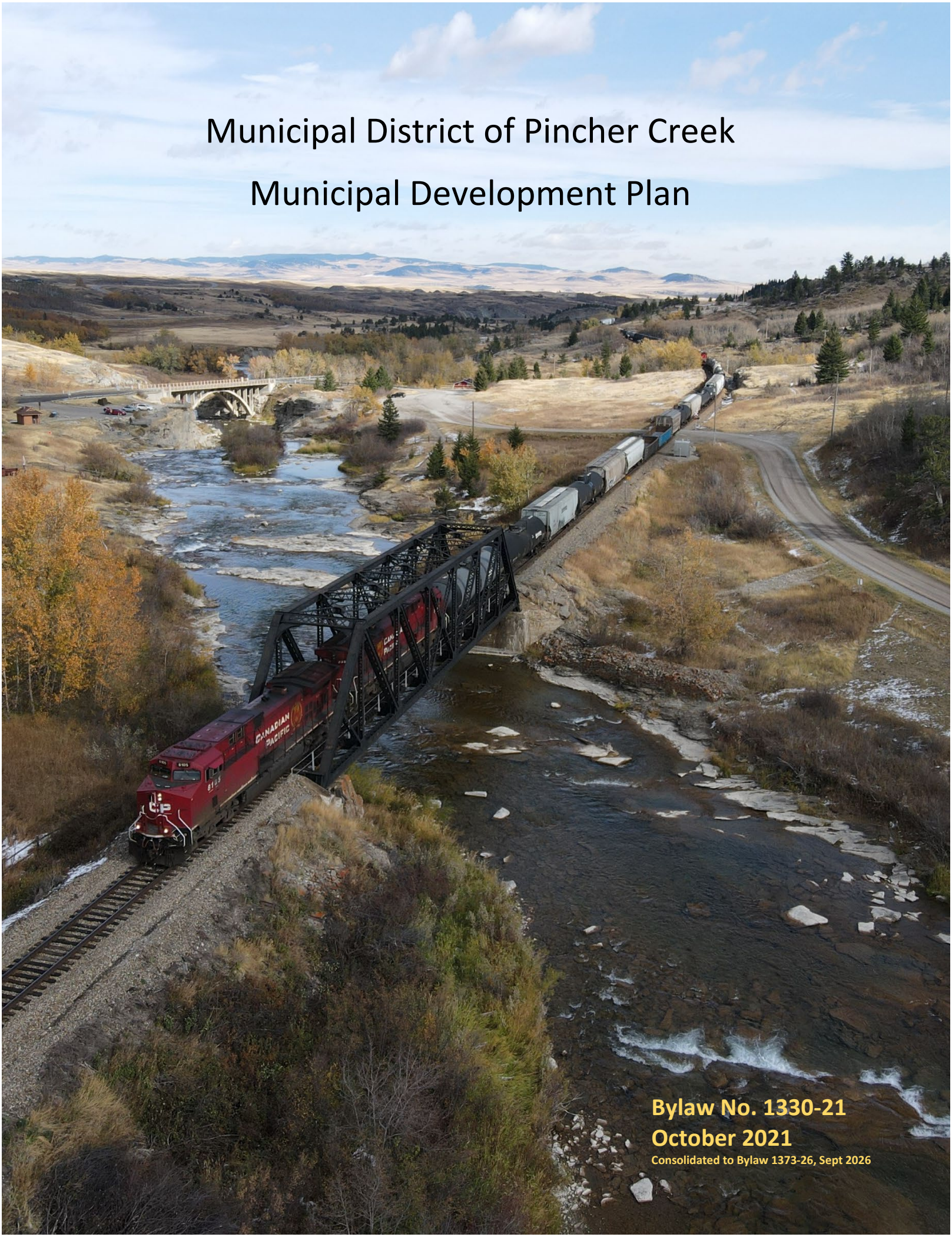
Municipal District of Pincher Creek

Municipal Development Plan



Bylaw No. 1330-21
October 2021
Consolidated to Bylaw 1373-26, Sept 2026

Cover photography courtesy of ORRSC

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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Prepared for the MD of Pincher Creek No.9

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Municipal District Pincher Creek Municipal Development Plan
Bylaw No. 1330-21 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
1373-26	Amend Section 12 Hamlet Policy following the completion of the Lundbreck Hamlet Growth Study.		8-Sept-2026

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

IN THE PROVINCE OF ALBERTA

BYLAW NO. 1330-21

BEING a bylaw of the Municipal District of Pincher Creek No.9, in the Province of Alberta, to adopt a new Municipal Development Plan for the municipality.

WHEREAS Section 632 of the Municipal Government Act requires all municipalities in the province to adopt a municipal development plan by bylaw;

WHEREAS The purpose of the proposed bylaw is to provide a comprehensive, long-range land use plan, and subdivision and development framework pursuant to the provisions outlined in the Act;

WHEREAS The municipal council has requested the preparation of a long-range plan to fulfill the requirements of the Act 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 Municipal District of Pincher Creek No. 9 in the province of Alberta duly assembled does hereby enact the following:

1. This Bylaw No. 1330-21, attached as 'Schedule A', shall be cited as the "Municipal District of Pincher Creek No. 9 Municipal Development Plan".
2. Bylaw No. 1062-02, being the former Municipal Development Plan (and any amendments thereto) is hereby rescinded.
3. This bylaw comes into force and effect upon third and final reading hereof.

READ a first time this 24 day of August, 2021.

A PUBLIC HEARING was held this 28 day of September, 2021.

READ a second time as amended in Schedule B this 12 day of October, 2021.

READ a third time and finally PASSED this 12 day of October, 2021.

Reeve
Brian Hammond

Chief Administrative Officer
Troy MacCulloch

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VISION AND MISSION STATEMENTS

"The Vision of the Council of the MD of Pincher Creek is a community that manages growth and supports our western heritage while preserving our natural environment."

"Our Mission is to preserve and enhance our Western Canadian lifestyles and the natural capital of the MD of Pincher Creek through sound decision-making and good governance for the community."

INTRODUCTION

The Municipal District of Pincher Creek No. 9 (MD) is a rural municipality and we celebrate our rural way of life. A large part of what our resident's value about living within the MD is an appreciation for being rural and our western heritage. As a MD, we face pressures for growth and development and as such, need to balance these pressures against our rural character. We are defined by our land, our history and our abundant natural capital.

The statements above set the municipality's vision and mission in pursuit of sound land use policy. Each policy that follows in this document should be a reflection of these statements as a balance is struck between competing land uses.

A. COMMUNITY PROFILE

Located in the southwest corner of Alberta (Map 1), the MD has a current population of 2,965 (2016 Census) which is distributed across 3,482 km². The municipality contains the quintessential Alberta landscape from prairie grass to mountain pass. Its assets are too numerous to list, but have sustained the area from the time of the first peoples through the time of the pioneers whose names still resonate within the community.

As a means of defining agriculture in the municipality, the *2016 Census of Agriculture* statistics for the MD generally finds that farms in the MD are owner operated, the majority are operated by persons 55 years old or older, technology has been generally implemented across the MD, and most require income outside the agricultural industry.

B. PLAN INTERPRETATION

This is a "living" document intended to provide the most current information available at the time of adoption. Given that understanding, the contents of this plan are reviewed and updated periodically. This document is made up of specific vision and mission statements, objectives, a series of policies related to the objectives, and the basic requirements set out by the Government of Alberta.

For developers, this document is to be read in conjunction with Government of Alberta documents, the land use bylaw, other adopted statutory plans, Municipal District Engineering standards, and supplementary policy as developed by the MD.

For citizens, this document is meant to be a dialog on a vast array of topics providing the basis for open and transparent discussion and ensuring that citizens understand the direction of subdivision and development.

This document is not intended to limit ideas, but to put forward preferences in the pursuit of a great municipality.

Maps have been provided as part of this Municipal Development Plan to show the location of proposed land uses, confined feeding operation exclusions, and future transportation and utility corridors. For some planning areas, the boundaries will be refined through subsequent stages of planning including Area Structure Plans, Local Area Structure Plans, Area Redevelopment Plans, concept plans, land use redesignation and subdivisions. Minor changes to alignments or locations of map features may be undertaken as part of subsequent planning processes without amendment to this Plan.

If a development is proposed within the plan area of a higher-order statutory plan including the *South Saskatchewan Regional Plan* or an Intermunicipal Development Plan, the development must consider and conform to the policies of the higher-order statutory plan. If there is a conflict with a policy or regulation within a higher-order plan and the policies of this Municipal Development Plan, the higher order plan shall prevail.

All provincial and federal policies and regulations in effect shall apply and shall prevail over the policies contained within this Municipal Development Plan.

Development of this Document

This document was developed with the MD Council as the steering committee for the development of new policy. The basis of new policy was done through a series of Topic Reports which, for the most part, introduced new subject matter to Council that was not addressed in the existing MDP. These Topic Reports used two Values based documents as guides on what the region had to say about certain land use matters. These value documents are the *Community Values Assessment for the MD of Pincher Creek No.9,* Praxis Group, 2011 and the *Values and Voices: Stewardship Priorities for the Southern Alberta Foothills*, 2011.

With the value documents as a basis, new material was reviewed and discussed with Council who provided their thoughts on where the topic might fit into this new MDP. As part of those discussions, the policies utilized by other municipalities were reviewed for their approach to a topic.

C. PURPOSE

A municipal development plan is a compilation of vision, objectives and policies developed by a municipality and used as a tool by decision makers, residents and developers when evaluating and initiating land use proposals impacting the future growth of the municipality.

D. LEGISLATIVE REQUIREMENTS

A Municipal Development Plan (MDP) is a planning document enabled by statute or provincial legislation. In this case, the governing statute is the *Municipal Government Act Revised Statutes of Alberta 2000*, and more specifically Section 632, which outlines what must and may be included within a MDP. Accordingly, this plan must address:

- the future land use within the municipality;
- the manner and/or the proposals for future development within the municipality;

- the coordination of land use, future growth patterns and other infrastructure with adjacent municipalities if there is no intermunicipal development plan with respect to those matters in those municipalities;
- the provision of the required transportation systems, either generally or specifically, within the municipality and in relation to adjacent municipalities;
- the provision of municipal services and facilities either generally or specifically;
- policies compatible with the *Subdivision and Development Regulation* to provide guidance on the type and location of land uses adjacent to sour gas facilities;
- policies respecting the provision of municipal, school or municipal and school reserves, including but not limited to the need for, amount of and allocation of those reserves and the identification of school requirements in consultation with affected school authorities; and
- policies respecting the protection of agricultural operations.

In addition, the plan may address:

- proposals for the financing and programming of municipal infrastructure;
- the coordination of municipal programs relating to the physical, social, and economic development of the municipality;
- environmental matters within the municipality;
- the financial resources of the municipality;
- the economic development of the municipality;
- the municipality's development constraints, including the results of any development studies and impact;
- analysis, goals, objectives, targets, planning policies and corporate strategies; and
- any other matter relating to the physical, social or economic development of the municipality.

The *Municipal Government Act (MGA)*, Section 618.3 also mandates that municipal development plans must be consistent with the *Alberta Land Stewardship Act* in respect of the *South Saskatchewan Regional Plan* (2014) which was developed by the province in consultation with municipalities and other stakeholders in order for both levels of government to utilize consistent approaches and pursue a high level of cooperation and coordination with their areas of land use jurisdiction.

Further to compliance with the *South Saskatchewan Regional Plan* (SSRP), the MDP must be in accordance with the MGA Section 638 be consistent with other statutory plans adopted by the MD including the Intermunicipal Development Plans with adjoining municipalities. It is not a requirement of the legislation for the MDP to be consistent with the land use bylaw (LUB). Where the LUB and the MDP are inconsistent the land use bylaw will prevail.

As illustrated in Figure 1, a municipal development plan sits below the provincial legislation and above most of the municipal requirements of the hierarchy of statutory planning documents and processes.

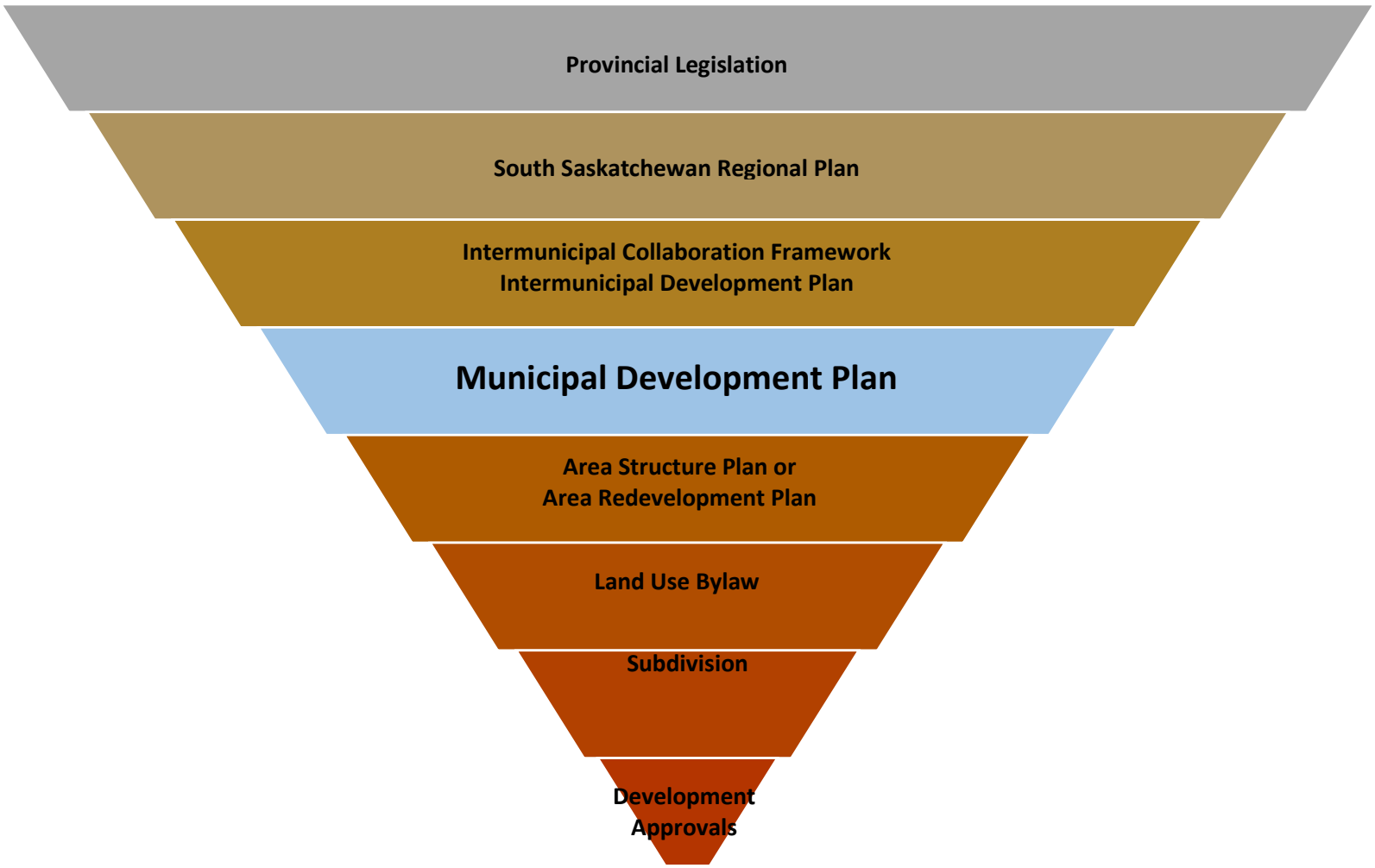


Figure 1: Planning Document Hierarchy

E. IMPLEMENTATION AND PROCEDURAL ISSUES

Context

The MDP is a statutory plan identified in the hierarchy of plans in the *MGA*. It has been prepared for the MD in accordance with the provisions of the *MGA*, the SSRP and the *Subdivision and Development Regulation*. The *MGA* requires all local plans and bylaws to be consistent with the provincial legislation and must be adopted by bylaw.

The *MGA* establishes a detailed public participation component which provides opportunities for input, referrals to adjacent municipalities and a mandatory public hearing prior to second reading of the bylaw. By the time this bylaw has received its third and final reading it will have been refined and rewritten based on the comments of ratepayers, municipal administration and elected officials.

With the final revisions made, the Plan will become the long-range planning document for the MD under which the land use bylaw will provide further guidance to implement the day-to-day decisions regarding subdivision and development matters. Because the Plan envisions changes within the MD, it should be reviewed and amended regularly to maintain accuracy and relevance.

MDP amendments may be initiated by any party in accordance with the procedures established in the *Municipal Government Act*. Amendments may require public consultation and shall require approval from the MD Council via three readings plus a public hearing. Amendments to the MDP may require supplementary supporting information, providing details on the reason and nature of the change. The party initiating the change to the MDP shall be required to provide supporting documentation for the amendment.

POLICIES

1. The MDP shall be adopted and amended if required pursuant to Sections 230, 606 and 692 of the *MGA*.

2. Prior to adoption of the Plan, it shall be sent to adjacent urban and rural municipalities for their comments and concurrence.

3. The land use bylaw shall be amended to comply with any policies that may be in contravention to this Plan.

4. Any amendments or changes to this Plan shall be forwarded to the MD planning advisor for review and comment.

Planning Policies Section 1
Waiver of MDP Policies



MUNICIPAL DEVELOPMENT PLANNING POLICIES

1. WAIVER OF MUNICIPAL DEVELOPMENT PLAN POLICIES

It is important to have consistent decisions made over time, however, because policies do not anticipate each circumstance, decision-making authorities need the ability to allow for periodic waivers.

1.1 In respect to policies in this plan, an approval authority may approve an application even though the proposed development, subdivision or redesignation does not comply with the municipal development plan if, in its opinion, the proposals would:

(a) be in accordance with the community spirit and image of the area of the proposal including landscape, traditional land uses or other community values;

(b) not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

1.2 When considering a waiver of the policies of this plan, the authority should consider:

(a) in the opinion of the Authority, the variance is minor;

(b) the comments of the appropriate persons and agencies have been considered;

(c) the waiver complies with other statutory plans and bylaws.

Planning Policies Section 2

Forestry Reserve & Other Public Lands

2. FORESTRY RESERVE AND OTHER PUBLIC LANDS

2.1 The municipality recognizes that it has jurisdiction over public or provincial Crown lands, under Section 640 of the *MGA*, and that its jurisdiction is limited or precluded in a variety of circumstances. Given this situation, while recognizing its responsibilities, the municipality shall exercise its jurisdiction to the extent that it deems necessary by establishing policies and implementing them through the land use bylaw and other appropriate means.

Provincial Planning

2.2 The MD acknowledges and supports the government's efforts in furthering the following:

(a) Public Land Use Zones;

(b) Castle River Sub-Regional Integrated Resource Plan;

(c) Livingstone-Porcupine Hills Land Footprint Management Plan;

(d) Livingstone-Porcupine Hills Sub-Regional Integrated Resource Plan.

Planning Policies Section 3

Future Land Use in the Municipality



3. FUTURE LAND USE IN THE MUNICIPALITY

3.1 Major land use changes shall be accommodated, as far as possible, through redesignation in the land use bylaw and in accordance with the policies of this plan. Land use change that is not authorized by this plan shall require an amendment to this plan before the land use change can proceed.

3.2 For specific areas, other statutory plans such as area structure plans or intermunicipal development plans may refine the policies established herein. This plan recognizes the following statutory plans and the successors to these documents:

(a) Burmis Lundbreck Corridor Area Structure Plan (including local ASP or concept plans contained within the plan boundary);

(b) Oldman River Reservoir Area Structure Plan (including local ASP or concept plans contained within the plan boundary);

(c) Castle Mountain Resort Area Structure Plan;

(d) MD Pincher Creek & Cardston County Intermunicipal Development Plan;

(e) MD Pincher Creek & Crowsnest Pass Intermunicipal Development Plan;

(f) MD Pincher Creek & MD of Ranchland Intermunicipal Development Plan;

(g) MD Pincher Creek & MD of Willow Creek Intermunicipal Development Plan;

(h) Municipal District of Pincher Creek and Town of Pincher Creek Intermunicipal Development Plan; and

(i) Municipal District of Pincher Creek and Village of Cowley Intermunicipal Development Plan.

See Guide Map - Map 2 for all plan boundaries.

3.3 The MD may adopt a direct control district to accommodate or regulate a land use which is not presently contemplated in the land use bylaw and where policy specifically requires redesignation to Direct Control.

3.4 Council shall establish provisions within the land Use Bylaw for the rescinding of an amending bylaw that redesignated lands for a purpose that was not fulfilled. The intent of the rescinding bylaw shall be to revert the land back to its former district designation.

3.5 As part of its Strategic Plan, the MD Council shall commission periodic community value assessments (similar to the *Community Values Assessment for the M.D. of Pincher Creek*; The Praxis Group, 2012) as a means of engaging the public and informing MD policy development. A newly completed community values assessment may be utilized to reflect on the land use policies contained within this document and the plans listed in 3.2.

