

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
Council Chambers
September 3rd, 2024
6:30 pm
Agenda

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Meeting Minutes of July 2nd, 2024
- 3. Closed Meeting Session**
- 4. Unfinished Business**
- 5. Development Permit Applications**
 - a. Development Permit Application No. 2024-41
Gordon Wiebe
Lot 3, Block 3, Plan 1010711 within NE 25-7-2 W5
Farm Building
 - b. Development Permit Application No. 2024-42
Castle Valley Campground
Within 1,2 ;; 2-7-1 W5
Outdoor Storage
- 6. Development Reports**
 - a. Development Officer's Report
- Report for July & August 2024
- 7. Correspondence**
 - a. **ADOA August Communicator**
 - b. **ORRSC Periodical - Summer 2024**
- 8. New Business**
- 9. Next Regular Meeting – October 1st 2024**
- 10. Adjournment**

**Meeting Minutes of the
Municipal Planning Commission
July 2nd, 2024 6:30 pm
Virtual via Microsoft Teams**

ATTENDANCE

Commission: Chairperson Jeff Hammond, Member at Large Laurie Klassen, Reeve Dave Cox,
Councillors Tony Bruder, Jim Welsch and John MacGarva

Staff: CAO Roland Milligan, Development Officer Laura McKinnon

Planning
Advisor: ORRSC, Senior Planner Gavin Scott

Absent: Councillor Rick Lemire

Chairperson Jeff Hammond called the meeting to order, the time being 6:32 pm.

1. ADOPTION OF AGENDA

Reeve Dave Cox 24/050

Moved that the agenda for July 2nd, 2024, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Member at Large Laurie Klassen 24/051

Moved that the Municipal Planning Commission Meeting Minutes for June 4th, 2024 be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor Jim Welsch 24/052

Moved that the Municipal Planning Commission close the meeting to the public, under the authority of the *Municipal Government Act*, Section 197(2.1), the time being 6:34 pm.

Carried

Councillor John MacGarva 24/053

Moved that the Municipal Planning Commission open the meeting to the public, the time being 6:53 pm.

Carried

4. **UNFINISHED BUSINESS**

5. **DEVELOPMENT PERMIT APPLICATIONS**

- a. **Development Permit Application No. 2024-29**
Ryan Woodford
Lots 1-10, Block 7, Plan 1993N within Pincher Station
Specialty Manufacturing/Cottage Industry, minor

Councillor Jim Welsch

24/054

Moved that Development Permit No. 2024-29, for an accessory building with a Specialty Manufacturing/Cottage Industry, minor use, be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1349-23.

- b. **Development Permit Application No. 2024-36**
Heinie Brunner
Lots 14-16, Block 2, Plan 7850AL within Beaver Mines
Tourist Home

Reeve Dave Cox

24/055

Moved that Development Permit No. 2024-36, for a Tourist Home, be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1349-23.
2. That this approval is for a maximum of four bedrooms, with a maximum of eight ('pillow') guests
3. That the owner/operator provide personal contact information to the designated officer that is kept accurate and up to date during the duration of active operations.
4. That the owner/operator provide and maintain the on-site parking required
5. That the owner/operator ensure that all parts of the dwelling conform to the National Building Code – Alberta Edition.
6. That the applicant adhere to the conditions set forth within the required Alberta Transportation Roadside Development Permit, to be attached to and form part of this permit.

6. **DEVELOPMENT REPORT**

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
July 2, 2024

a. Development Officer's Report

Councillor Tony Bruder 24/056

Moved that the Development Officer's Report, for the period June 2024, be received as information.

Carried

7. **CORRESPONDENCE**

None

8. **NEW BUSINESS**

None

9. **NEXT MEETING** – September 3rd, 2024; 6:30 pm.

10. **ADJOURNMENT**

Member at Large Laurie Klassen 24/057

Moved that the meeting adjourn, the time being 7:00 pm.

Carried

Chairperson Jeff Hammond
Municipal Planning Commission

Development Officer
Laura McKinnon
Municipal Planning Commission

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2024-41 Applicant: Gordon Wiebe Location: Lot 3, Block 3, Plan 1010711 within NE 25-7-2 W5 Division: 5 Size of Parcel: 9.88 ha (24.42 Acres) Zoning: Grouped Country Residential - GCR Development: Farm Building	
PREPARED BY: Laura McKinnon	DATE: Aug 29, 2024
DEPARTMENT: Planning and Development	
Signature: 	ATTACHMENTS: 1. Development Permit Application 2024-41 2. Arena Drawing 3. GIS Site Plan
APPROVALS:	
<hr style="width: 80%; margin: 0 auto;"/>	<hr style="width: 80%; margin: 0 auto;"/>
<hr style="width: 80%; margin: 0 auto;"/>	<hr style="width: 80%; margin: 0 auto;"/>
Department Director	Date
CAO	Date

RECOMMENDATION:

That Development Permit Application No. 2024-41, for a Farm Building (Indoor Arena), be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1349-23.
2. That this development for personal use only, no business or rentals permitted.
3. That the applicant adhere to the conditions set forth within the required Alberta Transportation Roadside Development Permit, to be attached to and form part of this permit.

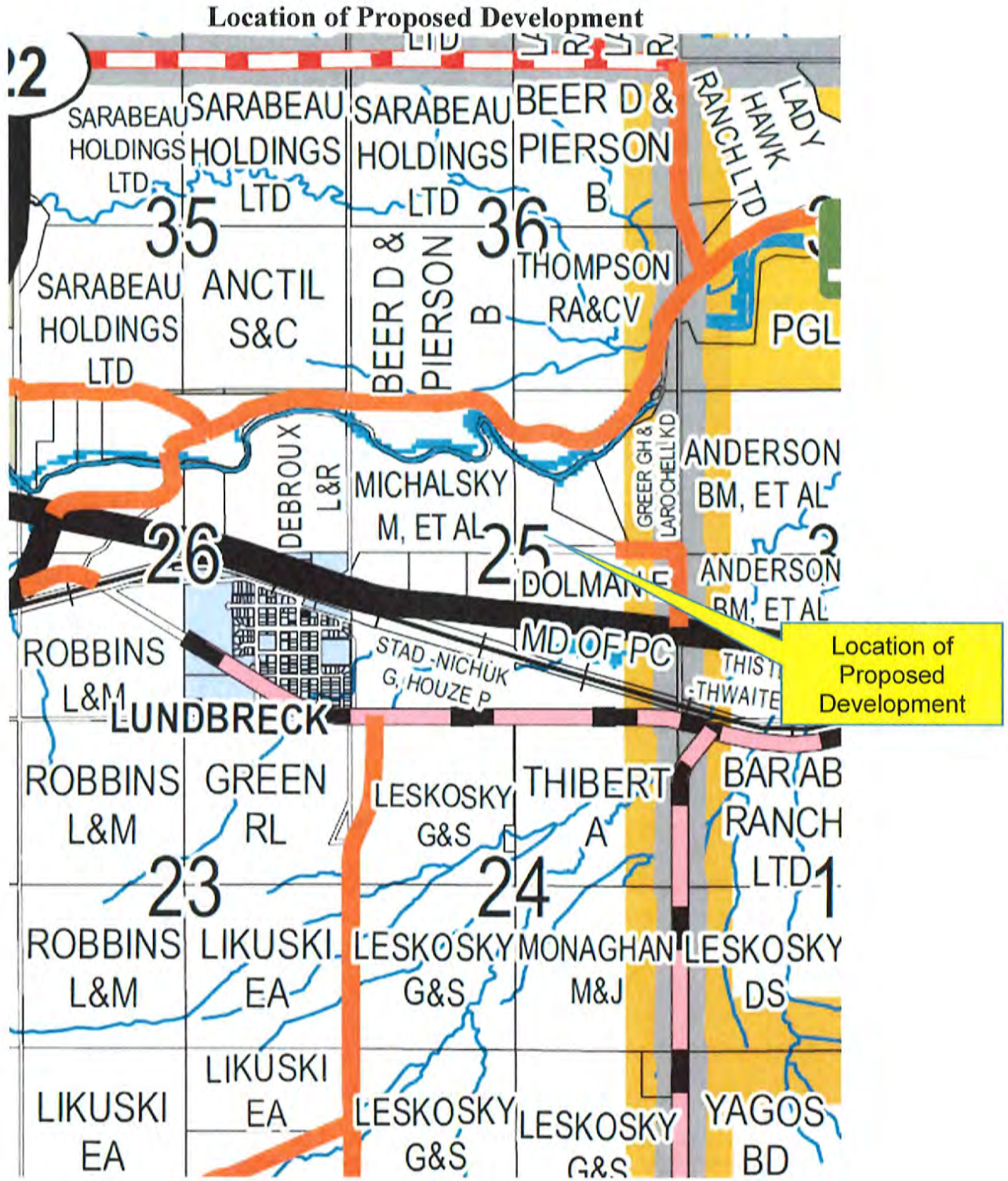
BACKGROUND:

- On Aug 9, 2024, the MD accepted the Development Permit Application No. 2024-41 from applicant Gordon Wiebe. (*Attachment No. 1*).
- This application is to allow use of a Farm Building – Indoor Arena.
- This application is being placed in front of the MPC because:
 - Within the Grouped Country Residential (GCR) Land Use District, a Farm building and structure is a Discretionary Use.

