – refer to section 20.

Accessory Building in the Front Yard of a Principal Building

27.5 In all land use districts except GCR-1, NUA-1, and CM-1, an Accessory Building or Use that is a shipping container, a detached Secondary Suite, a detached garage, or a shed, that is proposed to be located in a front yard of a principal building (excluding a secondary front yard) is a discretionary use.

Secondary Front Yard

27.6 **In the R-1 to R-5, CSV, and CRV land use districts,** where a lot has more than one front yard (e.g. a corner lot), the Development Authority may allow for the principal building a reduction of up to one-half of the minimum front yard setback for one of the front yards; however, the full setback shall apply to the other front yard without any variance. The reduced front yard is termed the “Secondary Front Yard”.

27.7 For the purpose of determining the “front property boundary”, “lot frontage” and “front yard” of, and the fencing standards for a corner lot, the secondary front yard shall be deemed to be a side yard with an increased setback standard as required in this section of this Bylaw (see Diagram 4).

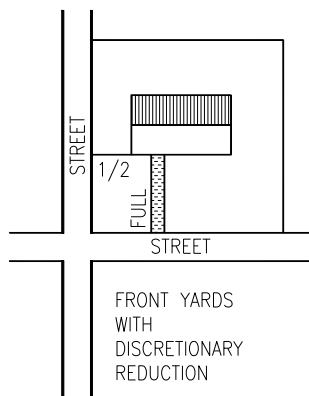


DIAGRAM 4

- 27.8 Where the front yard setback is zero, the minimum side yard setback shall apply to the secondary front yard.
- 27.9 The secondary front yard provisions do not apply to an Accessory Building, including an Accessory Building that includes a Secondary Suite – for clarity, an Accessory Building in the secondary front yard may follow the regular side yard setback standard for an Accessory Building.

Duplex / Semi-detached Dwelling

27.10 The side yard setback requirement applies only to one side of a Duplex / Semi-Detached Dwelling and only to the end units of a Multi-Unit Residential Building.

Variations and Prevention of Encroachments

27.11 The Development Authority shall not approve a variance for yard setback to the extent that roof eaves or gutters will overhang beyond the property line. In cases where the alternatives to approving such a variance are not practical, the Development Authority may approve such a

variance and shall add conditions to the development permit to require the installation of eavestroughs to prevent water run-off from the roof directly onto the adjacent property, street or lane, and the registration on the certificate of title of an encroachment agreement, subject thereto that the Development Authority cannot impose a condition of approval that binds the Municipality or an adjacent private landowner into an encroachment agreement with the applicant.

27.12 When approving a front yard setback variance, the Development Authority shall ensure, at its sole discretion and to its satisfaction, and where necessary by imposing conditions on a development permit:

(a) Setback of a principal building from Curb and Sidewalk:

- (i) that there is a minimum distance of 6.5 m (21.33 ft) between the front of the building and the back of an existing curb in the adjacent public roadway or the back of an existing sidewalk in the adjacent public roadway, or
- (ii) when a sidewalk does not exist in the adjacent public roadway and there is the possibility of a future sidewalk, that there is a minimum distance of 7.5 m (24.6 ft) between the front of the building and the back of an existing curb in the adjacent public roadway, or
- (iii) when the setback distances in subsections (i) and (ii) cannot be achieved for a dwelling unit without an attached garage, that there is rear lane access to the property or there is side yard access to the rear yard of the parcel,.

(b) Setback from / of Municipal Utilities:

- (i) that the building foundation and sub-grade pilings, and/or the service connections to municipal utility infrastructure (e.g. curb stop water valves and sanitary sewer), are respectively set back from the front lot boundary a distance that allows safe excavation of municipal infrastructure for maintenance and repair.

(c) Typical Setbacks on Existing Developed Properties in the Neighbourhood:

- (i) that the proposed setback would not be out of character with the typical average setback in the same land use district in the neighbourhood, including mature neighbourhoods and historically significant areas.

27.13 The Development Authority may waive, vary or increase any yard setback requirement wherever doing so would:

- (a) either enhance, or avoid conflict with, the general condition of adjacent properties;
- (b) facilitate a potential or proposed boundary adjustment scheme;
- (c) protect buildings proposed within or adjacent to the Wildland-Urban Interface.

27.14 The Development Authority may approve blanket variances to yard setbacks in a Comprehensive Site Development Plan.

LAND USE SPECIFIC DEVELOPMENT STANDARDS

28. ACCESSORY BUILDINGS AND USES

28.1 General Provisions

- (a) For standards relative to Accessory Building and Uses, and accessory structures, refer to the standards provided below and to the definition of “Accessory Building or Use”, and to the standards for specific accessory structures established in Schedule 2, and in this Schedule and other relevant Schedules, including but not limited to canvas covered

Schedule 11

SIGN STANDARDS

1. DEFINITIONS

- 1.1 In addition to the definitions in Schedule 18 of this Bylaw, the following definitions apply to this Schedule:

A-Board Sign means a self-supporting A-shaped sign or sandwich board which is set upon the ground and has no external supporting structure. This does not include a portable sign.

Active Electronic Sign means a computerized structure that uses digital technology to provide visual communication in advertising or conveying a message for pedestrian or vehicular traffic where the message is non-fixed (i.e. it flashes, scrolls, etc.).

Awning means an adjustable or temporary roof-like covering fitted over windows and doors and used for either shelter, advertising or decoration.

Banner Sign means a sign made of fabric or other non-rigid material with no enclosing framework.

Billboard means a Third-Party Sign structure within the highways development control zone of Alberta Transportation relative to the right-of-way of Highway 3, and that is designed and intended to provide a leasable advertising sign area on both sides in excess of 18.6 m² (200 ft²) per side.

Canopy means a permanent fixture fitted over windows and doors and used for either shelter, advertising or decoration.

Canopy Sign means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.

Clearance means the shortest vertical distance between the underside of a sign and the grade directly below the sign.

Construction Sign means a temporary sign erected on a site where construction is taking place to identify the construction project and those parties having a role or interest in the construction.

Copy or Sign copy means the message on a sign in either permanent or removable form.

Copy Area means the entire area within a single polygon or a combination of squares or rectangles that will enclose the limits of the advertising message or announcement, and that include, but not be limited to:

- (a) decorations related to the specific nature of the advertising message or announcement;
- (b) the area of individual figures or letters shall be calculated on the basis of the smallest squares or rectangles that will enclose the individual letters or figures; and
- (c) in the case of a double or multi-face sign, the average of the total area of all sign faces will be counted in copy area calculations.

Cornice means a horizontal molded projection crowning a building.

Directional Off-Premises Sign means any sign which advertises, directs or otherwise identifies a service, facility, product or activity to be found at a location other than the premises on which the sign is located.

7. CANOPY SIGN

- 7.1 No more than one canopy is allowed per building.
- 7.2 No more than one Canopy Sign is allowed per business frontage to a maximum of two.
- 7.3 The Canopy Sign for each use in a multi-tenant building having individual business frontages shall be consistent in size and design as directed by the Development Officer.
- 7.4 The sign area of a Canopy Sign shall not exceed the lesser of 9.3 m² (100 ft²) or 30 percent of the area of each side of the awning, canopy or marquee to which it is mounted, painted or otherwise attached.
- 7.5 No part of a Canopy Sign, exclusive of any supports, shall be less than 2.7 metres (9 ft) above ground or sidewalk grade.
- 7.6 No Canopy Sign shall be located within 0.5 metre (1.6 ft) of the top of a parapet or roofline.
- 7.7 Encroachment of a Canopy Sign into or over a road, Municipal property or right-of-way is subject to the following conditions:
 - (a) No part of a Canopy Sign shall project or encroach ~~more than 1.5 metres (5 ft)~~ over any public place or extend ~~closer than~~within 0.9 metre (3 ft) of the edge of a curb or a roadway without the approval of the ~~Municipality~~Development Authority.
 - (b) Subject thereto that the Development Authority cannot impose a condition of approval that binds the Municipality or an adjacent private landowner into an encroachment agreement with the applicant, the Approval of a Canopy Sign that projects or encroaches into or over Municipal property or right-of-way is conditional upon the owners and occupiers of the premises upon which said sign is located entering into an encroachment agreement and providing to the Municipality, on an annual basis, a liability insurance policy that indemnifies the Municipality for any public safety risk, liability, injury or damage resulting from said sign.

8. FASCIA OR WALL SIGN

- 8.1 No more than one Fascia and/or one Wall Sign (i.e. one of each) per business frontage may be approved and it shall be located completely on the same site as the use being advertised.
- 8.2 Where a sidewall of a building project is above the roofline of an adjacent building, the Development Authority may allow one additional Fascia and/or Wall Sign to be located on the exposed sidewall.
- 8.3 The sign surface shall not exceed the lesser of 6.5 m² (70 ft²) or 15 percent of the exterior fascia or wall unit on which it is attached or located.
- 8.4 Whenever there is an identifiable sign band on the building, Fascia Signs and Wall Signs should be of a consistent size and located near the same level as other similar signs on the premises and adjacent buildings.
- 8.5 A Fascia Sign or a Wall Sign shall not be located within 0.5 metre (1.6 ft) of the top of a parapet or a roofline.

9. FREESTANDING SIGN

- 9.1 Freestanding Signs may be approved only in non-residential land use districts.
- 9.2 All Freestanding Signs shall be located completely on the same lot as the use being advertised.

13. PROJECTING SIGN

- 13.1 A single Projecting Sign may be approved on a single lot or business frontage.
- 13.2 Any Projecting Sign shall have a minimum clearance of at least 2.7 metres (9 ft).
- 13.3 The sign area of a Projecting Sign shall not exceed 1.5 m² (16 ft²) per face.
- 13.4 A Projecting Sign shall be securely fastened to the building to the satisfaction of the Development Authority.
- 13.5 No Projecting Sign may be located within 0.5 metre (1.6 ft) of the top of a parapet or a roofline.
- 13.6 Encroachment of a Projecting Sign into or over a road, Municipal property or right-of-way is subject to the following conditions:
 - (a) No part of a Projecting Sign shall project or encroach ~~more than 1.5 metres (5 ft)~~ over any public place or extend ~~closer than~~within 0.9 metre (3 ft) of the edge of a curb or roadway without the approval of the ~~Municipality~~Development Authority.
 - (b) Subject thereto that the Development Authority cannot impose a condition of approval that binds the Municipality or an adjacent private landowner into an encroachment agreement with the applicant, the Approval of a Projecting Sign that encroaches into or over Municipal property or right-of-way is conditional upon the owners and occupiers of the premises upon which said sign is located entering into an encroachment agreement and providing to the Municipality, on an annual basis, a liability insurance policy that indemnifies the Municipality for any public safety risk, liability, injury or damage resulting from said sign.

14. ROOF SIGN

- 14.1 No more than one Roof Sign may be approved per business frontage.
- 14.2 The sign area of a Roof Sign shall not exceed 8.4 m² (90 ft²).
- 14.3 No part of a Roof Sign shall project horizontally beyond any exterior wall, parapet or roofline of the building upon which it is located.
- 14.4 A Roof Sign may be approved:
 - (a) on the flat roof of a building that is at least 9.1 metres (30 ft) high; or
 - (b) between the eaves and peak of a sloping roof.
- 14.5 On a flat roof, no part of any Roof Sign, excluding that portion which is used for support and which is free of copy, shall be less than 1.2 metres (4 ft), or more than 4.6 metres (15 ft) above the parapet or roofline.
- 14.6 No supporting structures shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Officer.
- 14.7 On a sloping roof no part of any Roof Sign shall be more than 6.1 metres (20 ft) above grade.
- 14.8 All Roof Signs shall be securely fastened to the building to the satisfaction of the Development Authority.



Schedule 18

USE AND ADMINISTRATIVE DEFINITIONS

Terms used in this Bylaw that are not defined in this Schedule shall have the meaning ascribed to them by the Act or, if not defined there, the meaning commonly understood or as determined in an official dictionary.

SCHEDULE 18A - LAND USE DEFINITIONS

Unless the context specifically implies otherwise, the land use definitions shall be interpreted to imply the requirement of the construction of a building as defined in this Bylaw.

A

Accessory Building or Use means:

- (a) In the case of a building, any building that is detached from an established principal building on the lot on which both are located and the use of which the Development Officer decides is normally subordinate, ancillary, incidental and directly related to that of the established principal building;
 - or
- (b) In the case of a use, any use that the Development Officer decides is normally subordinate, ancillary, incidental and directly related to the established principal use of the lot on which both are located (for example, accessory retail sales within a fitness centre);
 - and
- (a) In the case of both a building and a use, any building or use that does not substantially add to the patronage, volume of traffic, or intensity of activity on the property;
 - and
- (b) An Accessory Building or Use shall not precede the development of the principal building or use unless it is conditionally approved through a development permit;
 - and
- (c) An Accessory Building includes but is not limited to a deck, a mailbox, a garbage container, a greenhouse, a yard light standard a flagpole, a communication antenna and structure, an outdoor washroom facility, a retaining wall, a shipping container (subject to conditions, e.g. masked as an accessory building), a sign, a fence, a privacy screen, a swimming pool, a carport (even when attached to the principal building), a patio, landing, pergola or similar structure, an uncovered enclosure, a detached garage, a garden shed, and similar structures, but does not include a "Canvas Covered Structure" or "Shipping Container" (when it is not masked as an accessory building);
 - and
- (d) Notwithstanding the above:
 - (i) subject to provisions in Schedule 4, one Accessory Building or Use per parcel may be conditionally approved prior to the establishment of the principal use; and
 - (ii) an Accessory Building does not include "Canvas Covered Structure" or "Shipping Container" (i.e. unmasked), but a Canvas Covered Structure or a Shipping Container may

Cemetery means an area for the entombment or commemoration of the deceased, and may include crematoria, cineraria, columbaria, mausolea and cenotaph.

Community Facility means a facility owned or operated by a government or quasi-government entity established primarily for the benefit and service of residents of the Municipality or the province. Typical examples of a Community Facility include a community centre, a library, a municipal government building, a post office, a public works yard or facility, a public utility and a school.

Contractor Services, Limited means a development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services and the accessory sales of goods normally associated with the contractor services where all materials and equipment are kept within an enclosed building (i.e. no outside storage except vehicles), and there are no primary manufacturing (except accessory manufacture) or fleet storage in excess of what the Development Authority deems appropriate in the context of the surrounding area.

Contractor Services, General means development used for industrial service support and construction. Typical uses include cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, wastewater systems or similar services of a construction or light manufacturing nature which require on-site outside storage space for materials, construction equipment and/or vehicles normally associated with the contractor service. This may include accessory sales, display, office and/or technical support service areas.

Cultural Establishment means a development for the purpose of cultural activity and includes but is not limited to such uses as an art gallery, an auditorium, a private club, a youth centre, a museum, a convention centre, or a visitor information centre.

D

Day Care Facility, commercial means the use of a commercial building, or portion of a commercial building, for the provision of care, instruction, and/or supervision of seven (7) or more children under the age of 13 years, for periods not exceeding 24 consecutive hours.

Day Care Facility means the use of a private dwelling unit building, or portion of a private dwelling unit building, for the provision of care, instruction, ~~maintenance, and/or~~ supervision of seven (7) or more children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home, for periods not exceeding 24 consecutive hours.

Day Home means the use of a private dwelling unit, or portion of a private dwelling unit, for the provision of where temporary care, instruction development, and/or supervision of for periods not exceeding 24 consecutive hours is provided to a maximum of six (6) children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home, for periods not exceeding 24 consecutive hours.

Drive-In Food Service means a food service facility operated in a manner that allows rapid customer service and includes one or more of the following features: interior or outdoor sit-down facility, car attendant services; drive-through food ordering and pickup services and parking primarily intended for the on-site consumption of food within a motor vehicle and for customers who choose to use the sit-down facility

Drive-In Theatre means a commercial facility on a parcel of land where movies are shown on an outdoor screen to customers who remain in their vehicle. Typically the facility will consist of a large



SCHEDULE 18B – ADMINISTRATIVE DEFINITIONS

A

Access, legal, public means an access from a public road or public lane that is shown in a registered plan of subdivision.

Access, legal, private means an access that is surveyed and registered as an easement plan and agreement on the certificates of title of the dominant and servient parcels. Legal private access may be obtained either on foot or by means of a vehicle.

Access, physical means either 1) legal public access as defined in this bylaw that is constructed to the Municipality's "Engineering and Development Standards" (March 2005), or alternatively is accepted by the Municipality at a reduced standard, and that is maintained by the Municipality, or 2) legal private access as defined in this bylaw that is constructed to an alternative standard and that is maintained by one or more private landowners.

Access, primary means the location and manner of the principal means of vehicular access and egress from a site or building.

Act or the Act – see *Municipal Government Act*.

Addition means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the National Building Code – Alberta Edition, and a roof.

Adjacent means land that abuts a site and land that would abut if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature.

Alberta Environment means Alberta Environment and Protected Areas: a provincial Ministry tasked with ensuring Alberta's natural environment and resources are cared for and managed responsibly and sustainably.

Alberta Gaming, Liquor and Cannabis (AGLC) means the Crown commercial enterprise and agency responsible for overseeing the gaming, liquor and cannabis industries in Alberta.

Alberta Transportation means Alberta Transportation and Economic Corridors: a provincial Ministry tasked with providing a safe and efficient transportation system to support Alberta's economic, social and environmental vitality.

All-weather surfacing – see "Hard-surfacing".

Alteration means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this Bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Amenity area means an area or areas within the boundaries of a parcel intended for recreational purposes by the occupants of the parcel. These may include a landscaped area, a patio, a pergola, a gazebo, a swimming pool and similar uses.

Attach and Attached To means any one or more of the following and similar meanings, in the sole discretion of the Development Officer having regard for the context of the specific circumstances: “fastened to”, “supported by”, “flush with”, “adjacent to” and/or “accessible from”. For greater clarity, a deck may not be structurally fastened to or supported by the wall of a dwelling unit and instead may be installed on its own supports adjacent to the wall of the dwelling unit, but because the deck is accessible from the dwelling unit, for the purposes of this bylaw the deck may be deemed “attached to” the dwelling unit.

Attached garage means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purposes of calculating lot coverage ratio and minimum yard setback requirements, an attached garage is deemed to be part of the principal building.

B

Balcony means a platform above the first storey, attached to and projecting from the face of a principal building with or without a supporting structure, normally surrounded by a baluster railing, it may be roofed, and it is used as an outdoor space with access only from within the building. For the purpose of determining development standards (e.g. yard setbacks) a balcony shall be considered to be part of the building that it is attached to, and it is subject to the provisions for projections into yard setbacks. Also see “Deck”, “Landing”, “Patio” and “Porch.”