Planning Policies Section 4

Intermunicipal Coordination

4. INTERMUNICIPAL COORDINATION

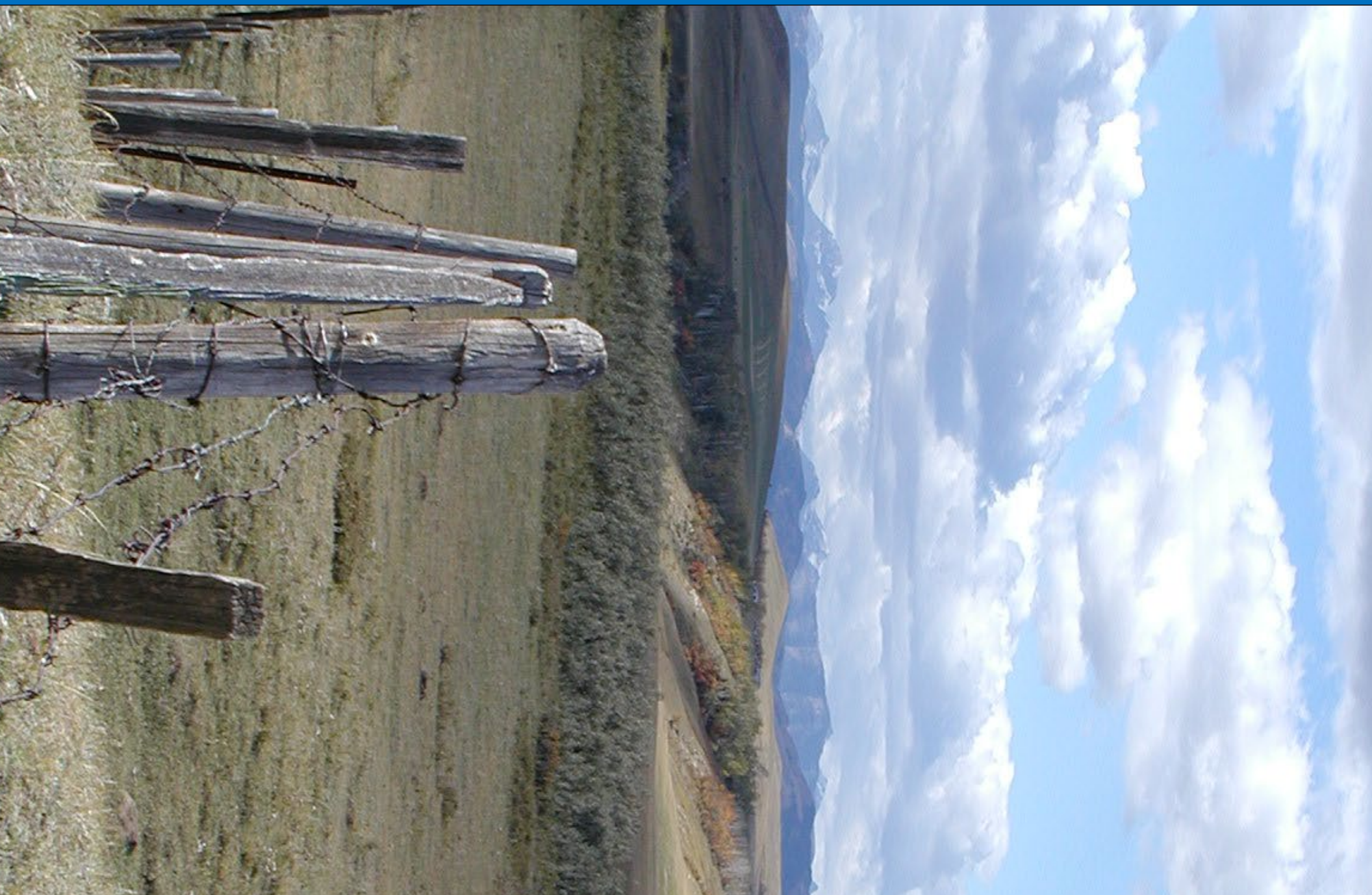
4.1 The municipality shall maintain an ongoing dialogue through Intermunicipal Collaboration Frameworks (ICF) with adjacent municipalities to ensure that land use, growth and the provision of infrastructure are as coordinated as possible.

4.2 Before giving final consideration to an amendment to this plan or any other planning document, Council shall solicit and consider the comments of the adjoining municipalities, in accordance with the adopted intermunicipal development plans.

4.3 Unless otherwise stated herein, the policies of this plan apply to the entire municipality but if lands are subject to an intermunicipal development plan (IDP), then the policies of the applicable intermunicipal development plan supercede the policies of this plan in the case of a conflict. See Guide Map - Map 2 for IDP plan boundaries.

Planning Policies Section 5

Area Structure Plans



5. AREA STRUCTURE PLANS

5.1 Area structure plans may be required prior to approval of a development application, subdivision application or land use bylaw amendment.

5.2 An area structure plan shall contain the following information:

(a) site plans and drawings – although professional plan preparation is preferable, the diagrams may be accepted if they are clear and accurate. In Urban Fringe areas a "shadow plan" may be requested when larger parcels are proposed;

(b) soils analysis – soil stability and its ability to accept a septic system are most important, although applicants may be requested to provide other data. These studies are to be prepared by an engineer;

(c) identification of other hazards such as flood or mass wasting prone lands or environmentally significant areas, including but not limited to wildlife corridors, historic and other resources;

(d) sewer system – which will be determined using the soils data provided in accordance with the *Alberta Private Sewage Systems: Standard of Practice*. Pump out systems are preferred adjacent to water bodies;

(e) domestic water – these systems will be to the satisfaction of the approval authority and in compliance with the *Water Act*;

(f) roadways and access points – including the standards for construction and approvals from Alberta Transportation where applicable;

(g) other utilities and services – including comments from the appropriate supplier;

(h) contour and surface drainage control – which is required to protect water bodies and adjacent parcels;

(i) development concept – including lot density and land tenure such as bareland condominiums;

(j) applicant's interest – i.e. authorized agent, subject of an agreement or relative;

(k) subdivision considerations – that may be found in the land use bylaw such as lot sizes;

(l) municipal and/or environmental reserve – which will be in accordance with this plan and may include use of environmental easements;

(m) staging of development – and may include phasing of services and lotting;

(n) development specifications – including special standards such as setbacks and minimum dwelling size;

(o) landscaping and appearance – particularly if it includes municipal reserve land;

(p) architectural controls – information regarding special standards for details such as fences or landscaping are needed as well as the expectation for municipal district involvement;

(q) public input – developers are encouraged to contact neighbours and others to discuss the proposal;

(r) population density – as required under the *Municipal Government Act*;

(s) impact on adjacent properties;

(t) additional information may be required for area structure plans prepared on water bodies as requested by the appropriate agency or provincial department;

(u) historic resource clearance and/or study for the province;

(v) any other information Council may consider necessary;

5.3 The draft area structure plan shall be circulated to the various agencies that would have input at the subdivision application stage and as outlined in the *Subdivision and Development Regulation*. A broader circulation of the information may be undertaken at any time in the process.

5.4 Additional information may be requested by Council at any time during the approval process.



Planning Policies Section 6

Transportation

6. TRANSPORTATION

Context

The MD has a well-established transportation network comprised of both primary and secondary highways, the municipal road network, railway transport, and the Pincher Creek and Cowley aerodromes. The level of investment required to support regional activity needs to be understood, so capital and operating costs for transportation related projects are accounted for in the annual budget.

As such, the integration of various transportation networks in the MD is essential to ensuring the cost- effective, efficient, and safe movement of people and goods within and through the region. Sound land use policy in relation to the transportation network within the MD is necessary in order to support existing land uses as well as to serve as a platform for future economic development.

Objective

1. To maintain, and where appropriate, enhance the integrity and safety of the transportation system under the municipality's jurisdiction and to cooperate with the province and other agencies in maintaining and enhancing the integrity and safety of the overall transportation system, recognizing that highways, roads, rail lines, and airports form the overall system.

Policies

A. Highways and Roadways

Clarifying Responsibilities

6.1 The MD shall support the ongoing development of transportation networks in the municipality by clearly defining responsible parties involved in roadway construction and maintenance:

(a) Alberta Transportation is responsible for primary and secondary highways;

(b) The MD is responsible for the condition and management of local road systems including service roads, where built to MD engineering standards;

(c) Jurisdiction over roads for maintenance within an intermunicipal plan area shall be determined by way of agreement;

(d) Developers are responsible for constructing any new roads or road widening and any related improvements or infrastructure required for new developments or subdivisions;

(e) Upon approval of a new road, and subject to any applicable warranty period, the road becomes the responsibility of the MD, unless other arrangements have been agreed to with the developer; and

(f) Private roads and driveways shall be the responsibility of the landowner.

6.2 All road construction shall be to the current MD Development and Engineering Standards or as per development agreement stipulations.

6.3 Map 4 provides the hierarchy of road classification. Certain uses as defined within this document will be encouraged to locate adjacent to or within a short distance of provincial highways and MD arterial and collector roads.

Impacts

6.4 The MD shall direct developments that may detrimentally affect the quality of roads and bridges (high traffic volumes or heavy trucks) to roadways that have been designed to accommodate such development. A Road Use Agreement may be required.

6.5 Developers shall inquire, acknowledge and comply with designated provincial and municipal road bans. Road bans may impact potential for development and be cause for denial of proposals and effect current approvals. Road bans are listed on the municipal multi-media platforms.

6.6 The MD may develop a policy that addresses agricultural, commercial, and industrial impacts on roads and bridges beyond standard wear and tear.

6.7 MD Council may consider developing a comprehensive transportation study in order to identify the impacts of growth areas, industrial development, tourism, and Confined Feeding Operations on road quality.

6.8 The MD or Alberta Transportation may require a Transportation Impact Analysis (TIA) at any time during planning processes to ensure existing intersections are able to be developed with safe turning movements and traffic flow. The cost of a TIA is the sole responsibility of the developer or landowner.

Highways

6.9 MD Council will consider future development along primary and secondary highways that:

(a) approvals, as required, from Alberta Transportation are obtained;

(b) the number of entry and exit points to primary and/or secondary highways is minimized;

(c) the number of entry and exit points to the MD's arterial and collector roads is minimized; and

(d) facilitate access onto an internal roadway system or a service road prior to accessing the primary and/or secondary highway, where possible.

6.10 Highway 3 twinning may affect the intermunicipal plans with Crowsnest Pass and Village of Cowley and the Area Structure Plans for the Burmis Lundbreck Corridor and Oldman River Reservoir. Those plans and the Alberta Transportation 3 Twinning Functional Planning Study shall be consulted for any proposed subdivision, redesignation, or development that may affect the realignment.

6.11 The Highway 3/6 Interchange directly effects the Intermunicipal Development Plan with the Town of Pincher Creek. That plan and the Alberta Transportation 3/6 Interchange Functional Planning Study shall be consulted for any proposed subdivision, redesignation, or development that may affect the realignment.

6.12 MD Council may implement special policies, planning documents, or subdivision criteria to apply to the highway corridors as development and/or subdivision pressures arise.

6.13 If a service road is required parallel to a provincial highway, as stipulated by Alberta Transportation, it shall be dedicated or protected by a registered caveat at the time of subdivision as determined and requested by Alberta Transportation.

Public Roadways

6.14 The MD will require every lot created through a subdivision application to have direct access to a public roadway.

6.15 Access proposed via easement shall be avoided. Where allowed, the MD shall be party to the easement agreement for access purposes and the agreement registered on title.

6.16 Decisions regarding developers seeking monetary assistance for road construction or upgrading shall be at the discretion of Council in accordance with public works policy.

Private Roadways

6.17 The MD may, as a condition of subdivision or development, require that a private road be developed for all season access to ensure emergency services access and egress.

B. Airports

6.18 Federal regulations, including TP312 (Aerodrome Standards and Recommended Practices) and TP1247 (Aviation: Land Use in the Vicinity of Aerodromes) will guide development on the airport, navigation, lighting and security at the airport and protect the obstruction restrictions. MD will require that all land use approvals within the 4000m aerodrome of the Pincher Creek Airport and Cowley Airport take into account the safe and efficient operation of the airports. (See the Wind Energy section of this document for related policy).

6.19 The MD may consider commercial or industrial uses adjacent to the Pincher Creek Airport.

6.20 All subdivision or development applications within the Airport Vicinity Protection district shall be circulated to Nav Canada and Transport Canada for comment, prior to rendering a decision.

6.21 Airport Vicinity Protection shall be established in the land use bylaw as a district for the Pincher Creek Airport and the land use bylaw shall ensure that:

(a) the airport's take off/approach surfaces, transitional surfaces and electronic facilities shall be protected; and

(b) except as provided in 6.22 below, no residential development shall be constructed within a specified distance of the airport runway in accordance with provincial and federal guidelines.

6.22 A maximum of one dwelling unit per quarter section or parcel shall be allowed on lands adjoining the airport property within the Airport Vicinity Protection district.

C. Railways

6.23 The MD may provide for specific setbacks from rail line rights-of-way in the land use bylaw. Where setbacks are not provided, the municipality may utilize *The Federation of Canadian Municipalities and The Railway Association of Canada: Guidelines for New Development in Proximity to Railway Operations* in making decisions.

Planning Policies Section 7

Infrastructure and Community Assets

7. INFRASTRUCTURE and COMMUNITY ASSETS

Context

All municipalities have infrastructure and community assets which are provided to the citizens. The MD values its infrastructure and assets as a way of enhancing the quality of life for residents and visitors to the MD and will pursue opportunities to enhance its systems through private and public investment.

Objectives

1. To establish land use patterns commensurate with the level of infrastructure and services that can be provided reasonably and economically having regard to the municipality's long-term financial health and viability.

2. To protect, maintain and enhance community assets such as parks, recreation amenities and community halls.

Policies

7.1 The municipality shall continue to explore the delivery of services, including arrangements for service delivery, to ensure that the services it provides, or is involved in providing, are delivered in an effective, efficient and timely manner.

7.2 The municipality recognizes that it has a direct interest in the services provided by other agencies or organizations without assuming responsibility, directly or indirectly, for the provision of such services.

7.3 The municipality shall encourage and support measures to ensure that land development and servicing is coordinated recognizing that development should be provided with suitable levels of service depending on its requirements and location, but in a rural location the provision of services should be consistent with a rural lifestyle, sustainability and self-reliance.

7.4 As part of an application for an Area Structure Plan, outline plan, subdivision, or development, the MD may require a fiscal impact assessment that considers the life cycle cost to the MD for maintaining the utility infrastructure required to service the development.

7.5 The MD may require copies of any permits, licenses, or reports issued by provincial authorities with respect to water, wastewater or stormwater to be submitted prior to, or as a condition of, an approval.

7.6 The MD may prepare an infrastructure master plan to plan and coordinate efficient management and operation of utility infrastructure to ensure long-term affordability for the MD, businesses, and residents.

7.7 The MD will protect, maintain and enhance community assets such as parks, recreation amenities and community halls, as determined by Council.

7.8 The MD shall encourage Alberta Culture to continue protecting and preserving sites and artifacts with significant historical or archaeological value.

7.9 The MD encourages property owners with historic sites or buildings to preserve the heritage of the municipality.

7.10 The MD shall own and manage sand and gravel assets commensurate with its current and future needs.


4.9m

Planning Policies Section 8
Urban Fringe

8. URBAN FRINGE

Context

The interface land outside a built urban area requires unique planning consideration from the point of view of the continuity of existing rural development until such time the land is needed for urban expansion. This interface area is often referred to as the 'urban fringe'. The MD of Pincher Creek has utilized this special planning tool since 1980 when it completed its first plan with the Town of Pincher Creek and introduced a specialized land use district to control development jointly. Since that first plan, the MD has implemented two other urban fringe districts around the Village of Cowley and the Hamlet of Lundbreck.

Objective

1. To minimize conflicts in the urban fringe by implementing cooperative and mutually satisfactory land use policies.

Policies

8.1 Whenever possible, rural lands within the urban fringe that surround urban communities shall be protected and conserved for extensive agriculture until these lands are needed for logical, orderly and economic urban expansion.

8.2 The land use bylaw shall contain an Urban Fringe district and this district shall apply at the very minimum to the following lands:

(a) lands identified in the Municipal District of Pincher Creek No. 9 and Village of Cowley Intermunicipal Development Plan;

(b) lands within 0.8 km (½ mile) of the hamlet boundaries of Lundbreck (excepting those lands affected by the Burmis Lundbreck Corridor Area Structure Plan) and Pincher Station ; and

(c) lands identified in the Municipal District of Pincher Creek No. 9 and Town of Pincher Creek Intermunicipal Development Plan.

8.3 The Urban Fringe district in the land use bylaw shall:

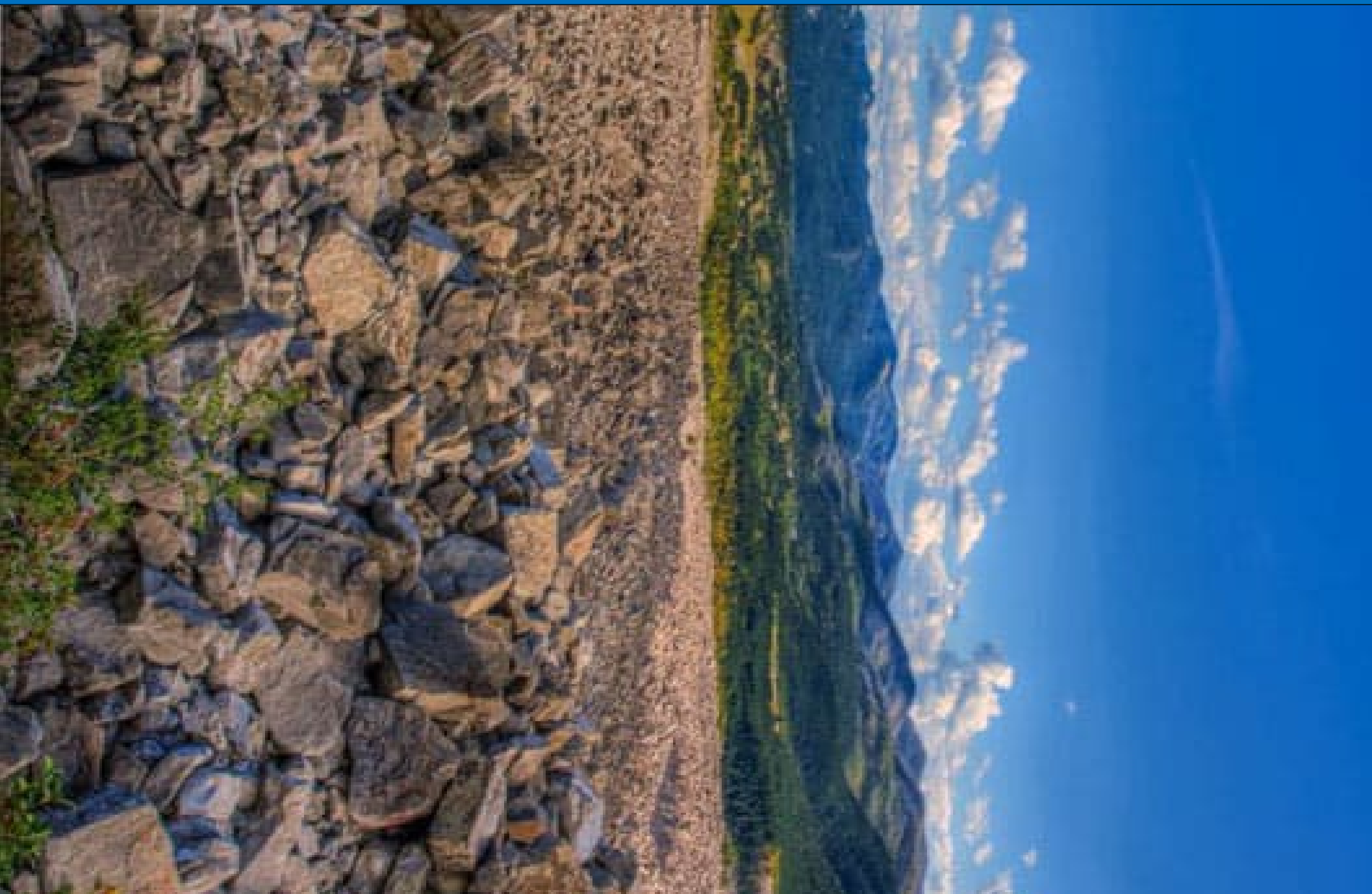
(a) disallow grouped country residential development unless agreed to in an intermunicipal development plan; and

(b) be designed so that it effectively discourages or precludes any development which would:

(i) compromise the logical and orderly expansion of urban or hamlet boundaries; or

(ii) lead to land use conflicts with the adjoining urban municipality or hamlet.

Planning Policies Section 9
Natural Resources



9. NATURAL RESOURCES

Context

The MD has significant natural resources, some of which are regulated by the Provincial government. Those resources that fall within the purview of the MD include, but are not limited to, sand, gravel, and quarry stone. The MD recognizes the importance of the natural resources industry and will work with resource companies and provincial legislative bodies to allow for the planned and managed extraction of natural resources.