Recommendation to Municipal Planning Commission

- The purpose is farm building with a large indoor arena (*Attachment No. 2*). The applicant confirmed that this would be used only for personal use, and not rented out.
- The applicant has a building with living quarters currently on the property, but live in a neighbouring community. The intention is to move out full time eventually and build a detached residence.
- The location of the farm building meets all required setbacks. (*Attachment No. 3*)
- The application was forwarded to the adjacent landowners for comment; no responses were received at the time of this report being written.

Recommendation to Municipal Planning Commission





Municipal District of Pincher Creek
 P.O. Box 279
 Pincher Creek, AB T0K 1W0
 Phone: 403.627.3130 • Fax: 403.627.5070

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2024-41

Date Application Received Aug 6/24

PERMIT FEE ^{\$100 Permitted} ~~\$150 Permitted~~

Date Application Accepted Aug 9/24

RECEIPT NO. 64182

Tax Roll # _____

IMPORTANT: This information may also be shared with appropriate government / other agencies and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact the Municipal District of Pincher Creek No. 9

SECTION 1: GENERAL INFORMATION

Applicant: Gord Niebe

Address: Box 373 LUNBROOK AB T0K 1H0

Telephone: 403-287-7063 Email: _____

Owner of Land (if different from above): GSW EXPEDITIONS 2018 LTD

Address: 2008 TWP RD 7-4A LUNBROOK AB Telephone: SAME

Interest of Applicant (if not the owner): N/A

SECTION 2: PROPOSED DEVELOPMENT

I/We hereby make application for a Development Permit under the provisions of Land Use Bylaw No. in accordance with the plans and supporting information submitted herewith and which forms part of this application.

A brief description of the proposed development is as follows:

CONSTRUCTION OF 60' X 120' RUMBLE PENN

Legal Description: Lot(s) 3

Block 3

Plan 1010711

Quarter Section NE 25-7-2 W50

Estimated Commencement Date: SLIT 1 (PERMIT APPROVAL)

Estimated Completion Date: 071 31 CONTRACTOR'S SCHEDULE

SECTION 3: SITE REQUIREMENTS

Land Use District: Grouped Country Residential Division: 5

Permitted Use Discretionary Use

Is the proposed development site within 100 metres of a swamp, gully, ravine, coulee, natural drainage course or floodplain?

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

If yes, approximately how many degrees of slope? N/A degrees

Has the applicant or a previous registered owner undertaken a slope stability study or geotechnical evaluation of the proposed development site?

Yes No Don't know Not required

Could the proposed development be impacted by a geographic feature or a waterbody?

Yes No Don't think so

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	24,420m ²		
(2) Area of Building	2308.50m ²		
(3) %Site Coverage by Building (within Hamets)	N/A		
(4) Front Yard Setback Direction Facing: <u>N</u>	288 m	<i>Previously Approved.</i>	
(5) Rear Yard Setback Direction Facing: <u>S</u>	33 m		
(6) Side Yard Setback: Direction Facing: <u>W</u>	100 m		
(7) Side Yard Setback: Direction Facing: <u>E</u>	390 m		
(8) Height of Building	6 m		
(9) Number of Off Street Parking Spaces			

Other Supporting Material Attached (e.g. site plan, architectural drawing)

<u>ACCESSORY BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	24.42		
(2) Area of Building	7200		
(3) % Site Coverage by Building (within Hamlets)			
(4) Front Yard Setback Direction Facing: N	265m	30M	Yes
(5) Rear Yard Setback Direction Facing: S	33m	20M	Yes
(6) Side Yard Setback: Direction Facing: W	85m	7.5M	Yes
(7) Side Yard Setback: Direction Facing: E	425m	7.5M	Yes
(8) Height of Building	9m	9.5M	Yes
(9) Number of Off Street Parking Spaces	1/0		

Other Supporting Material Attached (e.g. site plan, architectural drawing)

SECTION 4: DEMOLITION

Type of building being demolished: n/a

Area of size: n/a

Type of demolition planned: n/a

SECTION 5: SIGNATURES (both signatures required)

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

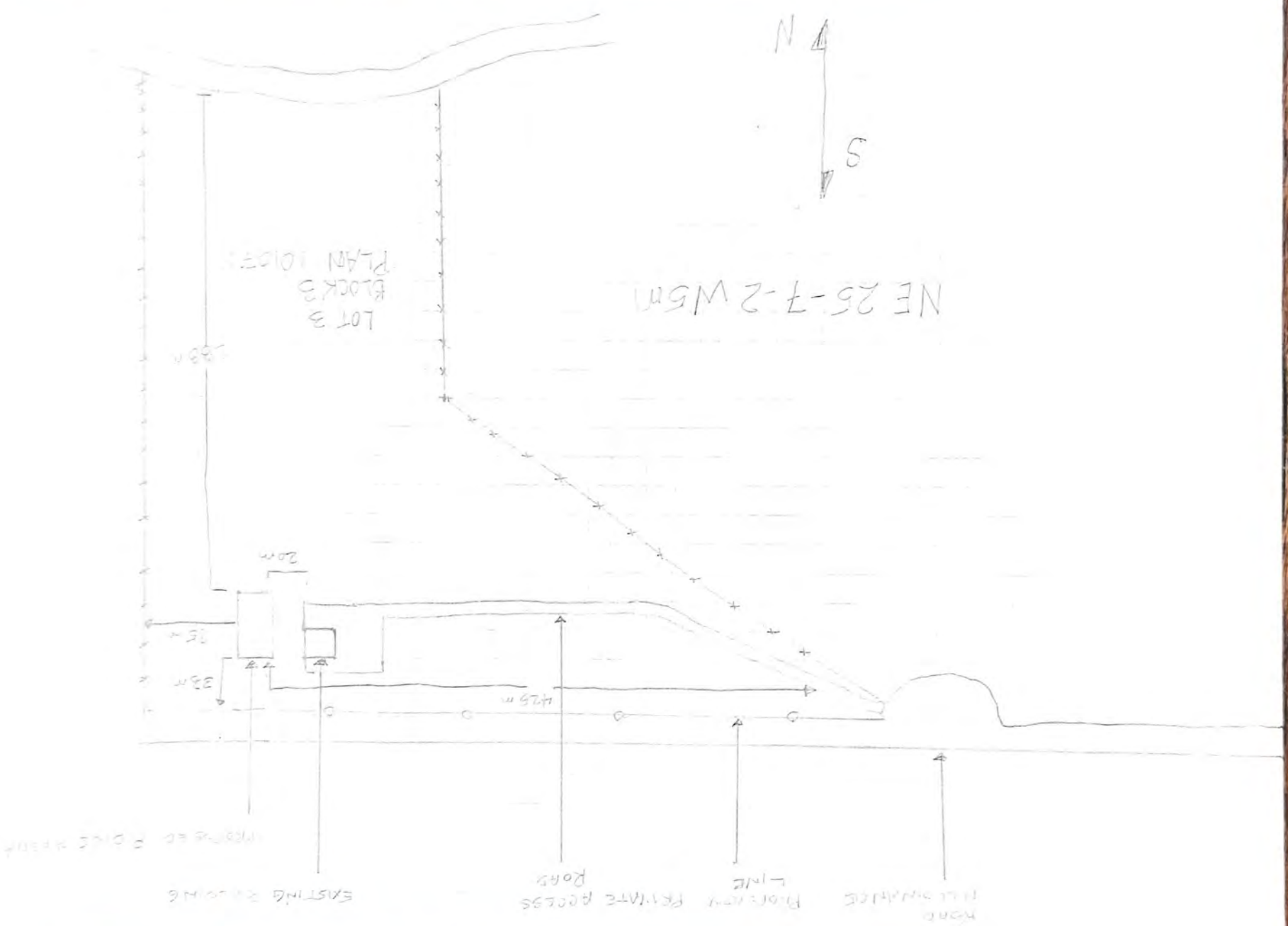
DATE: _____

GORDON WIEBE
Applicant

Gordon Wiebe % GSW
Registered Owner

EXPEDITIONS

Information on this application form will become part of a file which may be considered at a public meeting.