Basement means any storey of a building of which the ceiling level is less than 1.83 metres (6 ft) above the average finished surface level of the surrounding ground.

BearSmart means the Alberta BearSmart Program which provides information on how to reduce human-bear conflicts while achieving the goals of keeping people safe, helping bear populations survive and reducing property damage and costs.

Berm means a dyke-like earthen or rock form used to separate incompatible areas or functions, or constructed to protect the site or district from vehicular road or other noise.

Boulevard means that portion of a public roadway that lies between a curb and the boundary of a lot or parcel.

Brew pub means a licensed “Food and/or Beverage Service” establishment that includes the brewing of malt beverages (beer, ale, etc.) in compliance with applicable provincial laws, for on-site consumption and/or retail or wholesale distribution. The establishment may include live entertainment but does not include a Bottling Plant.

Buffer means a row of trees, hedges, shrubs or landscaped berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

Building has the same meaning as it has in the *Municipal Government Act* and in addition includes a structure but does not include a recreational vehicle or other types of wheeled / mobile units. Also refer to the definition of “use” because “building” implies a “use”.

[Building code](#) – see [National Building Code](#).

Building footprint means the shape of the building where it sits on the parcel. If an outline of the building could be drawn on the ground along the exterior of the foundation wall where it sits and then the building is removed, the footprint is the shape that was drawn around the building. Changing the footprint of the building means adding to it or removing from it in such a way that this outline would be altered.

Change of occupancy means that a premises is vacated by the current occupant who occupied the premises as a non-conforming use or as a use that was approved in a development permit, and the premises is being occupied by a new occupant who falls under the same land use that is listed in the district, either within six months of the premises being vacated by a non-conforming use or within twelve months of the premises being vacated by a use that was approved in a development permit and was not a non-conforming use at the time of vacating the premises.

Change of use means that a premises is vacated by the current occupant who occupied the premises as a non-conforming use or as a use that was approved in a development permit, and the premises is being occupied by a new occupant who falls under a different land use that is listed in the district.

Common wall means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party or both but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

Communication structure means a structure designed to support one or more communication antennae.

Communication antenna means an antenna for the transmission and/or reception of television, radio or cellular phone signals/waves.

Comprehensive development means planned residential development having a high standard of design, a variety of accommodation, and adequate amenity provisions.

Comprehensive Site Development Plan means a plan, in a format to be determined for each case based on the requirements established in Schedule 4 of this Bylaw, that provides for the coordinated, comprehensive planning of multi-faceted or otherwise complex development, redevelopment, infill development or bare land condominium subdivision, which is of such a scale or complexity or is located in an area that, in the opinion of the Development Authority or the Subdivision Authority, the proposal requires a coordinated and comprehensive approach to the provision of infrastructure, the design and layout of land uses or buildings, the interrelation of the proposal with adjacent or neighbouring lands, and/or the impact of the proposal on adjacent or neighbouring property owners.

Conceptual scheme means a detailed ~~site layout plan for piece of land which~~ that illustrates:

- (a) The layout of a proposed subdivision, with parcel or block boundaries and dimensions.
- (b) Municipal Reserve, Environmental Reserve, and Conservation Reserve.
- (c) Land uses and density of population.
- (d) Public roadways.
- (e) The location and capacity and upsizing requirements of existing or required on-site and off-site municipal water, wastewater, and stormwater infrastructure, based on the design volumes required and produced by the proposed subdivision.
- (f) The relation of the proposed subdivision to future subdivision and development of adjacent areas.
- (g) The sequence of the proposed subdivision.
- (h) The additional information provided for in the Subdivision and Development Regulation, that the Development Officer may deem relevant to making an informed decision on the subdivision application.

The purpose of a conceptual scheme is to provide for the coordinated planning of access roads, municipal infrastructure (water, wastewater, stormwater), and other aspects (e.g. reserves and walkways). A conceptual scheme is not adopted by a bylaw however, the Development Officer may require that a public hearing for the conceptual scheme is held before Municipal Council, which is

~~also a requirement under the Act and the Subdivision and Development Regulation for the conceptual scheme to have standing with provincial government agencies.~~

~~shows the location of any existing or proposed buildings; and~~

~~describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole;~~

~~provides for coordinated planning of access roads, water, wastewater, power and other services to the satisfaction of the Development Authority; and~~

~~is not adopted by municipal bylaw.~~

Condominium means a real property ownership structure where units are owned individually and common property is owned collectively by the unit owners, whose interests in the common property are held as tenants in common in shares proportional to the unit factors for their respective units. Management schemes for condominium property are governed by the *Condominium Property Act*, and a condominium plan is registered in a land titles office.

Condominium plan means a plan of survey registered at Land Titles Offices prepared in accordance with the provisions of the *Condominium Property Act*, Revised Statutes of Alberta 2000, Chapter C-22, as amended.

Corner lot sight triangle means a triangular area formed on a corner lot by the two street property lines and a straight line intersecting no less than 6.1 metres (20 ft) from the corner where the property lines meet.

Council means the elected Council of the Municipality of Crowsnest Pass in the Province of Alberta.

Country residence means a use of land, the primary purpose of which is for a dwelling or the establishment of a dwelling in a rural area, whether the dwelling is occupied seasonally, for vacation purposes or otherwise, or permanently.

Critical wildlife zone means an area which is critical to a number of individuals of a species during at least part of the year. This can include, for example, wintering areas for ungulates, nesting or staging areas for waterfowl, colony sites for colonial nesters, and over wintering areas for upland birds.

CSA means Canadian Standards Association, a not-for-profit organization which exists to develop standards in 57 different areas of specialization including climate change, business management and safety and performance standards, including those for electrical and electronic equipment, industrial equipment, boilers and pressure vessels, compressed gas handling appliances, environmental protection and construction materials.

CSA A277 means the most current edition of the Procedure for Certification of Prefabricated Buildings, Modules, and Panels. CSA A277 is used by accredited certification agencies to indicate that buildings, modules and panels constructed in a factory or other off-site location have been designed and constructed in compliance with the National Building Code – Alberta Edition[NBC(AE)]. Modular components that have been certified to meet CSA A277 do not require an on-site inspection to demonstrate compliance with the NBC(AE). CSA A277 is applicable to all types and sizes of buildings.

Cumulative effect means the resulting combined impacts of past, present and reasonably foreseeable future actions on the landscape. They are the total effect, both direct and indirect impacts, to any resource, ecosystem or human community no matter who has taken the action.



Development agreement means a contractual agreement completed between the municipality and an applicant for a development permit or subdivision application which specifies the public roadways, utilities and other services to be provided by the permit holder as a condition of development approval or subdivision approval, provided the agreement is in accordance with the relevant provisions of the *Municipal Government Act*, as amended.

Development Authority means the Development Officer and/or the Municipal Planning Commission and/or the Subdivision and Development Appeal Board and/or Council as provided for in this Bylaw.

Development Officer or Development Office means the incumbent(s) in the position(s) of Development Officer(s), and their direct supervisor, with duties assigned by their supervisor in accordance with the applicable job descriptions.

Development permit means a document issued pursuant to this Bylaw authorizing a development.

Direct control means a land use designation attributed to a piece of land for exercising specific land use regulations and uses in accordance with the relevant provisions of the *Municipal Government Act*, as amended.

Discretionary use means the one or more uses of land or buildings that are described in Schedule 2 within the land use classifications that are required to be approved by the Municipal Planning Commission, or by the Development Officer for those discretionary uses as may be provided for in this Bylaw.

District means a district established under Schedule 1 of this Bylaw.

Domestic animal means an animal that is kept by a household for domestic purposes. A domestic animal may include the following: cat, dog, ferret, gerbil, guinea pig, hamster, rabbit, iguana or small non-poisonous amphibians, reptiles, caged birds, and other similar animals typically sold in pet stores and kept as pets. The Development Authority may include other animals as domestic animals on a case-by-case basis after due consideration of the potential impact on neighbouring property and residents.

Drive-in business means an establishment with facilities for on-site service to customers who remain in their motor vehicles.

Dwelling unit means a building or portion of a building consisting of one or more rooms that provide(s) a cohesive self-contained area with sleeping, cooking and sanitary facilities intended to be inhabited and used by a household for residential occupancy as opposed to recreational occupancy (both as defined in this Bylaw). A sleeping room in a Boarding House is not a dwelling unit. Camping Accommodation such as a cabin, a recreational vehicle, and a recreational vehicle "Cottage Model" and some forms of Resort Accommodation are deemed to not be a dwelling unit.

E

Easement means a right held by one party in land owned by another, typically for access or to accommodate a public utility.

Eaveline means the overhanging portion of a roof beyond the exterior walls of a building.

Embankment means an earth bank constructed so that it is raised above the immediately surrounding land, with the specific purpose to redirect water or prevent flooding by a river, lake, canal, or other water body, or to carry a road, railway, or canal across a low-lying area.

environmentally, financially and socially sustainable. Infill development can consist of demolishing one or more buildings and replacing it with something new. It also includes the development of residential, commercial, mixed-use or institutional uses on vacant lots in existing neighbourhoods. An infill project can range in size from a single lot to the complete redevelopment of a significantly larger area. Many forms of infill development can be more intensive than previous uses, or than the predominant existing development in the mature neighbourhood where it is proposed.

Isolated country residential means a small single-lot parcel of land or acreage created by subdivision for the purpose of accommodating a Single-Detached Dwelling.

L

Land and Property Rights Tribunal means an amalgamation of provincial quasi-judicial boards whose duties include acting as the appeal body for subdivision and development decisions where a provincial interest exists on the land subject to the appeal.

Landing – means an exterior platform, either covered or uncovered and with or without stairs, of any suitable which the construction material and dimensions comply with the building code, with or without stairs that provides direct access from exterior grade to thea ground floor access of a building, and that, regardless of building code requirements, is not wider or longer than 1.5 m measured from the building wall to which it is attached. Where a platform does not meet this description, it shall not be deemed to be a landing, and instead may have to be deemed to be a deck, a patio or a porch. A “Landing” is not a “Balcony”, “Deck”, “Patio”, or “Porch”.

Land Use – See “Use.”

Landscaped area means that portion of a site which is to be landscaped pursuant to a development permit.

Landscaping means the modification and enhancement of a site or development through the use of the following elements:

- (a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other ground cover; and
- (b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood.

Lane, public, or Rear Lane means a surveyed and registered public thoroughfare of at least 6.0m in width that provides a means of legal access to the rear or side of a lot or lots typically within an urban block. Informal access (i.e. not surveyed and not registered, or the opposite of “legal access” as defined in this bylaw) across private land, Crown land, Municipal land or reserves, or other “public land”, or that is otherwise surveyed and registered public or private access with a width less than 6.0m, is not considered a public lane.

Lease Bay Building means a building designed to accommodate multiple businesses each occupying one or more bays in a condominium or leasehold tenure arrangement. Once a development permit has been issued for a lease bay building, the occupant of each lease bay must apply for an individual development permit to allow their intended use pursuant to the permitted and discretionary uses listed in the applicable land use district.

Loading space means a portion of a lot or parcel that is designated or used by a vehicle while loading or unloading goods or materials to a building or use on that parcel or lot.

Loft means the floor space above the eave line and within the pitch of the roof of a building.

Primary Residence means the residence where a person normally resides and has control and management of the property by a form of ownership.

Principal building means a building which:

- (a) is the main building on a lot;
- (b) by reason of its use, is the primary purpose for which the lot is used; and
- (c) includes any building, including a garage or carport, that is attached to the principal building by a roof or a foundation.

Private means the use of land or buildings intended for or restricted to the use of a particular person or group or class of persons which is not freely available to the general public.

Professional Engineer means a professional engineer as defined in the Engineering and Geoscience Professions Act who has been registered (and, in the case of a partnership or corporation, also permitted to practice) in Alberta by the Association of Professional Engineers and Geoscientists of Alberta (APEGA). Professional engineer does not include a licensee or a technologist. The terms “engineering” and “engineered” shall be understood within this context.

Property line means any legal surveyed boundary of a parcel.

Provincial Land Use Policies means policies established by order of the Lieutenant Governor pursuant to the *Municipal Government Act*.

Public means the use of land or a building which is accessible or visible to all members of the community.

Public roadway or roadway or road allowance means, ~~in a city, town, new town, village or summer village,~~ the right-of-way, including a bridge and any other incidental structures, of all or any of the following, that is developed to Municipal engineering standards and is operated and maintained by the Municipality:

- (a) a local road, collector road, arterial road, or a lane,
- (b) a service road adjacent to a municipal road or a provincial highway, a street, an avenue, or a lane, but does not include a municipal parking lot or other municipal-owned property.

Public thoroughfare means ~~any~~ any ~~public roadway, any undeveloped road allowance, a pathway, a sidewalk, municipal reserve, school reserve, environmental reserve, or conservation reserve~~ bridge, lane, service road, local street, collector street, arterial street, or highway.

Public utility means the municipally owned or franchise owned infrastructure, property and / or right-of-way or easement for one or more of the following:

- (a) water service;
- (b) wastewater service;
- (c) stormwater drainage and retention facility;
- (d) gas;
- (e) electricity;
- (f) telecommunication;
- (g) any other things prescribed by the Lieutenant Governor in Council by regulation, but does not include those systems or facilities referred to in subclauses (a) to (f) that are exempted by the Lieutenant Governor in Council by regulation.

grid transmission or distribution system for off-site consumption. This use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformers or substations required to transform the solar energy.

Stake out of the site means the process of measuring the site and designating the areas on the site where construction will occur.

Statutory plan means a municipal development plan, area structure plan or area redevelopment plan adopted under the *Municipal Government Act*.

Stop order means an order issued by the Development Authority pursuant to the relevant provisions of the Act.

Storage means a space or place where goods, materials, equipment or personal property is placed and kept for more than 24 consecutive hours.

Storey means that portion of a building situated between the top of any floor and the top of the next floor above it or, if there is no floor above it, the ceiling above it. Where the top of a floor directly above a basement is at least 1.83 metres (6 ft) above grade, that basement shall be considered a storey.

Storey, above-grade means a storey of a building that is enclosed by a roof and is at least 1.83 metres (6 ft) above grade.

Storey, below-grade means a storey of a building that is enclosed by a roof and is less than 1.83 metres (6 ft) above grade.

Street or Avenue means a public ~~roadway~~~~thoroughfare~~ that affords the primary means of access to abutting parcels, and includes the sidewalks and the land on each side of and contiguous with the prepared surface of the ~~roadway~~~~thoroughfare~~, and that is owned by the municipality.

~~**Street, residential** means a street whose primary function is to allow access to residential lots. A collector street may be classified as a residential street, providing the volume of traffic is not detrimental to living conditions.~~

Structural alteration means a repair or alteration to the supporting members or fabric of a building which tends to either substantially prolong its use or alter its character.

Structure means “building” as defined in this Bylaw.

Subdivision means the division of a parcel by an instrument, and “subdivide” has a corresponding meaning.

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development pursuant to the relevant provisions of the Act.

Subdivision and Development Regulation means the *Matters Relating to Subdivision and Development Regulation (Alberta Regulation 84/2022)*, established and amended from time to time by order of the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

Subdivision approval means the approval of a subdivision by a subdivision approving authority.

Subdivision Authority means the person or body empowered by a bylaw of Council to approve a subdivision, which is the Municipal Planning Commission.



Municipality of Crowsnest Pass Request for Decision

Meeting Date: December 17, 2024

Agenda #: 7.b

Subject: Bylaw 1211, 2024 - Land Use Bylaw Amendment - Redesignation of the lands legally described as Lot 5, Plan 9611980 from “Grouped Country Residential - GCR-1” to “Non-Urban Tourism Accommodation & Recreation – NUTAR” - First Reading

Recommendation: That Council give first reading to Bylaw 1211, 2024.

Executive Summary:

Bylaw 1211, 2024 proposes to redesignate Lot 5, Plan 9611980 from “Grouped Country Residential - GCR-1” to “Non-Urban Tourism Accommodation & Recreation – NUTAR” for the purpose of allowing the landowner to apply for a development permit and Comprehensive Site Development Plan to develop a "Tourism Accommodation", consisting of a combination of micro-cabins and recreational vehicle stalls as long-term leased accommodation. Because the property is located in an urban growth node identified in the Municipal Development Plan for future urban growth, the Land Use Bylaw requires that the proposed “Tourism Accommodation” must be upgraded with a uniform layout and design, landscaping, and hard-surfaced private roads, and that it is serviced with municipal water and wastewater systems.

Relevant Council Direction, Policy or Bylaws:

- Section 692, Planning bylaws, Municipal Government Act, RSA 2000, c M-26. (MGA)
- Land Use Bylaw No. 1165, 2023
- Municipal Development Plan (Bylaw No. 1059, 2020) - Growth Strategy p. 30 - Tourism "***Become a top tourism destination in the province***".
- North Coleman Area Structure Plan Bylaw 867, 2013

Discussion:

The Context of the Subject Property (see the attached *Application - Supporting Materials* provided by the applicant)

- The proposed land use redesignation is intended to facilitate the development of the parcel for "Tourism Accommodation" in the form of a combination of approximately 100 micro-cabins and RV stalls (i.e. camping accommodation) for long-term leased accommodation.
- The subject property has intermediately steep grades of 12.6% to 24.9%, which may present some challenges for traditional residential development. The alternative development of a "Tourism Accommodation" may potentially be a less challenging option for this specific property.
- The existing land uses of the subject property and surrounding area are illustrated on the attached Land Use Map.
- Challenges with developing the property for typical urban residential development include the Alta Link transmission line restrictions, steep grades, and the landowner's desire to preserve the old-growth fir trees, which is a policy statement in the North Coleman Area Structure Plan. The current land use district being Grouped County Residential GCR-1 limits a potential subdivision to 3-acre minimum lot size, which would result in less than five parcels after public road dedication and Environmental Reserve dedication, and perhaps may not be the best use of these lands, given the present housing needs. The proposed private development on the other hand would increase density for tourism accommodation and affordable housing to approximately 100 units. The vision with this type of development is that it may begin with a combination of micro-cabins and RV sites, and may transition over time where the RV stalls are phased out for micro cabins and larger luxury cabins. This has been the case in other tourist destinations such as Castle Mountain Resort.
- The proposed development will require coordination of municipal water and wastewater infrastructure and emergency exit / secondary access between the applicant and the Trilogy Real Estate Group, who is the owner of the land adjacent to the north of the subject property (known as Sawback Ridge) and the land adjacent to the south of the subject property (the Aurora subdivision). It is understood that this coordination is already occurring. The Trilogy Real Estate Group submitted a letter in support of the redesignation application for the subject property (attached).