Objectives

1. To allow for the managed extraction of natural resources.
2. To minimize conflicts between natural resource extraction and other existing or future land uses.
3. To ensure post resource extraction leaves the land in a developable and usable state.
4. To cooperate with other agencies involved in the management of natural resources, for the preservation of habitat and protection of water quality and quantity.
5. To support the development and delivery of renewable energy for powering and heating MD homes and businesses.
6. To provide opportunity for industrial scale renewable energy projects that are compatible with existing land use and that do not negatively affect agricultural operations or the environment.

Policies

9.1 Lands proposed for natural resource extractive use shall be designated as Direct Control prior to making application for a development permit or subdivision. If approved, the direct control district bylaw may sub-delegate the approval to the Municipal Planning Commission for processing the permit.

9.2 An open house shall be undertaken by proponents for any new resource extraction or the expansion of an existing operation prior to re-designation and/or development permit applications being processed.

9.3 In consultation with the MD's Public Works department, the resource extraction industry shall be directed to specific haul routes to minimize impact on municipal roads. Where appropriate, the designated haul route shall be the shortest route to the provincial highway network. At the discretion of Public Works, a Road Use Agreement may be required. At the discretion of Planning and Development, a development agreement may be required for road improvements.

9.4 Where appropriate, buffering, berming, and screening between the natural resource extraction and adjacent land uses shall be required as a condition for development approval.

9.5 All natural resource extraction operations shall adhere to applicable provincial standards, provincial conditions of approval, and a reclamation certificate from Alberta Environment shall be required. All natural resource extraction operations shall also adhere to all requirements of the municipality.

9.6 Consultation and compliance with provincial and federal governments shall be required to ensure the protection of the MD's historic, environmental, natural, archaeological, and cultural resources, from the impacts of proposed resource extraction.

9.7 Forestry operations approved by the Province are not regulated in this Plan. However, the MD of Pincher Creek encourages forest operations to be undertaken in accordance with a sustainable timber harvesting plan and encourages the use of integrated land management practices.

9.8 The municipality shall enforce, in consultation with the Alberta Energy Regulator (AER), the provisions respecting sour gas facilities and gas and oil wells in the *Subdivision and Development Regulation.*

9.9 The municipality shall continue to take into account AER guidelines respecting pipelines and other matters not addressed in Policy 9.8 above, whenever land use decisions are being made, and the municipality may incorporate any guidelines it deems appropriate into an area structure plan, intermunicipal development plan or the land use bylaw.

A. Wind and Solar Energy Development

9.10 The municipality may support the integration of wind and solar energy conversion systems with other land uses in the municipal district where the area has been deemed suitable by the zoning and development processes.

9.11 The municipality shall not accept application for a wind farm or solar development until the designation to Wind Farm Industrial - WFI has been approved.

9.12 The MD Council shall not approve a redesignation to Wind Farm Industrial -WFI until such time as a Wind Energy Conversion System (WECS) review has been completed to the satisfaction of Council and in accordance with Section 9.13. This review shall be completed within 2 years of the adoption of this bylaw.

9.13 The municipality recognizes that changes will occur as wind technology and the community evolve. In addition to the review under Section 9.12, Council may commission additional reviews over time, that examine the impact of Category 3 wind energy development (as defined by the LUB). Each review shall include the following:

(a) a timely completion within a period not exceeding four months once commenced;

(b) an analysis of wind energy policies including, but not limited to:

(i) an evaluation of the density and the generation capacity of existing and approved WECS,

(ii) an evaluation of the existing transmission capacity servicing the area,

(iii) permits approved and currently valid permits for WECS,

(iv) visual impact on landscape,

(v) public opinion on WECS development,

(vi) an analysis of policy at the local, regional, and provincial levels,

(vii) public consultation and a subsequent meeting process;

(c) a summary of findings that may:

(i) place limitations on the density of future development,

(ii) determine where in the municipal district WECS will be encouraged,

(iii) determine any other issues deemed necessary by Council.

9.14 The municipality encourages the repowering of existing or depreciated wind and solar energy developments.

9.15 The municipality encourages the project owner and landowner to decommission obsolete or abandoned wind or solar energy developments in a reasonable time frame.

9.16 That the land use bylaw implements a 4000m setback from both the Cowley and Pincher Creek Airports for wind development.

9.17 When municipal governments consider industrial scale solar or wind energy development, it immediately becomes clear that not everywhere is suitable for those activities, and not everywhere is unsuitable. For some areas it is a clear-cut 'yes' or 'no', but most areas sit somewhere on a continuum between those two extremes. To understand this fact better the MD went through an analysis process called the Municipal Land Use Suitability Tool (MLUST). This process asked council to value various land use concerns across the MD.

As it stands, the results are not meant to hinder development proposals, but are too be used by developers, who may be new to the area, to understand perceptions of conflicting land use within the municipality and to understand local values. Proponents for industrial scale wind and solar development shall consult the *Municipal Land Use Suitability Tool (MLUST) for Municipal District of Pincher Creek*, *Tracy Lee, Ken Sanderson, Guy Greenaway, and Holly Kinas, April 2020* as part of their preparation for a development application to the MD. The MD shall amend the land use bylaw to include details for this submittal requirement and provide a mapping product that can be utilized for analysis.

9.18 As the MD seeks to maintain dark skies at night, WECS proponents shall utilize technology for auto dimming its lights or utilize an on-demand warning light system.

Planning Policies Section 10

Agriculture

10. AGRICULTURE

Context

A basic tenet of land use planning in Alberta is the protection of agriculture. Yet agricultural land is under constant pressure from other uses imposing themselves on the landscape. This is not a new story; agricultural losses have been documented in the province since the 1950s. In reaction, the Canadian Land Inventory (CLI) for classification of soils, a multi-disciplinary land inventory of rural Canada, was conceptualized in the early 1960s. The use of CLI remains an important tool in evaluating agricultural land.

With the reintroduction of Regional Planning in Alberta under the *Alberta Land Stewardship Act* (2009) and the *South Saskatchewan Regional Plan (2014)*, Agriculture preservation rose to the forefront once again, but with the twist of balancing other uses through policy statements like

> ***"8.21 Employ appropriate planning tools to direct non-agricultural subdivision and development to areas where such development will not constrain agricultural activities, or to areas of lower-quality agricultural lands."***

Through the previous decades, the MD has been doing this through policy by limiting where group country residential and commercial/industrial uses are located as well as encouraging wind energy conversion systems to co-locate with agricultural land. A strong cattle industry based on vast landscapes for grazing has maintained a balance between agricultural business and the environment which provides the grass and water vital to ranching livelihoods.

Objective

1. To conserve and protect agricultural land, including foothills grazing lands, for extensive agriculture by:
   - (a) minimizing conflicts with non-agricultural uses;
   - (b) discouraging the fragmentation of agricultural and grazing land into small non-agricultural parcels;
   - (c) ensuring that agricultural lots or parcels remain as large as possible;
   - (d) promoting education initiatives and partnerships that support the agricultural sector and contribute to increased operator knowledge and opportunities; and
   - (e) endeavouring to maintain traditional ranching activities.

Policies

10.1 Extensive agriculture shall remain the predominant and prevailing land use in the municipality.

10.2 The MD shall support the preservation of agricultural land and shall promote diversification of the agricultural sector by supporting all types of agricultural operations including intensive horticulture.

10.3 The MD shall protect prime agricultural lands from development that would eliminate the viability of these lands from crop production. These lands shall be identified by using the Canadian Land Inventory. The MD shall ensure that provisions in the land use bylaw protect agricultural land from non-agricultural development.

10.4 Better utilizing land and promoting more compact development are two methods that can limit land conversion. The MD shall ensure that the application of these methods is utilized in the decision making process.

10.5 The MD is crossed by large networks of pipelines, railways, electrical transmission lines, provincial highways, private roads and MD roads, all of which add to fragmentation of agricultural lands. The MD shall encourage location of new roads and transmission lines in a manner that does not unnecessarily fragment or restrict the use of agricultural land.

10.6 The MD considers “first parcel out” subdivision, which separates the farmstead from the quarter-section, vital to the long-term viability of agricultural operations and the rural population base. See the subdivision policies in this document.

10.7 The ability to subdivide cut-off parcels due to physical barriers that make a parcel illogical or impractical to keep together will continue to merit consideration by the Subdivision Authority. See the subdivision policies in this document.

10.8 Continue to raise public awareness of the benefits and challenges of living in a rural area especially where it comes to the importance of agriculture for economics and environmental stewardship. The MD will maintain and distribute the ‘Code of the West’ as a means of conveying this message.

10.9 Facilitate the dissemination of information, education resources, and advice in furthering agri-business and land management throughout the municipality.

10.10 The MD encourages small scale production of renewable energy in support of farm operations.

10.11 The MD encourages the conservation of farm land through private agreement as a means of protecting agriculture.

10.12 The MD encourages the development of agricultural farm plans by individual farm operations.

10.13 The importance of grazing land in the MD is a vital component to the agricultural industry. In regard to grassland areas, the MD shall to the extent possible during decision making processes avoid disturbance, limit industrial intrusion and require restoration of areas impacted by development. These lands shall be identified by using the Alberta Grassland Vegetation Inventory (GVI).


NORDEX

Planning Policies Section 11

Confined Feeding Operations (CFOs)



11. CONFINED FEEDING OPERATIONS (CFOs)

Context

The MD is a headwaters municipality within the foothills of the eastern slopes of the Rocky Mountains. This landscape has many competing opportunities for development. In terms of appropriate location for confined feeding operation locations, a balance must be obtained for protection of the environment, residential development and other parts of the economy. Major waterways and their valleys, residential and urban growth areas, and tourism/transportation corridors are all to be separated from the CFO development as a means for the protection of these community assets.

The following municipal development plan policies are adopted for the purpose of:

- **providing the Natural Resources Conservation Board (NRCB) requirements that the Council of the M.D. of Pincher Creek wish to have considered when applications for CFOs are evaluated for approval; and**
- **providing guidelines for the municipality when providing comments to the NRCB regarding applications for CFOs.**

Objective

1. To acknowledge the role the NRCB has through *Agricultural Operations Practices Act (AOPA)* in CFO approvals while providing developers and the NRCB with specific parameters for proposals within the municipality.

Policies

11.1 Confined feeding operations shall not be approved in the areas shown on Map 3, Confined Feeding Operations - Exclusion Areas, including but not limited to:

(a) the Oldman River Reservoir Area Structure Plan area,

(b) any Urban Fringe district,

(c) Burmis Lundbreck Corridor Area Structure Plan area,

(d) adjacent to the Pincher Creek and Cowley Airports,

(e) adjacent to major water bodies including the Waterton River and reservoir, the Oldman River and reservoir, the Castle River, Pincher Creek, and Crowsnest River (as depicted on Map 3).

The rationale for these prohibited areas are as follows. The Area Structure Plans and urban fringe areas are planned populated residential areas and the MD finds that the noxious and odorous nature of confined feeding operations is an incompatible use within these areas. To provide an effective buffer, residential areas have either been included in the exclusion area and may also have been provided prevailing wind protection from odour and fire hazard. In the case of Intermunicipal Plans, the exclusion areas have been negotiated and

agreed upon by the municipalities. The MD also finds that as a headwaters community the municipality has a duty to keep source water clean for its residents and downstream populations. Further, the MD finds that the nature of feedlots as an attraction to flocking birds is incompatible with aerodrome safety.

11.2 The following development setbacks are to be applied:

Front yard setback (frontage on public roadway):	30 m (98.4 ft.)
Side yard setback:	7.5 m (25 ft.)
Rear yard setback:	7.5 m (25 ft.)
Provincial highways 3, 6 and 22:	400m (1312 ft.)
- all other provincial highways	80 m (262.5 ft.)

11.3 The approval authority or Council shall consider the results of a minimum distance separation calculation using the *Agricultural Operations Practices Act Standards and Administration Regulation* when considering:

(a) the redesignation of a parcel to Grouped Country Residential or other district that may allow uses sensitive to CFOs;

(b) any development; or

(c) any subdivision application allowed for in this plan.

11.4 The NRCB shall avoid locations considered as 'Environmentally Significant Areas' as defined within this document.

11.5 Confined feeding operation policies contained within intermunicipal development plans are unique to those plans and the municipality shall consult the policies contained therein where appropriate.

11.6 Where policies within other plans or the land use bylaw conflict, this document's policies shall prevail for the purposes of NRCB approvals under AOPA.

11.7 Where confined feeding operations have ceased operations or been abandoned, the municipality will encourage the landowner to voluntarily have the permit withdrawn or where appropriate through other planning mechanisms seek to condition the removal of the permit.

11.8 The MD encourages development of Confined Feeding Operations that have short travel distances to provincial highways or municipal roads designated as arterials or collectors (Map 4). The MD may object to a proposed location where the travel distance or impact to roads and bridges is deemed inappropriate.

11.9 The MD reserves the right to request the NRCB to condition CFO approvals for stormwater management, road improvements, and consolidation of titles.



Planning Policies Section 12

Hamlets



12. HAMLETS

Context

Hamlets are those semi urban development areas resembling a village or small town. Outside of the designated area structure plans, much of the new development in the MD is encouraged in the form of our hamlet communities planned from the perspective of unique locational aspects of each hamlet.

Objectives

1. To facilitate the orderly and economic expansion of our hamlet communities by limiting the fragmentation and premature development of fringe lands.
2. To encourage infill development within the hamlets for all land uses, where appropriate.

General Policies

12.1 The land use bylaw shall name and delineate the boundary for the following as “designated hamlets” for the purpose of managing urban growth and development: Lowland Heights, Beaver Mines, Lundbreck, Pincher Station, and Twin Butte.

12.2 The municipality shall encourage residential, commercial, and industrial development to locate in suitably designated areas in hamlets recognizing that:

(a) this may serve to strengthen the service centre role of hamlets, reduce the impact of non-agricultural uses on the agricultural community and reduce the consumption of agricultural land for non-agricultural uses; and

(b) this can assist with accommodating growth in a logical, cost effective, sustainable manner and where servicing may be efficiently planned and expanded to accommodate future growth.

12.3 Hamlets shall continue to be the primary focus of public, residential, commercial, and industrial development. Exceptions to this general policy are detailed in Sections 13, 14, 15.

12.4 When considering applications for either new residential development or redesignations for residential uses, the location of existing or approved WECS, CFOs, sour gas wells/lines or natural resource extraction sites should be considered.

12.5 Council may consider differentiating land use and development standards to specific Hamlets within the hamlet districts.

12.6 All methods of connecting residents with local agricultural producers including but not limited to farmers markets are encouraged within hamlets.

12.7 The keeping of animals within hamlet boundaries is regulated by the Animal Control bylaw (and any amendments thereto) and the land use bylaw. Residents shall consult these documents prior to possession of any animal.

12.8 Area structure plans may be required prior to approval of a development, subdivision application or land use bylaw amendment within a hamlet. Area structure plan criteria are provided within this document in the Section 5.

A. Lowland Heights Policies

12.9 The policies of this plan respecting hamlets apply to the extent that they do not conflict with the Municipal District of Pincher Creek No. 9 and Town of Pincher Creek Intermunicipal Development Plan which addresses the Hamlet of Lowland Heights.

B. Beaver Mines Policies

12.10 As priorities and circumstances warrant, the municipality as a follow-up to this plan shall consider undertaking a planning study for Beaver Mines in consultation with the residents to address hamlet expansion, servicing, the location of underground mine workings, surface drainage and other community planning issues.

12.11 The municipality shall continue to support and encourage high quality development in Beaver Mines.

12.12 In cooperation with Alberta Transportation, the municipality shall ensure that access onto Provincial Highways 774 and 507 is managed with a view to maintaining traffic and pedestrian safety.

C. Lundbreck Policies

12.13 The MD supports the Lundbreck Hamlet Growth Study and requires its reference in all matters related to Lundbreck development. The MD will periodically update the study with current data and action item progress updates as changes occur.

12.14 In partnership with Canadian Pacific Railway, the MD should monitor railway crossings within the Hamlet to ensure vehicular and pedestrian traffic flow is not impeded and safety concerns are addressed.

D. Pincher Station Policies

12.15 The municipality shall continue to accommodate industrial, warehousing and outdoor storage uses in the industrial area, as well as residential and commercial development in suitably designated areas recognizing that opportunities for development requiring water and sewer services are limited because:

(a) Pincher Station lacks these services;

(b) groundwater is limited; and

(c) heavy clay soils complicate the proper functioning of private sewage disposal systems.

12.16 Pincher Station's servicing constraints shall be considered whenever a land use decision is being considered.

12.17 If demand warrants, the municipality shall consider expanding Pincher Station for residential and light industrial development taking into account servicing constraints and the supply of vacant lands within the hamlet. It is anticipated that residential growth will be in a westward direction while industrial growth will be eastward.

12.18 The municipality shall endeavour to reduce land use conflicts within Pincher Station over time.

12.19 In partnership with Canadian Pacific Railway, the MD should monitor railway crossings within the Hamlet to ensure vehicular and pedestrian traffic flow is not impeded and safety concerns are addressed.

E. Twin Butte Policies

12.20 The municipality shall continue to support development and expansion of Twin Butte to provide an alternative location for potential development near Waterton Lakes National Park.

Planning Policies Section 13
Residential Development



13. RESIDENTIAL DEVELOPMENT

Context

The demand for rural residential development can lead to conflicts with existing agricultural land uses, impact the environment and create additional costs for taxpayers. A comprehensive land use plan provides locational criteria for residential subdivisions and developments in order to mitigate potential impact on agricultural uses and the environment.

Objectives

1. To protect and maintain the quality of existing residential development.

2. To regulate and direct the development of new residential developments.

Policies

FireSmart Policy

13.1 To reduce the ignition zone around homes and prevent the fuel that can cause wildfires to spread, development shall comply with the FireSmart regulations. New residential development shall adhere to the FireSmart building materials and standards for new construction. Recognizing the increased prevalence of extreme weather events and fires globally, the MD should review and update these requirements regularly to ensure development adjacent to wild lands are developed to the safest standard.

Dwellings Per Parcel policy

13.2 Except as provided in policies 13.3, 13.4 and 13.5 below, the land use bylaw shall ensure that only one dwelling unit is located on a parcel.

13.3 Subject to the land use bylaw, more than one dwelling unit may be allowed on a parcel if:

(a) the dwelling unit is a manufactured home in a designated manufactured home park and both the manufactured home and the manufactured home park are in accordance with the land use bylaw;

(b) the dwelling unit is contained in a building which is designed for or divided into two or more dwelling units and the dwelling unit is in accordance with the land use bylaw;

(c) the parcel is contained in a district in the land use bylaw that allows more than one dwelling unit on a lot or a parcel; or

(d) residential units in conjunction with bed and breakfast, country inn or hotel/motel.

13.4 A garden suite (as defined) shall be included in the land use bylaw to accommodate the additional dwelling unit on a lot or parcel provided that the lot or parcel is designated for such use.

13.5 In the Rural Area, the land use bylaw shall:

(a) allow, as a discretionary use, the location of a second dwelling on a parcel, if the parcel is an unsubdivided quarter section and the parcel cannot be subdivided without the approval of the municipality; and

(b) allow, as a discretionary use, the location of any number of dwellings on a parcel provided that the parcel is part of a farming operation and such dwellings will be occupied by farm helpers, and the parcel cannot be subdivided without the approval of the municipality; and

(c) the proposed second dwelling unit is located within the same yard site limiting the potential for fragmentation of agricultural land;

unless the parcel is located in the Airport Vicinity Protection Area or an area which is subject to an intermunicipal development plan or an area structure plan in which case the provisions of the Airport Vicinity Protection Area, the intermunicipal development plan or the area structure plan shall govern.

Minimum Residential Parcel Size

13.6 Each lot or parcel in an area proposed for grouped country residential development in the Rural Area shall contain a minimum of 1.2 hectares (3 acres) and this shall be reflected in the land use bylaw unless an area structure plan or an intermunicipal development plan establishes a different minimum in which case that different minimum shall apply.

13.7 The municipality in the land use bylaw shall establish minimum lot or parcel sizes in hamlets and the Rural Area, but the municipality shall be reasonably flexible in allowing development on existing lots or parcels which do not comply with the minimums established in the bylaw, unless otherwise provided in an area structure plan or an intermunicipal development plan.

Country Residences

13.8 Grouped country residential development shall be directed to specific locations, as shown on the Municipal Development Plan Guide Map (Map 2), namely:

(a) the Burmis Lundbreck Corridor (in accordance with the area structure plan for this area);

(b) the lands southwest of the Town of Pincher Creek (in accordance with the Municipal District of Pincher Creek No. 9 and Town of Pincher Creek Intermunicipal Development Plan); and

(c) the Oldman River Reservoir (in accordance with the area structure plan for this area).

13.9 Conventional single-detached residences shall be a permitted use and manufactured homes will be either a permitted use or a discretionary use in the land use bylaw's Agriculture district and other selected districts in the Rural Area (as defined) in order to streamline the development of residences on existing lots or parcels, but:

(a) proposed grouped country residential development (as defined) shall not be allowed in the Rural Area unless the lands have been designated in the land use bylaw for that use; and

(b) a district in the land use bylaw shall not be construed as allowing grouped country residential development merely because conventional single-detached residences or manufactured homes are either a permitted or a discretionary use in that district.

13.10 The following districts shall be used to designate lands that are intended to be used for grouped country residential development in the land use bylaw:

(a) the Grouped Country Residential district; or

(b) if circumstances warrant, any other district designed to accommodate residential development.