N
S

NE 25-7-2 W5M1

LOT 3
BLOCK 3
PLAN 101033

158m

20m

15m

33m

42.5m

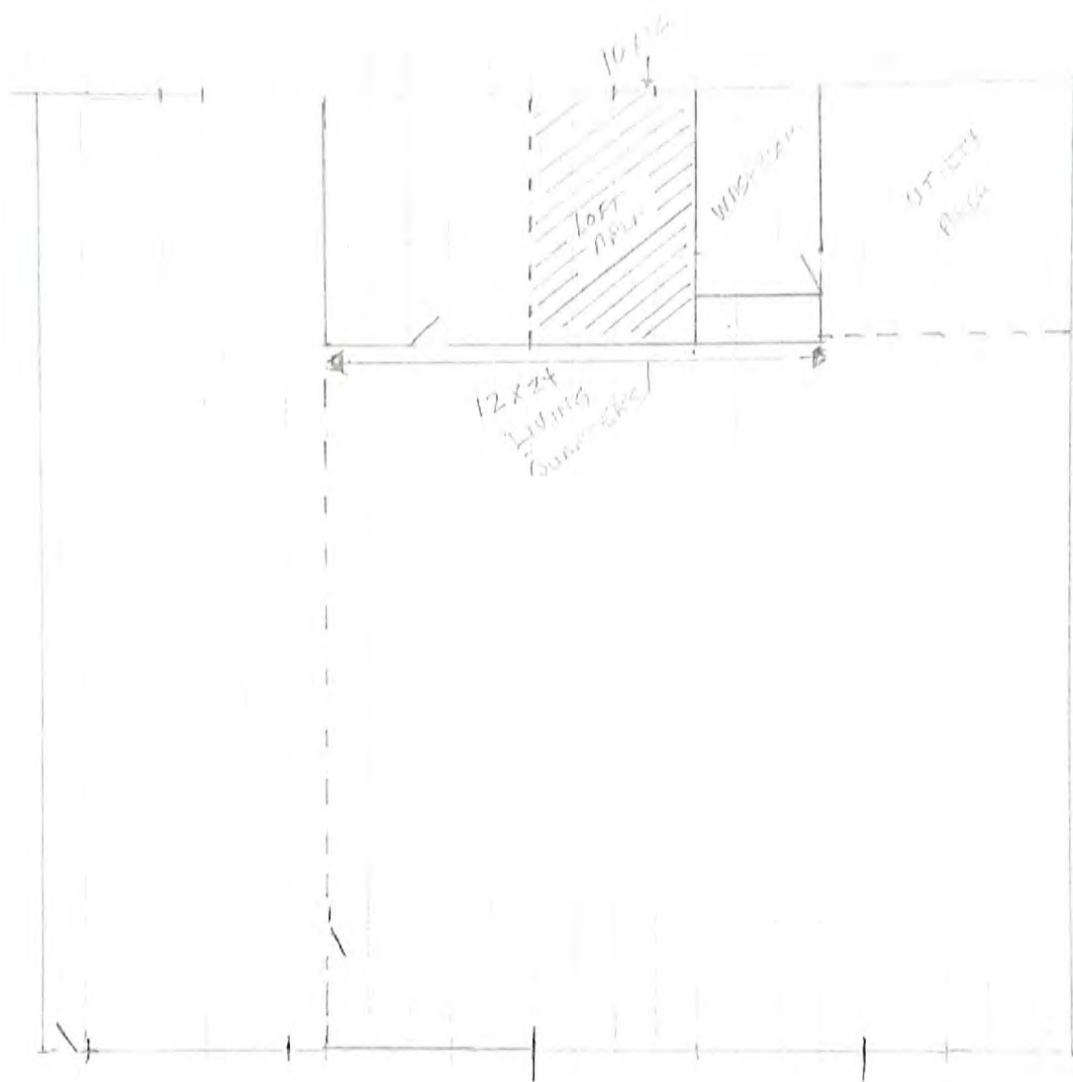
IMPROVED PAVING

EXISTING BUILDING

PRIVATE ACCESS ROAD

PROPERTY LINE

ROAD FULL DRAINAGE



EXISTING BUILDING



MD of Pincher Creek No. 9

P.O Box 279
1037 Herron Avenue
Pincher Creek Alberta T0K 1W0
(403) 627-3130
Website: www.mdpinchercreek.ab.ca
Email: info@mdpinnercreek.ab.ca

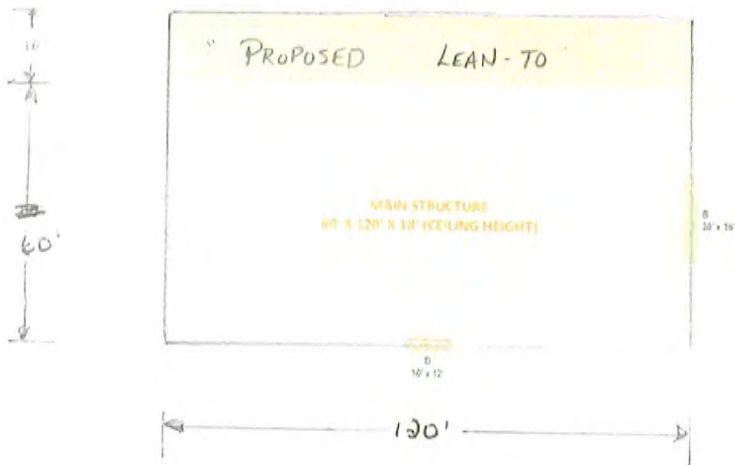
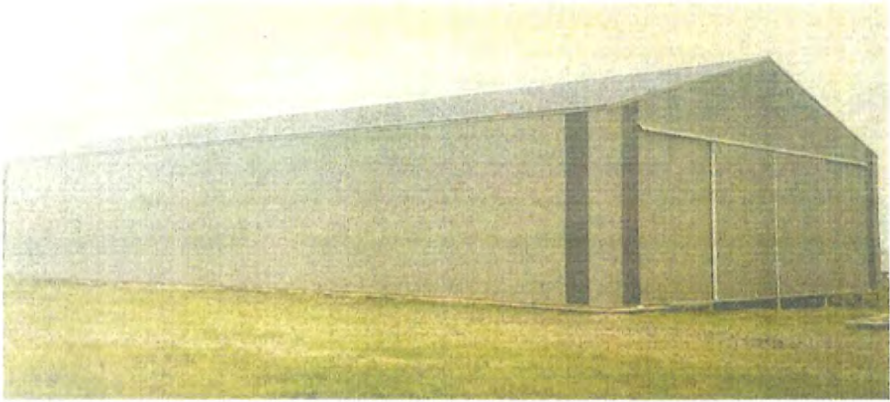
Gordon Wiebe
PO Box 373
Lundbreck, AB T0K 1H0

PAYMENT RECEIPT

Receipt Number:	64182
Date:	8/9/2024
Initials:	KO
GST Registration #:	10747347RP

Receipt Type	Roll/Account	Description	QTY	Amount	Amount Owing
General	DEVE	Development Application Fees	N/A	\$150.00	\$0.00

Subtotal:	\$150.00
Discount	\$0.00
GST	\$0.00
Total Receipt:	\$150.00
Mastercard:	\$150.00
Total Amount Received:	\$150.00



2024-41 - Site Plan (Wiebe)



All information depicted is subject to change, therefore the Municipal District Of Pincher Creek assumes no responsibility for discrepancies at time of use. Please note, average accuracy of the displayed data is: +/- 10m.



Distance: 312.48 m

New Farm Building (Indoor Arena)

Distance: 44.49 m Perimeter: 359.58 ft
Area: 7,227.97 sq.ft

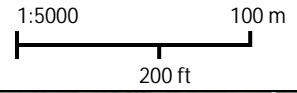
Distance: 369.31 m

Distance: 31.9 m

2024-41 - Site Plan (Wiebe)


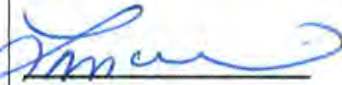


All information depicted is subject to change, therefore the Municipal District Of Pincher Creek assumes no responsibility for discrepancies at time of use. Please note, average accuracy of the displayed data is: +/- 10m.



New Farm
Building (Indoor Arena)

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2024-42 Applicant: Castle Valley Campground Location: Within 1,2 ;; 2-7-1 W5 Division: 3 Size of Parcel: 20.78 ha (51.36 Acres) Zoning: Rural Recreation 1 (RR-1) Development: Outdoor Storage	
PREPARED BY: Laura McKinnon	DATE: Aug 29, 2024
DEPARTMENT: Planning and Development	
Signature: 	ATTACHMENTS: 1. Development Permit Application 2024-42 2. Proposal and Mitigation Plan 3. GIS Site Plan
APPROVALS:	
_____ Department Director	_____ Roland Milligan CAO
_____ Date	_____ Date

RECOMMENDATION:

That Development Permit Application No. 2024-42, for Outdoor Storage, be approved subject to the following Condition(s):