Council Identified a Need to Update Provisions in the Land Use Bylaw for Tourism Accommodation

- Few mountain communities in North America exist without a tourism sector, or in many cases a reliance on the tourism industry. The MCNP experiences tourism growth as a result of the Pass Powderkeg Ski Hill, Frank Slide Interpretive Centre, the Crowsnest Pass Golf Club, the heritage buildings and archeologic sites, the increasing popularity of mountain biking trails, and the provincial and national parks with their evolving hiking trails throughout the community and the surrounding region. Tourists have always been interested in the region for camping in the great outdoors but more and more it appears that a significant portion of tourists flock to the community's urban centres to experience the cultural and social aspects of what these have to offer.
- There appears to be a market demand to develop tourist resorts with a range of accommodation types of various forms of dwelling units (rowhouses, apartments) and high-end

cabins, but that also includes a portion of enhanced "camping accommodation".

- Pro-actively, in the 2021 Municipal Development Plan (MDP) Council took a strong policy position to support tourism as a future growth sector for the Crowsnest Pass by stating in the Growth Strategy on p. 30 of the MDP as follows: **"Become a top tourism destination in the province** and capitalize on the economic spin-offs from tourism driven development". On p. 33 of the MDP future growth nodes are described as accommodating "... residential neighbourhoods **as well as non-residential sector growth**". On p. 42 of the MDP: "Growth nodes will be developed **based on market demand**".
- ***Council's vision for the Crowsnest Pass to become one of the top tourist destinations in the province, supported by the expectation of tourism growth, required that the MDP policy was implemented by an appropriate land use bylaw amendment, otherwise it would remain just a policy that does not provide practical direction for development decision-making.*** Based on the observed trend, perceived or otherwise, of increased tourism interest in the urban centres, and the fact that the Municipality's land use bylaw at the time only provided for tourism development in the non-urban areas, on 28 May, 2024 Council adopted a comprehensive land use bylaw amendment that introduced the Urban Tourism Accommodation and Recreation District and the Non-Urban Tourism Accommodation District, with associated standards for "Tourism Accommodation" and revamping of all associated land use definitions, and the establishment of development standards.
- The current (amended) land use bylaw provides for "Tourism Accommodation" to include "resort accommodation" (various types of dwelling units) and/or "camping accommodation" (tents, RVs, and cabins that may involve the use of camping equipment such as generators). It establishes standards for "Tourism Accommodation" in a manner that provides site-specific flexibility, where the details of the development would be provided in a Comprehensive Site Development Plan that supplements a development permit application, and that will support decision making by the Development Authority on a case-by-case basis.
- Comparison – UTAR and NUTAR Districts - A table is attached that compares the features of the UTAR and NUTAR districts.
- Comparison – "Tourism Accommodation" – Small vs. Large - A table is attached that compares the features of the two types of "Tourism Accommodation" – small versus large. The applicant proposes a "Tourism Accommodation, Large".
- The present application to redesignate the subject property to the NUTAR District is the first application to implement the new provisions that Council adopted in the land use bylaw.

"Campgrounds" and "Resorts" in the Urban Growth Nodes

- ***Upgraded Camping Accommodation*** - Policy 3.1.7 of the Municipal Development Plan discourages the location of "traditional" campgrounds that rely on the use of camping equipment such as generators and wood stoves, tourist parks with short-term rental cabins, and golf courses in the urban growth nodes. While this direction to exclude "traditional" campgrounds from the growth nodes is generally a prudent approach, in May 2024 Council

adopted the Tourism Accommodation land use bylaw amendment to allow for “camping accommodation” in an urban growth node subject thereto that specific criteria were met relative to the upgrading of such a development from the “traditional” campground style.

- One such criterion is that where “camping accommodation” (i.e., cabins and RVs) is proposed in a “Tourism Accommodation” development that is located in an urban growth node, the development should be significantly upgraded from a “traditional” campground or recreational vehicle park that typically has gravel roads, individual random site design and fencing, a lack of landscaping, etc. The land use bylaw requires that a “Tourism Accommodation” in an urban growth node that includes “camping accommodation” must be designed and constructed to meet enhanced development standards and quality such that the development is not the same as what is traditionally thought of as a “campground” or a “recreational vehicle park”. This could include hard-surfaced roads, uniform layout, design and fencing, high quality landscaping, full services (municipal water, municipal wastewater, gas, and electric - which would for example eliminate the use of camping equipment such as wood stoves and generators). Another criterion for “camping accommodation” (cabins and RV stalls) in an urban growth node is that the form of ownership should encourage long-term occupancy instead of short-term rental.
- ***Non-residential Sector Growth in the Urban Growth Nodes*** - The policy direction on p. 33 of the MDP includes non-residential sector growth in the urban growth nodes (“... residential neighbourhoods **as well as non-residential sector growth**”). This would typically include commercial recreational development, such as the proposed “Tourism Accommodation” development on the subject parcel.

Meeting a Specific Housing Need

- The North Coleman ASP covers the largest urban growth node (1,588 acres), of which the subject property (15 acres) is a small portion. The ASP notes that multi-family units, ***rental units***, and ***affordable housing*** should be the priority housing types in this area. The North Coleman growth node in the MDP contains large areas in the Nez Perce ASP and the Sawback Ridge ASP where country residential development is proposed, which does not address the current and future housing priority needs. The proposed “Tourism Accommodation” with long-term rental units address the identified housing needs.

Responding to Market Demand

- The MDP recognizes that growth nodes “... will be developed **based on market demand** and the readiness of property owners and developers” (p.42). The North Coleman ASP states that the Coleman growth node contains areas in the Nez Perce ASP and the Sawback Ridge ASP that are not readily serviceable for traditional, higher density residential development in accordance with the current and future housing priority needs, ***unless significant expenses are made to water and wastewater infrastructure*** (e.g. a new higher located water reservoir and the looping of infrastructure). The cost associated with these infrastructure improvements (expected to be multiple millions of dollars) may render the subject property and other areas in the North Coleman ASP unfeasible for traditional residential development in accordance with the current and future housing priority needs for many years to come, because it would reduce the profit margins necessary to attract that type of development interest. The development on the subject property of an upgraded, high quality “Tourism Accommodation” (“camping

accommodation” in the form of RVs and cabins) that addresses the identified rental accommodation and affordable housing needs could possibly be developed without requiring the same cost for the identified infrastructure improvements to the same extent as it would for traditional, higher density priority housing needs*.

*(see the attached extract from Alberta “Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems, Part 4 Wastewater Systems Guidelines”, which illustrates the variances in the design volume of wastewater, and by implication the design volume of drinking water, between various types of development. Note the significant variance between "campsites" and "recreational vehicle park" vs. other types of development.

Shifting Housing Trends and Innovative Affordable Housing Options

- The Land Use Bylaw provides for a portion of the accommodation units in a “Tourism Accommodation” to be used for permanent residential occupancy. In addition to the traditional housing stock and increasingly, continuously shifting housing trends, this could support existing residents and a growing population, all of whom have varying needs, by facilitating the development of innovative residential options that meet the identified housing need (see the North Coleman ASP p. 27).
- Innovative housing is also supported in Policy 2.3.3 of the MDP (p. 63), in which “... alternative housing forms should be incorporated into communities where appropriate, such as ***cluster housing, tiny homes*** and mixed-use buildings”.

The North Coleman Area Structure Plan (ASP) - see the attached extract

- The North Coleman ASP (Bylaw 867, 2013) is a major ASP that contains eight development sub-areas with a total area of 643 ha (1,588 ac).
- The ASP provides high-level generalized policies and servicing concepts for future development in the sub-areas.
- The ASP recommends that the removal of mature forest canopy should be minimized. (p. 29)
- The ASP does not provide a servicing concept for the subject parcel however, it identifies the opportunity to provide a looping connection for water and wastewater services through the subject property between Kananaskis Wilds, Sawback Ridge and the future development in the adjacent Sub-Area 5 (south of the subject property). The new Aurora subdivision and several undeveloped parcels that are presently being considered for development are located in Sub-Area 5. The purpose of the looping connection is to improve municipal system performance and water quality in this area of Coleman. (p. 19)
- The ASP states that there is no urgency (in 2013) to expand the water and wastewater services in Sub-Area 4, and that this should only be considered as a long-term strategy with low priority (in 2013), and only if a sustainable balance can be achieved between revenue and maintenance cost. (p. 20) **Administration offers the opinion that with several undeveloped parcels in Sub-Area 5 and Sub-Area 4 being considered for development in the next few years, the development of the subject parcel for the proposed use provides the opportunity to**

implement the looping connection.

- The ASP states that many of the future land uses and servicing strategies depend upon the construction of a new water reservoir at a higher elevation than existing reservoir. It is not clear from the ASP whether or not this applies to the proposed looping connection through the subject parcel for water service. (p. 24)
- The ASP recommends that development and its sequencing should provide for logical water service extension, should respond to market demand, and should conform to the growth objectives of the Municipality. (p. 29)
- The ASP provides a concept plan of what potential land uses in the future could be, and states that the land use pattern is intended to serve as a general scenario to guide the preparation of detailed conceptual plans for specific parcels or areas. The ASP states that market conditions will determine if and when any development areas as depicted in this ASP proceed. (p. 29)
- The ASP states that the existing country residential subdivisions (such as Kananaskis Wilds, Capron Estates) and proposed country residential development (such as Sawback Ridge in 2013) in Sub-Area 4, including the subject property as “grouped country residential”, are expected to continue (p. 31)
- The ASP identifies multi-family units, rental accommodation, affordable housing, and seniors’ housing as the type of residential development needed in Coleman. It specifically suggests these types of land uses for Sub-Area 5, which is immediately adjacent to the south of the subject parcel. (p. 27 and Figure 9 Concept Plan)
- The ASP states that *“No commitment is made or implied by the Municipality of Crownsnest Pass to approve the (ASP) land use concept as presented herein or to provide the services or improvements as presented in this Study”*. (page 29)
- **Administration offers the observation that, given the generality of the servicing and land use concepts of the North Coleman ASP, the ASP does not promote nor prohibit the development of the subject property for the proposed “Tourism Accommodation” or the servicing of the subject parcel with municipal water and wastewater infrastructure. Likewise, the proposed redesignation is not contrary to the policies or land use and servicing concepts of the North Coleman ASP. Therefore, Administration offers the opinion that an amendment to the North Coleman ASP is not required for the proposed redesignation and would not serve any purpose, and that the present redesignation application and bylaw process will achieve the same objective through a public hearing.**

Proposed Implementation of Redesignation Bylaw and Development Permit

- After a public hearing has been held and Council has had an opportunity to consider public input, if Council wanted to proceed with Bylaw 1211, 2024, it is recommended that the bylaw is paused after second reading and that third reading of the bylaw is deferred until the applicant has applied for and obtained a development permit supported by a Comprehensive Site Development Plan, to give the Development Authority an opportunity to consider the quality of the proposed development to determine whether or not the proposed development meets the

criteria required for accommodating a Tourism Accommodation with camping accommodation in an urban growth node.

Analysis of Alternatives:

1. Council should proceed with first reading of Bylaw 1211, 2024, and schedule a public hearing.
2. Council may defer first reading of Bylaw 1211, 2024 and outline what additional information they would like to see.

Financial Impacts:

N/A

Attachments:

[Bylaw 1211, 2024 -.docx](#)

[Bylaw 1211, 2024 -Schedule A.pdf](#)

[Bylaw 1211, 2024 -Schedule A with 2021 Aerial Photo.pdf](#)

[Application - Supporting Materials - revised.pdf](#)

[Land Use Map.pdf](#)

[Trilogy Real Estate Group - Letter of Support Ralph Tiegen Property.pdf](#)

[Comparison - UTAR and NUTAR Districts.pdf](#)

[Comparison - Tourism Accommodation - Small and Large.pdf](#)

[Design Volumes for Water and Wastewater.pdf](#)

[North_Coleman_ASP_-_extracts.pdf](#)

MUNICIPALITY OF CROWNEST PASS
BYLAW NO. 1211, 2024

LAND USE BYLAW AMENDMENT – Redesignate Lot 5, Block 961 1980

BEING a bylaw of the Municipality of Crownsnest Pass in the Province of Alberta, to amend Bylaw No. 1165, 2023, being the municipal Land Use Bylaw.

WHEREAS the Council of the Municipality of Crownsnest Pass wishes to redesignate the lands legally described as Lot 5, Plan 961 1980 within the SW¼ 16-8-4-W5M, containing ±6.365 ha (15.7 acres), as shown on Schedule ‘A’ attached hereto and forming part of this bylaw, from “Grouped Country Residential – GCR-1” to “Non-Urban Tourism Accommodation and Recreation – NUTAR”.

AND WHEREAS the purpose of the proposed amendment is to provide for the opportunity to use and develop the lands in accordance with the provisions of the “Non-Urban Tourism Accommodation and Recreation – NUTAR” land use district.

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

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 Municipality of Crownsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. The Land Use District Map be amended to redesignate the lands legally described as Lot 5, Plan 961 1980, containing ±6.365 ha (15.7 acres), as shown on Schedule ‘A’ attached hereto and forming part of this bylaw, from “Grouped Country Residential – GCR-1” to “Non-Urban Tourism Accommodation and Recreation – NUTAR”.
2. Bylaw No. 1165, 2023, being the Land Use Bylaw, is hereby amended.
3. This bylaw comes into effect upon third and final reading hereof.

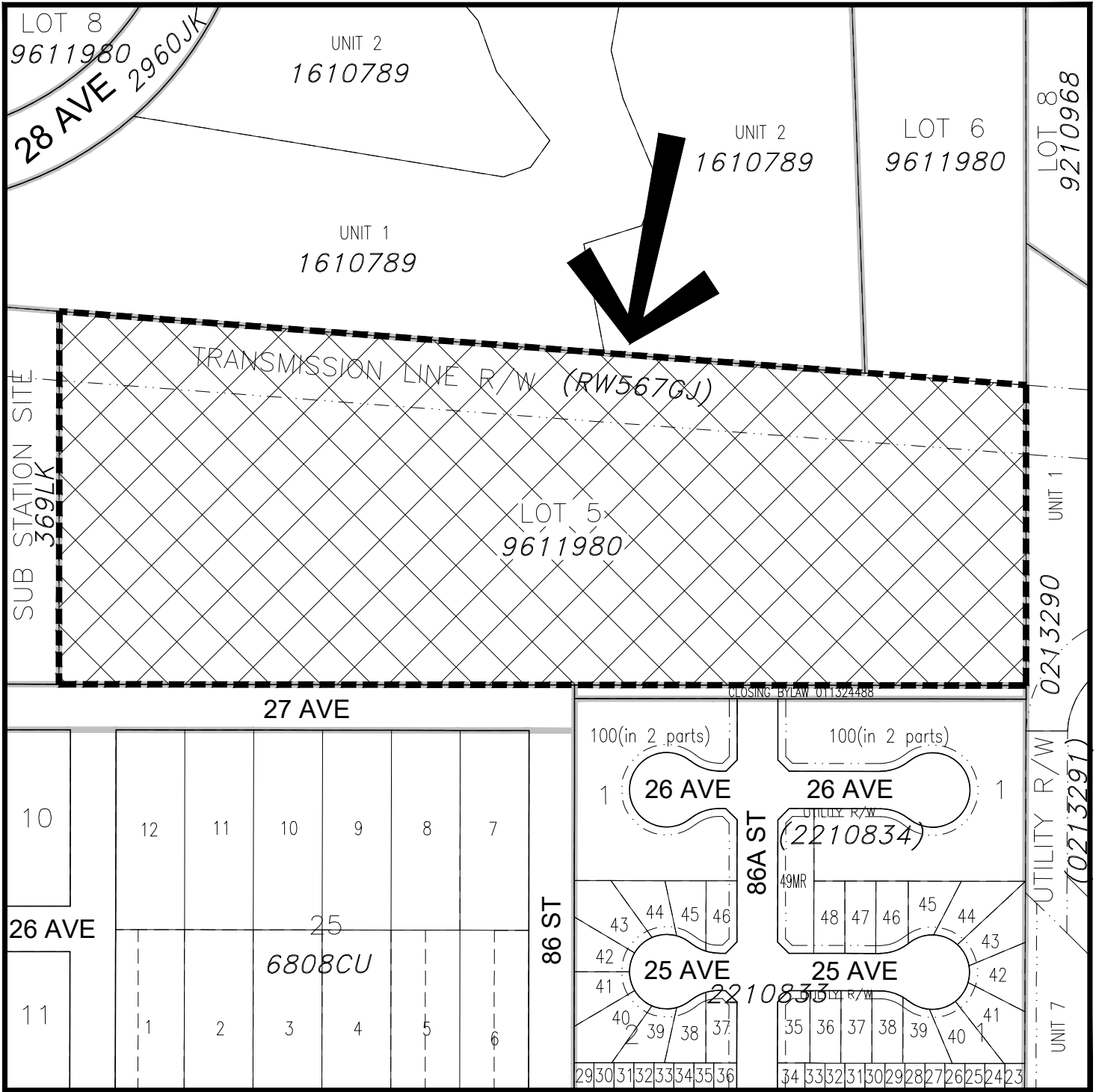
READ a **first** time in council this _____ day of _____ 2024.

READ a **second** time in council this _____ day of _____ 2024.

