

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
MD of Pincher Creek Council Chambers
June 3rd 2025
6:30 pm
Agenda

1. Adoption of Agenda

2. Minutes

- a. Meeting Minutes of May 6th, 2025

3. Closed Meeting Session

4. Unfinished Business

5. Development Permit Applications

- a. Development Permit Applications No. 2025-08
Castle Mountain Resort
Block 2, Plan 9711992 within CMR
Recreational Accommodation, Commercial Highway – Variance & Wash House
- b. Development Permit Application No. 2025-09
Glenda Kettles o/a Dam Campground
Block OT; Plan 2420JK within NE 27-4-28 W4
Recreational Accommodation – Commercial Highway & Accessory Building
- c. Development Permit Application No. 2025-27
Jeffrey & Kim Fortin
Lot 2, Block 7, Plan 8410592 within Beaver Mines
Tourist Home
- d. Development Permit Application No. 2025-30
Ataya Zeller
SE 7-6-1 W5
Secondary Farm Residence
- e. Development Permit Application No. 2025-31
Henry Hofer for The Hutterian Brethren Church of Waterton
SW 3-4-28 W4
Secondary Farm Residence

6. Development Reports

- a. Development Officer's Report
- Report for May 2025

7. New Business

8. Correspondence

- a. **May 2025 Communicator**

b. **Previously Missed – ORRSC Periodical Spring 2025**

9. **Next Regular Meeting – July 2nd, 2025**

10. **Adjournment**

**Meeting Minutes of the
Municipal Planning Commission
May 6th, 2025 6:30 pm
MC of Pincher Creek Council Chambers**

ATTENDANCE

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

Staff: CAO Roland Milligan, Development Officer Laura McKinnon

Planning
Advisor: ORRSC, Senior Planner Gavin Scott

Absent:

Member at Large Laurie Klassen called the meeting to order, the time being 6:37 pm.

1. ADOPTION OF AGENDA

Councillor Dave Cox 25/033

Moved that the agenda for May 6th, 2025, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor John MacGarva 25/034

Moved that the Municipal Planning Commission Meeting Minutes for April 1st, 2025 be approved as amended.

Carried

3. CLOSED MEETING SESSION

Councillor Dave Cox 25/035

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 6:38 pm.

Carried

Councillor Jim Welsch 25/036

Moved that the Municipal Planning Commission open the meeting to the public, the time being 7:49 pm.

Carried

4. **UNFINISHED BUSINESS**

5. **DEVELOPMENT PERMIT APPLICATIONS**

- a. **Development Permit Application No. 2025-09
Glenda Kettles o/a Dam Campground
Block OT; Plan 2420JK within NE 27-4-28 W4
Recreational Accommodation – Commercial Highway & Accessory Building**

Councillor Tony Bruder

25/037

Moved that Development Permit No. 2025-09, for Recreational Accommodation – Commercial Highway & Accessory Building, be tabled pending further information from the applicant regarding the fence location, Alberta Transportation approval, concept plan (& accessory building aesthetics) and water usage.

- b. **Development Permit Application No. 2025-10
Link Builders for Kristopher Tillack
Lot 1, Block 1, Plan 2410864 within NW 35-5-28 W4
Single Detached Residence & Garden Suite**

Reeve Rick Lemire

25/038

Moved that Development Permit No. 2025-10, for a Single Detached Residence and change of use to Garden Suite, be denied subject to the following Reason(s):

Reason(s):

1. That, it is the opinion of the Municipal Planning Commission that the application does not meet the criteria of Section 49.1 of Land Use Bylaw 1349-23. Section 49.1 requires that “the Garden Suite shall be used to house individuals providing care to or receiving care from the resident(s) of the principal building”. The Municipal Planning Commission does not deem, that according to the information provided, that the individuals (parents) proposed to be living in the Garden Suite would be relying on the applicant for assistance at this time, therefore not meeting the definition of Section 49.1.

Informative

The applicant may apply for a Secondary Suite which is defined under Section 49.5 of Land Use Bylaw 1349-23 – Section 45.5 (b) “in all districts where listed as a permitted or discretionary use, a secondary suite maybe considered as a basement suite, a garage suite under the roof of the principal dwelling, and as a single storey at grade garage suite.” Or 49.5 (c) in the “Agriculture – A, Airport Vicinity Protection – AVP, Grouped Country Residential– GCR,

Urban Fringe – UF, Wind Farm Industrial – WFI districts where listed as a permitted or discretionary use, a secondary suite may be considered as a second storey garage suite.”

c. Development Permit Application No. 2025-19
Dave & Sandra Dalzell
Lot 16; 15;; within NE 1-5-30 W4
Secondary Farm Residence

Councillor Tony Bruder

25/039

Moved that Development Permit No. 2025-19, for Secondary Farm Residence, 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 the applicant adhere to conditions set forth within the required Alberta Transportation Roadside Development Permit, to be attached to and from part of this permit.
3. That the old residence must be removed and the new residence be constructed at the same location, as depicted in the submitted and approved site plan.