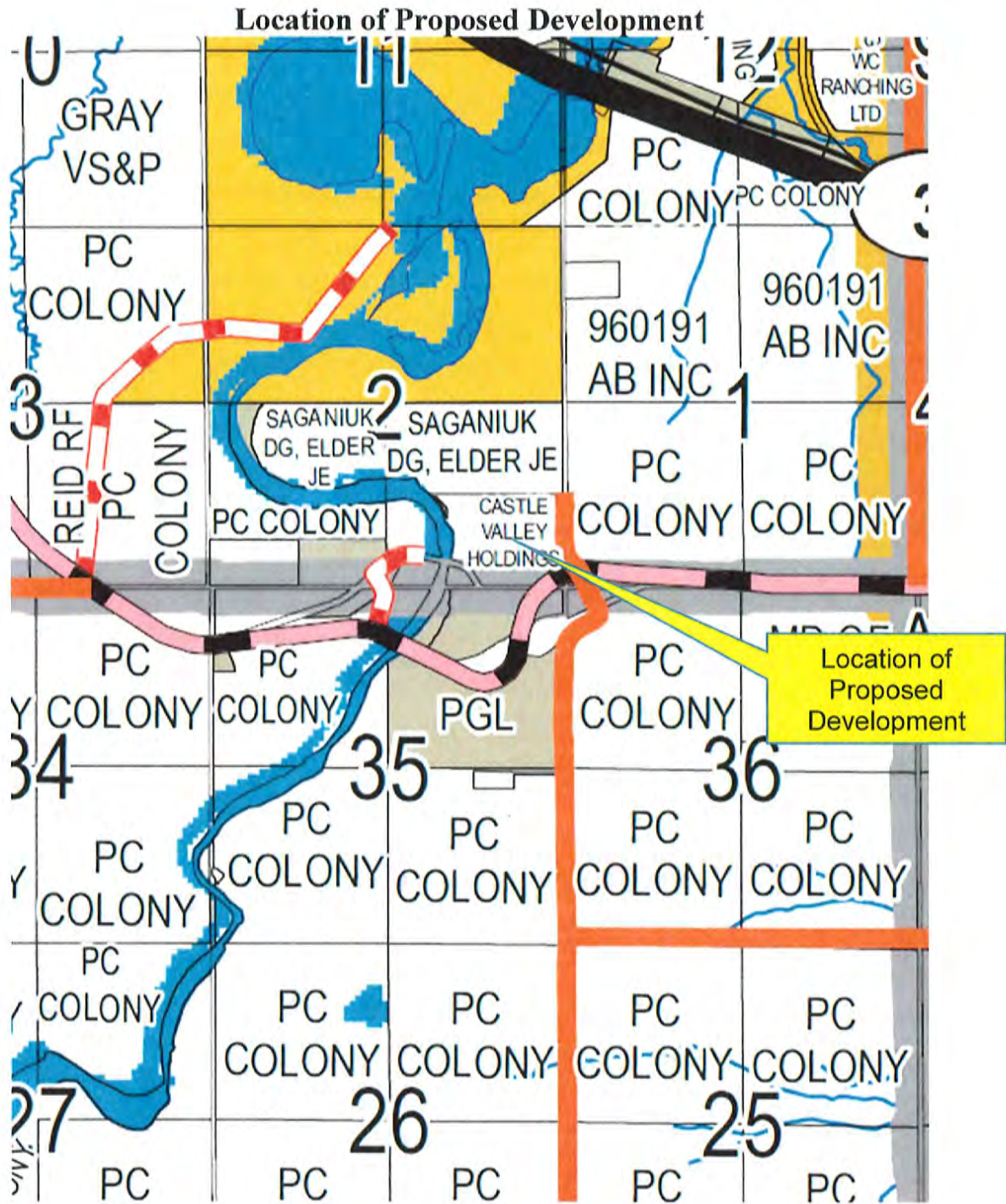
Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1349-23.
2. That this development would not permit winter camping.

BACKGROUND:

- On Aug 13, 2024, the MD accepted the Development Permit Application No. 2024-42 from applicant Castle Valley Campground. (*Attachment No. 1*).
- This application is to allow use of Outdoor Storage of RV's in the off season.
- This application is being placed in front of the MPC because:
 - Within the Rural Recreation 1 (RR-1) Land Use District, Outdoor Storage is a Discretionary Use.
- The applicant currently operates a seasonal campground at this location, and has put together a proposal regarding outdoor storage (*Attachment No. 2*)
- The intent is to allow all the seasonal lot holders to leave their RV's on site for the off season. Currently the RV's are removed by October 15th of each year.
- The application was forwarded to the adjacent landowners for comment; no responses were received at the time of this report being written.

Recommendation to Municipal Planning Commission





Municipal District of Pincher Creek
 P.O. Box 279
 Pincher Creek, AB T0K 1W0
 Phone: 403.627.3130 • Fax: 403.627.5070

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2024-42
 Date Application Received Aug 13/24 PERMIT FEE \$100 Permitted / \$150 Discretionary
 Date Application Accepted Aug 13/24 RECEIPT NO. 64216
 Tax Roll # _____

IMPORTANT: This information may also be shared with appropriate government / other agencies and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact the Municipal District of Pincher Creek No. 9

SECTION 1: GENERAL INFORMATION

Applicant: Castle Valley Campground-Ryan Alger
 Address: _____
 Telephone: 4 _____ Email: _____
 Owner of Land (if different from above): _____
 Address: _____ Telephone: _____
 Interest of Applicant (if not the owner): On site winter storage of campers RVs during the Off-Season

SECTION 2: PROPOSED DEVELOPMENT

I/We hereby make application for a Development Permit under the provisions of Land Use Bylaw No. in accordance with the plans and supporting information submitted herewith and which forms part of this application.

A brief description of the proposed development is as follows:

To provide on site storage of our returning campers RVs during the off-season.

Legal Description: Lot(s) SW OF 2-7-1 W5M
 Block _____
 Plan _____
 Quarter Section SW

Estimated Commencement Date: OCTOBER 15TH 2024- May 15th 2024
 Estimated Completion Date: YEARLY

SECTION 3: SITE REQUIREMENTS

Land Use District: Rural Rec-1 Division: 3
 Permitted Use Discretionary Use

Is the proposed development site within 100 metres of a swamp, gully, ravine, coulee, natural drainage course or floodplain?

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

If yes, approximately how many degrees of slope? _____ degrees

Has the applicant or a previous registered owner undertaken a slope stability study or geotechnical evaluation of the proposed development site?

Yes No Don't know Not required

Could the proposed development be impacted by a geographic feature or a waterbody?

Yes No Don't think so

PRINCIPAL BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) %Site Coverage by Building (within Hamets)			
(4) Front Yard Setback Direction Facing:			
(5) Rear Yard Setback Direction Facing:			
(6) Side Yard Setback: Direction Facing:			
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

Other Supporting Material Attached (e.g. site plan, architectural drawing)

Please see attached drone shot of campground. As well as our mitigation plan to address any potential concerns and the benefits this change will provide.

ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) % Site Coverage by Building (within Hamlets)			
(4) Front Yard Setback Direction Facing:			
(5) Rear Yard Setback Direction Facing:			
(6) Side Yard Setback: Direction Facing:			
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

Other Supporting Material Attached (e.g. site plan, architectural drawing)

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: Aug 8, 2024

Ryan Alger - Castle Valley Campground
Applicant *on behalf of*

[Signature]
Registered Owner

Information on this application form will become part of a file which may be considered at a public meeting.





MD of Pincher Creek No. 9

P.O Box 279
1037 Herron Avenue
Pincher Creek Alberta T0K 1W0
(403) 627-3130
Website: www.mdpinchercreek.ab.ca
Email: info@mdpinchercreek.ab.ca

Castle Valley Holdings Corp
458 Twinriver Road West
Lethbridge, AB T1J 5G1
Canada

PAYMENT RECEIPT

Receipt Number:	64216
Date:	8/13/2024
Initials:	KO
GST Registration #:	10747347RP

Receipt Type	Roll/Account	Description	QTY	Amount	Amount Owing
General	DEVE	Development Application Fees	N/A	\$150.00	\$0.00

Subtotal:	\$150.00
Discount	\$0.00
GST	\$0.00
Total Receipt:	\$150.00
Mastercard:	\$150.00
Total Amount Received:	\$150.00

CASTLE VALLEY CAMPGROUND

SE 2-7-1 W5M

**PROPOSAL AND MITIGATION PLAN
FOR OFF- SEASON STORAGE OF RV'S AND TRAILERS**



Dear Municipal District of Pincher Creek,

We are Castle Valley Campground, a seasonally leased campground proudly operating within the MD of Pincher Creek since 2016. Our campers have come to love our location and the wonderful amenities offered by the MD and the Town of Pincher Creek.

Over the years, we have received significant requests from our campers for RV storage during the off-season. Our off-season runs from October 15th to May 15th, with an early arrival option to ease road traffic and maximize enjoyment of the sites. If our proposal is accepted, campers' RVs would stay parked on their sites, reducing wear and tear on our infrastructure and public roads, as hundreds of trailers and RVs would no longer need to be moved at the beginning and end of each season.

To enhance the convenience and experience of our campers, we propose offering winter storage for their RVs. Many campgrounds already provide this service, and we believe it will retain our current campers and attract new ones. This service is particularly beneficial for our families, solo and elderly campers, as on site greatly eases their burden of both moving and parking their units and reduces wear and tear on both our land, the municipal roads and highways. We are confident that year-round storage will be a positive addition for everyone involved.