READ a **third and final** time in council this _____ day of _____ 2024.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: Grouped Country Residential GCR-1
TO: Non-Urban Tourism Accommodation and Recreation NUTAR

LOT 5, PLAN 9611980 WITHIN
SW1/4 SEC 16, TWP 8, RGE 4, W 5 M
MUNICIPALITY: MUNICIPALITY OF CROWSNEST PASS
DATE: NOVEMBER 18, 2024

Bylaw #: 1211, 2024

Date: _____

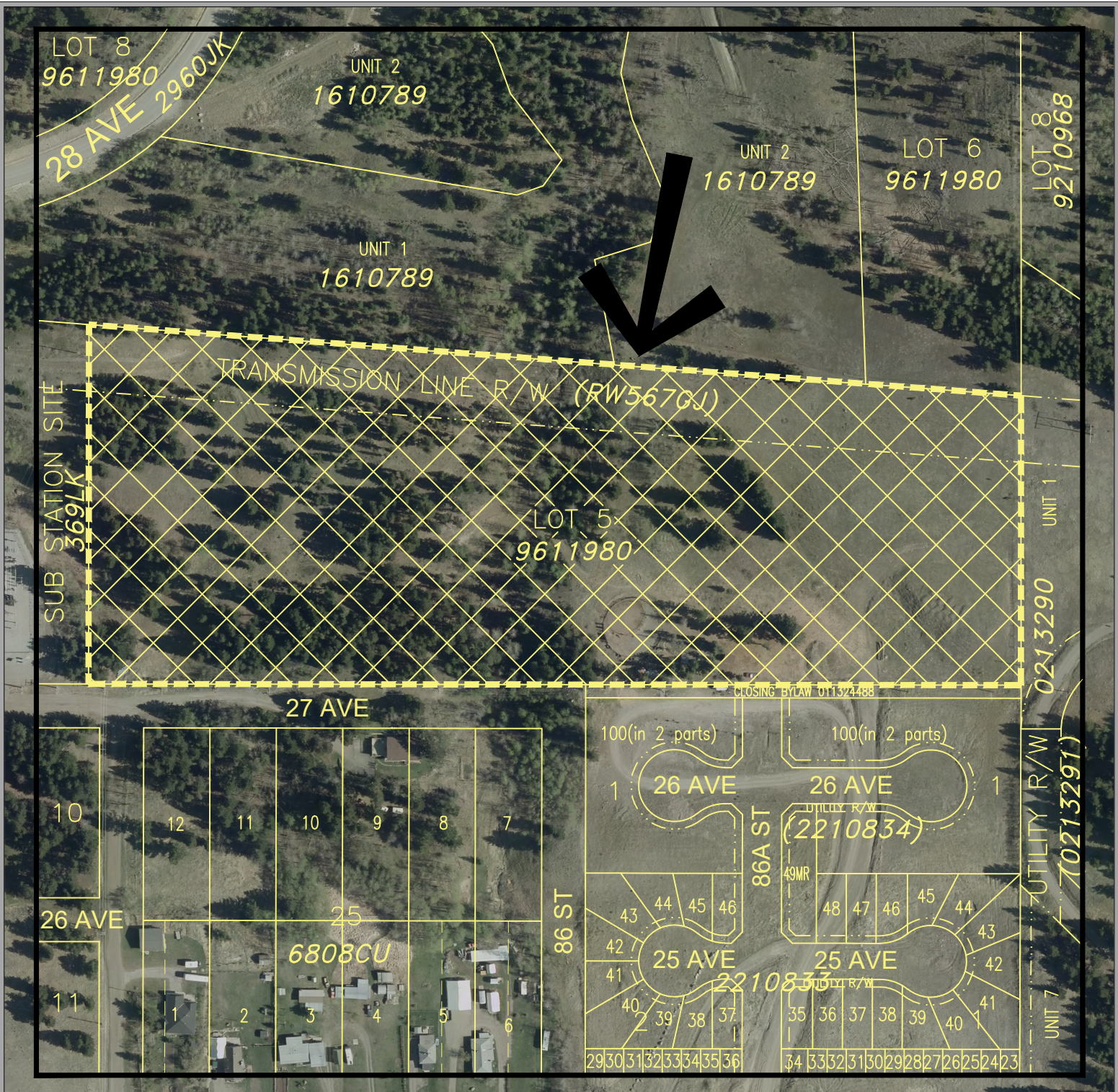


OLDMAN RIVER REGIONAL SERVICES COMMISSION



MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'

Aerial Photo Date: May 19, 2021

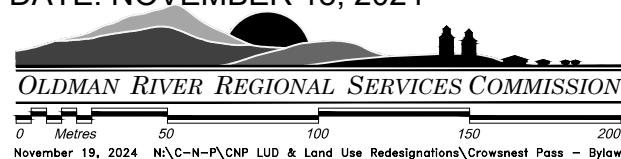


FROM: Grouped Country Residential GCR-1
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November 13th, 2024

Application to rezone Lot 5 Plan 961 1980 from GCR-1 to NUTAR
Reason for proposed Land Use Amendment

This Land Use Amendment application is intended to rezone Lot 5 Plan: 9611980 from Group Country Residential (GCR-1) to the newly developed Non-Urban Tourism Accommodations & Recreation (NUTAR). This development would consist of site-built cabin-style homes (tiny homes) and RV dwellings which would offer both full-time and recreational use. With the growing attraction to the Crowsnest Pass for both permanent residence and recreation properties, the indicators are that the demand is growing for this type of development. We envision some areas restricted by utility easement and grade issues to be permanent RV site but the majority of the sites to be cabins. At this point, we are speculating the demand is here for these cabins, but if the demand is slower than expected, we would put RV's on some cabin sites and replace them with cabins as the market grows. This option would ensure the immediate viability of the development. We project this development will accommodate about 100 to 120 units. We would develop the east side first (Phase I). The west side would be Phase II and would be developed after Phase I success is proven. Because this is an exceptional property offering grand views, with southern exposure and town services, we believe a well thought out plan will make these highly sought after properties.

At this point we are intending to lease the lots on long term leases and manage the development much like a Manufactured home community is managed.

We are faced with several challenges developing this property such as Alta Link transmission line restrictions, paired with the long narrow shaped property consisting of steep grades, and the preservation of old-growth fir trees.

This development would increase density from its present zoning, which only allows the property to be subdivided into a maximum of five 3 acre parcels. With the construction of the Aurora development, the feasibility of this development is now practical as both site access and utilities are now available. Development of this property will allow for the water main looping and sewer service to Sawback. The storm water runoff will be managed in a way that the neighboring properties on the lower side will not be negatively affected and the natural watershed course of the ravine that is shared with the neighboring property to the north (Sawback) will naturally manage the storm water runoff.

Our new community would be a uniform, well-landscaped development with hard surfaced roads where residents can enjoy a sense of local community. We will be providing an option for locals and newcomers to downsize from the traditional family-style home, moving into a community where large yard maintenance is replaced with thoughtful landscaping, planting with Indigenous species and architectural controls. Mindful home orientation will maximize the spectacular, sought-after views of the Rocky Mountains. The homes could be a four season getaway for some, and a full-time residence, perhaps a retirement home for others. For locals down sizing, this will free up existing homes in the community for our growing population. For first-time buyers, these will be attainable homes. A smaller home footprint designed with maximum efficiency will attract energy-conscious buyers and with prevailing southern exposure an opportunity to supplement with solar, offsetting high energy costs. The southern exposure enables year-round passive heating. The property's challenging topography can be used to achieve a sense of privacy that follows the contours of the natural landscape.

Respectfully submitted,

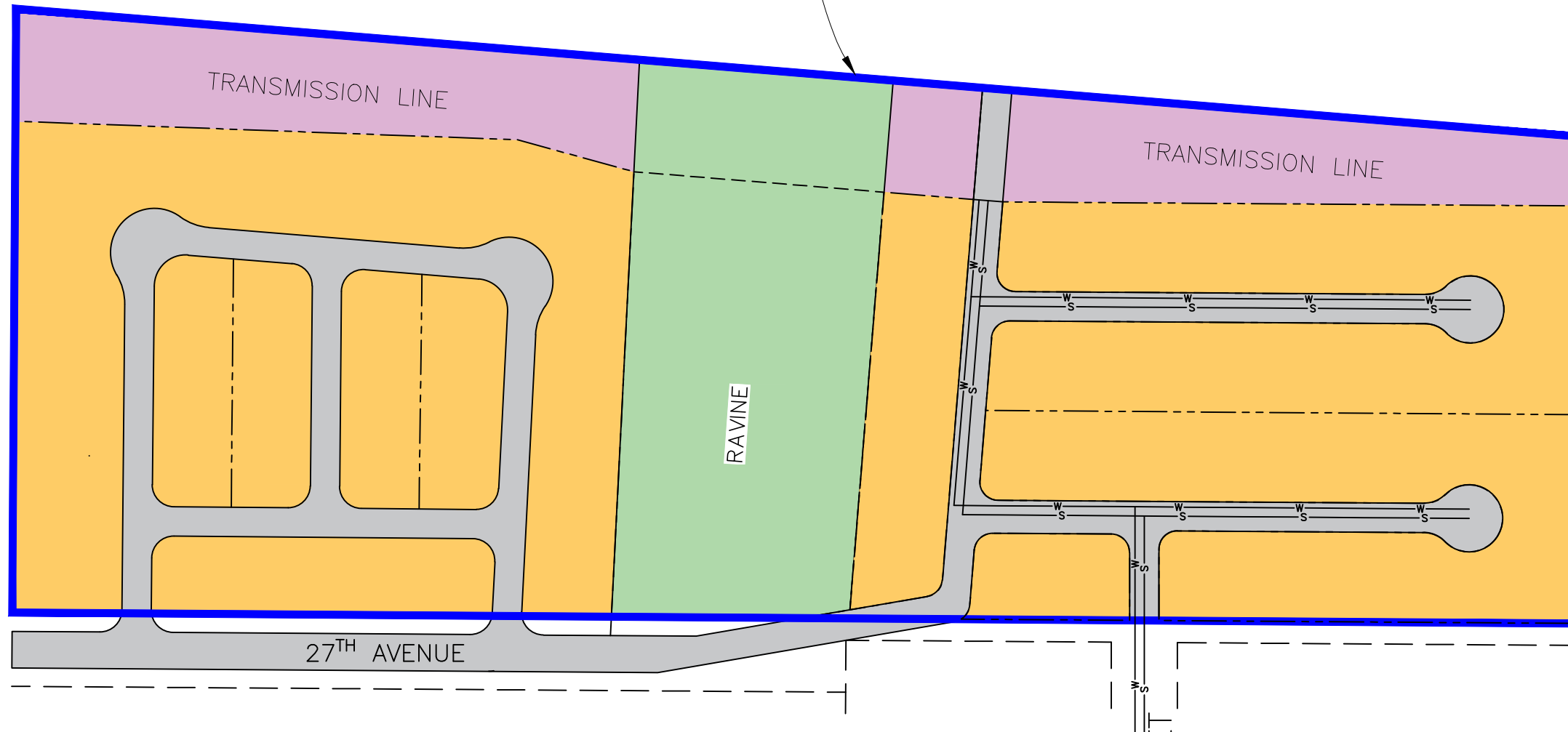

Ralph Tiegen

LEGEND / NOTES

- s— PROPOSED SANITARY
- w— PROPOSED POTABLE



DEVELOPMENT AREA



ALL DIAMETERS ARE IN m UNLESS OTHERWISE SPECIFIED.

ISSUE	DATE	REVISION DESCRIPTION
0	13NOV'24	PRELIMINARY

WILDE BROTHERS
ENGINEERING LTD.
PERMIT TO PRACTICE
P08438

WILDE BROS. ENGINEERING LTD.
Raymond, Alberta

TIEGEN CONTRACTORS INC.

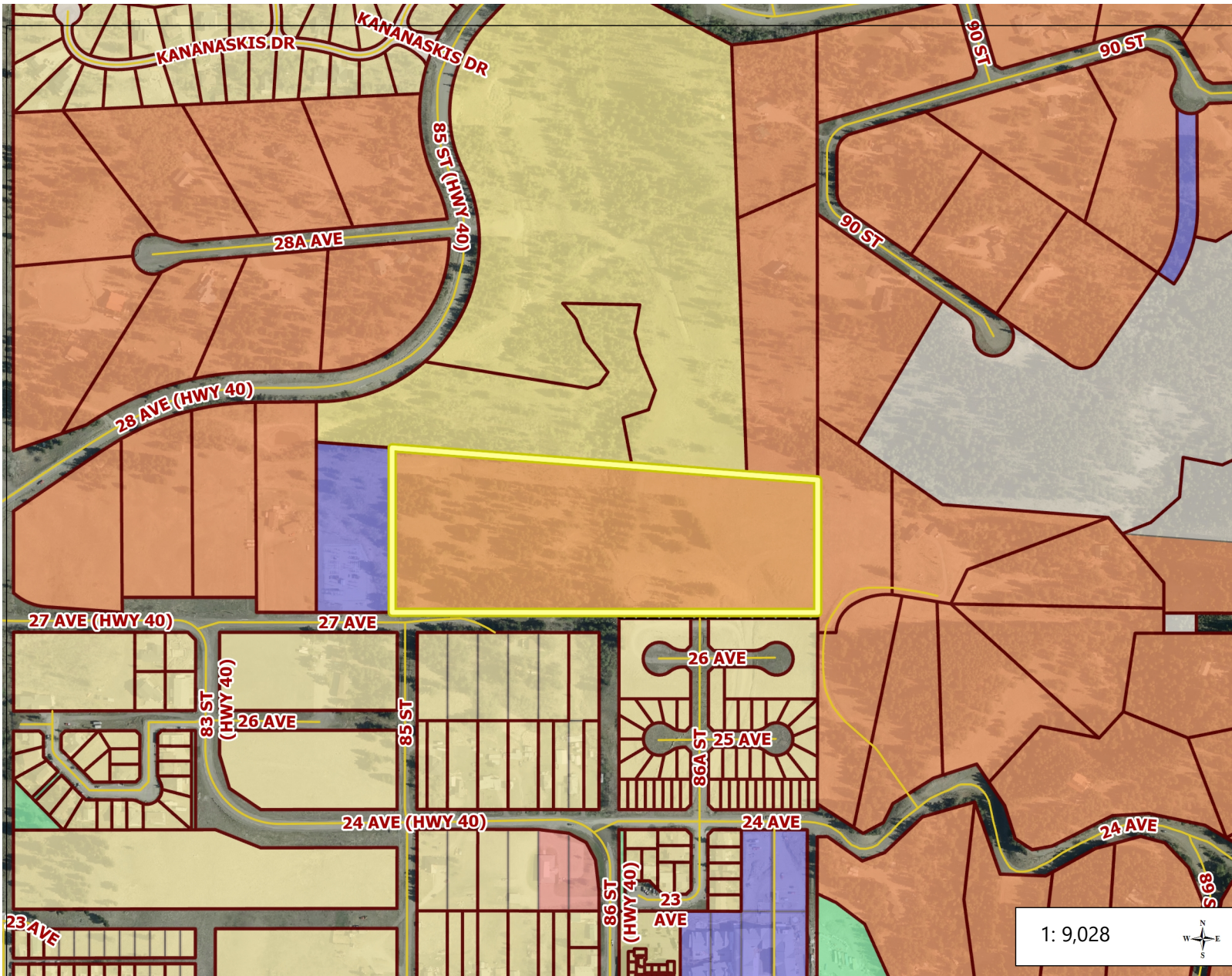
LOT 5 PLAN 9611980
COLEMAN, ALBERTA
PRELIMINARY CONCEPT
SUBJECT TO CHANGE

TINY HOMES/RV LOTS

ROADS

DESIGNED: JMD	CHECKED: DJW
DRAWN: JMD	JOB: 9924-08
SCALE: 1:1500	DIMENSIONS: METERS
DATE: 13 NOVEMBER 2024	DRAWING No: 1

Municipality of Crowsnest Pass



Legend

- Land Use Districts -
- RESIDENTIAL R-1
 - GROUPED COUNTRY RESIDENTIAL GCR-1
 - PUBLIC P-1

1: 9,028



0.5 0 0.23 0.5 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© OpenStreetMap contributors

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Crowsnest Pass

Bylaw 1211, 2024



Trilogy Real Estate Group
238 22 Street North
Lethbridge, AB, T1H 3R7

Mayor Blair Painter & Councilors
Municipality Of Crowsnest Pass
PO Box 600
Crowsnest Pass, Alberta, T0K 0E0

Attention: Bonnie Kawasaki

Dear Mayor & Council Members

RE: Rezoning Lot 5 Plan 961-1980

As owners of the Aurora and Sawback Subdivisions which are adjacent the above noted land owned by Mr. Ralph Tiegen we are in support of his application to rezone the above-mention property to NUTAR land use.

Yours Truly



John Wickey, Trilogy Real Estate Group

Cc Ralph Tiegen

	UTAR	NUTAR	GROWTH NODE Additional Standards
Location	Within or on the edge of the urban areas.	Outside or on the edge of the urban areas.	Depending on the growth node location, either inside or outside of the urban areas.
Uses	<ul style="list-style-type: none"> • Recreational Facility Indoor (Small) is a discretionary use 	In addition to the UTAR uses: <ul style="list-style-type: none"> • Drive-In Theatre, • Recreational Facility Indoor (Large), • Recreational Facility Indoor (Small) is a permitted use. • Recreation Facility, Outdoor • Recreational Vehicle Storage • Riding Arena • Tourism Accommodation (Large) 	Same
Lot Size	Minimum: None Maximum: 3 acres	No minimum or maximum	Same
Minimum Habitable Floor Area	None	None	None
Other Standards	As approved in a Comprehensive Site Development Plan (CSDP)	As approved in a Comprehensive Site Development Plan (CSDP)	<ul style="list-style-type: none"> • As approved in CSDP • For “camping accommodation” there is an expectation of increased standards and higher quality of development: paved internal roads, uniform development (stall layout, fencing, accessory structures, high quality landscaping), full services (i.e. “camping equipment” would be prohibited).
Parking	No parking on municipal streets	No parking on municipal streets	No parking on municipal streets
Servicing	<ul style="list-style-type: none"> • Shall connect to municipal services. • Collective or communal • Year-round or seasonal 	<ul style="list-style-type: none"> • May connect to municipal services. • Collective or communal • Year-round or seasonal 	<ul style="list-style-type: none"> • UTAR district is required to connect to municipal services even outside of urban growth node. • NUTAR district shall connect to municipal services when located in urban growth node. • Collective or communal • Year-round or seasonal

	Tourism Accommodation (Small)	Tourism Accommodation (Large)	GROWTH NODE Additional Standards
Location	<ul style="list-style-type: none"> • UTAR - within and on the edges of urban areas • NUTAR – outside and on the edges of urban areas 	NUTAR only – outside and on the edges of urban areas	Depending on the growth node location, either in UTAR or in NUTAR
Accommodation types	<ul style="list-style-type: none"> • Camping Accommodation – tents, RV’s, cabins, glamping. • Resort Accommodation – cabin, single detached, duplex, multi-unit, apartment. 	<ul style="list-style-type: none"> • Same 	<ul style="list-style-type: none"> • Same, but for “camping accommodation” there is an expectation of increased standards and higher quality of development: paved internal roads, uniform development (stall layout, fencing, accessory structures, high quality landscaping), full services (i.e. “camping equipment” would be prohibited).
Ownership	<ul style="list-style-type: none"> • The development must be held in a single certificate of title - not allowed to subdivide • Long-term lease is possible • A percentage of the units could be used for residential occupancy (i.e. more “permanent” than recreational occupancy – this is already in the current land use bylaw). 	<ul style="list-style-type: none"> • The development is allowed to subdivide but only as a bareland condominium • Long-term lease is possible • A percentage of the units could be used for residential occupancy (i.e. more “permanent” than recreational occupancy – this is already in the current land use bylaw). 	<ul style="list-style-type: none"> • Same • For “camping accommodation” a form of ownership is required (as opposed to random rental), such as bareland condominium subdivision or long-term leases.
Residential Occupancy vs. Recreational Occupancy	Primarily a recreational occupancy that is not typically intended for residential occupancy, but the Development Authority may allow residential occupancy in a Comprehensive Site Development Plan.		
Relative to Court Order - Block B Plan 7510370	Cabins as approved in the existing site plan are a permitted use. Additional accommodation types will be a discretionary use and may be refused, the same as any other property.		

Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems

Part 4 Wastewater Systems Guidelines for Design, Operating and Monitoring of a Total of 5 Parts

March 2013

**TABLE 4.1
EXPECTED VOLUME OF SEWAGE PER DAY***

Place	Estimated Sewage Flow Litres (gallons) Per Day
Assembly Halls	32 (7) per seat
Campsite	80 (18) per campsite
Churches	23 (5) per seat
with kitchen	32 (7) per seat
Construction Camps	225 (50) per person
Day Care Centre	113 (25) per child
Dwellings <i>all forms of dwellings</i>	675 (150) per bedroom
Golf Clubs	45 (10) per member
with bar and restaurant add	113 (25) per seat
Hospital	
(no resident personnel)	900 (200) per bed
Industrial and Commercial Buildings	
(does not include process water or cafeteria)	45 (10) per employee
(with showers)	90 (20) per employee
Institutions	
(resident)	450 (100) per resident
Laundries	
(coin operated)	1800 (400) per machine
Liquor Licence Establishments	113 (25) per seat
Mobile Home Parks	1350 (300) per space
Motels / Hotels	90 (20) per single bed
Nursing and Rest Homes	450 (100) per resident
Office Buildings	90 (20) per employee
Recreational Vehicle Park	180 (40) per space
Restaurants	
24-Hour	225 (50) per seat
Not 24-Hour	160 (35) per seat

1.2.4 SUB-AREA 4 (SW 16-8-4-5)



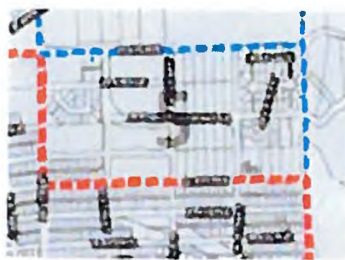
Ownership: Douglas J. Bergen & Associates Ltd., Ralph Tiegen

Sub-Area 4 is served by Hwy 40. It is currently developed for grouped country residential and urban residential uses. The 77 parcels of the Kananaskis Wilds project are generally 1/3 acre in size while larger grouped country parcels are located to the south. The Sawback Ridge Area Structure Plan proposes grouped country residential parcels in the eastern sector of this Sub-Area. An electrical substation is located along the south boundary of this Sub-Area (27th Avenue). The Grouped Country Residential (GCR-1) and Residential (R-1 and R-1A) zoning districts apply to these properties. The topography of the undeveloped area is a mix of gentle (0-12.5%) to moderate (12.5-24.9%) with a small portion comprised of steep (>25%) terrain.



1.2.5 SUB-AREA 5 (N ½ NW 9-8-4-5)

Ownership: Remus, Townsend, Bradbury, Vare, JJ Pipeline Services & Consulting Ltd., MCNP, Cooke, Edge, Pentecostal Assemblies of Canada, Valley View Motel



This Sub-Area is served by Hwy 40. It is principally zoned for residential uses – including mobile homes, a multi-family site (apartment building) and 2 parcels zoned for retail commercial use. The neighborhood of Campbell heights and the future neighborhood of Sunny View Estates are located in this Sub-Area. Several of the residential blocks remain un-subdivided while others have been parceled into large lots (e.g. between 22nd and 27th Ave and 85th and 86th streets).

The topography of the undeveloped area is primarily gentle (0-12.5%) with some moderate (12.5-24.9%) and a small portion with steep (>25%) slopes. Some re-subdivision has been occurring (e.g. east of 86th St and north of 24th Ave.). However for the most part no significant housing development has been taking place in this Sub-Area and several road allowances remain undeveloped. In some cases, this is due primarily to topographical limitations.



3.2.2.2 Wastewater

Not applicable.

3.2.2.3 Transportation

Not applicable.

3.2.3 SUB-AREA 3

3.2.3.1 Water



This section of land contains the existing reservoir. Since the Sub-Area is predominantly crown land, no development is anticipated here. There is however potential for a water line extension from a new booster pump adjacent to the existing reservoir to a new reservoir adjacent to Sub-Area 2, as mentioned above.

3.2.3.2 Wastewater

Not applicable.

3.2.3.3 Transportation

Not applicable.

3.2.4 SUB-AREA 4

3.2.4.1 Water



Water and wastewater servicing are currently available in this Sub-Area for the Kananaskis Wilds and Bowie developments. The proposed water lines in this section are primarily intended to serve the Sawback Ridge development. Other than these, we have identified two potential system extensions in this Sub-Area.

First, should the municipality choose to provide municipal water to the Capron Estates development (currently on independent systems) from a future higher elevation reservoir, a new line could be built along the Hwy 40 right of way from a connection at the Kananaskis Wilds access into the Capron Estates entrance. Second, in order to increase system performance and improve water quality, a looping connection is

3.2.7.2 Transportation

Depending on the scope of any proposed developments in Sub-Areas 7 or 8, a full scale TIA will likely be required from Alberta Transportation. Alberta Transportation will also require that any access proposals meet their access management guidelines and geometric requirements. Specifically, a Type IV intersection has been identified as the appropriate treatment of an intersection providing access to this Sub-Area. It will need to be properly spaced (minimum 400 m) from both the future Hwy 3X interchange near the Tim Horton's site in West Blairmore and the existing 89th Street intersection.



In addition to these provincial requirements, any proposed developments in the Sub-Area will need to meet with the approval of the Municipality. As the sub-division and development authority for the area, the Municipality should require detailed planning documents prior to any approvals.

3.2.8 FUTURE RESERVOIR

Many of the strategies identified in Section 3.2 are reliant upon the construction of a new water reservoir at a higher elevation than the current one. For the purposes of this report, the conceptual location of this reservoir and its fill line are shown and understood to be at the conceptual locations identified in the 2008 Water Distribution Master Plan.

Additional feasibility studies, analysis and design are required prior to identifying potential locations for this infrastructure including its associated distribution lines.

4.0 CONCEPT PLAN

4.1 OBJECTIVES AND STRATEGY

4.1.1 TRANSPORTATION AND SERVICING OBJECTIVES

- Utilize existing and un-used servicing capacity and support those potential development areas that are closest to existing services and are within built up areas of the community.
- Extension of services to existing and any proposed grouped country residential should only be considered as a long term possibility when and if conditions are warranted.
- Provide opportunities for improved access and internal circulation in developed areas and provide access to create opportunities to further development in both developed and undeveloped areas.



4.1.2 TRANSPORTATION AND SERVICING STRATEGY

- Existing water and waste water infrastructure in Sub-Area 5 offers the most attractive opportunity to extend services and create development possibilities. Some road improvements in the area are also necessary.
- Less attractive, but a potential long term strategy, is to extend services to developed grouped country residential areas e.g. Woodhaven, Aspen Creek, Capron Estates (Sub-Area 6), the approved Sawback Ridge project, and the Bowie Subdivision south of, and adjacent to Kananaskis Wilds (Sub-Area 5). The majority of Woodhaven, all of Aspen Creek and all of the Bowie Subdivision presently have piped water. Capron Estates does not. A potential servicing strategy is offered in the Concept Plan. The extension of these services should not be viewed as a priority but would however create the potential for further land subdivision and higher densities.
- The Nez Perce ASP site (Sub-Area 1) and the undeveloped sectors of the Study area (Sub-Areas 2, 3, 7 and 8) remain the servicing responsibility of the owners/land developers and will need to be defined when detailed planning and servicing documents (e.g. conceptual plans) are prepared. A potential servicing strategy and a roadway network are set out in the Concept Plan.

- 4.1.3.9 An engineered tank and field system that meets the provincial private sewage disposal system regulations will be the minimum requirement for septic treatment.
- 4.1.3.10 Representative percolation tests shall be provided by the developer prior to Tentative Plan approval.
- 4.1.3.11 For lots intended to depend on well water sources, water well tests shall be provided by the developer prior to Tentative Plan approval.
- 4.1.3.12 Prior to Tentative Plan approval, the developer shall provide details regarding garbage disposal, fire protection, school bus service, location, width and turning radius of existing and proposed roadways, access and egress to the proposed development, a statement of all the intended land uses for the development site, types and location of fencing proposed for the development and the environmental impacts on lands and wildlife in the immediate area.
- 4.1.3.13 Roadways in condominium developments should be developed to the 2006 Municipal Engineering and Development standards.
- 4.1.3.14 Design variances are subject to the review and approval of the Municipality.

4.1.4 LAND USE AND DEVELOPMENT OBJECTIVES

- Residential development should respond to the shortfall and identified need for multi-family units, rental units, affordable housing, and seniors' housing.
- Commercial land sites should be provided to meet noted shortfalls and anticipated market demand
- The highest priority areas for development should be assigned to those areas that are closest to existing servicing and where extension of services is least burdensome to the municipality.
- Areas of excessive topography (> 25% slopes) should generally be avoided for development.
- Open spaces and trail systems should be integrated with new and existing communities.
- The natural and historic environment should be protected, including forest areas, endangered or threatened species, water courses and important vistas.



4.1.6.3 Site grading should be minimized to retain the existing south-facing slope topography and minimize the removal of mature forest canopy. Wherever possible, site grading should be limited to roadways, house envelopes, septic disposal fields, driveways or stormwater retention facilities.

4.1.6.4 For maximum solar exposure, roadway orientation and the respective lot arrangements should, where possible, provide south facing opportunities.

4.1.6.5 For potential solar panel installation, roof pitches should be considerate, where possible, of solar panel installation requirements.

4.1.7 DEVELOPMENT SEQUENCE

Development should be phased in a logical and efficient manner to minimize disruption to the land, provide for logical water service extensions, respond to market demand, and conform to the growth objectives of the Municipality.

The highest priority for development is assigned to Sub-Area 5 although it is understood that the market will be the ultimate stimulant for any activity in the area. Sub-Areas 1, 2, 7, 8 and portions of Sub-Area 6 and 4 represent long term development possibilities. Sub-Area 3 is not recommended for future development. Market conditions for possible commercial use could prompt earlier development in Sub-Area 8.

4.2 CONCEPT PLAN AND SERVICING STRATEGY

With the exception of the approved ASPs (Nez Perce, Sawback Ridge), there are currently no plans to develop many parts of the study area. This ASP provides a concept plan of what potential land uses could be. These potential land uses have also been provided with a conceptual servicing plan as identified in section 3.0 above.

The land use pattern and servicing strategy presented here is intended to serve as a general scenario to guide and lend direction in the preparation of detailed conceptual plans². Market conditions will determine if and when any development areas as depicted in this ASP proceed.

Discussion of the potential land use pattern for the study area is outlined below and is identified in **Figure 9**.

² No commitment is made or implied by the Municipality of Crowsnest Pass to approve the land use concept as presented herein or to provide the services or improvements as presented in this Study.

- Considering an extension of the Coal Miner’s trail further north along the Nez Perce valley. The feasibility of this should be explored with the Crowsnest Pass Historic Society.

The priority of this development area is low. Adjacent development demand will determine the possible realization of any of the servicing and land-use recommendations made for this Sub-Area.

4.2.3 SUB-AREA 3

In view of the “*protective notation*” assigned to the lands north of the AltaLink transmission line, this predominantly Crown Land site has been assigned a potential conservation area. Save for existing uses - water reservoir, utility lines, Coal Miner’s Trail - no further development is recommended unless the “*protective notation*” is removed.

Land west of the Crown ownership may be considered provided amendments are made to the Nez Perce ASP to include those properties. The land south of the AltaLink transmission line continues to be used for urban residential development.

4.2.4 SUB-AREA 4

This Sub-Area is currently partially developed for urban residential and grouped country residential lots.

The existing grouped country residential parcels in this Sub-Area are not recommended for uses other than country residential. Save for the population growth that will be generated by the currently proposed developments, no additional population estimates are provided for this Sub-Area.

4.2.5 SUB-AREA 5



Sub-Area 5 provides the highest potential for development in the study area, offering opportunities for higher density urban development, a wide range of accommodation types (seniors, renters, affordable housing, etc.) and utilizing services that are adjacent, or nearly adjacent, to these potential development sites.

The Concept Plan identifies several blocks in Sub-Area 5 for either single family or multifamily uses, or in some cases combinations of these. To establish density and population estimates, this report has made an assumption that the housing forms would be a combination of single detached units, 4-plexes and row houses.

4.3 RECOMMENDATIONS

In addition to the recommendations set forth in the concept plan, this Study also offers a number of recommendations, both specific and general to the Study, for consideration when future developments are proposed to the municipality:

1. In making applications for major developments e.g. at scales where Area Structure Plans are required, applicants should provide evidence of market analysis demonstrating to the municipality the viability of their respective projects.
2. Prior to considering new grouped country residential proposals on undeveloped or "green" sites, the municipality should be satisfied that a reasonable amount of existing development areas are completed and have housing units on them.
3. All servicing and engineering related components of proposed projects should be reviewed by a qualified engineer acting on behalf of the municipality.
4. The municipality should review the practice of having projects developed as bare land condominiums with a view to ascertaining their long term impact on the municipality.
5. The Municipality should review its offsite servicing standards from time to time to help ensure that they meet the needs of the Municipality and its residents and at the same time do not create a significant impediment to development opportunities.
6. Consideration should be given to reviewing an overall redevelopment strategy for the Coleman area with a priority given to the older parts of the community where services already exist, and where cost savings are likely to be highest.
7. The Municipality should develop a policy for private roads.