Grouped Country Residential Designation Criteria

13.11 Lands shall not be subdivided for grouped country residential development unless subdivision is authorized by this plan, an area structure plan or an intermunicipal development plan that affects the area and is designated for grouped country residential use in the land use bylaw. [Appendix 1, Figure 1]

13.12 Land shall not be designated for grouped country residential development:

(a) within 0.8 km (½ mile) of the municipal boundaries of the Village of Cowley;

(b) within 0.8 km (½ mile) of the boundaries of a designated hamlet;

(c) within the Airport Vicinity Protection Area or within such distance of this protection area as the municipality considers reasonable and appropriate;

(d) if, in the opinion of the municipality, the effect of the designation would:

(i) have a detrimental impact on the viability of agriculture in the area or, on the continued agricultural use of adjoining lands; or

(ii) unnecessarily consume agricultural or grazing lands;

(e) unless the area can be easily serviced with services provided by the municipality or developer;

(f) unless an MDS siting assessment is carried out in accordance with the *Agricultural Operations Practices Amendment Act and its Regulations* and the results of this assessment are considered by Council before final consideration of a designation of land for grouped country residential development; and

(g) unless basic information is provided by the person requesting the designation.

Such basic information shall include:

(i) plans or maps that shall be required by the municipality in respect of a subdivision application;

(ii) an evaluation of land use within 0.8 km (½ mile) of the lands proposed for designation and the anticipated impact that the designation will have on such land use;

(iii) how access will be provided and the condition of roadways that will provide access within 1.6 km (1 mile) of the lands proposed for designation; and

(iv) how the area proposed for designation will be serviced.

13.13 Area structure plans shall be required prior to approval of a subdivision application or land use bylaw amendment when the proposal is intended to redesignate a parcel to grouped country residential use. Area structure plan criteria are provided within this document in the Section 5.

13.14 When considering area structure plans, conceptual design schemes, subdivision/development applications or redesignations for grouped country residential, the location of existing or approved WECS, CFOs or natural resource extraction sites should be considered.

Planning Policies Section 14

Industrial Developments

14. INDUSTRIAL DEVELOPMENT

Context

Historically within the MD of Pincher Creek, there have been few industrial development sites. Limiting the location and scope of these sites has been done so as a means to reduce land use conflict for nearby landowners. In the pursuit of a diversified municipal economy, industrial uses can be considered in select locations.

Objectives

1. To discourage single lot industrial development along provincial highways and major roadways.

2. To complement and strengthen the service centre function of the area's urban centres and designated hamlets and to conserve and protect agricultural land by:

   (a) encouraging industrial development to locate in designated locations in urban areas, hamlets, and other appropriately designated locations;

   (b) discouraging industrial development in the urban fringe which surrounds urban municipalities and designated hamlets;

   (c) discouraging the indiscriminate dispersal of industrial development in the Rural Area; and

   (d) encouraging clustered industrial development.

Policies

14.1 Subject to policy 14.2 below, the municipality shall encourage most types of industrial development to locate in a suitably designated area in a hamlet, an adjoining urban area, or within a designated rural industrial area recognizing that:

   (a) lands are designated in the land use bylaw and reasonably available for industrial development in the Hamlet of Pincher Station, and the Town of Pincher Creek;

   (b) development of lands already designated for industrial development serves to lessen the potential for land use conflicts elsewhere;

   (c) concentrating development facilitates the provision of services; and

   (d) the proposed project is serviced by required existing or approved infrastructure at the time of application.

14.2 Despite policy 14.1 above, the municipality shall not preclude consideration of industrial development in the Rural Area. The land use bylaw shall ensure that agriculture-related industries, outdoor storage/warehousing, hazardous industries, WECS, specialty manufacturing/cottage industries and home occupations are discretionary uses in the Rural Area to the extent this is reasonable and appropriate.

14.3 In the Rural Area, lands intended for rural industrial development shall be designated for that use in the land use bylaw. But the municipality does not anticipate designating additional areas in the foreseeable future, unless demand warrants.

14.4 Area structure plans may be required prior to approval of a subdivision application or land use bylaw amendment when the proposal is intended to develop an industrial land use. Area structure plan criteria are provided within this document in the Section 5.

14.5 Buffers and/or transitional land uses shall be required to minimize conflicts between industrial and residential developments.



Planning Policies Section 15

Commercial Developments



15. COMMERCIAL DEVELOPMENT

Context

Commercial development is important to the MD's economic outlook and can be found in various settings across the municipality. Hamlets contain the bulk of these opportunities, but Rural Areas also provide some outlet for commercial ventures.

Objectives

1. To discourage strip commercial development along provincial highways and major roadways.

2. To complement and strengthen the service centre function of the area's urban centres and designated hamlets and to conserve and protect agricultural land by:

   (a) encouraging commercial development to locate in designated locations in urban areas, hamlets, and other appropriately designated locations;

   (b) discouraging commercial development in the urban fringe which surrounds both urban municipalities and designated hamlets; and

   (c) discouraging the indiscriminate dispersal of commercial development in the Rural Area.

3. To provide for an allowance in the land use bylaw for home occupation and cottage industry to locate within farmsteads and country residences in the Rural Area.

4. To provide guidance for tourism and recreation development within the Rural Area.

Policies

15.1 The municipality shall continue to encourage commercial and highway commercial development to locate in suitably designated locations in hamlets and urban locations.

15.2 Commercial development, including highway commercial development shall only be accommodated in the Rural Area through the land use bylaw by land use districts intended specifically for these uses, but commercial uses such as bed and breakfasts and home occupations shall continue to be allowed as discretionary uses in appropriate land use districts in the Rural Area.

15.3 The land use bylaw shall be written with a view to maintaining a distinction between commercial and residential development.

15.4 Highway commercial development may be considered in a location other than a hamlet if the proposed site:

   (a) is adjacent to a provincial highway, and provides safe access to the provincial highway according to Alberta Transportation standards,

   (b) meets the intent of orderly development in an urban fringe

   (c) is for a clustered development and shall avoid a strip of commercial uses,

(d) is not adversely affecting the agricultural productivity of adjacent lands nor is on good quality agricultural land as determined by the approval authority,

(e) is designated for the use in the land use bylaw.

15.5 Prior to a redesignation for commercial being considered by Council or a development or subdivision application being considered by the approval authority, an area structure plan may be required. Area structure plan criteria are provided within this document in the Section 5.

Recreation and Tourism

15.6 Prior to redesignation or expansion of existing developments, an area structure plan or concept plan may be required depending on the size of the development or its potential impacts. This plan should include but is not limited to the following:

(a) site plans and drawings – although professional plan preparation is preferable, the diagrams may be accepted if they are clear and accurate;

(b) compliance with all provincial policies or requirements including but is not limited to Stepping Back from the Water, Alberta building code, the *Recreation Area Regulation*, Bear Smart, FireSmart, and the *Public Lands Act*;

(c) identification of other hazards such as flood or mass wasting prone lands or environmentally sensitive areas, including historic and other resources;

(d) sewer system – which will be determined using the soils data provided in accordance with the *Alberta Private Sewage Systems: Standard of Practise*. Pump out systems are preferred adjacent to water bodies;

(e) domestic water – these systems will be to the satisfaction of the approval authority and in compliance with the *Water Act*;

(f) roadways and access points – including the standards for construction;

(g) provision for other utilities and services – including comments from the appropriate supplier;

(h) stormwater surface drainage control – which is required to protect water bodies and adjacent parcels;

(i) development concept – including lot density, permanent vs non-permanent buildings, analysis of impact on adjacent property or structures, and land tenure;

(k) landscaping and appearance; and

(l) any other information that Council or the development authority may consider necessary.

15.7 Tourist and commercial/private recreation type development shall be designated in the land use bylaw by a land use district that is intended for such development.

15.8 Proposals for large scale developments shall be evaluated on a site specific basis and will normally only be considered feasible on lands located adjacent to existing major transportation routes. A Transportation Impact Analysis may be required.

15.9 Tourism and recreation development can have significant negative social impact on adjacent landowners. Developers may be required to demonstrate that any negative impact can be mitigated to the satisfaction of Council or approval authorities.

15.10 The MD supports regional and intermunicipal partnerships and cost-sharing arrangements that provide recreational opportunities for MD residents.

15.11 To manage the use of Crown lands for tourism and recreation opportunities, the MD encourages open dialog with the province regarding use of MD infrastructure, intended capacity of parks, use and protection of waterbodies and natural areas, and expansion of Crown leases for recreation.

Planning Policies Section 16

Reserve Land & Lands for Roads and Utilities

16. RESERVE LAND and LAND for ROADS AND UTILITIES

Context

In accordance with and subject to the *MGA*, the owner of a parcel of land subject of a proposed subdivision must provide without compensation land for roads, public utilities, land for environmental reserve, land for municipal or school reserve (or money in lieu of land) as required by the Subdivision Authority. The municipality may also require a conservation reserve with compensation to the landowner.

Reserves are the basis for preservation of land in the case of conservation reserves and environmental reserves and the starting point for the creation of a parks and open space system in the municipality.

Objective

1. To develop a regional open space system that preserves environmental features such as wetlands, rivers, creeks, habitat areas and tree stands that are an important part of maintaining environmental function and to support partnerships that enhance the development of recreation systems related to regional open spaces, tourism and recreational facilities in both the urban and rural contexts.

Policies

16.1 Acquisition of land for recreation and open space corridors may occur through the dedication of a Municipal Reserve, Environmental Reserve, Conservation Reserve, voluntary reserve dedication, land purchase, or other means.

16.2 Acquisition of land for roads and public utilities may occur through the subdivision process, the development process or other means. Where appropriate, multiuse corridors should be considered in the assembly of land.

16.3 Municipal reserve will be provided in accordance with Sections 663, 666, and 667 of the *Municipal Government Act* where the MD will require the dedication of up to 10% of the parcel, less the land required for environmental reserve and the land subject to environmental easement, for municipal reserve.

16.4 Municipal reserve is to be dedicated as:

- Land being part of the parcel to be subdivided;
- Money in place of land (cash-in-lieu);
- A combination of land and money; or
- Deferred reserve caveat.

16.5 Where money has been provided in place of land to satisfy the municipal reserve provisions of the *MGA*, the MD shall deposit the monies into its reserve account and are to be utilized in accordance with the *MGA* s.671.

16.6 The MD may develop working relationships with hamlet community associations, volunteers and societies for the furtherance of parks, leisure services, and the preservation of open spaces.

16.7 The MD should protect existing public access to dedicated reserves via developed and/or undeveloped road right of way access, unless demonstrated that there is a clear community-wide benefit to removing access.

16.8 The MD should consider developing a management policy for all reserve dedications.

16.9 The MD will continue to consult with the school board to identify future school requirements and will enter into and maintain a joint use and planning agreement with the board.

16.10 The MD should not accept as part of a required municipal reserve dedication:

(a) legally encumbered rights-of-way or other limitations which would reduce or limit usability of the site;
(b) stormwater management facilities that can be accommodated within a public utility lot;
(c) lands within oil and gas well setback areas;
(d) local walkways that can be accommodated within a right of way or utility lot; or
(e) contaminated lands, unless mitigated to the satisfaction of the MD.

16.11 Natural areas that do not qualify as Environmental Reserve may be required as Conservation Reserve in accordance with the *Municipal Government Act*.

16.12 Where the boundaries for Environmental Reserve need to be delineated, the MD may require the landowner/developer to provide a biophysical assessment.



Planning Policies Section 17

Environment and its Natural Capital

17. ENVIRONMENT and its NATURAL CAPITAL

Context

The Vision and Mission statements of this document speak directly to the importance the natural assets of the MD of Pincher Creek. Much of the liveability, sustainability, and values of the citizenry is linked to the natural capital of the area. A healthy ecosystem with all that entails in supporting the natural world also supports the longevity of agricultural livelihoods. The language of this section may introduce new terms such as habitat patch, but the outcome should be clear that it is protecting our prairie grassland and waterways for generations to come.

Objectives

1 To protect and conserve the natural scenic attributes of foothills grazing lands and its natural capital.

2. To foster land use patterns that minimize environmental impact and facilitate the development of a healthy, safe and viable municipality and to promote sustainable development and land use patterns.
3. To recognize hazard lands and either avoid development of these lands or, where necessary, utilize mitigative measures to minimize the risk to health and safety and to reduce the risk of property damage.
4. To maintain the water quality in the headwaters and watersheds, recognizing that they are a consumptive resource that affect downstream municipalities, landowners and other consumers.
5. As far as possible, to cooperate with the province in managing non-renewable resources and water resources recognizing that the province has assumed a leadership role in managing these resources.

Policies

Generally

17.1 The MD encourages dark sky initiatives through the implementation of responsible outdoor lighting by landowners and businesses. Dark skies promotes ecological integrity, aesthetics and human health.

17.2 The MD requires that development should build with the contours of the land and avoid stripping and grading, where possible. And further, the MD requires that construction best practices to reduce wind and water erosion of soils shall be required.

Environmentally Significant Areas and Hazard Lands

17.3 The municipality recognizes the following environmentally significant areas documents:

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

(b) *Environmentally Significant Areas in Alberta: 2014 Update FINAL REPORT* (Report prepared for the Government of Alberta by Fiera Biological Consulting Ltd.) 2014.

(c) Any subsequent ESA document adopted by the MD or the Alberta government.

(d) Any documented data set accessible through the Government of Alberta.

17.4 The MD through its land use bylaw shall continue to address hazard lands with a view to reducing risks to health, safety and property damage. The MD may prohibit subdivision and/or development in potential environmental hazard lands, including flood prone areas and land prone to mass wasting, erosion or subsidence.

17.5 The MD shall not permit the subdivision or development of parcels located within the 1:100-year floodplain. In areas where there may be uncertainty as to where the floodplain lies, the applicant may be requested to provide a professional assessment of the floodplain at their expense.

17.6 The MD in cooperation with Alberta Environment shall through the land use bylaw discourage development and subdivision in a flood fringe where the proposed development or use entails risks to health, safety or property damage.

17.7 The MD shall prohibit subdivision and/or development in areas where brownfields (such as former gas stations) and other man-made hazard lands exist (such as coal mining), until the relevant approval authority is satisfied the development can proceed safely.

17.8 Prior to making a decision, the relevant approval authority may:

- require a professionally prepared geotechnical analysis;
- circulate development application to the relevant government department for comment;
- depending on the nature of the hazard, request an Environmental Impact Assessment (EIA) at the applicant's expense.

17.9 The MD encourages the retention of trees and vegetation within and adjacent to Environmentally Significant Areas. Trees prevent soil loss, intercept and slow down stormwater, improve air quality, provide habitat, are aesthetically appealing, and provide property owners with greater privacy.

Ecology

17.10 The MD shall encourage the use of best management practices for controlling noxious weeds, prohibited noxious weeds or invasive plants.

17.11 The protection of wildlife corridors and habitat patches is important to the MD, and the MD will consider provincial guidelines for planning purposes in this regard. The MD may require the preparation of an impact assessment for the protection of suspected wildlife corridors or habitat patches that may be significantly impacted by a proposed plan, subdivision or development.

17.12 Development of an area structure plan or concept plan as well as applications for subdivision and development shall consider and incorporate natural areas such as wildlife corridors and habitat patches, trees strands, wetlands and water courses into their design.

17.13 The restoration of sensitive ecosystems, natural areas, and wildlife corridors that have been previously disturbed is encouraged.

Water

17.14 The MD shall enforce setbacks to water bodies in their decision making processes. The setbacks may be guided by the provincial guidelines, Stepping Back from the Water: A

Beneficial Management Practices Guide of New Development near Water Bodies in the Alberta's Settled Region, the Alberta Wetland Policy or other recognized method of establishing setbacks.

17.15 With regard to the wetland policy, the MD recognizes the goal of the Alberta Wetland Policy is to conserve, restore, protect and manage Alberta's wetlands to sustain the benefits they provide to the environment, society and economy. To achieve this goal the MD recognizes the policy will focus on four outcomes:

- wetlands of the highest value are protected for the long-term benefit of Albertans;
- wetlands and their benefits are conserved and restored in areas where losses have been high;
- wetlands are managed by avoiding, minimizing and if necessary, replacing lost wetland value; and
- wetland management considers regional context.

17.16 The MD acknowledges the work done by the Oldman Watershed Council (OWC) within the municipality and its grassroots approach to working with residents and decision-makers in pursuing its goals. To that end the MD will reference OWC documents when considering subdivision and development proposals.

17.17 Stormwater treatment and storage facilities should avoid the use of natural wetlands and locate away from existing floodways and riparian areas.

17.18 The MD will protect ground water and ensure use does not exceed carrying capacity of the land by:

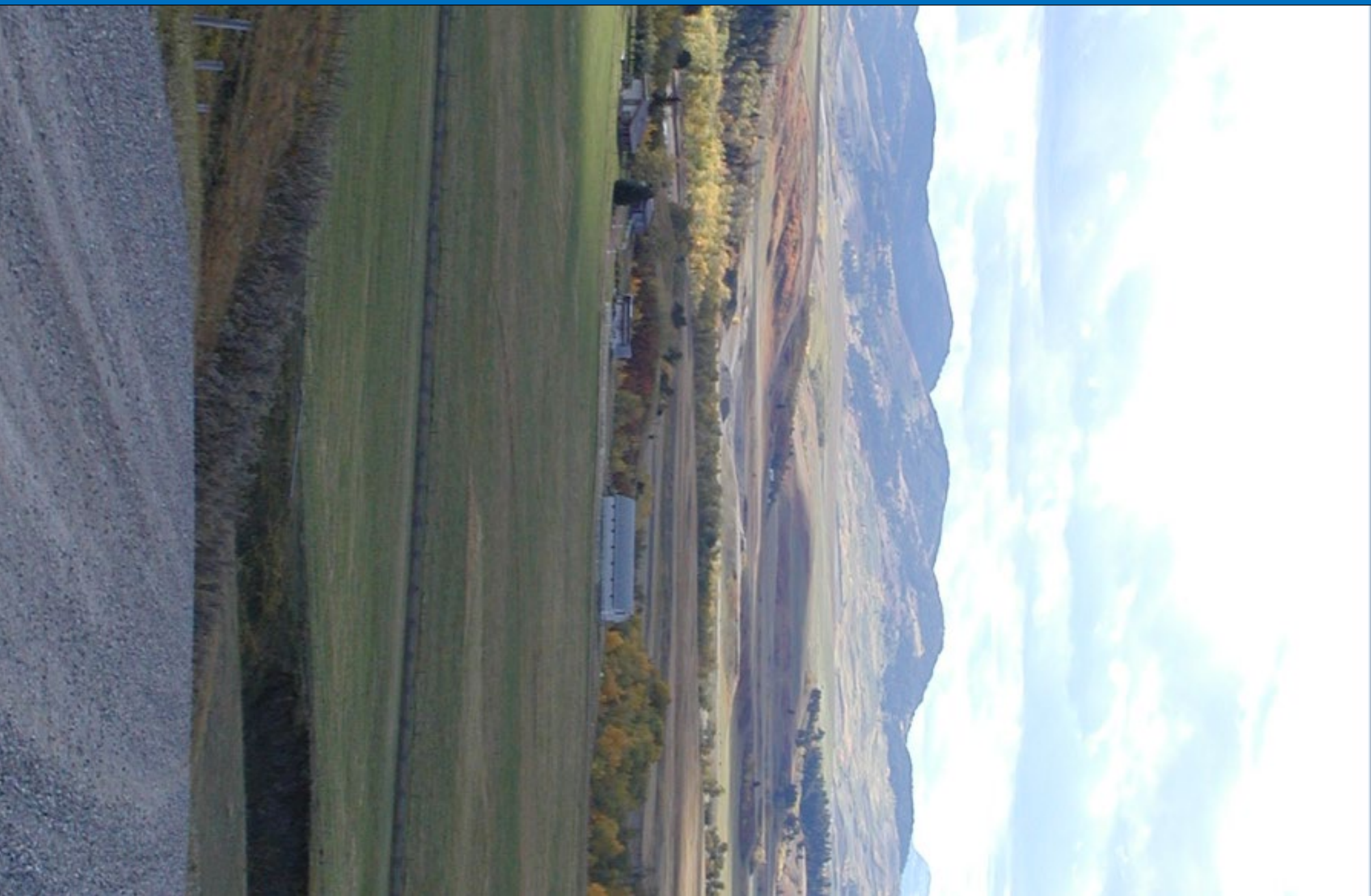
(a) Supporting long term ground water research and monitoring programs;

(b) Mitigating the potential adverse impacts of development on groundwater recharge areas;

(c) Adhering to provincial ground water testing requirements, as part of the development approval process; and

(d) Encouraging and facilitating the capping of abandoned water wells to protect against ground water leakage and cross contamination.

Planning Policies Section 18
Subdivision Policies



18. SUBDIVISION POLICIES

Context

The following objectives and policies provide guidance to the Subdivision Authority Subdivision and Development Appeal Board and government appeal bodies when rendering decisions.

Objectives

1. To provide a policy framework for the subdivision of lands which will guide subdivision decisions of the municipality and provide a basis for subdivision provisions in the land use bylaw.