Mitigation Plan for Potential Concerns

Theft Prevention:

- **Security Measures:** Our campground has locked gates that prevent unauthorized entry during the off-season. Located 1 km from the highway, we plan to enhance security by installing 1080p Wi-Fi color cameras with infrared night vision and motion detection, along with strategically placed hidden game cams for 24/7 monitoring. Signage will also deter potential intruders. Additionally, snowfall during the off-season inhibits unauthorized access and makes vehicle access virtually impossible unless we choose to plow our roads. Campers will not be allowed to camp during the off-season, this request is for storage only.
- **On-Site Monitoring:** We employ a local resident to regularly monitor the campground during the off-season through on-site inspections and regular drive-bys. Our Camp Host also checks on the property weekly and begins staying full-time on-site before the end of March.
- **Track Record:** In our eight years of operation, we have never experienced theft. We believe our expanded security measures will continue to protect our property and campers' belongings.

Flood Mitigation:

- **Flood Protection:** Rock groins installed by the government and a bridge abutment and old Highway 3 road running through our land protect us from flooding. These structures were designed by government engineers to divert water away from our campground to the lower land on the opposite side of the river. With the addition of the rock groins, ongoing monitoring of river conditions, and the campground's elevated position relative to the surrounding area, we

have consistently experienced zero concerns about flooding. Historically, the off-season has posed the least risk for flooding, as the river typically reaches its highest levels in early July.

- **Off-Season Safety:** We keep an updated list of camper contacts to ensure prompt notifications in case of any concerns. Collin Smyth of 5 S Enterprises, along with emergency assistance from the Pincher Creek Hutterite Colony, is prepared to plow roads if we need to quickly remove RVs. In such an event, RVs can be swiftly towed to a 10-acre area at the top of our property, designated for temporary and immediate emergency storage.

Securing Items:

- **Camper Preparedness:** The vast majority of our campers are long-term and are familiar with local weather conditions and know how to properly secure their units and belongings. We ensure new campers receive the same guidance we have learned over the years on proper storage techniques, including the securing of sheds and gazebos with ground spikes and ratchet straps.

- **Ongoing Maintenance:** We conduct a fall and spring clean-up at the end and start of each season and maintain the campground's appearance throughout. Respect for our neighbors and nature is integral to Castle Valley Campground's values.

We appreciate your consideration of our proposal to offer winter RV storage. This service will enhance the quality of life for our campers, support the local economy during their stays, enhance safety on highways while greatly reducing traffic and the wear and tear of municipal roads and hi-ways.

We are confident that our reputation and commitment to land stewardship will assure you of our ability to manage this service responsibly.

Thank you for your time and consideration.

Sincerely,

Castle Valley Campground



SE2 7-1-5

UNKNOWN

SE2 7-1-5

UNKNOWN

SE2 7-1-5

SE2 7-1-5

1697 EZ

1888 EZ

1886 EZ

Bank of Columbia River



DEVELOPMENT OFFICER REPORT

July & August 2024

Development / Community Services Activities includes:

- July 2 MPC Meeting
- July 3-8 Vacation
- July 11 Travel Alberta Meeting
- July 17 Alberta Community Airports: Support for Long-Term Viability
- July 18 Next Generation 9-11 Meeting
- July 22 Brownlee Meeting
- July 31 Intermunicipal Development Plan Committee Meeting
- Aug 13 South Canadian Rockies Board Meeting
- Aug 19 SDO
- Aug 22 NCC/Blackfoot Confederacy Meeting – Waterton Springs Campground
- Aug 22 Safety Meeting
- Aug 27 Council Committee and Regular Council Meeting
- Aug 29 South Canadian Rockies Shoulder Season Selection Meeting

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Development Officer for July & Aug 2024

No.	Applicant	Division	Legal Address	Development
2024-40	Heath Hurlburt/Dallas Leman	3	Lot 1, Block 2, Plan 2211080 within SW 17-6-1 W5	Manufactured Home
2024-43	Marc & Susanne Garner	1	SW 19-3-29 W4	Single Detached Residence
2024-44	Norman Cervo	5	SE 14-7-3 W5	Manufactured Home
2024-45	Mallorie & Daniel Zanoni	5	Lot 10, Plan 9111895 within SW 7-7-2 W5	Single Detached Residence
2024-46	Brennan Cambell	4	Lot 8, Block 5, Plan 0815971 within Castle View Estates	Attached Garage
2024-47	Brenda & Paul Davison	5	Lot 15, Block 1, Plan 9511008 within NW 12-7-3 W5	Accessory Building (Art Studio)
2024-48	Gary Marchuk	3		Addition to Accessory Building

Development Permits Issued by Municipal Planning Commission July 2024

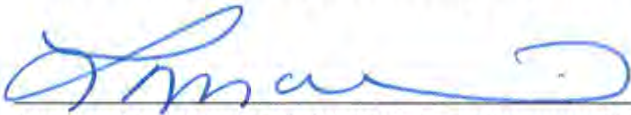
2024-29	Ryan Woodford	4	Lots 1-10, Block 7, Plan 1993N within Pincher Station	Accessory Building & Specialty Manufacturing/Cottage Industry
2024-36	Heinie Brunner	3	Lots 14, Block 2, Plan 7850AL within Beaver Mines	Tourist Home

Development Statistics to Date

DESCRIPTION		2024 To date (Aug)	2023	2022	2021
Dev Permits Issued	9 – July&Aug	45 31 -DO 14 -MPC	49 31 -DO 18 -MPC	48 29 – DO 19 - MPC	68 46-DO 19-MPC
Dev Applications Accepted	8 – July&Aug	47	54	49	70
Utility Permits Issued	3-July&Aug	16	35	12	31
Subdivision Applications Approved	0 – July&Aug	6	5	8	20
Rezoning		0	0	5	0
DESCRIPTION		2024 to Date (Aug)	2023	2022	2021
Compliance Cert	3 – July & Aug	17	21	32	41

RECOMMENDATION:

That the report for the period ending Aug 29, 2024, be received as information.



Prepared by: Laura McKinnon, Development Officer

Date: Aug 29, 2024

Respectfully Submitted to: Municipal Planning Commission



THE COMMUNICATOR

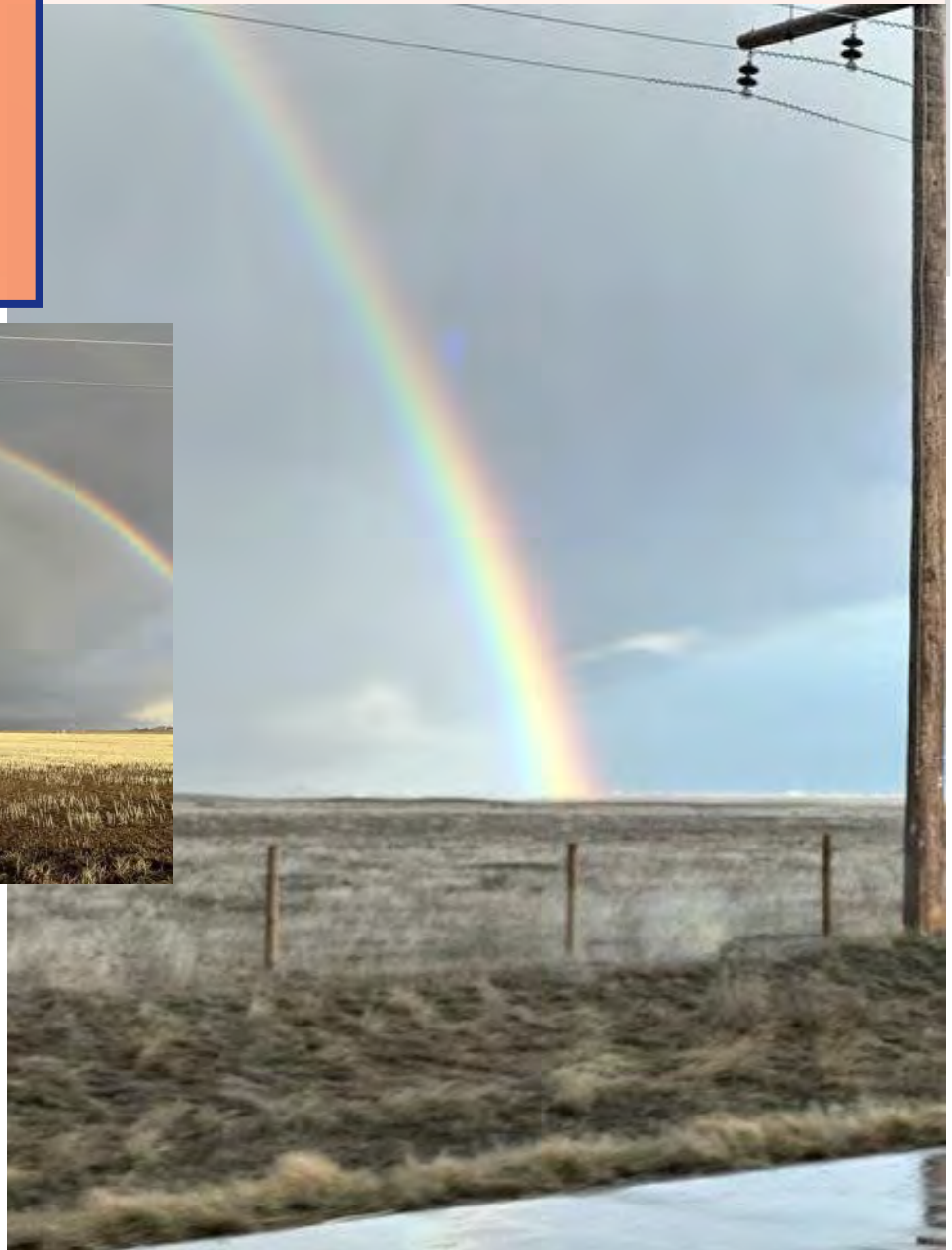
Alberta Development Officers Association (ADOA)

August 2024

Summer Issue

In this Issue:

- Words from Editor
- Conference Update
- Bylaw changes
- Brownlee Legal Corner



Photos Rachelle Fiset

Words from the Editor

Heat and housing, seems to be all the chatter these days.