Waiver(s):

1. That a waiver be granted from Land Use Bylaw 1349-23, section 42.3 “one or more additional dwelling units may be located on a parcel provided that: (a) all such dwellings are secondary farm residences on a parcel that has an area greater than 32.4 ha (80ac) and this use is a permitted or discretionary use in the applicable district” for a secondary farm residence on a 27.08 ha (66.92 ac) parcel.

d. Development Permit Application No. 2025-21
Daniel Desabrais
Lot 4, Block 1, Plan 1612164 within NW 26-7-2 W5
Moved-In Residential Building

Councillor John MacGarva

25/040

Moved that Development Permit No. 2025-21, Moved-In Residential Building, 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 the home be placed on a basement or foundation to the satisfaction of the National Building Code, Alberta Edition.
3. That this development be constructed as per the submitted and approved plans.

6. **DEVELOPMENT REPORT**

- a. Development Officer's Report

Reeve Rick Lemire 25/041

Moved that the Development Officer's Report, for the period April 2025, be received as information.

Carried

7. **NEW BUSINESS**

- a. Recreational Accommodation, Family

8. **CORRESPONDENCE**

- a. ORRSC Periodical Spring 2025

9. **NEXT MEETING** – June 3rd, 2025; 6:30 pm.

10. **ADJOURNMENT**

Member at Large Laurie Klassen 25/042

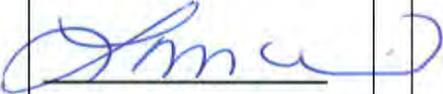
Moved that the meeting adjourn, the time being 8:02 pm.

Carried

Chairperson Jeff Hammond
Municipal Planning Commission

Development Officer
Laura McKinnon
Municipal Planning Commission

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2025-08 Applicant: Castle Mountain Resort Location: Block 2, Plan 9711993 within CMR Division: 3 Size of Parcel: 7.67 ha (18.95 Acres) Zoning: Castle Mt. Resort Seasonal Residential (CMSR) Development: Recreational Accommodation, Commercial Highway – Variance & Wash House		
PREPARED BY: Laura McKinnon	DATE: May 30, 2025	
DEPARTMENT: Planning and Development		
Signature:		ATTACHMENTS:
		1. Development Permit Application 2025-08 2. Proposal from CMR 3. Site Plan 4. Wash House Drawing 5. GIS Site Plan
APPROVALS:		
_____	_____	_____
Department Director	Date	Roland Milligan CAO
		Date

RECOMMENDATION:

That Development Permit Application No. 2025-08, for Recreational Accommodation, Highway Commercial for 42 year-round RV sites and Wash House, 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 the applicant adhere to conditions set forth within the required Alberta Transportation Roadside Development Permit, to be attached and form part of this permit.
3. That the campsites be organized as depicted in the site plan and that all trailers face in the same direction.
4. That this development be constructed and operated as per the submitted and approved plans.
5. That all current and future provincial approvals regarding this development be submitted to the Development Officer.

Recommendation to Municipal Planning Commission

Waiver(s):