Policies

Application of Subdivision Policies

18.1 The policies of this Part serve two functions:

(a) they indicate the municipality's overall policies in respect to subdivision; and

(b) they provide a framework for the "subdivision design standards" that will be incorporated into the land use bylaw in accordance with the *MGA*.

18.2 The policies of this Part apply to the municipality (as defined) unless the lands are subject to an area structure plan or an intermunicipal development plan, in which case the policies of the applicable area structure plan or intermunicipal development plan apply to those lands.

18.3 The municipality shall not approve a subdivision application that does not comply with the policies of this plan unless the lands which are the subject of an application are subject to an area structure plan or an intermunicipal development plan and either of these plans, where applicable, allows the subdivision.

18.4 Where a habitable residence needs to be determined, a safety codes inspection may be required as part of the application and the results utilized in determining the completeness of the application in accordance with PART IV of the land use bylaw.

General Requirements for All Subdivisions

18.5 All subdivision applications shall be processed in accordance with PART IV of the land use bylaw.

18.6 A subdivision application shall not be approved unless:

(a) the services provided by the municipality can and will be coordinated with the creation of any new lots without undue public expenditure;

(b) each lot or parcel resulting from the subdivision, including any residual or parent parcel, has:

(i) access to a public roadway as prescribed by the *Subdivision and Development Regulation*, and

(ii) reasonable vehicular access to a public roadway at a location prescribed by the municipality;

(c) each lot meets the minimum lot size provided in the land use bylaw; and

(d) each lot or parcel resulting from the subdivision contains a suitable development area (as defined).

18.7 Subdivision applications shall be reviewed taking into consideration Alberta Environment's applicable guidelines that are established under the Water for Life Strategy, Stepping Back from the Water, Wetlands Policy, *Public Lands Act*, *Water Act* and any other or subsequent Act or Guide. The results of this review shall be considered by the municipality's Subdivision Authority prior to making a final decision on a subdivision application, but if a subdivision application proposes to subdivide a single residential lot in the Rural Area in accordance with the policies of this plan, the municipality will not be inflexible in the application of the guidelines provided that the requirements of the *Subdivision and Development Regulation* are not compromised.

18.8 All subdivision decisions shall address School or Municipal Reserve as provided in Section 15 of this Plan.

18.9 Where applicable, all subdivision decisions shall address Environmental and Conservation Reserve as provided in Section 15 of this Plan.

Variance of Measurable Standards

18.10 Adherence to minimum lot size and measurable standards may be varied by the Subdivision Authority or the Subdivision and Development Appeal Board if:

(a) the applicant has proven to the Subdivision Authority or Subdivision and Development Appeal Board the existence of a special or extenuating circumstance;

(b) the effect of the variance would not, in the Subdivision Authority's opinion, conflict with the agricultural or adjacent land uses in the area; and

(c) reasons for the variance are clearly stated in the decision made by the Subdivision Authority or the Subdivision and Development Appeal Board.

18.11 During the subdivision approval process, any variance granted for a required setback is for subdivision purposes only and does not apply to development. Development variances must be sought through the Development Authority under the land use bylaw.

Variances of Minimum Residual Agricultural Parcel Size

18.12 Recognizing that an unsubdivided quarter section (as defined) may contain:

(a) 64.75 ha (160 acres) more or less where there are no registered exceptions to the Certificate of Title; or

(b) less than 64.75 ha (160 acres) where there are:

(i) registered exceptions to the Certificate of Title including road widenings;

(ii) portions removed from the title for other public or semi-public uses;

(iii) quarter sections along the meridian correction line;

the municipality shall exercise some flexibility in applying the residual parcel size provisions of this Part. But where an unsubdivided quarter section contains 32.38 ha (80 acres) or less, the residual parcel size shall be enforced recognizing that this will preclude the subdivision of an existing residence from an unsubdivided quarter section containing less than 28.33 ha (70 acres).

Subdivision of Agricultural Land for Extensive Agricultural Use

18.13 A subdivision application for extensive agriculture (as defined) shall not be approved unless:

(a) the parcel which is the subject of the application is a fragmented parcel and the subdivision complies with policies 18.19 and 18.20; or

(b) in order to facilitate the reconfiguration of an existing quarter section, the proposed lot and any residual or parent lot resulting from the subdivision contains a minimum of 64.75 ha (160 acres). [Appendix 1, Figure 2, Policy 18.13]

18.14 A subdivision application for extensive agriculture which proposes to subdivide a quarter section into two 32.38 ha (80 acre) parcels or any other configuration shall not be allowed. [Appendix 1, Figure 3, Policy 18.14]

Allowable Country Residential Subdivisions

18.15 A subdivision application in the Rural Area for country residential use may be approved provided that:

(a) a single lot containing a habitable residence is proposed to be subdivided from an unsubdivided or a subdivided quarter section in accordance with policies 18.16, 18.18 and 18.19;

(b) a fragmented parcel is being subdivided in accordance with policies 18.19 through 18.21;

(c) the lands have been designated for grouped country residential development in the land use bylaw in accordance with the provisions of this plan; and

(d) the application complies with other applicable policies of this plan.

Subdivision of a Single Residential Lot from an Unsubdivided Quarter Section

18.16 In the Rural Area, a subdivision application which proposes to subdivide an existing habitable residence (or a farmstead containing a residence) from an unsubdivided quarter section shall not be approved unless the proposed residential lot is as small as possible between 3 acres and 10 acres in size, but large enough to contain related buildings, structures and improvements. [Appendix 1, Figure 4, Policy 18.16]

18.17 Only one subdivision shall be approved on an unsubdivided quarter section.

Subdivision of a Single Residential Lot from a Subdivided Quarter Section

18.18 Adjacent lands may be consolidated to achieve a larger residual parcel.

18.19 In the Rural Area, a subdivision application which proposes to subdivide an existing habitable residence (or a farmstead containing a habitable residence) from a lot containing at least 32.38 ha (80 acres) shall not be approved unless:

(a) the lot was created previously as the result of the subdivision of a fragmented parcel in accordance with this plan, and the lot has not been further subdivided to exclude a residential lot or parcel; or

(b) that the quarter section contains a jurisdictional boundary of a Town, Village or Hamlet; and

(c) the proposed residential lot is as small as possible between 3 acres and 10 acres in size, but large enough to contain related buildings, structures and improvements. [Appendix 1, Figure 5, Policy 18.19]

Subdivision of Fragmented Parcels

18.20 In the Rural Area, the subdivision of a fragmented parcel (as defined) shall not be approved for residential or any other use:

(a) unless the fragmented parcel is fragmented by reason of one or more developed public roadways or a railway right-of-way with rails only; and

(b) unless each lot resulting from the subdivision is described with reference to the boundaries of the public roadways or railway and the boundaries of the existing parcel. [Appendix 1, Figure 6, Policy 18.20]

18.21 In the case where another policy of this plan would allow for a subdivision to occur and the parcel also has a potential fragmented parcel as described in policy 18.20, the fragmented parcel shall be considered first, then the other policy would apply. [Appendix 1, Figure 7, Policy 18.21]

Property Realignment

18.22 The enlargement, reduction or realignment of an existing separate parcel may be approved provided that:

(a) the additional lands required are to accommodate existing or related improvements; or

(b) the proposal is to rectify or rationalize existing titles, occupancy, cultivation or settlement patterns; and

(c) no additional parcels are created over and above those presently in existence; and

(d) the proposed new lot and the proposed residual lot shall continue to have direct legal and physical access to a public roadway, adequate development setbacks, and a suitable building site; and

(e) the size, location and configuration of the proposed lot shall not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities. [Appendix 1, Figure 10, Policy 18.22]

Rural Industrial and Commercial Subdivisions

18.23 A subdivision application which proposes to subdivide one or more lots proposed for industrial use may be approved in the Rural Area, but such an application shall not be approved unless the land which is the subject of the subdivision application is designated for multi-lot industrial development in the land use bylaw.

18.24 Subdivision provisions in the land use bylaw for the Rural Area shall ensure that:

(a) the subdivision of vacant single lots for rural highway commercial or industrial-development shall be avoided as far as possible; and

(b) the subdivision of a single lot containing existing rural highway commercial or industrial development shall be accommodated in accordance with the provisions established in the land use bylaw provided that any proposed lot is as small as practical. [Appendix 1, Figure 8, Policy 18.24]

Subdivision of Confined Feeding Operations

18.25 In the Rural Area, a subdivision application which proposes to subdivide a lot for an existing confined feeding operation from an unsubdivided quarter section may be approved provided that:

(a) the Subdivision Authority is satisfied that satisfactory arrangements have been made for manure disposal;

(b) the lot is as small as possible between 3 acres and 10 acres, large enough to encompass the improvements. [Appendix 1, Figure 9, Policy 18.25]

Subdivision of Agricultural Land for Public and Institutional Uses

18.26 In the Rural Area, a subdivision application which proposes to subdivide a lot for an existing public and institutional use including cemeteries, public utilities, and public parks shall be governed in accordance with the provisions established in the land use bylaw provided that any proposed lot is as small as practical.

Subdivision of Parks and Rural Recreation Districts

18.27 A subdivision application which proposes to subdivide one or more lots proposed for parks or rural recreational use may be approved in the Rural Area, but such an application shall not be approved unless the land which is the subject of the subdivision application is designated for that development in the land use bylaw.

18.28 For subdivisions for designated Parks and Open Space, the applicable land use district minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

18.29 For subdivisions for various residential or other uses within designated Rural Recreation districts, the applicable land use district minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

Hamlet Residential and Other Hamlet Uses

18.30 For subdivisions for various residential or other uses within designated hamlets, the applicable hamlet land use district minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

18.31 Through lots or double frontage lots (Figure 18.1), shall be avoided except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In such cases, access will be allowed only on the lower classification street.

18.32 Flag lots (Figure 18.1) are prohibited in the Hamlet residential districts. Flag lots or parcels may be permitted in other districts where lots exceed 0.2 ha (0.5 acre) under the following conditions:

(a) the flag lot directly accesses a local or residential street;

(b) the aggregate width of the pole, or poles for two (2) adjacent flag lots, is a minimum of 12.1 m (40 ft) in width with minimum access width 6.1 m (20 ft).

18.33 All rectangular lots and, so far as practical all other lots, shall have side lot lines at right angles to straight street lines or radial side lot lines to curved street lines. Unusual or odd shaped lots having boundary lines that intersect at extreme angles shall be avoided.

18.34 The lot line common to the street right-of-way line shall be the front line. All lots shall face the front line and a similar lot across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

18.35 No lot or parcel shall be created which does not provide for a buildable area as defined by the applicable land use district, except pursuant to an area structure plan.

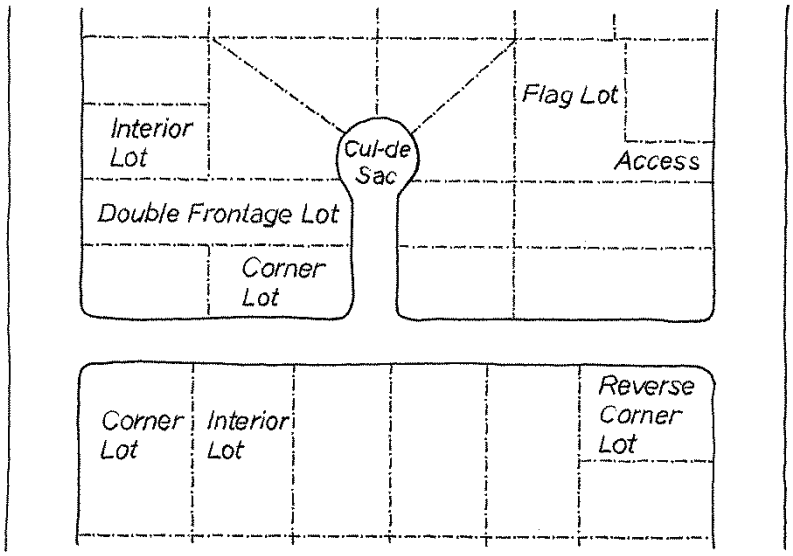


Figure 18.1

18.36 The length and width of blocks shall be sufficient to accommodate two (2) tiers of lots with minimum standards specified by the applicable land use district and this chapter, except where a single row of lots back up to an arterial street. When reviewing proposed lot and block arrangements, the Subdivision Authority shall consider the following factors:

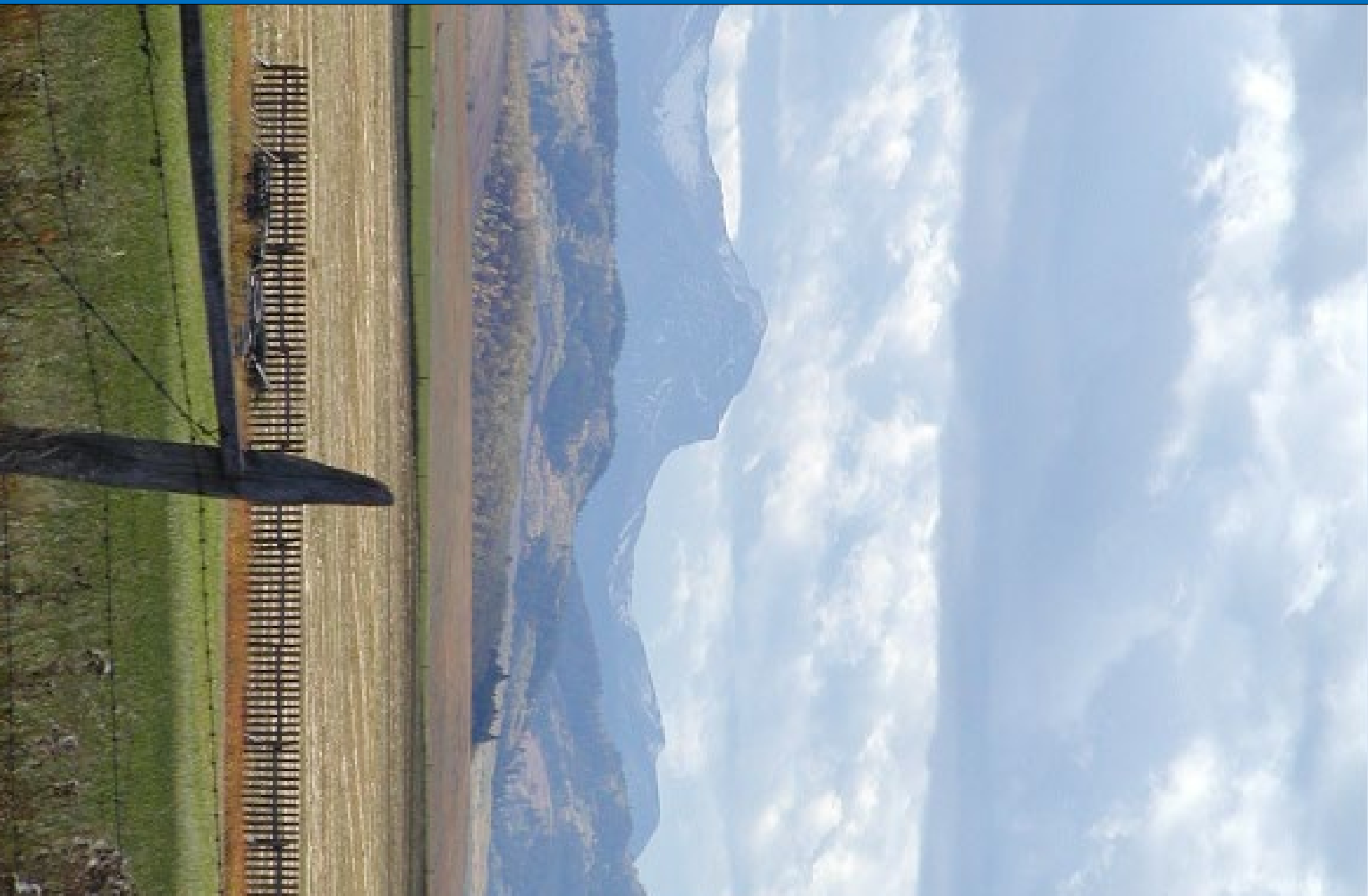
(a) Adequate Building Sites Required: Provisions of adequate building sites suitable to the special needs of the type of land use (residential, commercial or other) proposed for development shall be provided, taking into consideration topographical and drainage features;

(b) Minimum Lot Sizes Established: Minimum land use district and lot requirements defining lot sizes and dimensions shall be accommodated without creating unusable lot remnants;

(c) Safe Access Required: Block layout shall enable development to meet all Municipal District's engineering requirements for convenient access, circulation, control and safety of street traffic.

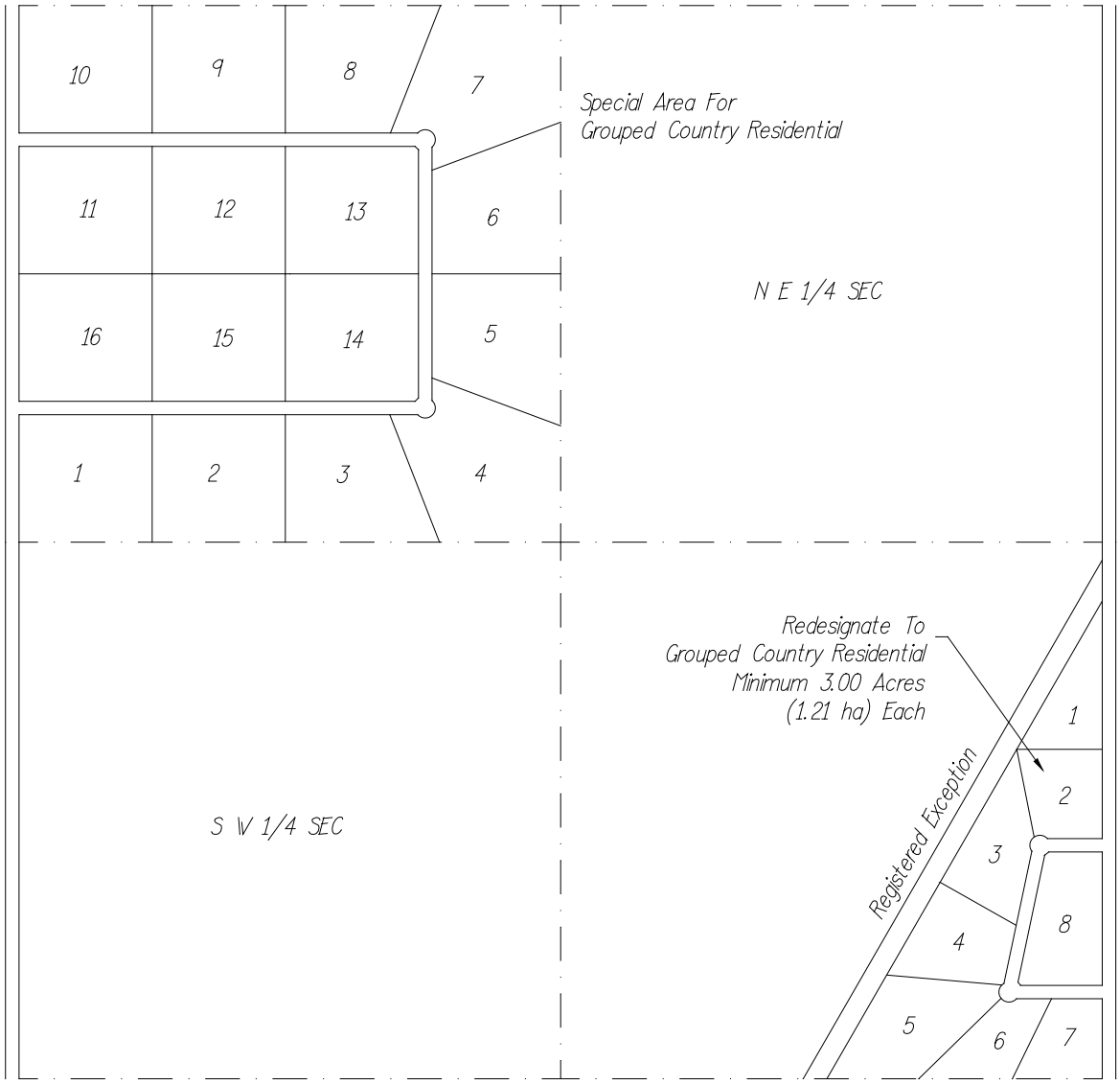

Welcome to the
MUNICIPAL DISTRICT OF
PINCHER CREEK
NO. 9

Appendix 1
Figures of Subdivision Examples



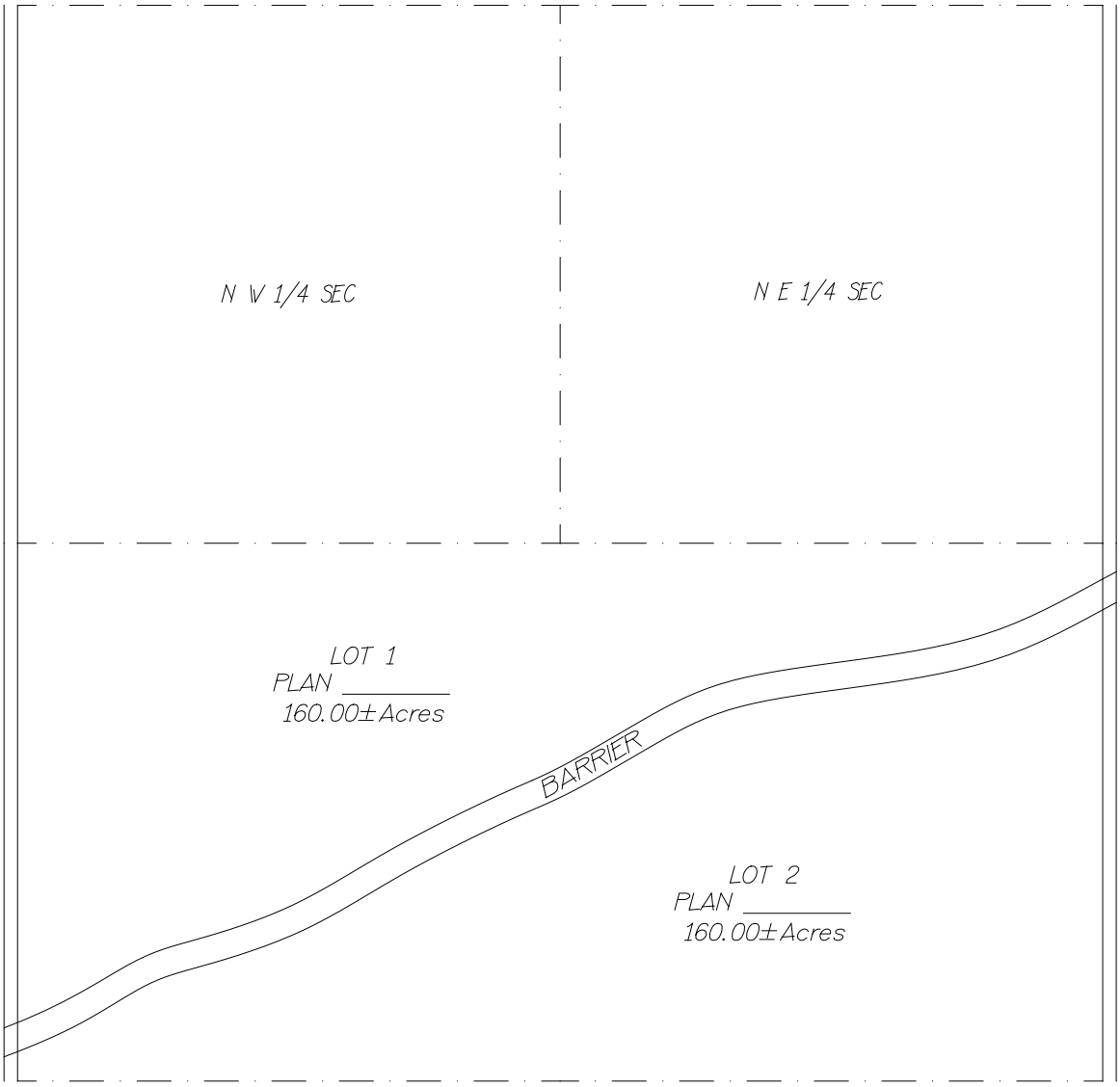
Appendix 1
Figures of Subdivision Examples