When I was a young girl, I loved the heat. We would sunbathe in the yard without sunscreen to ensure a nice tan and occasionally put peroxide in our hair so we could have the beautiful blond hair like the ladies on Baywatch. However, we generally got orange hair and early aging out of those days. Now, as a slightly older woman, air conditioning is my best friend and I can't imagine life without it. Who else is thinking Christmas?



Housing, the hot topic for some time. There's a lot of mixed feelings among landowners and proposed landowners and I am one of them. However, I went on the bus tour in Edmonton at the APPI conference and we saw a lot of homes that were altered to become multi-unit dwellings and areas that allowed a condo in amongst the single-family dwellings and I will say that the ones that we saw on the tour were lovely. The multi-unit dwellings were just as nice or better than many of the single-

family dwellings in the area.

I was reading an article on globalnews.ca about the Singapore housing model and its comparison to the BC Builds model which is in progress. The model uses public land to create housing for middle income households where the rent is no more than 30% of their income. Apparently, this model has been quite successful in Singapore. There were a couple interesting rules in the Singapore model that made me think. One of them is that the buildings are designed to create interaction between the residents. I think this is wonderful. When you know your neighbours it can be a great community support system, especially with young families, it takes a village. The other one that was thought provoking is the ethnic integration policy which ensures that there is an ethnic mix in a community. However, if you want to sell your home, you must sell it to someone that is the same race which can be challenging I'm sure.

According to the WOWA market report for housing in Alberta, there has been a 9.3 per cent increase in the cost of buying a home over the past year on average. Red Deer is the hot spot with a 22% increase, good news for the sellers.

In 2023 there was approximately 36022 new homes started in Alberta but this is low in comparison to 2006 when there were approximately 48962 new homes started in Alberta due to the energy boom.



The date is September 25 to 27, the meet and greet is on Tuesday, September 24 at the conference hotel, Best Western Premiere Hotel located at 1316-33 St NE, Calgary. The committee will be set up in a couple of the guest suites to get you registered while you enjoy some drinks and snacks.

This year the conference is being hosted by the ADOA because its our 40th anniversary and its going to be a great time. We have organized top notch speakers, beautiful hotel, and scrumptious meals. Remember to bring your best 80's outfit for the banquet! There may be prizes!

The charity we chose for this year is Alberta Dreams. One of the reasons we chose this charity is because it covers the entire province. Alberta Dreams helps fulfill the dreams of Alberta children with severe chronic or life-threatening illnesses. As always, we are asking for donations of silent auction items to support this great charity. In addition, there will be a 50/50 draw started on the Monday, September 23 and being drawn on Friday, September 27 as we wrap up the conference.

The 2025 conference location is not quite confirmed, but will be a surprise announcement at this years conference. We are looking for municipalities to host the 2026 and 2027 conference so please talk to your Council and let's make a plan. There is lots of help from the committee if you would like to host, please come and chat with us.

ADOA LEGAL CORNER with:



BROWNLEE LLP
Barristers & Solicitors

Crafting Smart Land Use Bylaws: A Blueprint for Better Enforcement

Ensuring effective municipal enforcement begins long before any construction or contravention begins. Effective planning and development enforcement stems, in part, from meticulous drafting of the Land Use Bylaw (“LUB”). As mandated by section 640(1) of the *Municipal Government Act* (“MGA”), all municipalities are obligated to adopt an LUB, which establishes rules and regulations for development within their jurisdiction.

The LUB serves a critical function by offering statutory remedies that can endure various complex enforcement scenarios. Well drafted LUBs ensure orderly, efficient and sustainable development that maintains a high quality of life for ratepayers, and protects the public good while ensuring proper development and economic opportunity via clearly defined rules and regulations. Drafting bylaws is challenging and we recommend that the final product is reviewed by legal counsel to ensure quality and legal enforceability.

Clear and Effective Drafting Language

The use of clear and effective language is essential to the enforceability of any LUB. The easier it is to read a LUB, the greater its efficacy. Use simple language, short sentences and the active voice. Draft provisions chronologically when there are multiple steps moving from general to specific. For example, when considering provisions for making an application for a permit, begin by outlining the information that must be provided for all applications, such as the application form or the certificate of title. Then outline more specific information that may be required, based on the specific type of application.

Organize the LUB in a clear and consistent manner that is easy to understand. Each section in an LUB should consist of cohesive subject matter. Limit the number of subsections incorporated in provisions, with subsections and paragraphs restricted to one or two sentences. Internal references to sections and subsections should be reviewed for consistency throughout the bylaw, and avoided where possible.

Ensure all defined terms are necessary, clearly defined and consistent. Do not define terms that are not used in the LUB. Terms that are already defined in relevant legislation should mirror the legislation. The best way to do this is to either copy the definition from the legislation or define the term by referencing the relevant legislation. Using already defined terms from legislation is useful because legislators have considered the term and, in some cases, the Courts have judicially considered the term. Where terms are intricately linked to specialized knowledge, it may be necessary to consult experts to ensure the accuracy and efficacy of definitions. In some LUBs,

defined terms are capitalized or italicized – this is not necessary but if your LUB uses this tool, check it is used consistently.

Ensuring Prohibitions are Clear

LUBs must include specific provisions creating an offence. This means the LUB must include provisions that state the failure to comply with the LUB, a development or subdivision approval, or a stop order constitute an offence. It is useful for the LUB to provide that the development authority may issue a stop order pursuant to section 645 of the *MGA* but it is not necessary to copy all the provisions of section 645 of the *MGA* into the LUB. It is useful to note that pursuant to section 645 of the *MGA*, stop orders may be issued to both owners and occupants of land, as well as any individual responsible for a contravention. LUB's should incorporate section 645 of the *MGA* by reference to ensure that individuals are aware of the LUB's broad applicability.

LUBs should outline the different enforcement tools available to the development authority. Additionally, LUBs should clarify that the development authority has discretion in determining whether or not to enforce and what enforcement tools to use. Besides a section 645 stop order, the municipality can issue warnings, municipal tags, and violation tickets and it can pursue prosecution under the *Provincial Offence Procedure Act* or seek an injunction pursuant section 554 of the *MGA*. The use of these various tools is not mutually exclusive nor is there a specific hierarchy in how the tools may be used and it is beneficial if the LUB make this clear. Ensure your LUB is drafted so the development authority has the discretion to decide the best way to pursue enforcement.

LUBs should also make it clear that the municipality may conduct an inspection of the lands to ensure compliance with the LUB pursuant to section 542 of the *MGA*. In order to carry out an inspection, the LUB must designate someone, such as the development officer, as the designated officer to carry out inspections. We recommend that municipalities also develop a standard form to give notice of an inspection and a standard inspection report form to capture information obtained during the inspection but these do not need to be part of the LUB. Ensuring the inspection process is efficient and effective will facilitate better enforcement.

Specifying Effective Penalties

Effective penalties are critical to ensuring compliance with any LUB. The *MGA* provides municipalities with the ability to deter contraventions via monetary fines. The fines imposed should be sufficiently onerous to deter potential contraventions, but not so severe that the Court will be reluctant to impose the fine. Specific contraventions of an LUB should be accompanied by prescribed fines corresponding with the social harm or seriousness of the particular contravention. Fines increasing in severity should be imposed for subsequent offences within a set time period. It is most efficient to list offences and the related fines in a schedule to the LUB.

With respect to the magnitude of fines, municipalities should incorporate language in LUBs highlighting that fines specified in the bylaw are a minimum – this will serve to restrict the Court from imposing a fine lower than was selected by the municipality. Municipalities should also ensure that their LUB includes a minimum penalty for any offence not specifically enumerated

within the enforcement provisions of the Bylaw. Lastly, municipalities should incorporate a provision which expressly permits for persons who are issued a violation ticket to make voluntary payments.