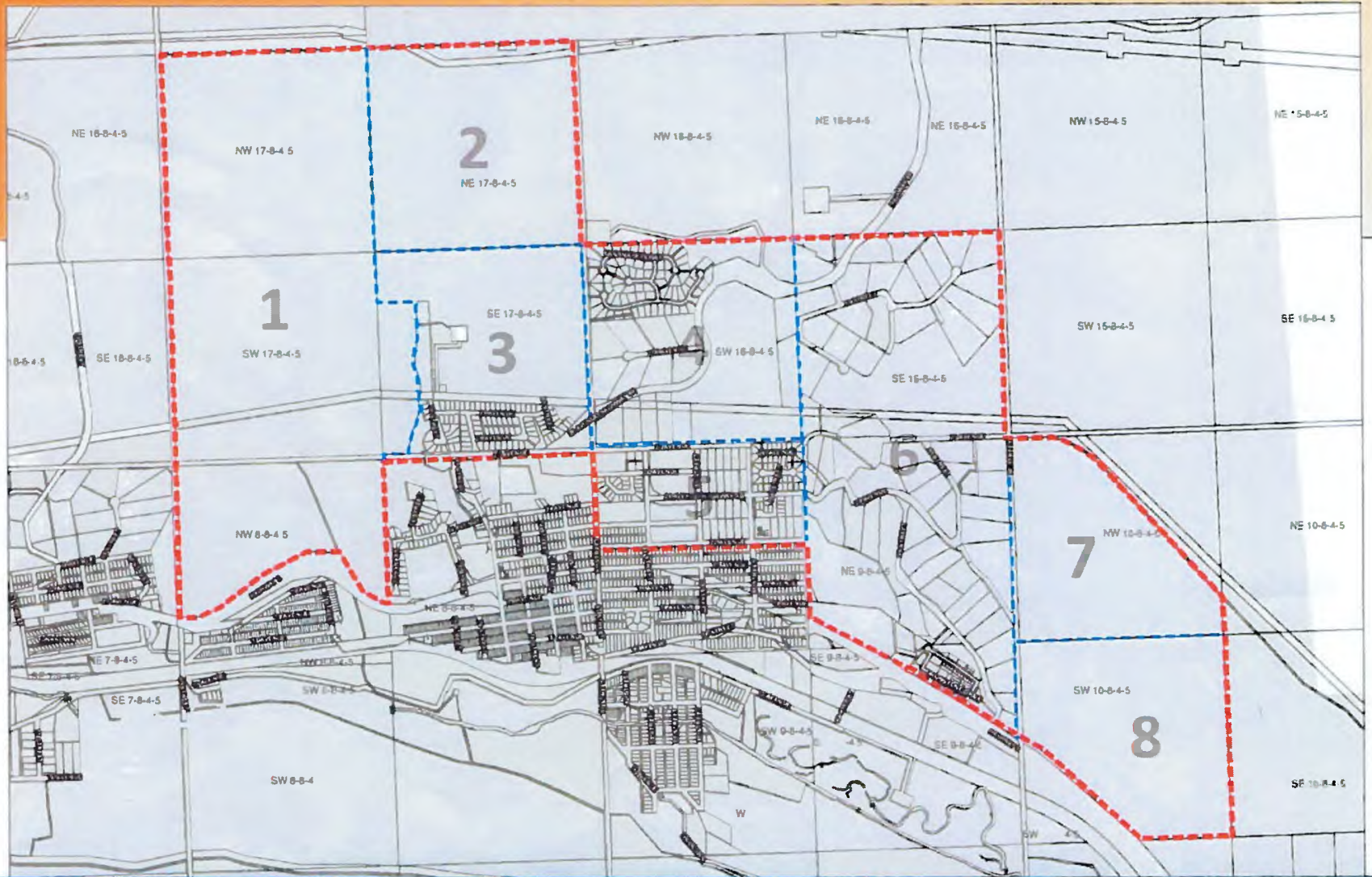
Figure 1

Study Area



Legend

- Study Area
- Sub Areas
- Parcels



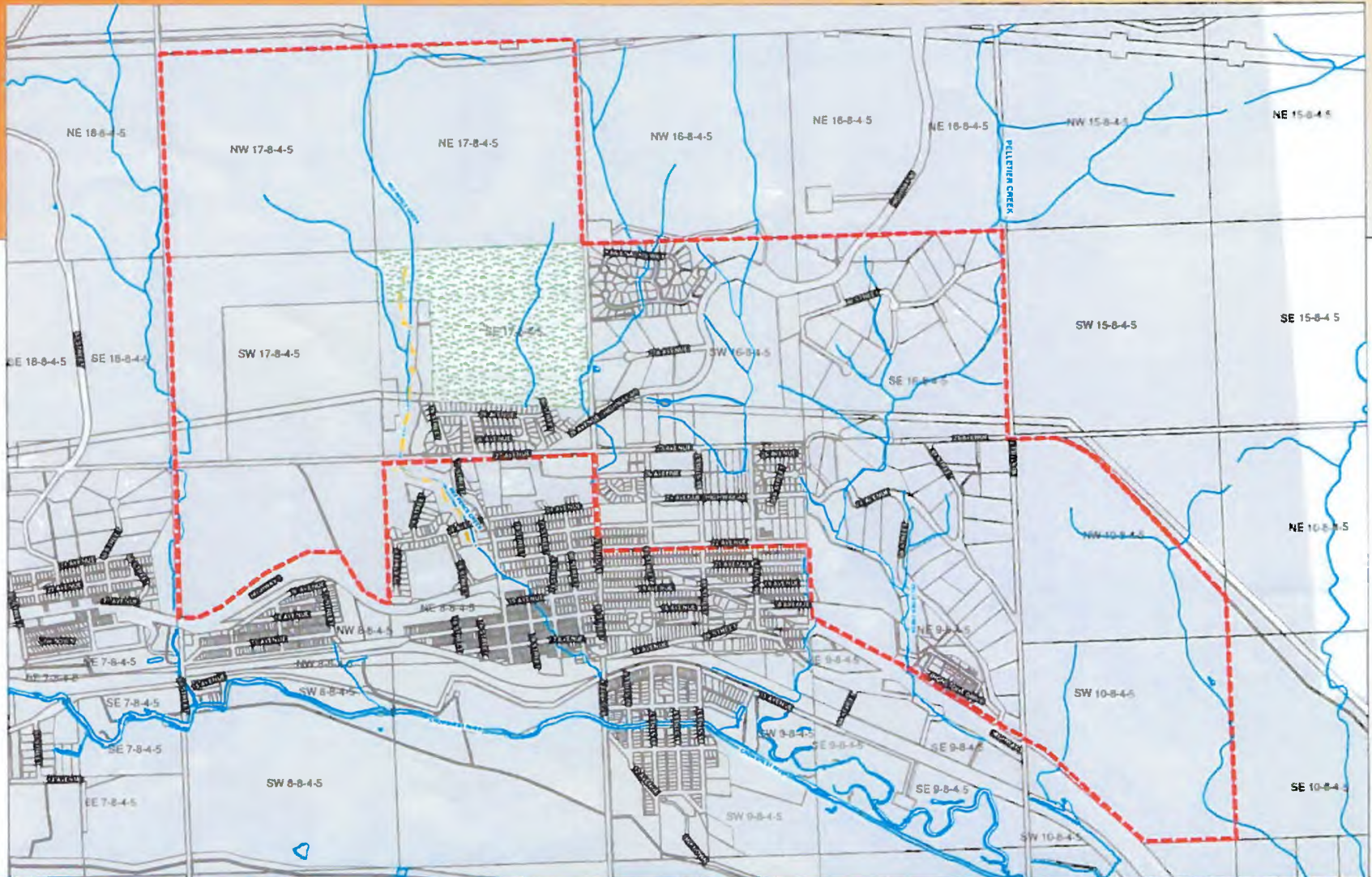
Scale - 1:15,000

Figure 5 Environmentally Sensitive & Historic Areas



Legend

- Study Area
- Coal Miner's Trail
- Watercourse
- Rough Fescue Grasland



Scale - 1:15 000

Figure 6

Topography



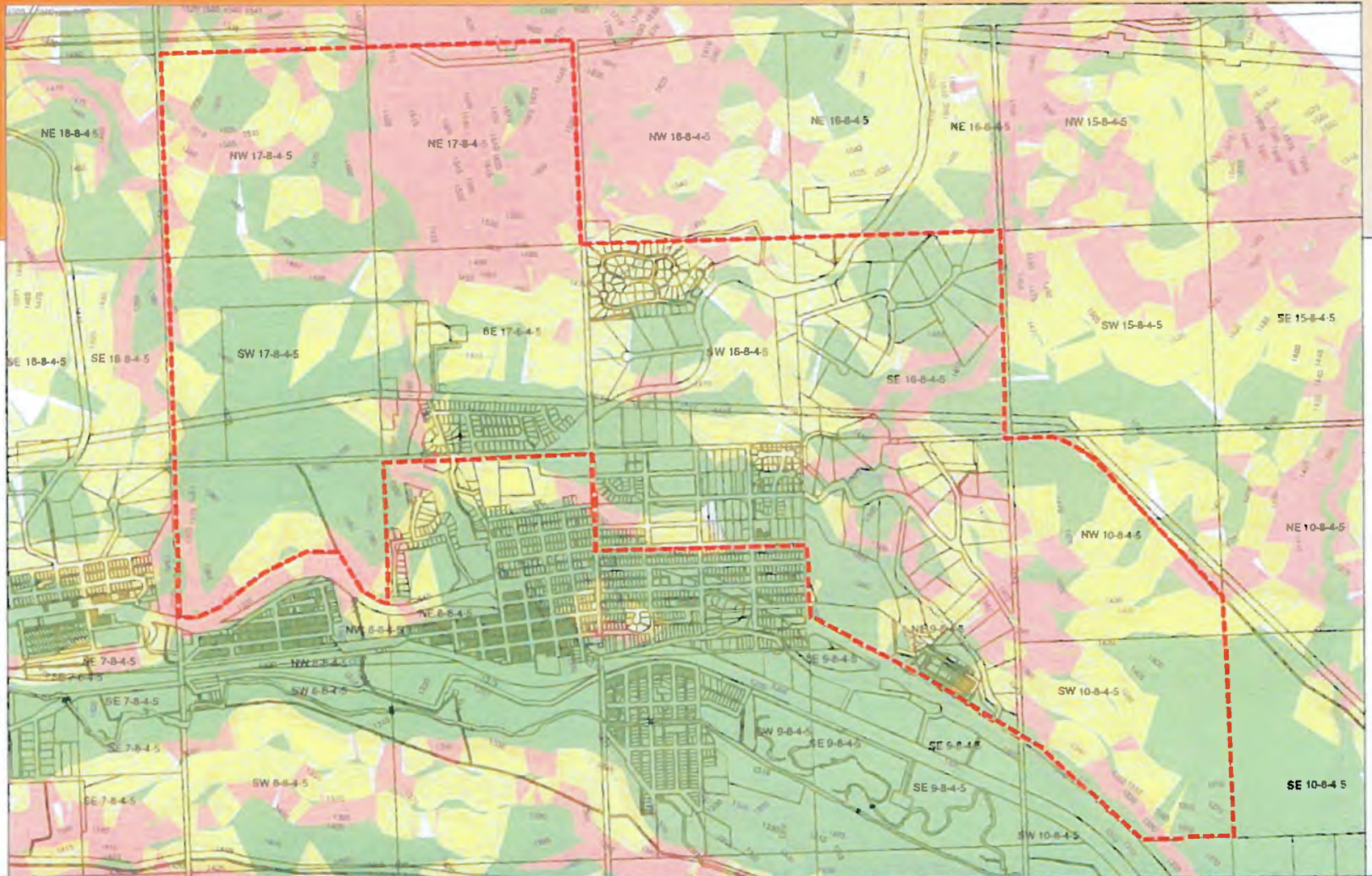
Legend

 Study Area

Slope

-  0% - 12.5%
-  12.6% - 24.0%
-  > 25%

*** Note Contour Interval = 5m ***



Stantec



Scale - 1:15 000

Figure 7

Existing Utilities



Legend

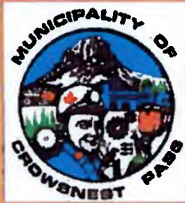
- Study Area
- Booster Pump
- ⊙ PRV
- ⊙ Storm Manhole
-) Storm Outfall
- Storm Gravity Main
- - - Reservoir Service Elevation
- ◆ Water Hydrant
- Water Valve
- Water Main
- ⊙ Wastewater Manhole
- Wastewater Main



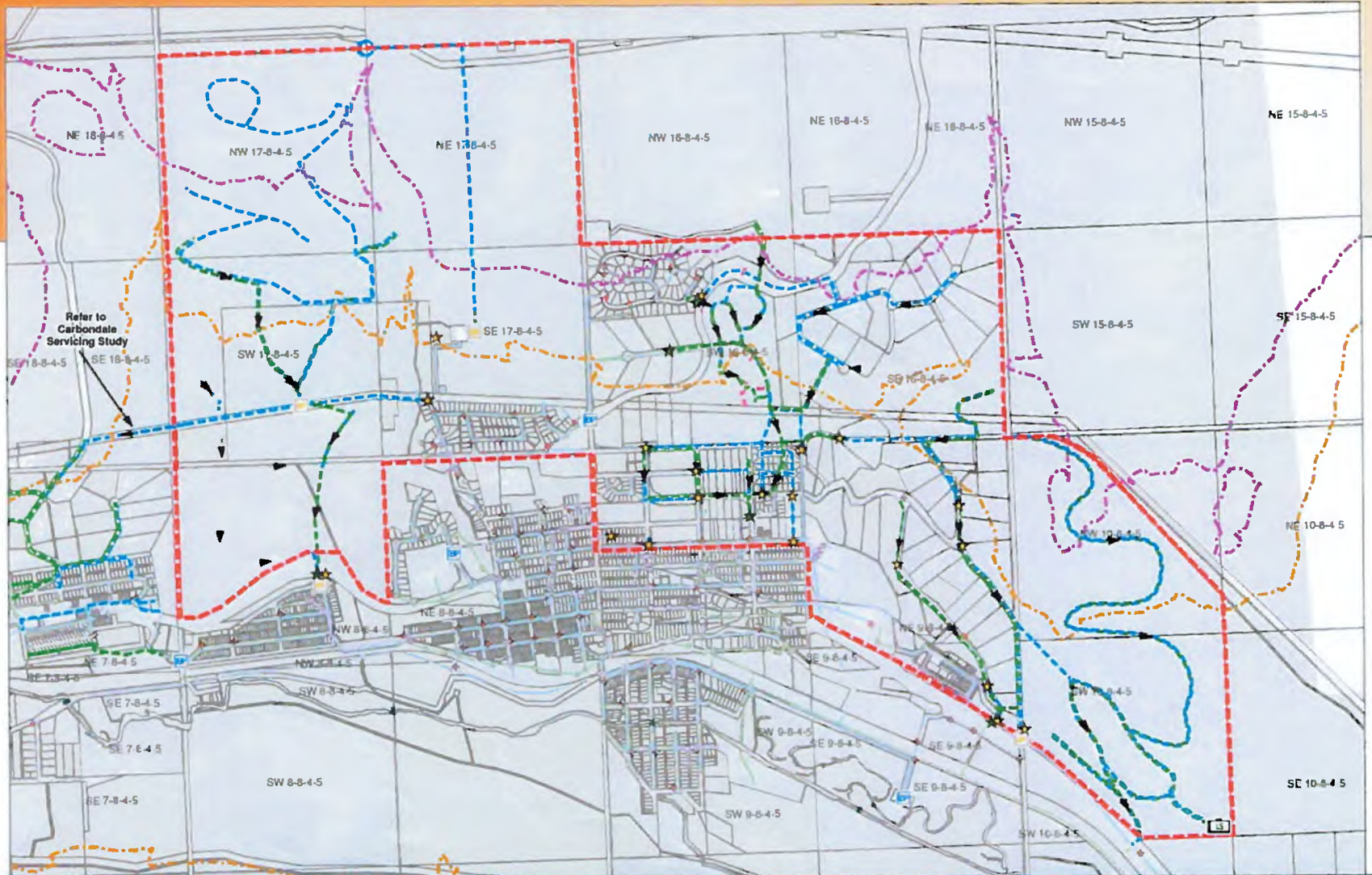
Scale : 1:15,000

Figure 8

Potential Utilities



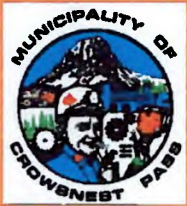
- Legend**
- ★ Tie to Existing Sanitary
 - ★ Tie to Existing Water
 - Pr Reservoir Service Elev.
 - Ex Reservoir Service Elev.
 - Reservoir - Potential Site
 - Existing Booster Pump
 - Potential Booster Pump
 - Lift Station
 - ▭ Study Area
 - Proposed Wastewater
 - Proposed Storm
 - Proposed Water
 - Storm Manhole
 - Storm Outfall
 - Storm Gravity Main
 - ◆ Water Hydrant
 - Water Valve
 - PRV
 - Water Main
 - Wastewater Manhole
 - Wastewater Main



Scale - 1:15 000

Figure 9

Concept Plan



Legend

- Sub Area
- Potential Pond and Utilities
- Proposed Ponds and Utilities (by others)
- Road Improvements
- R-1-A (Boswell Ridge ASP)
- OCR-1 (Oss Pointe ASP)
- Highway Commercial
- BF-1F Residential
- MF Residential
- Country Residential
- BF Residential
- Overseas
- Study Area
- City Miner's Trail



Scale - 1:7,500



Municipality of Crowsnest Pass Request for Decision

Meeting Date: December 17, 2024

Agenda #: 7.c

Subject: Bylaw 1213, 2024 - Procedure Bylaw Amendment - Third Reading

Recommendation: That Council gives third reading to Bylaw 1213, 2024 - Procedure Bylaw Amendment.

Executive Summary:

Council moved to have the Procedure Bylaw amended to prevent an item that has been added to the agenda at a Council meeting, to then be voted on within the same Council meeting.

Given the amendment, Administration was taking this opportunity to also clarify how the agenda is established utilizing an Agenda Review Committee.

Relevant Council Direction, Policy or Bylaws:

Motion 11-2024-10-08 - Councillor Ward moved to direct Administration to draft a change to the Procedure Bylaw to put in a mechanism to prevent any new item raised at a Council meeting to then have a motion voted on within the same Council meeting.

Discussion:

N/A

Analysis of Alternatives:

1. Council may pass third reading of Bylaw 1213, 2024.
2. Council may defer third reading of Bylaw 1213, 2024 and identify what additional information they would like prior to reconsidering third reading.
3. Council may defeat third reading of Bylaw 1213, 2024 and maintain the Procedure Bylaw as is.

Financial Impacts:

N/A

Attachments:

[1213, 2024 Amending The Procedure Bylaw.docx](#)

[1041, 2020 - Procedure Bylaw - CONSOLIDATED to Bylaw 1187, 2024.pdf](#)

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1213,2024
Amending the Procedure Bylaw

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta for the purpose of amending the Procedure Bylaw No. 1041, 2020

WHEREAS the Municipality of Crowsnest Pass adopted Bylaw No. 1041, 2020, being the Procedure Bylaw, to regulate the proceedings of council and council committees;

AND WHEREAS the Municipality of Crowsnest Pass deems it advisable to amend the Procedure Bylaw;

AND WHEREAS pursuant to section 191 of the *Municipal Government Act* a council is authorized to amend a bylaw;

NOW THEREFORE the Council of the Municipality of Crowsnest Pass in the Province of Alberta enacts as follows:

1. This Bylaw may be cited as “Bylaw No 1213, 2024 Amending the Procedure Bylaw.”
2. That this Bylaw shall amend the Procedure Bylaw as follows:
 - 2.1 By amending Section 14.1 by adding at the end of sentence the following:

“..... at an Agenda Review Meeting.”
 - 2.2 By adding in Section 28 as follows:

“28.12 When an item is added to the agenda at a Council meeting, then the only motion that can be made, is for the item to be added to an upcoming agenda, where Council will then give the item consideration.”
3. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the Bylaw is deemed valid.
4. This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ a **first** time in council this _____ day of _____ 2024.

READ a **second** time in council this _____ day of _____ 2024.

READ a **third and final** time in council this _____ day of _____ 2024.

Blair Painter
Mayor

Patrick Thomas
Chief Administrative Officer



Date of Consolidation: June 24, 2024

Consolidation of Bylaw No. 1041, 2020

Municipality of Crowsnest Pass

Procedure Bylaw

Adoption January 21, 2020

As Amended By:

Bylaw No. 1049, 2020 adopted April 21, 2020

Bylaw No. 1133, 2022 adopted October 18, 2022

Bylaw No. 1148, 2023 Adopted March 28, 2023

Bylaw No. 1187, 2024 Adopted May 28, 2024

MUNICIPALITY OF CROWNEST PASS
BYLAW NO. 1041, 2020
PROCEDURE BYLAW

BEING a bylaw of the Municipality of Crownsnest Pass in the Province of Alberta to regulate the proceedings of council and council committees

WHEREAS section 145 of the *Municipal Government Act* provides that a council may pass bylaws in relation to the procedure and conduct of council and council committees;

NOW THEREFORE the Council of the Municipality of Crownsnest Pass in the Province of Alberta enacts as follows:

PART 1
INTERPRETATION AND APPLICATION

1. Short Title

1.1 This Bylaw may be cited as the “Procedure Bylaw”.

2. Definitions

2.1 In this Bylaw, any word or expression used in the Act has its statutory meaning unless otherwise specified in this section, and:

- (a) **“Act”** means the *Municipal Government Act*, RSA 2000, c M-26 and its regulations;
- (b) **“Administration”** means the Chief Administrative Officer and any other person who exercises a power, function or duty of the Municipality whether under delegation from the CAO or by any other authority or agreement;
- (c) **“Agenda Review Committee”** means the committee that reviews the draft agenda for the upcoming Council Meeting and is made up of the Mayor, Deputy Mayor and CAO.
Amended – Bylaw 1133, 2022, Adopted October 18, 2022.
- (d) **“Chair”** means the person who presides over a Council meeting or council committee meeting;
- (e) **“Chief Administrative Officer”** or **“CAO”** means the person appointed by Council as chief administrative officer within the meaning of the Act, or a person to whom the appointed CAO has delegated any CAO power, function or duty;
- (f) **“Council”** means the duly elected Council of the Municipality;
- (g) **“Delegation”** means any person other than Administration, who addresses Council at a Council meeting, but does not include a person who speaks at a Public Hearing;
- (h) **“Deputy Mayor”** means a Councillor who is appointed under subsection 152(1) of the Act;

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- (i) **“In Camera”** means a meeting or portion of a meeting that is closed to the public in accordance with section 197 of the Act;
- (j) **“Mayor”** means the chief elected official of the Municipality;
- (k) **“Motion”** means a formal proposition put forward by a Councillor in attendance at a meeting with the intention that it be put to a vote;
- (l) **“Municipality”** means the municipal corporation of the Municipality of Crownsnest Pass;
- (m) **“Notice of Motion”** means the informing of councillors, in writing, of the intent to put a new Motion forward at a subsequent Council meeting;
- (n) **“Notice of Public Hearing”** means a formal notice issued by the Chief Administrative Officer to announce the date, place, time and purpose of a Public Hearing;
- (o) **“Point of Order”** means the raising of a question by a Councillor to call attention to any deviation from a provision of this Bylaw or any other bylaw, statute or regulation, or to any procedural matter that according to this Bylaw must be raised by way of Point of Order;
- (p) **“Point of Privilege”** means a matter affecting the rights and privileges of Council collectively or of individual councillors;
- (q) **“Public Hearing”** means a meeting of Council, or a dedicated portion of a meeting, for the purpose of complying with section 230 of the Act; and
- (r) **“Resolution”** means a motion which has been voted on and carried by Council.

3. Rules of Interpretation

- 3.1 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.2 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.3 In this Bylaw, a citation of or reference to any enactment of the Province of Alberta or of Canada, or of any other bylaw of the Municipality, is a citation of or reference to that enactment or bylaw as amended, whether amended before or after the commencement of the enactment or bylaw in which the citation or reference occurs.