Figure 1, Policy 13.11



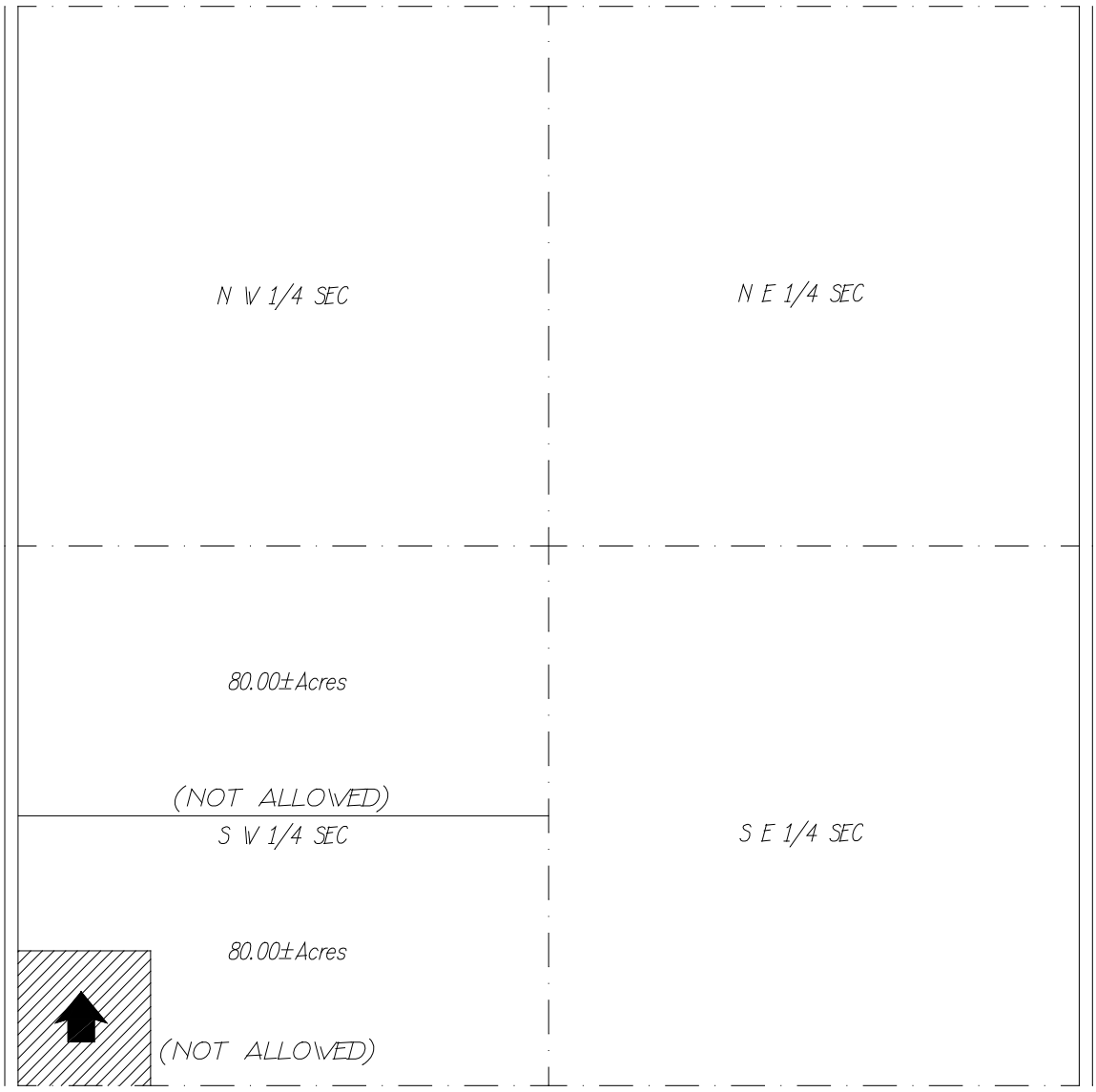
Appendix 1
Figures of Subdivision Examples

Figure 2, Policy 18.13



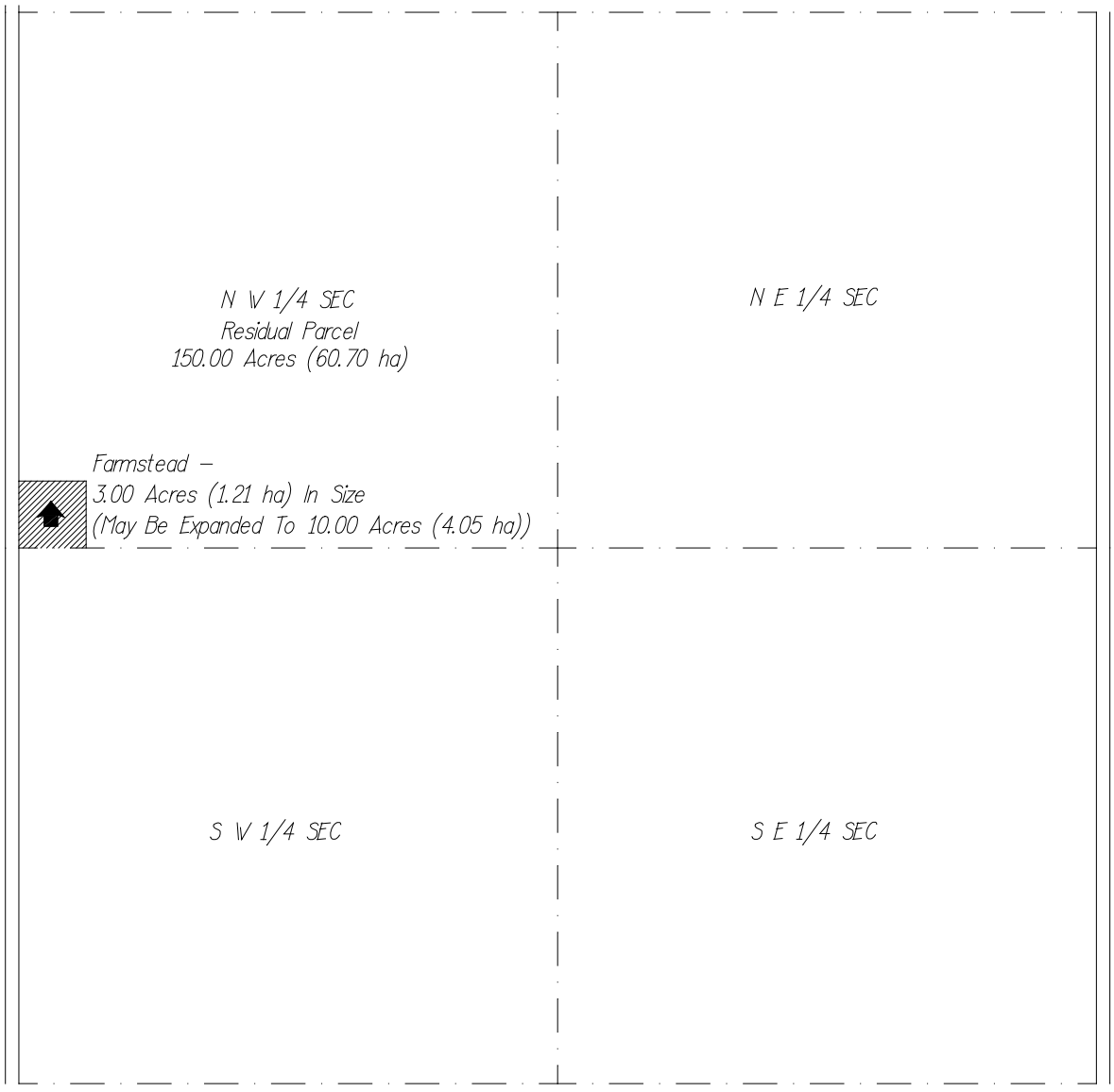
Appendix 1
Figures of Subdivision Examples

Figure 3, Policy 18.14



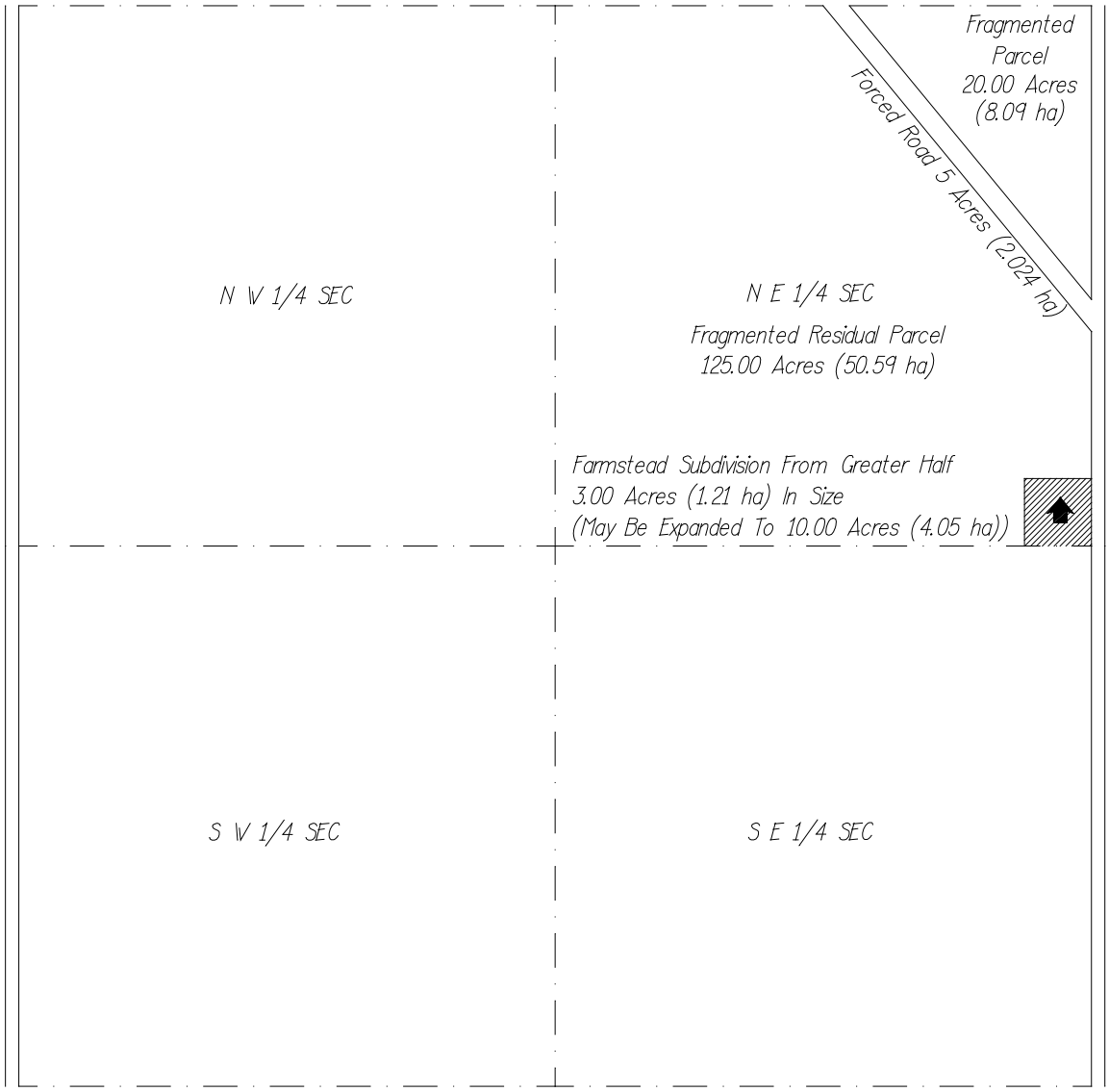
Appendix 1
Figures of Subdivision Examples

Figure 4, Policy 18.16



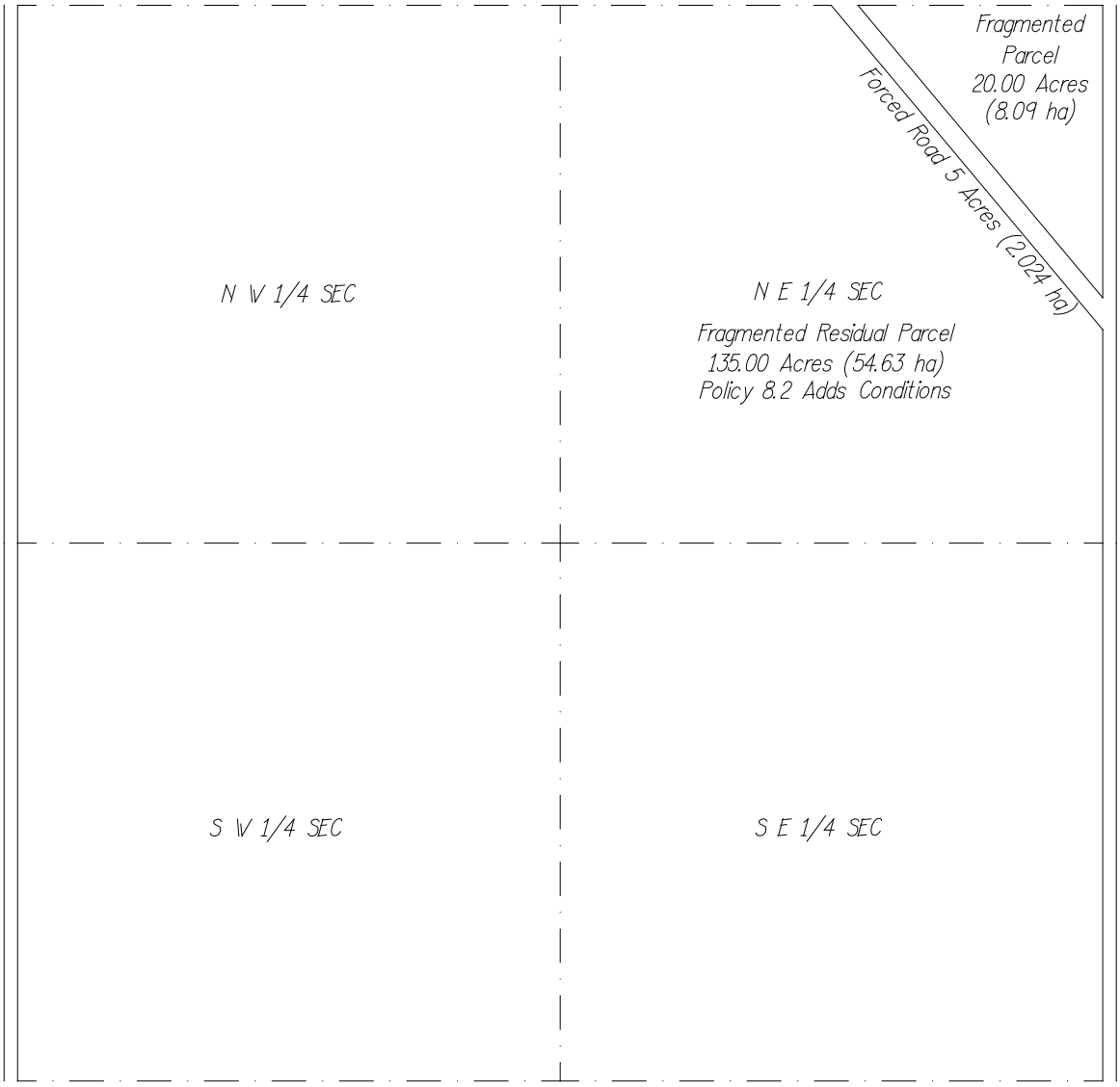
Appendix 1
Figures of Subdivision Examples

Figure 5, Policy 18.19



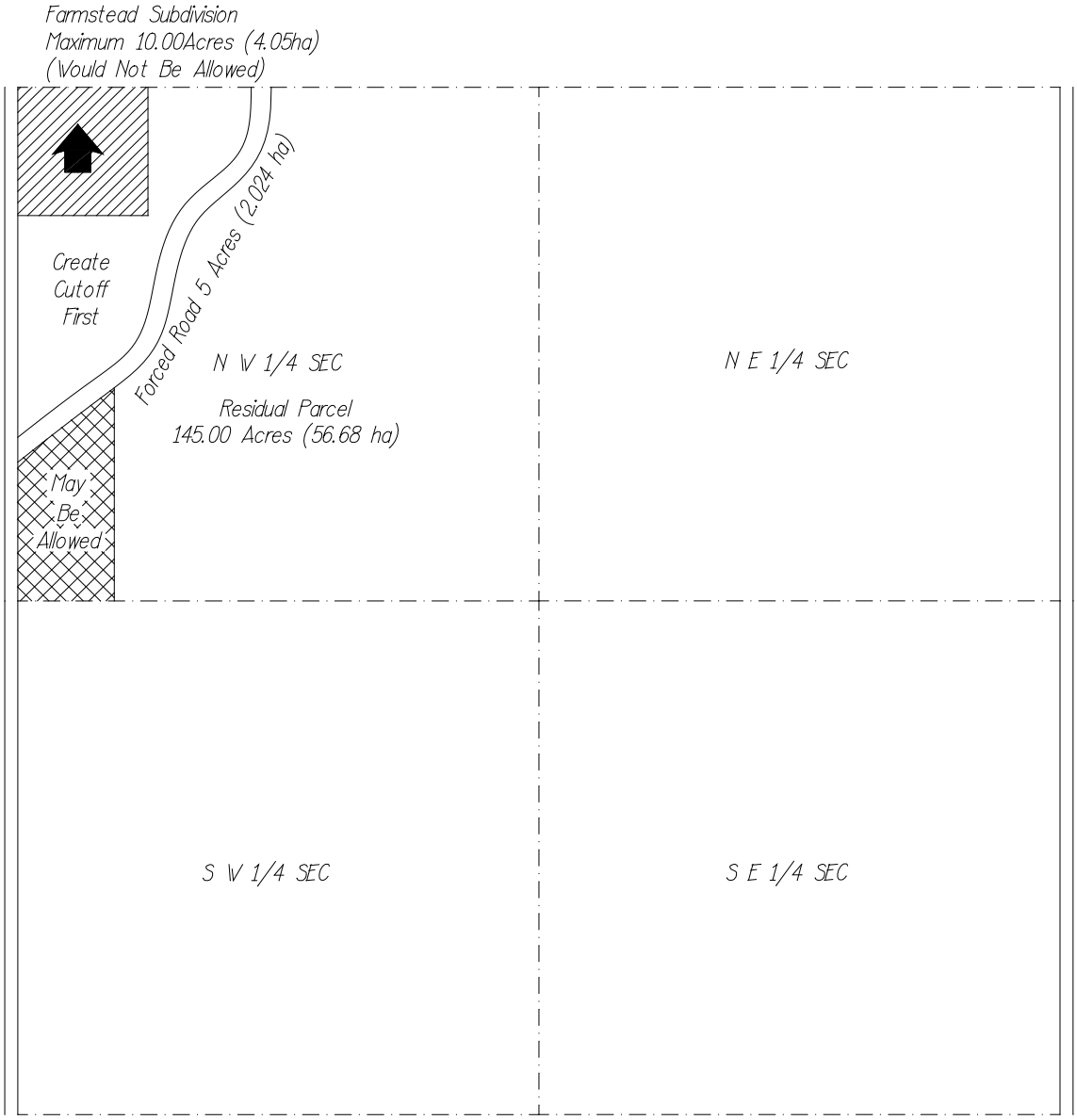
Appendix 1
Figures of Subdivision Examples