Advantages to Increased Efficacy of a LUB

Enhancing the quality of an LUB carries a number of advantages. Public compliance with the LUB is promoted by ensuring regulations are clear and comprehensible. Interpretation of the LUB by enforcement officers and the Court becomes more straightforward, furthering the principle of legal certainty. Additionally, a well drafted LUB will increase enforcement efficacy by allowing for contraventions to be clearly described within a Stop Order, and by providing clear guidance to the Subdivision and Development Appeal Board and Court with respect to understanding a contravention, confirming that the LUB has been breached, and guiding the remedies that should be imposed.

The Brownlee Municipal Law Team is pleased to offer our services in a number of planning and development areas, including processing development permit applications, addressing environmental or cross-jurisdictional issues, and passing or amending land use bylaws. **For more information, please contact a member of the Brownlee LLP Municipal Team on our Municipal Helpline at 1-800-661-9069 (Edmonton) or 1-877-232-8303 (Calgary).**

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Diane Burtnick	Executive Assistant	admin@adoa.ca (780) 913- 4214
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Contact Us

Send us an e-mail or give us a call for more information about our membership and our non-profit group.

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E-mail: admin@adoa.net

ADOA Office

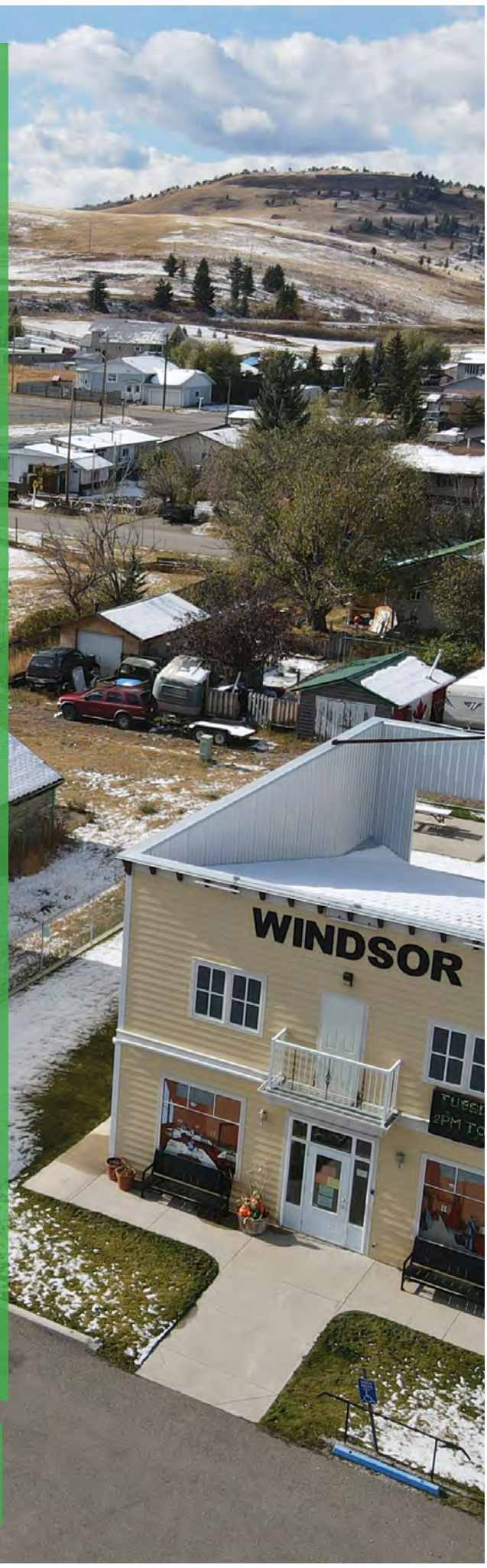
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Visit us on the web at www.adoa.net

Hamlets

The urban element of rural planning and its potential for sustained growth.

Hamlets are common throughout southern Alberta and exist in all shapes and sizes in the jurisdiction of rural municipalities. For a typical hamlet to thrive, key ingredients must be provided – some of which will not be present unless substantial investment is made. Where a hamlet is in decline, it can be preserved through careful land use management to provide for these lasting settlements to maintain their potential for renewed significance.



Hamlet Context

In Alberta, municipalities are incorporated as entities including cities, towns, villages, municipal districts & counties, and specialized municipalities. The benefits of incorporation are conventional and well-understood, the most obvious of which is autonomy – the ability to manage an entity’s own affairs to the extent afforded to it by the province. On the other side of the coin, unincorporated communities are commonplace and come in a variety of forms spanning the spectrum from informal to organized and small to big - even Gasoline Alley in Red Deer County or the Vegas Strip in Clark County! Unincorporated communities include localities (any place or area with scattered population), townsites (federally administered villages), improvement districts and special areas (governed by the province), and hamlets. This periodical looks to examine the characteristics, challenges and opportunities pertaining to hamlets common to the ORRSC Region and the process of becoming and/or departing from this form.

Hamlets are usually small population centres that typically don’t exceed 1000 people (although many exceptions exist) and are governed by the rural municipality within which they exist. In this framework, the notion of a hamlet boundary is somewhat of an oxymoron. Still, boundaries can be useful for the administration and planning of these settlements and can be established by resolution of Council when a hamlet is designated. In reverse fashion, a municipality becomes unincorporated when it goes through a dissolution process and foregoes its governance structure in favour of the municipality that takes it over.

If hamlets don’t have control over their own land use and administrative decisions what’s the point of congregating together in a fashion that might incite land use conflict? Humans settle together to enjoy the social and economical benefits of proximity to one another. As these settlements grow, so do the concerns and challenges that come with proximity, which is why it’s sometimes desired to take control of the matters that directly affect them. For many hamlets, formation (incorporation into a municipality) is unrealistic, which means that hamlets will continue to be fixtures on the rural municipal landscape.

Legislative Framework & Dissolution

Part 4 of the *Municipal Government Act* (MGA) deals with the form of municipalities – including formation, amalgamation, annexation and dissolution. Specifically, Section 77 of the MGA provides for the formation of a: municipal district, village, town, city or specialized municipality. Formation can be initiated by a municipality but is ultimately at the behest of the Minister of Municipal Affairs. Despite the ability for new municipalities to form, no new formations have taken place since 2001. Of note are Summer Villages, which continue to exist despite that new Summer Villages cannot officially be created.

Most hamlets were established as rail siding communities, agricultural service centres or coal mining communities and have since receded in population after the associated economic activity was no longer viable or disappeared. For example, in Lethbridge County, the origins of Kipp are initially associated with a trading post in the area called Fort Kipp. Diamond City has a history going back over 100 years as it became a village in 1910 and just two years after incorporation as a village it was incorporated as a town with a population of 800 people. Its fortunes as a community were tied to the coal mine, and when the business foundered in the 1920s, the population began to decline.



Source: ORRSC

Notable Designated Hamlets in ORRSC Region:

Grassy Lake – 856
(MD of Taber)

Granum – 557
(MD of Willow Creek)

Shaughnessy – 388
(Lethbridge County)

Burdett – 331
(County of Forty Mile)

Lundbreck – 289
(MD of Pincher Creek)

Monarch – 217
(Lethbridge County)

Diamond City – 204
(Lethbridge County)

Hays – 196
(MD of Taber)

Moon River Estates – 145
(MD of Willow Creek)

Mountainview – 87
(Cardston County)

Beaver Mines – 85
(MD of Pincher Creek)

Source: Statscan 2021 Census

Dissolution, on the other hand, is the process where a municipality disbands as a corporate entity. The MGA stipulates procedural requirements respecting dissolution, for the purpose of ensuring that it is not undertaken whimsically and without due process. A viability review must be undertaken if requested by the municipality, if a sufficient petition is submitted (30% of electors of the municipality) or if the Minister believes a review is warranted. The viability review process includes an in-depth look at the financial affairs of a municipality and engagement with the rural municipality that would prospectively inherit the subject municipality should it dissolve. Following submission of the review the Minister can elect to initiate an Order in Council to address matters stemming from the review or hold a vote of electors respecting dissolution. If the vote is in the affirmative, the Minister will recommend that the Lieutenant Governor in Council dissolve the municipality.

A dissolution order will stipulate the effective date of the dissolution and address governance and financial matters. Like with annexation, the plans and bylaws of the former municipality remain in place until the receiving municipality elects to change them. For example, the Land Use Bylaw of the former Town of Granum (dissolved in 2020) will remain in place until/if the MD of Willow Creek decides to establish new zoning and standards for it within the MD's Land Use Bylaw.