4. Application

- 4.1 This Bylaw shall govern the proceedings of Council.
- 4.2 This Bylaw shall govern the proceedings of council committees, subject to the following:

- (a) a reference in this Bylaw to a “Councillor” is, in the context of a council committee meeting, deemed to include a member of the public who is appointed by Council as a member of that council committee;
 - (b) a rule or procedure established by this Bylaw that is specifically stated to apply to council committees, or to a specific council committee, shall prevail over a rule or procedure of more general application contained in this Bylaw; and
 - (c) a specific rule or procedure set out in a council committee’s governing bylaw shall, in the event of a conflict, prevail over a rule or procedure of more general application contained in this Bylaw.
- 4.3 When any matter relating to the proceedings of Council or council committees is not addressed in the Act or in this Bylaw, the provisions of the most recent version of Robert’s Rules of Order Newly Revised will govern the matter.
- 4.4 In the event of conflict between the provisions of this Bylaw and Robert’s Rules of Order Newly Revised, the provisions of this Bylaw shall prevail.

PART 2
COUNCIL AND COUNCIL COMMITTEE MEETINGS

5. Organizational Meeting of Council

- 5.1 An organizational meeting of Council must be held annually within two weeks after the third Monday in October at a date and time set by Council, except in the year of a general election when the Chief Administrative Officer shall determine the date and time for the organizational meeting.
- 5.2 At or before the first organizational meeting of a Council term, all councillors must take the official oath prescribed by the *Oaths of Office Act* before dealing with any Council business.
- 5.3 At the organizational meeting, Council must by Resolution:
- (a) establish a Deputy Mayor roster for the following year whereby each councillor shall serve a 2 month term as Deputy Mayor on a rotational basis;
 - (b) make appointments to council committees and other agencies and boards to which a liaison is appointed, subject to any bylaw that provides for an alternate date for the making of appointments to a specific body; and
 - (c) deal with any other business described in the notice of the meeting.
- 5.4 Seating in the Council chambers shall be re-assigned immediately prior to each organizational meeting, with seat selection to occur via random draw conducted by the Chief Administrative Officer.

6. Regular Meetings

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- 6.1 Regular meetings of Council will be held in the Council chambers at the municipal office on the first and third Tuesday of each month commencing at 7:00 pm, and on the second Tuesday of each month commencing at 1:00pm, unless cancelled by Resolution of Council. **Amended – Bylaw 1049, 2020, Adopted April 21, 2020.**
- 6.2 The schedule of regular meetings of Council will be posted on the municipal website and the date, time and location of special meetings of Council will be posted on the municipal website as soon as practicable after that information is available.
- 6.3 Council or the Chief Administrative Officer may reschedule a regular meeting of Council. **Amended – Bylaw 1049, 2020, Adopted April 21, 2020.**
- 6.4 The Agenda Review Committee has the authority to cancel an upcoming Council meeting if there are no emergent items or a limited number of agenda items. **Amended – Bylaw 1133, 2022, Adopted October 18, 2022.**
- 6.5 If there are changes to the date, time or place of a regular meeting, including cancellation, the Chief Administrative Officer must give at least 24 hours' notice of the change to all councillors and post the notice on the municipal website. **Amended – Bylaw 1049, 2020, Adopted April 21, 2020.**

7. Special Meetings

- 7.1 The Chair may call a special meeting of Council at any time in accordance with section 194 of the Act. Where the Mayor receives a written request for a special meeting, stating its purpose, from a majority of the councillors, such meeting shall be scheduled within 7 days of receiving the request.
- 7.2 The date, time and location of a special meeting of Council will be posted on the municipal website as soon as practicable after that information is available.
- 7.3 If there are changes to the date, time or place of a special meeting, including cancellation, the Chief Administrative Officer must give at least 24 hours' notice of the change to all councillors and post the notice on the municipal website.

8. Council Committee Meetings

- 8.1 Council committee meetings will be held at the call of the Chair of each respective council committee at the date, time and place set out in the public notice of the council committee meeting.

9. Chair

- 9.1 The Mayor is the Chair of Council meetings. If the Mayor is absent the Deputy Mayor shall take the Chair. In the absence of the Mayor and the Deputy Mayor, the CAO shall begin the meeting by calling for a motion for the appointment of a Chair from among the councillors present.
- 9.2 The Chair of a council committee meeting is the person appointed as Chair in accordance with the provisions of the bylaw establishing the council committee. If the Chair is absent, and an

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acting Chair has not been appointed, then the meeting shall begin with a call for a motion for the appointment of a Chair from among the members present.

10. Quorum

- 10.1 As soon as there is a quorum after the time fixed for a meeting, the Chair shall call the meeting to order.
- 10.2 If there is no quorum within 15 minutes after the time set for the meeting, the names of the councillors present shall be recorded and no meeting will take place on that date.
- 10.3 If at any time during a meeting quorum is lost, the Chair shall call a recess and if quorum is not achieved again within 15 minutes, the meeting will be adjourned.
- 10.4 The agenda for an adjourned meeting will be dealt with at the beginning of the next regular meeting, unless a special meeting is called before the next regular meeting to deal with the business of the adjourned meeting.

11. Attendance

- 11.1 If a councillor is unable to attend all or part of a meeting, including arriving after the start of a meeting or leaving before the meeting is adjourned, the councillor:
 - (a) must notify the Chief Administrative Officer and the Chair at least 24 hours in advance, or if exigent circumstances exist as soon as reasonably possible;
 - (b) must provide the general reason for the absence; and
 - (c) may request that the Chair announce the reason and expected duration of their absence during the meeting.

12. Electronic Participation at Meetings

- 12.1 No electronic participation shall be allowed in meetings. ***Amended – Bylaw 1148, 2023, Adopted March 28, 2023.***

13. Electronic Recordings and Devices

- 13.1 No member of the public may electronically record any portion of a Council or council committee meeting, unless a request is made prior to the commencement of the meeting and the Chair determines that electronic recording of the meeting by the public will be permitted.
- 13.2 All electronic devices must be in silent mode or turned off while a meeting is in progress.

**PART 3
AGENDAS AND MINUTES**

14. Agendas

- 14.1 The agenda for each Council meeting shall be prepared by the Chief Administrative Officer in consultation with the Mayor and Deputy Mayor.
- 14.2 Any councillor may submit an item for consideration of placement on a future Council meeting agenda. A councillor who submits an item for consideration that is not placed on a Council meeting agenda retains the right to present the item at the next council meeting and have it added to the agenda if a majority of council agrees or serve a Notice of Motion to compel debate and voting on the matter at a future meeting.
- 14.3 The agenda for all regular meetings of Council shall contain the following matters in the order in which they are listed below:
- (a) Call to Order
 - (b) Adoption of Agenda
 - (c) Consent Agenda
 - (d) Adoption of Minutes
 - (e) Public Hearings
 - (f) Delegations
 - (g) Requests for Decision
 - (h) Council Member Reports
 - (i) Public Input Period
 - (j) Councillor Inquiries and Notice of Motions
 - (k) In Camera
 - (l) Adjournment
- 14.4 Once a meeting agenda has been published on the municipal website, it may only be modified by a Resolution when adopting the agenda at the meeting to which it applies.
- 14.5 The Chief Administrative Officer shall cause the regular meeting agenda and all associated reports, bylaws or other supporting documents to be provided first to all councillors and then posted on the municipal website, subject to any exceptions to public disclosure under the *Freedom of Information and Protection of Privacy Act*, on the Friday immediately preceding the

meeting to which the agenda relates. Supporting documentation that is received too late to be included with the agenda will be made available as soon as practicable thereafter.

15. Consent Agenda

- 15.1 The consent agenda portion of a meeting shall be reserved for non-controversial or routine items that may be moved and voted on without debate as one item, regardless of the number of reports included, to adopt all of the recommendations contained in the respective reports.
- 15.2 A councillor may request for any item to be removed from the consent agenda and placed on to the agenda for debate. Such request must be made before voting occurs on the consent agenda.

16. Minutes of Meetings

- 16.1 The Chief Administrative Officer shall, in accordance with section 208 of the Act, prepare or cause to be prepared minutes of each Council meeting and council committee meeting that include:
- (a) the type of meeting that was held, whether regular, special, or organizational;
 - (b) the date, hour and place of the meeting;
 - (c) the names of the councillors present at and absent from the meeting;
 - (d) the name of the Chair;
 - (e) the names of each member of Administration present at the meeting, including each person's title;
 - (f) an item that corresponds with every item on the agenda for that meeting;
 - (g) a Motion for each item on the agenda, as applicable;
 - (h) the names of members of the public who speak to an item;
 - (i) any abstentions made under the Act by any councillor and the reason for the abstention;
 - (j) the time of departure and return to the meeting of any councillor for any reason;
 - (k) the time the meeting is adjourned; and
 - (l) the signatures of the Chair and the Chief Administrative Officer.
- 16.2 At every regular meeting, the minutes of the previous regular meeting and any special meeting held more than 48 hours prior to the current meeting shall be considered for adoption.

**PART 4
PUBLIC PARTICIPATION**

17. Meetings in Public

- 17.1 Subject to section 47, all Council and council committee meetings shall be open to the public and no person may be excluded except for improper conduct as determined by the Chair.
- 17.2 Only councillors, the CAO and persons authorized by the Chair are permitted to come within the enclosure formed by the councillor's chairs during a Council meeting.
- 17.3 Only councillors or other persons recognized by the Chair or by a majority vote of the councillors present shall be allowed to address Council during a meeting.

18. Meetings Closed to the Public

- 18.1 Council and council committees may, in accordance with section 197 of the Act, close all or part of a meeting to the public if a matter to be discussed falls within one of the exceptions to disclosure as set out in the *Freedom of Information and Protection of Privacy Act*.

19. Conduct of the Public at Meetings

- 19.1 During a meeting, members of the public must conduct themselves with proper decorum. The Chair may order any member of the public who disturbs the proceedings by words or actions or in any other manner to be expelled from the meeting.
- 19.2 The Chair may request the assistance of a peace officer if a person ordered expelled by the Chair does not leave the meeting voluntarily.

20. Delegations

- 20.1 A person may request to appear as a Delegation and make a presentation to Council, either on the person's own behalf or as a representative of a group or organization. The request must:
 - (a) be made in writing;
 - (b) include the name and contact information of the individual, and if applicable the group or organization, requesting to appear as a Delegation;
 - (c) clearly identify the reason or purpose of the request and provide a brief explanation of the subject to be addressed in the presentation; and
 - (d) be received by the Chief Administrative Officer.
- 20.2 Delegation requests will be reviewed by the Chief Administrative Officer, the Mayor and Deputy Mayor in preparing the agenda and the CAO shall notify the person requesting to appear as a Delegation whether the request has been:
 - (a) approved, and added to the meeting agenda;

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- (b) approved, but deferred to a subsequent meeting agenda;
- (c) referred to Administration, if the matter is considered to be operational in nature; or
- (d) refused, if the matter is not considered to fall within the jurisdiction of Council or is otherwise deemed improper, and the CAO shall so advise Council why the request was refused.

- 20.3 Council must not permit a Delegation to address a meeting of Council regarding a proposed bylaw in respect of which a Public Hearing has been or will be held, where the Public Hearing is required under an enactment as a prerequisite to the adoption of the bylaw.
- 20.4 The use of presentation slide decks, maps, videos and other similar materials is permitted in a Delegation presentation, provided that the materials are forwarded to the Chief Administrative Officer in advance of the meeting, and these materials become the property of the Municipality as part of the record of the proceedings.
- 20.5 Each presentation by a Delegation shall be limited to 15 minutes unless a longer period is agreed to by a vote of the councillors present at the meeting.
- 20.6 Upon being recognized by the Chair, a councillor may pose questions for clarification to a Delegation or the Chief Administrative Officer. Debate is not permitted at the Delegation stage.
- 20.7 Any question posed to Council by a Delegation may be referred to the Chief Administrative Officer and it is not required that Council provide a response at that time.

21. Public Input Period

- 21.1 Public Input Period provides an opportunity for members of the public to make submissions to Council regarding municipal issues and for Council to receive submissions from members of the public for information or, where appropriate, for a subsequent response by either Council or Administration, as applicable. Members of Council shall limit their remarks to questions of clarification only recognizing that Public Input Period is reserved for members of the public to make submissions to Council. Debate of any kind is prohibited and shall be strictly enforced.
- 21.2 A person who makes submissions to Council during the Public Input Period must:
- (a) state their name and address for the record;
 - (b) confine their submissions to matters within the jurisdiction of Council;
 - (c) maintain proper decorum throughout their submissions; and
 - (d) speak for no more than 5 minutes.
 - (e) not speak on a topic in which they have spoken about within the last 3 months during Public Input.

Amended - Bylaw 1187, 2024, Adopted May 28, 2024

- 21.3 No written materials may be submitted, and no presentation slide decks, maps, videos or other similar materials may be used, during the Public Input Period.
- 21.4 Council must not permit a member of the public to address a meeting of Council during the Public Input Period regarding a proposed bylaw in respect of which a Public Hearing has been or will be held, where the Public Hearing is required under an enactment as a prerequisite to the adoption of the bylaw.

22. Communications from the Public

- 22.1 Written submissions from the public in response to an advertised Public Hearing must be received by the Chief Administrative Officer no later than 12:00 pm one week prior to the Public Hearing in order to be included in the Council agenda package and form part of the record of the Public Hearing. Written submissions must clearly identify the writer, including the writer's address, and must not be libelous, offensive or improper. Written submissions that are received after the deadline or that otherwise do not comply with this section will not be accepted.
- 22.2 Any written communication intended for Council that is not being submitted in response to an advertised Public Hearing shall be forwarded to the Chief Administrative Officer and must:
 - (a) identify the writer and the writer's contact information; and
 - (b) not be libelous, offensive or improper.

23. Responsibilities of the Chief Administrative Officer

- 23.1 If the standards set out in section 61 are met and the Chief Administrative Officer determines the communication is within the governance authority of Council, the Chief Administrative Officer shall deliver a copy of the correspondence to all councillors within a reasonable time by one or more of the following means:
 - (a) personally;
 - (b) by leaving a hard copy in the councillor's mail slot at the municipal office;
 - (c) via email;
 - (d) including a copy of the correspondence in the agenda package for an upcoming Council meeting, subject to the *Freedom of Information and Protection of Privacy Act*.
- 23.2 If the standards set out in section 61 are met and the Chief Administrative Officer determines the communication is not within the governance authority of Council, the Chief Administrative Officer shall:
 - (a) refer the communication to Administration for a response to the writer and provide a copy of the original correspondence and the referral to the councillors; and
 - (b) take any other appropriate action on the communication.

23.3 If the standards set out in section 61 are not met, the Chief Administrative Officer may file the communication, without any action being taken, after advising Council of the CAO's determination and providing a brief explanation as to why the correspondence did not meet the standards.

24. Public Hearings

24.1 The procedure for conducting a Public Hearing is as follows:

- (a) the Chair will declare the Public Hearing open and advise of the process to be followed;
- (b) Administration will be called upon to introduce the item and provide a brief overview;
- (c) members of the public who wish to speak to the item may present;
- (d) after each speaker has spoken, any councillor may ask the speaker questions;
- (e) once all speakers have spoken any councillor may ask Administration questions; and
- (f) once all questions have been addressed, the Chair will declare the Public Hearing closed or may adjourn the Public Hearing so that it may be resumed at a future date.

24.2 A Public Hearing must be closed prior to second reading of a bylaw.

24.3 All speakers are required to provide their name, address and a brief explanation of the nature of their interest in the matter, after which they will be allocated a maximum of 5 minutes to present their position.

24.4 At the discretion of the Chair, or a vote of the majority of the members of council present, the time limits for speaking may be extended to ensure that all interested parties have had a fair and equitable opportunity to express their views.

24.5 No written submissions from the public will be accepted at the Public Hearing, but a member of the public will be given the opportunity to make a verbal presentation by reading their written submission.

24.6 The use of presentation slide decks, maps, videos and other similar materials is permitted in a Public Hearing, provide that the materials are forwarded to the Chief Administrative Officer in advance of the Public Hearing, and these materials become the property of the Municipality as part of the record of the hearing.

PART 5 COUNCIL PROCEEDINGS

25. Role of the Chair

25.1 The Chair will preserve order and decorum and decide all questions relating to the orderly procedure of the meeting, subject to an immediate appeal by a councillor from any ruling.

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- 25.2 If a ruling of the Chair is appealed, the Chair will give concise reasons for the ruling and the councillor will be provided an opportunity to give concise reasons for the appeal, and Council will, without debate, determine by a show of hands whether to uphold or overturn the ruling. The Chair shall comply with the decision of the Council.
- 25.3 If the Chair wishes to leave the chair for any reason, the Chair must call on the Deputy Mayor, or in the Deputy Mayor's absence, the Acting Mayor, to preside.

26. Councillor Conduct

- 26.1 During a meeting, a councillor must:
- (a) only speak after being recognized by the Chair;
 - (b) address the Chair when speaking;
 - (c) refrain from using crude, vulgar, profane or offensive language, or disturbing the orderly business of the meeting in any way;
 - (d) respect and follow all applicable procedural rules;
 - (e) respect and obey all rulings of the Chair except in the case of an appeal of a Chair's decision that is upheld by Council;
 - (f) refrain from leaving their seat or making any noise while a vote is being taken or the result declared;
 - (g) refrain from re-entering the meeting while the vote is being taken, if absent from the meeting due to pecuniary interest;
 - (h) refrain from interrupting other speakers, except to raise a Point of Order or a Point of Privilege;
 - (i) reflect upon any vote, except for the purpose of moving that the vote be reconsidered; and
 - (j) refrain from using any electronic device, except to access the meeting's agenda package electronically.
- 26.2 Councillors must make every attempt to remain in the Council chambers at all times during a meeting. If a Councillor must leave the Council chambers for a short time for personal reasons, the Councillor shall so indicate by a signal to the Chair which may be non-verbal, and upon acknowledgement by the Chair the councillor may leave the Council chambers while proceedings continue. In such case, the Chair shall avoid calling for a vote while the councillor is not present in the Council chambers and shall afford the councillor a reasonable time to return before any vote is taken.
- 26.3 If a councillor has temporarily left the meeting, other than for declaring a pecuniary interest, and a vote is about to be taken, the Chair shall recess the meeting for up to 10 minutes to allow

the councillor to return to the meeting to participate in the vote. If the councillor has not returned after 10 minutes, the Chair shall call the meeting back to order and the vote shall proceed.