Figure 6, Policy 18.20



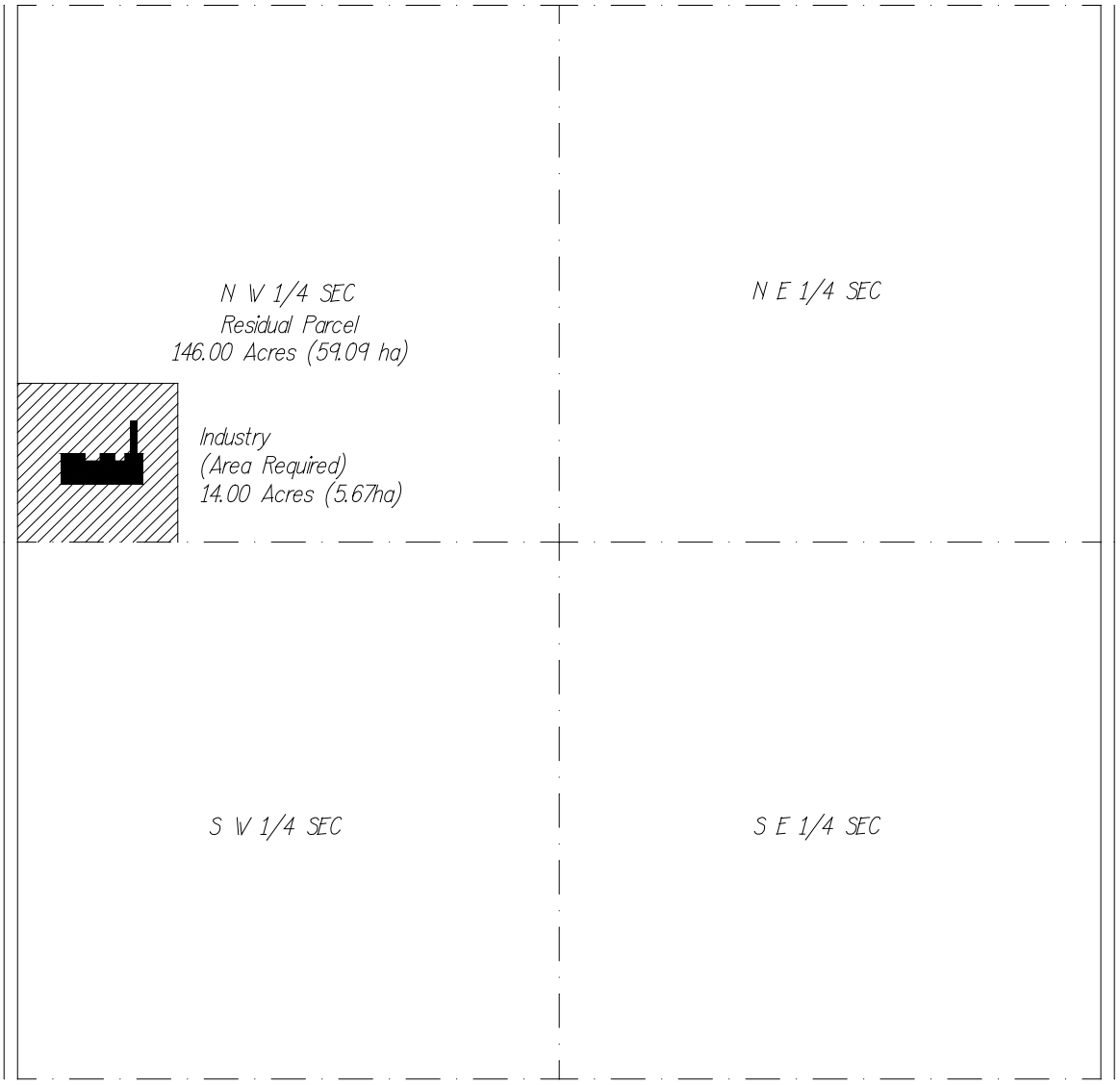
Appendix 1
Figures of Subdivision Examples

Figure 7, Policy 18.21



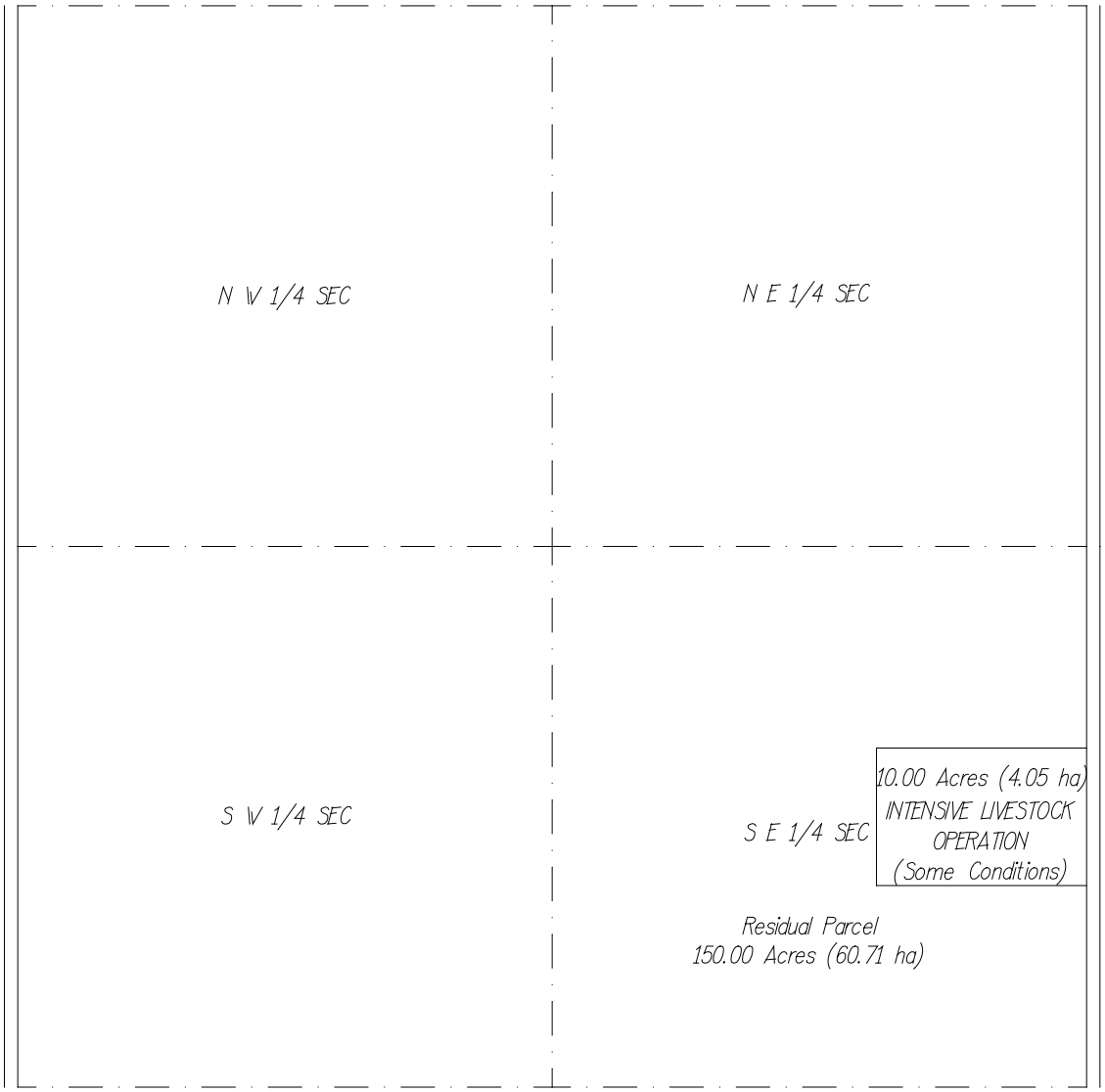
Appendix 1
Figures of Subdivision Examples

Figure 8, Policy 18.24



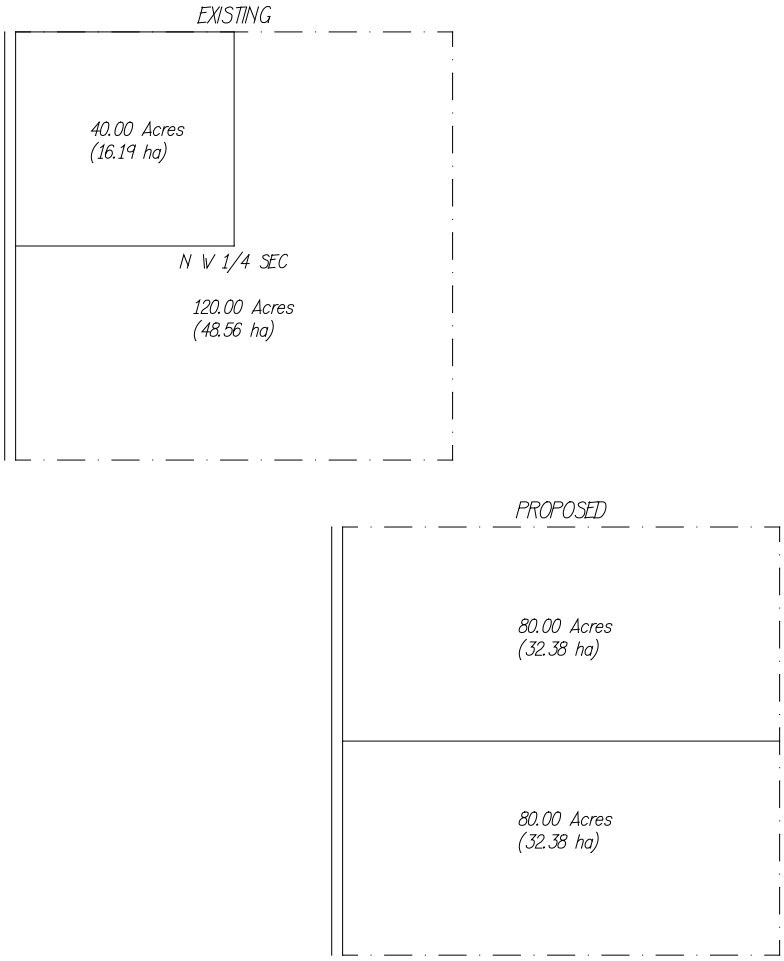
Appendix 1
Figures of Subdivision Examples

Figure 9, Policy 18.25



Appendix 1
Figures of Subdivision Examples

Figure 10, Policy 18.22





Appendix 2
Definitions

DEFINITIONS

Abutting, adjoining or adjacent land shall be defined per MGA 616(a).

Agricultural land means (from AOPA):

(a) land the use of which for agriculture is either a permitted or discretionary use under the land use bylaw of the municipality in which the land is situated or is permitted pursuant to Section 643 of the MGA.

(b) land that is subject to an approval, registration or authorization, or

(c) land that is described in an ALSA regional plan, or in a conservation easement, conservation directive or transfer development credit scheme as those terms are defined in ALSA, that is protected, conserved or enhanced as agricultural land or land for agricultural purposes.

Agricultural operation means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes (from AOPA)

(a) the cultivation of land,

(b) the raising of livestock, including diversified livestock animals within the meaning of the *Livestock Industry Diversification Act* and poultry,

(c) the raising of fur-bearing animals, pheasants or fish,

(d) the production of agricultural field crops,

(e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,

(f) the production of eggs and milk,

(g) the production of honey,

(h) the operation of agricultural machinery and equipment, including irrigation pumps,

(i) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes,

(j) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost, and

(k) the abandonment and reclamation of confined feeding operations and manure storage facilities.

Agricultural Operations Practises Act (AOPA) provides the legislative foundation for agriculture and confined feeding operations in the province.

Alberta Land Stewardship Act (ALSA) provides the legislative foundation for land use planning in Alberta.

Amenities mean items and elements including, but not limited to, landscaped areas, patios, balconies, site furniture, swimming pools, beaches and other similar items that are intended for private or public use as specified by the Development Authority.

Area structure plan means a framework adopted by bylaw in accordance with the *Municipal Government Act* for the subdivision and development of an area of land which describes the sequence of development, land uses proposed, population density, location of major transportation routes and public utilities and other matters Council considers necessary.

Best management practice means an operating practice that enhances the sustainability of the resource to which the practice relates that is also practical and economically achievable.

Biodiversity refers to the assortment of life on earth—the variety of genetic material in all living things, the variety of species on earth and the different kinds of living communities and the environments in which they occur.

Buffer means an area of natural vegetation maintained around a feature to mitigate the effects of any activity applied to the area beyond the buffer.

Building means any structure constructed or placed on, in, over, or under land, but does not include a highway, road or bridge.

Bylaw means a local law; a law made by a municipality, company, club, etc. for the control of its own affairs.

Commercial means the use of land and/or buildings for the purpose of public sale, display and storage of goods and/or services on the premises. Any on premise manufacturing, processing or refining of materials shall be incidental to the sales operation.

Commercial/private recreation means the recreational use of lands and buildings for financial gain where the public is admitted only on the payment of a fee or where admission is limited to members of a club, organization or association. Examples include amusement parks, campgrounds and recreational vehicle parks, golf courses and driving ranges, gun or archery ranges, guest ranches, riding stables and riding academies, waterslides and war games facilities.

Concept plan (Conceptual scheme) means a detailed site layout plan for a parcel of land which typically addresses the same requirements of an Area Structure Plan but which is not adopted by bylaw which:

(a) shows the location of any existing or proposed buildings;

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

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Subdivision Authority or Council.

Confined feeding operation means confined feeding operation as defined in the *Agricultural Operation Practices Act (AOPA)*.

Conservation means the responsible preservation, management and care of the land and of its natural and cultural resources.

Conservation reserve means conservation reserve as defined in the *Municipal Government Act*.

Cottage industry (Specialty manufacturing) is as defined in the land use bylaw.

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 semi-permanently or permanently. This use may or may not include a farmstead.

Cultural resource means a site or structure that forms an integral part of an area's cultural heritage by typifying a particular stage of human activity in the area.

Cumulative effects means the combined effects of past, present and reasonably foreseeable land use activities, over time, on the environment.

Decision maker means a person who, under an enactment or regulatory instrument, has authority to grant a statutory consent, and includes a decision-making body.

Designate ”redesignate”, “redistrict”, or “rezone” means changing the existing land use district on the official land use district map in the land use bylaw.

Ecological integrity refers to the quality of a natural, unmanaged or managed ecosystem, in which the natural ecological processes are sustained, with genetic, species and ecosystem diversity assured for the future.

Ecosystem refers to the interaction between organisms, including humans, and their environment. Ecosystem health/integrity refers to the adequate structure and functioning of an ecosystem, as described by scientific information and societal priorities.

Environmental reserve means environmental reserve as defined in the *Municipal Government Act*.

Environmental reserve easement means environmental reserve easement as defined in the *Municipal Government Act*.

Environmentally significant area (ESA) means a public park, designated historic or archaeological site, environmentally sensitive area, forest reserve or any similar facility, regardless of ownership and may be illustrated in the report, “Environmentally Significant Areas in the Oldman River Region – Municipal District of Pincher Creek” prepared by Cottonwood Consultants Ltd. for Alberta Forestry, Lands and Wildlife, Edmonton, Alberta, and Oldman River Regional Planning Commission, Lethbridge, Alberta, 1988.

Excavation means cutting or digging of the earth’s surface which alters the original landscape by making a hole or hollow (pit).

Extensive agriculture means the production of crops and/or livestock by the expansive cultivation or open grazing of existing titles or proposed parcels usually greater than 160 acres on dryland or 80 acres on irrigated land.

Farmstead means a developed area of land that includes a residence and functions or has functioned as a service area for an agricultural operation. A farmstead, in addition to the mandatory residence, normally includes farm buildings (for storage of farm equipment, feed, produce, etc.) corrals, other structures, dugouts and such other development or facilities that are necessary for the functioning of an agricultural operation. The area extent of a farmstead is normally defined by fences and/or shelterbelts.

FireSmart means the actions taken to minimize the unwanted effects of wildfire, while recognizing the important role it has in maintaining healthy landscapes.

Fragmentation means the process of reducing the size and connectivity of an area.

Fragmented parcel means a parcel or lot that contains one or more areas, which are separated from the remainder of the parcel or lot by a registered exception on the Certificate of Title for a registered public roadway or a railway. An encumbrance such as easement or a right-of-way that is not an exception from a title is not a registered exception.

Garden suite means a supplementary dwelling unit that is located on the same lot or parcel as a principal dwelling unit, where one dwelling is used to house, on a temporary basis, individuals that are receiving care from or providing care to residents of the principal dwelling.

Grouped country residential development means development that is located or intended to be located in a designated area for:

(a) two or more abutting country residential lots; or

(b) two or more residences on a lot or parcel commonly containing less than 28.33 ha (70 acres) where the residences are:

(i) not used or intended to be used for farm help, nor

(ii) authorized for use as a garden suite nor otherwise authorized by this plan or the land use bylaw.

Guideline means a basis for determining a course of action. An environmental guideline can be either procedural, directing a course of action; or numerical, providing a numerical value that is generally recommended to support and maintain a specified use; a numerical concentration or narrative statement recommended to support and maintain a designated use.

Habitable residence means a permanent building or part of a permanent building, intended to be used as a place of residence for humans, the condition of which allows for the inhabitants to live in reasonable comfort free of serious defects to health and safety and containing reasonable cooking, eating, living, sleeping and sanitary facilities.

Habitat patches means any discrete area with a definite shape used by a species for breeding or obtaining other resources.

Hamlet means an unincorporated urban community within a municipal district or specialized municipality with: five or more dwellings (the majority of parcels less than 1,850 square metres); a generally accepted name and boundary; and contains parcels of land that are used for non-residential purposes.

Hazardous land means lands that could be unsafe for development due to naturally occurring processes including flooding, erosion, avalanche, mass wasting and sink holes or that due to human activity is contaminated, unstable, prone to flooding or otherwise unsuited for development or occupation because of its inherent danger to public health, safety or property.

Headwaters means the source and upper tributaries of a stream or river.

Heritage refers to all of the qualities, features, characteristics and traditions associated with a particular culture that have been transmitted from the past as a tradition.

Highway commercial development means development, typically along a major roadway or highway, which provides goods and services to the travelling public. Typical highway commercial uses include service stations, truck stops, motels, hotels and fast-food restaurants.

Intensive horticulture use means any relatively small parcels of land and/or buildings which are employed for the commercial production and sales (on or off site) of specialty crops grown by high yield and density techniques. Examples include, but are not necessarily limited to: greenhouses, nurseries, hydroponic or market gardens, mushroom or tree farms.

Intermunicipal Collaborative Framework (ICF), established under Part 17.2 of the *Municipal Government Act*, provides a forum for neighbouring municipalities to work more closely together to better manage growth, coordinate service delivery, and optimize resources for citizens.

Intermunicipal Development Plan (IDP) is a statutory document used to facilitate intermunicipal planning between two municipalities in accordance with s. 631 of the *Municipal Government Act*.

Land use decision means a decision pertaining to:

(a) an amendment to a statutory plan or the land use bylaw;

(b) an application for subdivision

(c) an application for development.

Multi-use corridors means a dedicated land area for co-location of linear infrastructure that supports economic linkages. May include highways, roads, electricity transmission lines, pipelines, water management, fibre-optic cables and recreation trails.

Municipal Government Act (MGA) means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, and subsequent amendments. The *MGA* provides the legislative framework to guide the operations of municipalities.

Municipal reserve means municipal reserve as defined in the *Municipal Government Act*.

Municipality means, for the purposes of this Municipal Development Plan, the Municipal District of Pincher Creek No. 9 and, where the context requires, this municipality's Council, Subdivision Authority or Development Authority, or whichever other municipality the term may be referring to in the context of the sentence in which it has been used.

Natural environment can generally be described as those elements of the physical environment that have not been altered by the construction of the built environment, or that, if they have been altered by the built environment, may only exist as a result of natural processes such as the hydrologic cycle, photosynthesis, and other processes fundamental to the development and sustaining of flora and fauna.