Hamlet Scenarios and Challenges

The Municipality of Crowsnest Pass – a specialized municipality created in 1979 that brought together 4 former urban municipalities and Improvement District No. 5 – is an interesting case study on unincorporated community management. The CNP scenario is so unique that the Crowsnest Pass Regulation (repealed in 2022) was brought into place to address the geographical and organizational circumstances, including the calculation of grants and distinguishing between urban and rural fire service areas. When a municipality dissolves, like in the case of Blairmore, Coleman, Bellevue and Frank, its former boundary typically continues to have meaning – whether it is formalized or not. This is often reflected in some type of urban oriented zoning to distinguish developed areas from fringe areas. The CNP used a system of 3 wards in attempt to provide distinct political representation and resource allocation for different areas of the municipality up until 1998 when it was abandoned in favour of a single political system. Similarly, in terms of zoning, the CNP's Land Use Bylaw uses a standard set of urban districts applicable to all urban areas within the municipality. Although eligible to be designated as hamlets, the fact that the municipality has not gone about this process begs the question of whether there is still value in doing so in Alberta.

The presence of hamlets across rural municipalities owes its existence to pioneering industries like mining, farming and most of all, the railway. The sprawling Canadian Pacific Railway (now Canadian Pacific Kansas City - CPKC) was built largely between the late 1800s to 1930. Settlements



Source: ORRSC

were strung out along the railway lines like beads on a string, at separation distances of 5 to 10 miles to maintain accessible distances for steam engine functionality. This also served farmers by providing a reasonable distance to get their crops to market. Some of these settlements flourished while just as many gradually lost prominence. This effect is readily apparent along the CPKC lines including the mainline that traverses in an east-west orientation through the County of 40 Mile, MD of Taber, Lethbridge County, MD of Willow Creek and MD of Pincher Creek – where a linear pattern of settlement exists. The close proximity of competing service centres led to many settlements falling out of favour. For those that didn't incorporate, hamlet status often means a countdown to eventual abandonment.

While dying with dignity is the reality for some hamlets, many others are enjoying growth and the amenities that come with it. In the MD of Taber, the hamlets of Hays, Enchant and Grassy Lake (former village dissolved in 1996) have the benefit of piped water (including water meters) and wastewater utility systems operated by the MD through partnership with the Highway 3 Regional Water Services Commission and the Vauxhall & District Water Services Commission. The provision of municipal services is an obvious facilitator of growth, with the MD continuing to develop residential subdivisions in response to the demand – having the effect of increasing the population of Grassy Lake to well beyond its pre-dissolution level. In the case of the former Town of Granum in the MD of Willow Creek, an infrastructure assessment was undertaken as part of the dissolution study, revealing the need for infrastructure improvements that the MD funded using a Special Tax levied against hamlet landowners under Section 382 of the MGA.

Whereas small urban municipalities often struggle with the financial burden of developing and maintaining infrastructure, rural municipalities may be better equipped to handle such an undertaking. The old adage of “if you build it they will come” is a double edged sword as it relates to land development done by municipalities. Although a private developer is free to take market risks as it sees fit, a municipal council must be more careful as a public entity answerable to the electorate. Still, the case for hamlet servicing as a means of community revival is unlikely to attract the attention of a private developer. A municipality equipped with the financial resources may choose to invest in its hamlets, and if so should be sure to have in place the benefit of hamlet specific planning to support and guide the investment.

For many municipalities the existence of a post office, grain elevator or school is reason enough to invest. With the post office comes a reason to come to “town” and perhaps stay for coffee at the cafe. With the grain elevator a place to do business. But with a school a sense of community is strengthened and can be a foundation upon which further investment in the hamlet is justified. With schools comes housing and sports facilities which can garner pride, citizen driven volunteerism and a real sense of place. Within the ORRSC Region ten hamlets have schools.



Source: Livingstone Range School Division

Municipal Government Act

59(1) The council of a municipal district or specialized municipality may designate an unincorporated community described in subsection (2) that is within its boundaries to be a hamlet.

(2) An unincorporated community may be designated a hamlet if the community

a. consists of 5 or more buildings used as dwellings, a majority of which are on parcels of land smaller than 1850 square metres,

b. has a generally accepted boundary and name, and

c. contains parcels of land that are used for non-residential purposes.

(3) The designation of a hamlet must specify the hamlet's name and boundaries.

Planning and Regulating Hamlets

Lethbridge County recently completed hamlet growth studies for 8 of its hamlets. The studies took stock of existing conditions, providing a yardstick of future opportunities in the face of current challenges. In terms of scope, a hamlet will identify growth opportunities like servicing capacity, vacant lots, employment opportunities, growth areas and recreational amenities, against a review of contaminated sites, servicing shortfalls, and conflict with existing land uses like confined feeding operations. While these documents don't have statutory standing on their own, Lethbridge County linked these studies in its municipal development plan, thereby giving standing to the vision established in the hamlet studies. The implementation of the growth studies included bestowing Urban Fringe zoning to help safeguard certain growth areas until needed for urban hamlet expansion.

The land use bylaws of rural municipalities typically contain one or more hamlet land use districts that address their hamlets as a whole, or in some cases, individually. For example, in addition to its uniform hamlet districts, the MD of Willow Creek's Land Use Bylaw deals with the Hamlet of Moon River Estates in a separate land use district – providing for a custom solution to the unique circumstances of the community. Given the variable nature of hamlet servicing scenarios, most districts will be clear about parcel sizes for serviced (or partially serviced) hamlet lots as well as for unserviced lots. For example, the County of Warner's Land Use Bylaw requires a 929 m² (10,000 ft²) lot where it has only piped sewer, but 1,858 m² (20,000 ft²) where no services or only water service is provided. This lot size range aligns with the MGA requirement for hamlets, and the unserviced lot size can be thought of as the absolute minimum needed for a soil based private sewage disposal systems – depending on a multitude of considerations like system size and soil composition - and comes from early versions of the *Planning Act*.

Given their sparse population, and low land prices, hamlets can be magnets for hoarding, derelict properties and challenging socioeconomic situations. It's important that a rural municipality set clear expectations in the form of an unsightly premises or community standards bylaw to ensure that hamlets don't succumb to the downward pressure that sometimes exists. The regulation of recreational vehicles (RVs) is another matter that often comes to light in the hamlet context. A rural land use bylaw should be clear about RV storage and RV use in a hamlet, necessitating clear definitions and corresponding development standards. For instance, the Vulcan County Land Use Bylaw allows for the use of one RV on a developed hamlet parcel for a period not exceeding 72 hours, either consecutively, or cumulatively within a 7-day period.

The Planning of rural municipalities takes on a duplicity of thought one rural and one urban. Urban planning need not be equated to the needs of cities and towns, but needs to have enough standards to create a foundation for investment.



Source: ORRSC

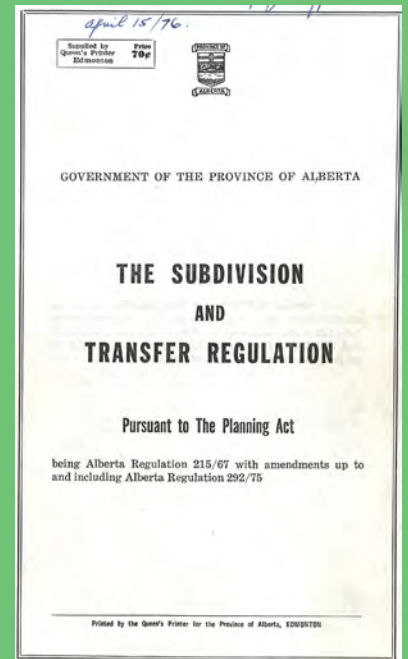
Grassy Lake: A Story of Change

It's clear that the corporate status of a community isn't a pre-requisite to its ability to grow, as evidenced by the significant growth the Hamlet of Grassy Lake has experienced over the past 25 years. At the time of dissolution in 1996, Grassy Lake had a population of 327 persons. According to the 2021 federal census, Grassy Lake's population is 856. The Hamlet serves an important role in advancing the MD of Taber's Municipal Development Plan goals to accommodate higher density residential development within hamlets and bolster their economic viability and service centre function.

Concluding Remarks

Hamlets exist in a no-man's land on the spectrum of organized communities – with some ability for recognition but little in terms of status. For rural municipalities, promoting hamlet development helps to serve the objective of preserving farmland, while also allowing for some diversification of the assessment base. When a hamlet thrives, it can be a useful service centre with employment generating uses and recreational amenities. A strong sense of place is attached to historic hamlets that sometimes contain nothing more than a general store, community hall and a postal box (like Twin Butte in the MD of Pincher Creek). Whether or not a hamlet is on a growth trajectory to reach critical mass and an opportunity for incorporation is irrelevant to the fact that hamlets must continue to be safeguarded as an important part of the rural municipal landscape.

It is common for hamlets to be unserved or partially serviced with water and sewer. The lot size requirements found in most Land Use Bylaw's in the ORRSC Region come from the 1967 Subdivision and Transfer Regulation pursuant to the Planning Act. The Act stipulated a minimum lot size for single-unit residential use of 10,000 ft² for lots with only sewer servicing; 15,000 ft² for lots with only water servicing; and 20,000 ft² (or 0.45 acres – the same as is in Section 59 of the MGA) for lots not having any services.



For more information on this topic contact admin@orrsc.com or visit our website at orrsc.com.

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