27. Points of Order

- 27.1 When a Point of Order is called, the councillor calling the Point of Order must identify the procedural deviation.
- 27.2 The Chair may call to order any councillor who is out of order.
- 27.3 When a councillor persists in a breach of order, after having been called to order by the Chair, the Chair may declare the breach and name the offending councillor.
- 27.4 Unless the councillor who has been named by the Chair immediately apologizes for the breach and withdraws any objectionable statements, the Chair shall direct that the notation of the declaration of the breach and naming of the councillor be noted in the minutes.

28. Motions

- 28.1 A Motion relating to a matter not within the jurisdiction of Council is not in order.
- 28.2 A recommendation in a report does not constitute a Motion until a councillor has formally moved it.
- 28.3 A Motion does not require a seconder.
- 28.4 Once a Motion has been moved and accepted by the Chair, it may only be withdrawn with the consent of the majority of councillors present at the meeting.
- 28.5 The mover of the Motion may speak and vote for or against the Motion and once all councillors present have had the opportunity to speak to the motion the mover is entitled to speak in closing on the motion immediately prior to the vote.
- 28.6 Unless otherwise specified in this Bylaw, a Motion is passed when a majority of councillors participating in the meeting and entitled to vote have voted in favour of the Motion. A Motion put to a vote and not passed is defeated and does not result in a Resolution.
- 28.7 A matter not amounting to a Motion that is put to a vote of the Council in the same manner as a Motion, such as an appeal of a ruling of the Chair on a Point of Order, becomes an act of the Council if a majority of councillors present indicate support for it.
- 28.8 The Chair may participate in debate and vote on matters before Council, without relinquishing the Chair.
- 28.9 All councillors must be provided with an opportunity to speak to a Motion before any councillor is permitted to speak to the Motion a second or subsequent time.

28.10 Any councillor may require a Motion under debate to be re-read at any time during the debate if the Motion is not electronically displayed in the Council chambers but must not interrupt a speaker to do so.

28.11 When a Motion is under debate, no other Motion shall be made except to:

- (a) table, which means to cease discussion on the current topic to address another matter that the Councillor considers to be of greater urgency. A Motion to table is not debatable. If a Motion to table is passed, the Motion under debate is no longer debatable and a Motion to “lift from the table” is required to resume consideration of the matter. If not lifted from the table during the same Meeting, a tabled Motion expires at the end of that Meeting;
- (b) call for the question, which means to close debate and ask that a vote be taken on the Motion under debate. A Motion to call for the question is not debatable but is only in order if all councillors have had an opportunity to speak to the Motion under debate. If a Motion to call for the question is in order and passes, the Chair must put the Motion under debate to an immediate vote;
- (c) refer, which means to redirect a matter under consideration to another party, such as Administration or a Council committee. A Motion to refer must include instructions to the referral body and is debatable;
- (d) defer, which means to temporarily set aside a Motion under debate to a future Meeting. A Motion to defer must identify a timeline for the matter to be brought back to Council and is debatable;
- (e) amend, which means to modify the wording of a motion. An amending motion is debatable;
- (f) move In Camera; or
- (g) reconvene in public.

29. Amending Motions

29.1 A councillor may only amend the councillor’s own Motion for the purpose of clarifying the Motion’s intent without affecting the substance of the Motion. The Chair may accept such a “friendly amendment” upon putting a request to that effect to the meeting and if no other councillor objects. A councillor may also propose such a “friendly amendment” to another councillor’s Motion, which may be accepted by the Chair if the other councillor agrees and no councillor objects.

29.2 A proposed amendment to a Motion under debate that changes the Motion under debate in any substantive way must take the form of a Motion to amend and is debatable. A Motion to amend must be relevant to the subject matter of the Motion under debate and must not propose a direct negative of the Motion under debate.

- 29.3 Only one amendment to the main Motion under debate may be before the meeting at any time, but a Motion to amend the proposed amendment may be before the meeting at the same time.
- 29.4 When a Motion to amend is on the floor, councillors may debate only the proposed amendment, not the main Motion under debate to which the amendment pertains.
- 29.5 An amendment to an amendment, if any, shall be voted upon before the Motion to amend. If no other amendment to the Motion to amend is proposed, the Motion to amend shall then be voted upon. Only after all Motions to amend have been put to a vote shall the main Motion under debate be put to a vote.

30. Splitting Motions

- 30.1 When a Motion under debate contains distinct propositions, at the request of any councillor on a Point of Order, the Chair shall call for separate votes on each proposition.

31. Voting Procedures

- 31.1 Votes on all Motions must be taken as follows:

- (a) the Chair will ensure that the Motion to be voted upon is clear by either:

- i. confirming that the Motion is viewable by councillors, either in hard copy or electronically; or
- ii. by restating the Motion verbatim immediately prior to the vote.

- (b) councillors must:

- i. vote by show of hands; or
- ii. vote verbally by stating “yes” or “no” to the Motion if participating via teleconference or other electronic means.

- (c) The Chair will announce the result of the vote.

- 31.2 Once a vote has been called, no councillor will be given an opportunity to speak to the matter.

- 31.3 After the Chair declares the result of a vote, councillors may not change their votes.

32. Reconsideration

- 32.1 After a Motion has been voted upon, but before the meeting is adjourned, any councillor who voted with the prevailing side may move for reconsideration of a previous Motion.
- 32.2 Debate on a Motion for reconsideration of a previous Motion must be confined to reasons for or against reconsideration of the previous Motion.
- 32.3 If a motion to reconsider a previous Motion is passed, such reconsideration shall become the next order of business despite the agenda for the meeting.

- 32.4 A councillor who voted with the prevailing side on a Motion may serve notice of intention to bring a Motion for reconsideration at a subsequent Council meeting; however, a motion for reconsideration is out of order if the original Motion has already been acted upon irrevocably.

33. Councillor Inquiries

- 33.1 At the designated time during a Council meeting, a councillor may request information from the Chief Administrative Officer about the operation or administration of the Municipality:
- (a) verbally, if the councillor does not require a written response; or
 - (b) in writing, if the councillor requires a written response.
- 33.2 If the Chief Administrative Officer is unable to answer the request for information at the meeting, the CAO will endeavour to provide a response at the next regular meeting unless additional time is required to compile the requested information.
- 33.3 If the information requested by a councillor is not readily available and additional financial or other resources will be required in order to respond to a councillor's request for information then a Resolution of Council is required to approve such allocation of resources.

34. Notice of Motion

- 34.1 During each regular meeting of Council, the Chair will ask all councillors present if they wish to provide notice of a Motion to be made at a subsequent meeting.
- 34.2 A Notice of Motion must:
- (a) be given at a regular Council meeting held at least 7 calendar days prior to the Council meeting at which the councillor intends to make the Motion introducing the new matter;
 - (b) be given in writing to all councillors present and to the Chief Administrative Officer;
 - (c) include the complete, precise text of the Motion to be considered; and
 - (d) state the date of the Council meeting at which the Motion will be made.
- 34.3 The giving of a Notice of Motion is not debatable and the Motion, precisely as stated in the Notice of Motion, will then appear on the applicable Council agenda.
- 34.4 A Notice of Motion can be withdrawn at any time in writing to all councillors. A copy of the withdrawal shall also be given to the Chief Administrative Officer.

35. Adjournment

35.1 A Motion to adjourn the Meeting is always in order except:

- (a) when another councillor has the floor;
- (b) when a vote on a Motion has been called for but not yet taken; or
- (c) when a vote on a Motion is in progress or has been completed but the Chair has not yet declared the results of the vote.

35.2 A Motion to adjourn the Meeting shall be put without comment or debate.

36. Repeal

36.1 Bylaw No. 923, 2015 and all amendments thereto are repealed.

37. Coming into Force

37.1 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ a **first** time in council this 07 day of January 2020.

READ a **second** time in council this 21 day of January 2020.

READ a **third and final** time in council this 21 day of January 2020.

Original Signed

Blair Painter
Mayor

Original Signed

Patrick Thomas
Chief Administrative Officer



**Municipality of Crowsnest Pass
Request for Decision**

Meeting Date: December 17, 2024

Agenda #: 7.d

Subject: Service Areas Update

Recommendation: That Council receives the service areas update as information.

Executive Summary:

Each month the CAO provides Council with a summary of some of the highlights of work completed by the various departments over the last month.

Relevant Council Direction, Policy or Bylaws:

N/A

Discussion:

N/A

Analysis of Alternatives:

N/A

Financial Impacts:

N/A

Attachments:

[Service_Areas_Update_-_December_13__2024.docx](#)

Service Areas Update – December 13, 2024

CAO Office

- Meeting with developers on potential housing projects
- Participated in Hwy 3X values engineering workshop
- Participated in Fire Rescue Charity Checkstop
- Meeting with Minister Brian Jean
- Attended FCSS Seniors Christmas Luncheon
- Finalizing budget for presentation to Council
- Continuing Downtown Bellevue Revitalization project oversight
- Continuing Bellevue High Flow Pump and Water Main project oversight
- Continuing Southmore Phase 2 ASP project oversight

Finance

- Tax Desk received 33 requests for Tax Searches in November 2024; YTD 473 (compared to 36 in November 2023 YTD 461, and 43 in November 2022 YTD 573. An additional 19 tax searches were received up to December 9, 2024.
- Accounts Payable in November did two check runs, processed 351 invoices, and paid 186 vendors; YTD processed 4,322 Invoices and paid 2154 vendors. November 2023 processed 440 invoices and paid 212 vendors with two check runs, YTD processed 4,827 Invoices and paid 2,793 vendors).
- Working on review of the following Bylaws and Policies:
 - Tangible Capital Assets Policy
- Budget 2025 was approved on November 28, 2024. Working on producing the public budget document to be posted on the Municipal website by December 31, 2024.
- New Finance Manager started on December 2.
- The number of people who pay property taxes (TIPP) and Utilities (PAD) has increased over the last couple of years and Finance will be doing a push in late November early December to encourage people to sign up for taxes.
- With the Canada Post strike, the Municipality did not print the November Utility bills. This has resulted in calls requesting either to have the November bill sent electronically or customers signing up for electronic notification on a go forward bases. Once the strike is over, we will provide an update on the shift from paper to electronic invoicing.
- For information, the October utility billing breakdown has been included. The utility bills the Municipality sends out each month can be broken down into Commercial Bills of which 119 are emailed and 96 are a paper bill (Total 215) and Residential Bills of which 1563 are emailed and 1734 are paper bills (total 3297) for the October invoicing. Total bills issued is 3512.

Corporate Services

- The Municipality has 155 employees across the organization. (60 Permanent, 35 Fire Rescue, 1 Election Worker, 9 Casual/Temporary, 5 Instructors, 45 Seasonal Ski Hill)
- The Municipality has two open job competitions for casual Community Services Operator and an Internal Competition for Permanent Full Time Receptionist.
- Our current Receptionist has accepted the Utilities and Taxation Clerk position and will be starting on February 3, 2025.
- 15 FOIP requests have been received, 15 complete.
- 13 Complaint Forms have been completed.
- Completed 5 training sessions with employees on the Internal and External Harassment Policies that Council recently approved. It has been positive to speak in groups about harassment that can occur in public sector environment and what the employer will do to help mitigate that from occurring. We have a duty as an employer through OHS legislation to control harassment as a workplace hazard, and we have a few different procedures to assist us with dealing with that.
- Recruited 4 new members for the Joint Occupational Health and Safety Committee for 2025-2027, who will assume their duties in the new year on the committee.
- Completed the election underbudget. Still waiting on a few outstanding expenses but will be approximately 25% underbudget.

Development, Engineering & Operations

- **Utilities Department**
 - Utility projects – 50 TOTAL to December 13
 - Sewer main line and service connection repairs (9)
 - Curb stop repair (8)
 - Hydrant install (4)
 - New water (7) and sewer (9) installs
 - Valve repair (3)
 - Miscellaneous repair (10)
 - Utility Locate requests – 594 till the end of November
 - Water On/Off requests – 88 YTD
 - Sewer plant – warranty and service work ongoing
 - Sewer lining program – Location evaluations and camera inspections prep
 - Budget Initiative: Design finalization for River Bottom PRV (2024 Capital)
 - Frank Waterline Capital Project – Completion Date 11/29/2024
 - Bellevue High Flow Pump and Water Main Project – Completed
- **Transportation Department**
 - Winter road operations – snow event activity (November 18-22)
 - Highway Sidewalk snow removal Week of December 9
 - Christmas lights – Pole locations and trees
 - Sand supply for winter established with Volker Stevin (Coleman)
 - Cemetery sites (November YTD 22 sites – cremation and burials)

- **Development & Trades Department**
 - **Facility Maintenance**
 - Regular maintenance activities.
 - Budget Initiatives 2024 status: all seven projects completed except that the fencing of the Bellevue Pumphouse could not be completed due to MCNP construction activity related to Mainstreet Revitalization Project. This will be completed in 2025.
 - **Planning, Development & Safety Codes**
 - Municipal Planning Commission – one meeting in November (0 Subdivisions; 6 DPs).
 - Municipal Historic Resources Advisory Committee – one meeting in November.
 - Appeals – no hearings in November.

Key Performance Indicators (KPIs)

Key Performance Indicator (KPI)	Activity Volume Previous Month	Activity Volume YTD
Facility Maintenance – Plumbing, Construction, Electrical		
Work Orders – issued / closed	26 / 23	399 / 360
Planning & Development		
Compliance Certificate requests - received / processed	3 / 0	44 / 42
Development permit applications - received / processed	9 / 38	350 / 305
Business Licences - received / processed	4 / 3	66 / 56
LUB Complaints – new / closed	0 / 2	39 / 38
LUB Complaints – Monthly Volume	51	51.45
Notice of Intent / Stop Orders - issued	0 / 2	21 / 6
Bylaws (MR / Road Closures, LUB)	2	25
Appeal Hearings	0	3
Subdivision applications	1	16
Safety Codes		
New Housing Starts	4	48
Building permits - issued / inspected / closed	8 / 21 / 19	136 / 309 / 234
Electrical permits - issued / inspected / closed	22 / 10 / 8	166 / 206 / 145
Gas permits - issued / inspected / closed	32 / 10 / 7	104 / 145 / 115
Plumbing permits - issued / inspected / closed	23 / 9 / 6	70 / 101 / 66
PSDS permits - issued / inspected / closed	2 / 0 / 0	5 / 6 / 5
Orders Issued / closed	0 / 0	2 / 1
Safety Codes Council Appeals	0	1
Variances Issued	0	1

Protective Services

- **Fire**
 - Charity Check Stop for the Food Bank. Raised \$8,145 and 177 lbs of food
 - AFRRCS implementation complete
 - 1st Annual hockey game between CNP and Sparwood FD's. 11-7 win for CNP
 - Meeting with RCMP and SARSAR to review 2024 operations

Call Response	
Category	Month (November)
Medical Response	4
Alarms	6
Mutual Aid - RCMP	0
Motor Vehicle Collision	3
Back Country Rescue	0
Total	13

- **Peace Officer**
 - Focus on vehicle removal to enhance snow clearing
 - December enforcement focus:
 - Snow removal
 - Unregistered vehicles

Category	Month (Nov)	Year to Date
Number of Charges Laid	44	575
Cases Generated (Incident Count)	29	478
Cases: Requests for Service	23	390
Cases: Officer Observed	5	62
Cases: Received from outside Department/Agency (i.e. RCMP)	1	46
Vehicle Removal Notices	6	40
Vehicles Towed	2	17
Positive Ticketing	0	0
Projected Fine Revenue **	\$7,182	\$147,242

Note** Fine revenue is subject to change through court process

Pass Powderkeg Community Resort

- Snow making continues to be our biggest challenge. Temperatures on the hill keep hovering around -3C to -5C even when it has been -12C or colder to the east of Frank. The snow making crew have been willing to start up the system for very short windows but production is limited. We will win the battle with temperatures and continue to open more terrain when we can.
- Currently the Face, Upper Bush Trail and the Handle Tow area are open. We are very close to opening the rest of the lower mountain. 2 more nights of snow making will allow us to open more terrain.
- The new grooming cat is working great. The groomer operator has the tiller dialed in. It is on the back of the cat and it grinds the snow to make it softer. The new tiller is notably more aggressive than the old Pinoth 350 groomer that was traded in.
- We opened to public on Friday Dec. 6 from 4:00-8:00 and Saturday Dec.7 & Sunday Dec.8 from 10:00-4:00. Crowds were good on Friday and marginal on Saturday & Sunday due to rain then

freeze. Overall, people were happy to get on the slopes and they really appreciated us being open for Friday night.

- PPK will be open to public Dec. 13-15 for one more early season weekend then Dec. 20 the holiday schedule starts.
- Sunshine Alpine Racers and a few Westcastle Ski Club athletes were here for early season training December 5-8. Feedback from their athletes is that they loved their training here and having a private run to themselves.
- A Level 1 CSIA Ski Instructors certification course is on Dec. 13-15. There are 8 candidates which is a good number of potential new instructors for us.
- Most staff are trained in their departments, Health/Safety and HR/Policy. They are ready to take care of our Guests. Big thanks go to Dana and Christine for their efforts in training all the new staff.
- Season passes continue to sell as people realize we are open and will remain open for the season.
- A number of events are planned through the holidays to attract people to PPK.

Community Services

- **Facilities and Events**
 - Crowsnest Community Hall
 - Little Mountaineers Christmas party
 - Christmas hampers
 - CNP Community Market
 - Complex
 - 3 Crush games (7,15,20)
 - Santa Skate December 22nd
 - U7 Hockey Tournament
 - CNPMH U15 hockey Tournament.
 - Figure Skating Christmas show
 - MDM
 - TMM Christmas party
 - Crowsnest Community Christmas Market
 - Kids Kollege Christmas concert
 - Francosud Christmas party
 - PPK ski swap
 - EVR Christmas parties-7 in total
 - Clothing fest
 - Parks
 - Christmas tree Lighting event
 - Christmas in the Park
- **FCSS**
 - 2025 Community Calendar – has been distributed in the community
 - Seniors Christmas Lunch – December 11 – currently have 240 seniors registered
 - Christmas Food Hamper Applications – Hampers are getting delivered on December 20
 - Coordination of Lions Holiday Meals on Wheels

- 2024 Christmas Tree Lighting – November 28
- Santa Skate – December 22
- Meals on Wheels – business as usual
- Seniors on the Go Newsletter
- Subsidized taxi program - will be discontinued December 31, 2024
- **Recreation Programming**
 - Fall programs – Public Skate Schedule
 - Recreation Programs in MDM Gym
 - Kickboxing Fitness and Drums Alive move to Community Hall
 - Winter programming
 - Recreational Badminton and Volleyball
 - Assist with set up for Christmas Party bookings
 - Assisted with Christmas decoration of facilities
 - Santa Skate prep.
 - Clean up and removal of Corner Hub gymnastics equipment
 - Southern Alberta Summer Games AGM