Natural resources means a material source of wealth such as gravel, sand, soil, oil, and gas, that occurs in a natural state and has economic value.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outline plan means a more specific planning framework for an area included within an Area Structure

Plan or conceptual design scheme which conforms to the general principles and concepts established in those plans. This may include, but is not limited to, more detailed engineering studies or planning designs.

Parcel means the aggregate of the one or more areas of land described in a Certificate of Title, or described in a Certificate of Title by reference to a plan filed or registered in a land titles office.

Parcel, cut-off means a fragmented portion of a parcel of land or lot that is separated from the major part of a parcel or lot by:

a. a railway with rails; or

b. a built public roadway or highway.

Plan means the Municipal District of Pincher Creek No. 9 Municipal Development Plan, and any amendments hereto.

Pit means an excavation in the surface made for the purpose of removing, opening up, or proving sand, gravel, clay, marl, peat, or any other substance, and includes any associated infrastructure, but does not include a mine, quarry or borrow excavation.

Prime agricultural lands means lands categorized as Class 2 and 3 soils according to the classification systems used by the Government of Alberta, Land Suitability Rating System (LSRS). These lands are equivalent to Canada Land Inventory (CLI) Class 1, 2 and 3 soils. Prime Agricultural Lands are shown on Map 5.

Private sewage systems means the whole or any part of a system for the management, treatment and disposal of sewage on the site where the sewage is generated, but does not include anything excluded by the regulations pursuant to the *Safety Codes Act*.

Public land means land managed by the Government of Alberta for the benefit of all Albertans.

Public Land Use Zones (PLUZ) are areas of land designated under the *Public Lands Administration Regulation* designed to facilitate and manage a wide range of recreational activities that are compatible with mining, forestry, surface materials extraction and livestock grazing activities, while also affording protection to sensitive areas and maintaining key wildlife habitat.

Public/institutional means public or quasi-public uses, areas or facilities such as, but not necessarily limited to: churches, schools, community halls, cemeteries, weigh scales, government agricultural research stations, public utility facilities and structures, designated federal, provincial or municipal parks, recreation and camping areas or other uses determined by special Development Authority ruling to be similar in nature.

Quarry means any opening in, excavation in, or working of the surface or subsurface for the purpose of working, recovering, opening up or proving ammonite shell or any mineral other than coal, a coal bearing substance, oil sands, or an oil sands bearing substance, and includes any associated infrastructure.

Reclamation means the process of reconverting disturbed land to its former or other productive uses.

Recreational facilities means development that includes golf courses, campgrounds, wellness centres, ice arenas, aquatics, plazas and squares, resort developments or similar, as defined in the land use bylaw, that enhances the overall function of the MD's recreation system.

Renewable or Alternative Energy means a development for the advancement, manufacture, wholesale, resale and repair of renewable energies including, but not limited to, Wind Energy Conversion Systems (WECS), geothermal, and solar collector systems.

Residence means a complete building or self-contained portion of a building, set or suite or rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping and cooking facilities and separated or shared toilet facilities and which unit is intended as a permanent or semi-permanent residence.

Residual parcel means that portion of land that remains after a lot is subdivided from it.

Resource means any naturally occurring or man-made thing on or concerning land.

Restoration refers to the process of restoring site conditions as they were before the land disturbance.

Riparian areas can generally be described as those lands adjacent to streams, rivers, lakes and wetlands where the vegetation and soils are strongly influenced by the presence of water.

Rural area means the lands outside the boundaries of a designated hamlet or an urban settlement.

Rural land means all land in the Municipal District of Pincher Creek excepting that which is contained within the designated boundaries of a hamlet.

Shall, Must, or Will means a directive term that indicate the actions outlined are mandatory and apply to all situations.

Should or May means a directive term that indicates a preferred outcome or course of action but one that is not mandatory.

Siting can generally be described as the process of identifying where development should occur on a given lot or in a given area, including such site elements as parking, access, buildings, loading and unloading areas, and so on.

South Saskatchewan Regional Plan (SSRP) means the regional plan and regulations established by order of the Lieutenant Governor in Council pursuant to the *Alberta Land Stewardship Act*.

Statutory plan means a plan adopted by a municipality by bylaw in accordance with the *Municipal Government Act*.

Stewardship means the responsible use and protection of the natural environment through conservation and sustainable practices.

Subdivision means the division of a parcel of land by an instrument; as per the definition in the *Municipal Government Act*.

Substation means a connection point between high voltage transmission lines and low voltage power lines that reduces voltages to allow electricity to be safely distributed to the end user.

Suitable development area means that portion of a lot or parcel, (excluding areas that are subject to setbacks or regulatory separation distances) which has no serious constraints to development including, but not limited to, a high water table, active or abandoned oil or gas well, steep slopes, risk of flooding, erosion or slumping or other matters impeding development and cannot accommodate attendant essential facilities such as a water well and a private sewage disposal system.

Transmission line means a component of the electric highway that transports a variety of forms of energy (wind, coal and natural gas) to the end user.

Unsubdivided quarter section has the same meaning as the *Municipal Government Act, Subdivision and Development Regulation* definition and also means a single titled area containing 64.8 ha (160 acres) more or less, but excluding registered right-of-way plans for public roadways, road widenings, utilities, pipelines and previous subdivisions for government, quasi-public uses or school sites.

Use, compatible means a development capable of existing together with or nearby another development(s), without discord or disharmony.

Use, suitable means a development which, in the opinion of the approving authority, is appropriate and in accordance with established requirements.

Water Act provides for the allocation and use of Alberta's water resources and the protection of rivers, streams, lakes, wetlands and aquifers.

Watershed means all lands enclosed by a continuous hydrologic-surface drainage divide that drains to a larger body of water such as a river, lake or wetland. Watersheds can range in size from a few hectares to thousands of square kilometres.

Wetlands are low-lying areas of land covered by water long enough to support aquatic plants and wildlife for part of all of their life cycle.

Wildfire means any fire which is ignited, especially in rural areas, which spreads rapidly over woodlands, brush, or prairie grassland.

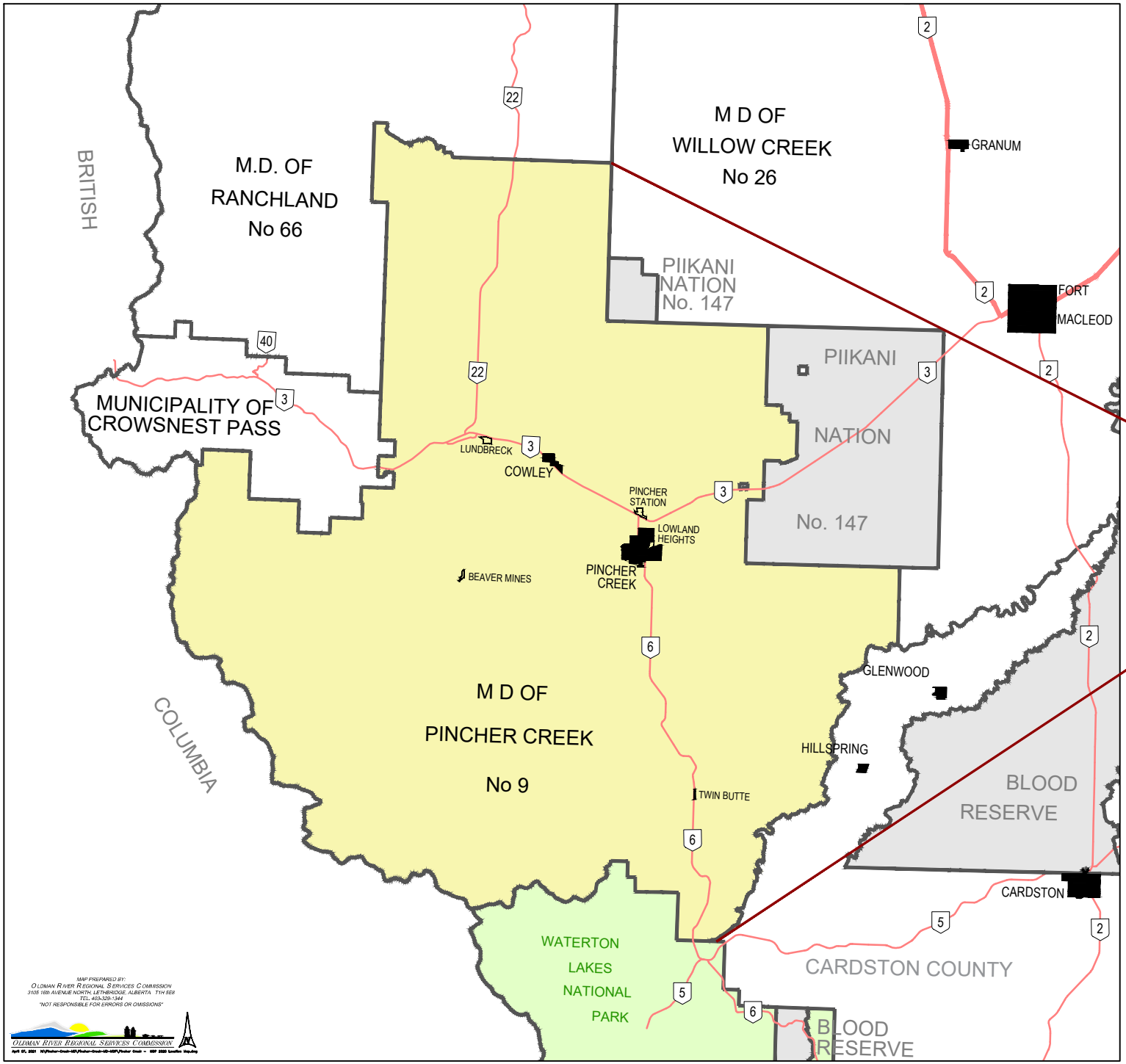
Wildlife corridor means a physical linkage, connecting two areas of habitat and differing from the habitat on either side. Corridors are used by organisms to move around without having to leave the preferred habitat.

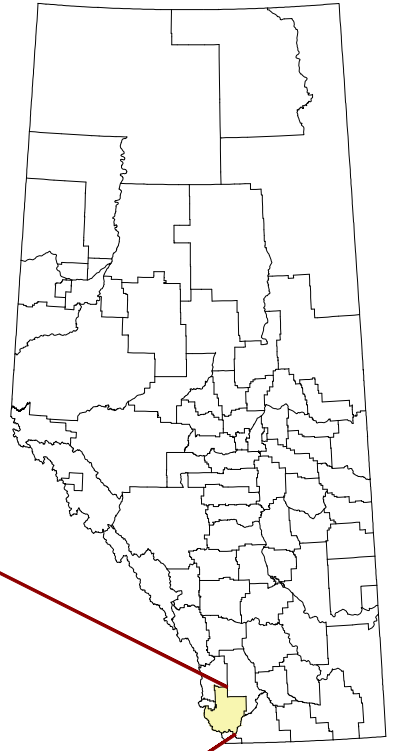
Wind Energy Conversion System (WECS) means a structure designed to convert wind energy into mechanical or electrical energy.

Wind Farm or project means a power plant consisting of a group of wind turbines and related facilities connected to the same substation or metering point used for the production of electric power. The wind farm boundary is defined by all titled parcels participating in the project.



Appendix 3
Maps





MUNICIPAL DISTRICT OF
PINCHER CREEK No. 9
MUNICIPAL DEVELOPMENT PLAN

REGIONAL LOCATION

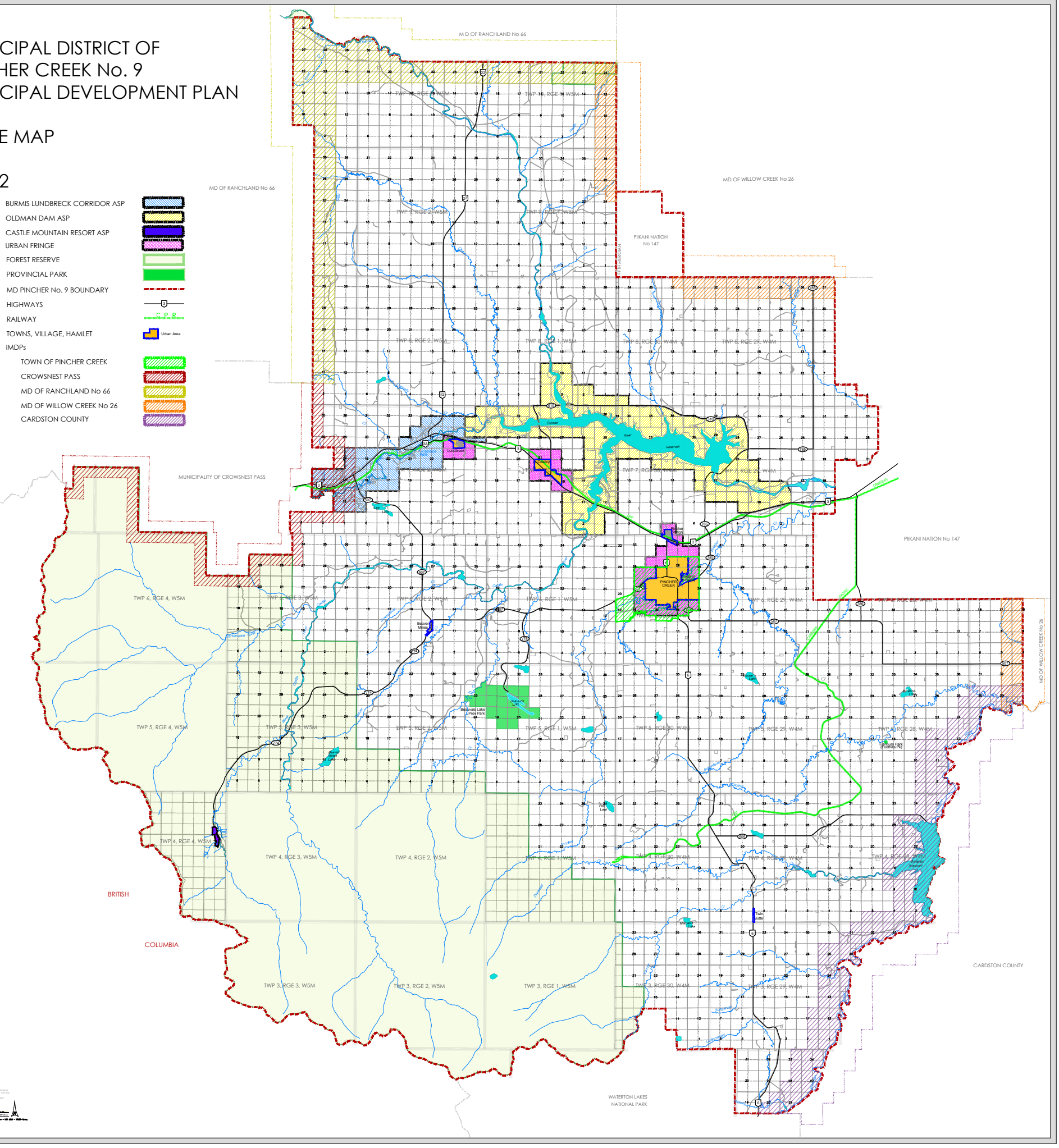
MAP 1

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"
OLDMAN RIVER REGIONAL SERVICES COMMISSION

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9 MUNICIPAL DEVELOPMENT PLAN

GUIDE MAP

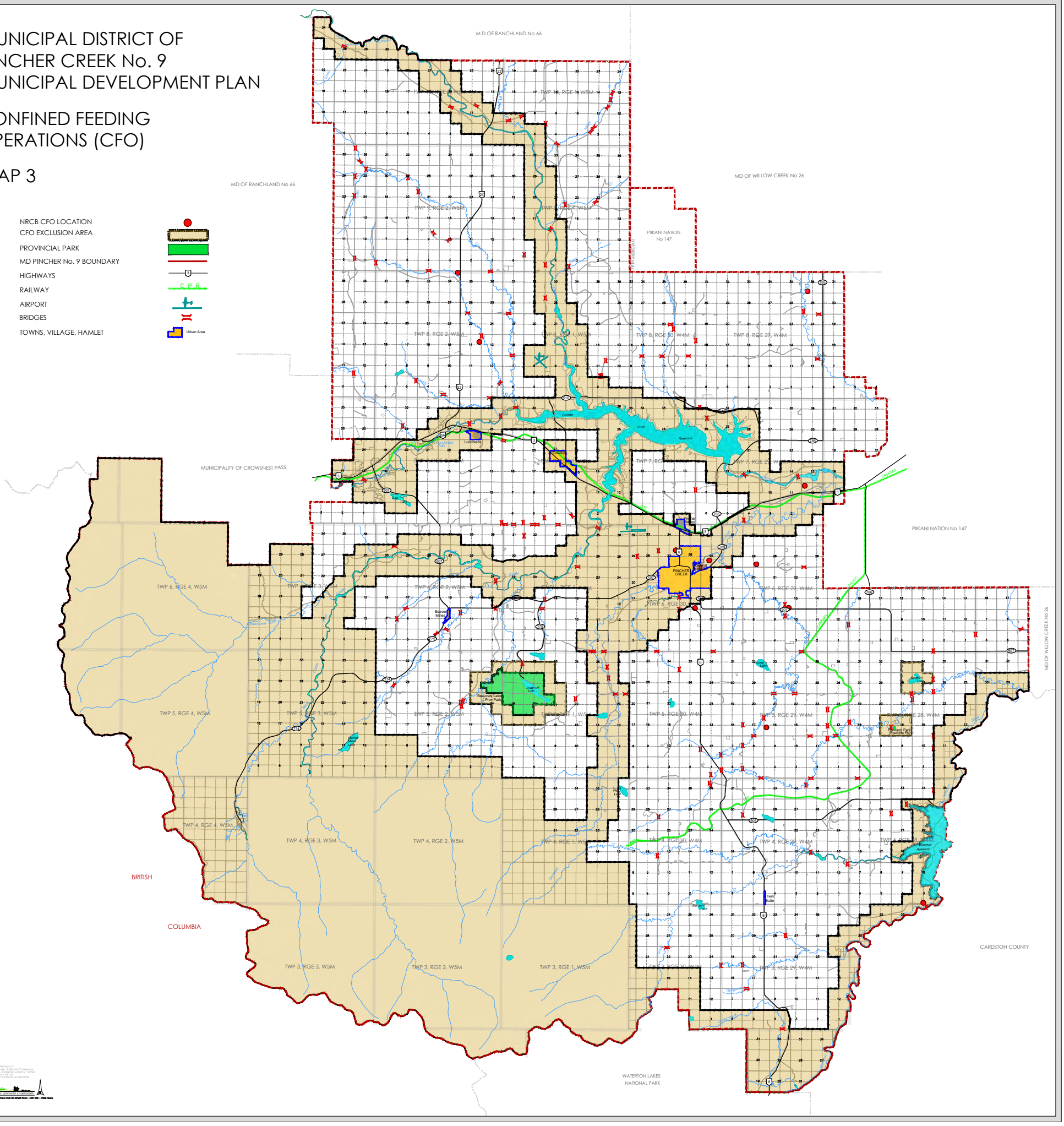
MAP 2



MUNICIPAL DISTRICT OF PINCHER CREEK No. 9
MUNICIPAL DEVELOPMENT PLAN

CONFINED FEEDING OPERATIONS (CFO)

MAP 3



MUNICIPAL DISTRICT OF PINCHER CREEK No. 9 MUNICIPAL DEVELOPMENT PLAN

TRANSPORTATION NETWORK

MAP 4

- FOREST RESERVE
- PROVINCIAL PARK
- MD PINCHER NO. 9 BOUNDARY
- RAILWAY (C.P.R.)
- BRIDGES
- TOWNS, VILLAGE, HAMLET (Urban Area)
- AIRPORT / HELIPORT
- ROADS:
  - HIGHWAYS
  - ARTERIAL
  - COLLECTOR
  - LOCAL
  - UNIMPROVED
  - PRIVATE

M D OF RANCHLAND No 66

MD OF RANCHLAND No 66

MD OF WILLOW CREEK No 26

PIIKANI NATION No 147

MUNICIPALITY OF CROWSNEST PASS

BRITISH COLUMBIA

WATERTON LAKES NATIONAL PARK

CARDSTON COUNTY

Pincher Station

Lowland Heights

Lundbreck

Beaver Mines

Twin Butte

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9 MUNICIPAL DEVELOPMENT PLAN

SOILS CLASSIFICATION MAP

MAP 5

SOIL CLASSIFICATION

- CLASS 2: MODERATE LIMITATIONS
- CLASS 3: MODERATELY SEVERE LIMITATIONS
- CLASS 4: SEVERE LIMITATIONS
- CLASS 5: FORAGE CROPS - IMPROVEMENT PRACTICES FEASIBLE
- CLASS 6: FORAGE CROPS - IMPROVEMENT PRACTICES NOT FEASIBLE
- CLASS 7: NO CAPABILITY FOR ARABLE CULTURE OR PERMANENT PASTURE

- PROVINCIAL PARK
- MD PINCHER No. 9 BOUNDARY
- HIGHWAYS
- RAILWAY
- TOWNS, VILLAGE, HAMLET