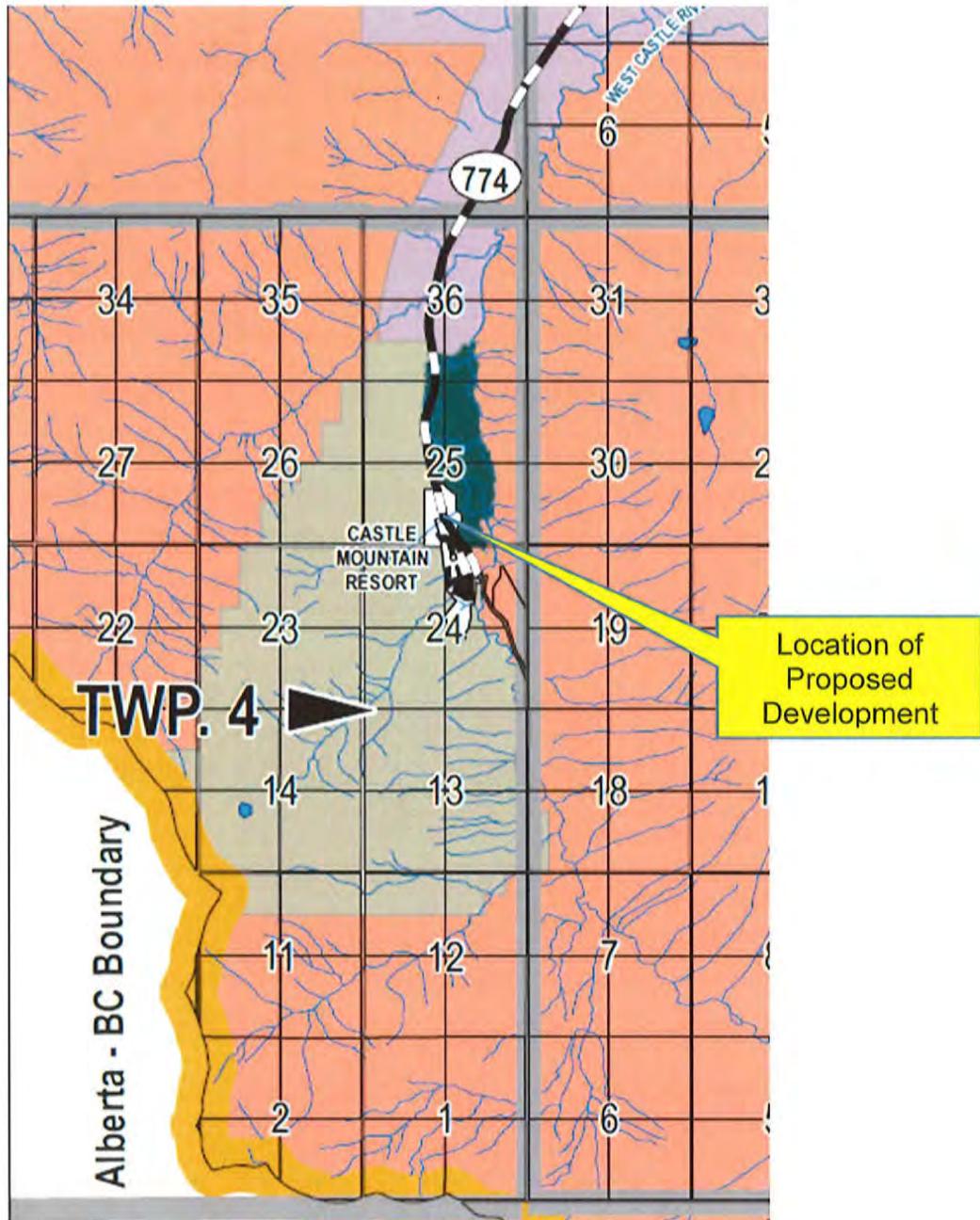
1. That a variance be granted from the Minimum Lot Size – Seasonal Residential Lots of 100m² (1076.4 ft²) for three different lot sizes of 108 m² (1162.5 ft²), 78 m² (839.58 ft²) and 60 m² (645.83 ft²).

BACKGROUND:

- On February 28, 2025, the MD accepted the Development Permit Application No. 2025-08 from applicant Castle Mountain Resort (*Attachment No. 1*). The applicant hosted an Open House on March 1, 2025 to propose the concept to current RV lease holders. MD of Pincher Creek Development Officer did attend the Open House.
- The applicant has submitted a concept plan of the RV relocation and upgrade (*Attachment No. 2*).
- This application is being placed in front of the MPC because:
 - Within the Castle Mt. Resort Seasonal Residential (CMSR) Land Use District, a variance is a discretionary use.
- Recreational Accommodation, Commercial Highway and Wash House are permitted uses within Land Use Bylaw 1349-23 within Castle Mt. Resort Seasonal Residential Land Use District.
- The application is for 42 lots at this time, in order to accommodate the move for current RV lease holders to the new location (*Attachment No. 3*). Additionally, they are applying for a new wash house to be shared by leaseholders (*Attachment No. 4*).
- A variance is required because within Land Use Bylaw 1349-23, the Minimum Lot Size – Seasonal Residential Lots is 100m² (1076.4 ft²) and the applicant is proposing three different lot sizes, in order to accommodate the topography and trailer sizes (*Attachment No. 5*).
- Administration accepted the Open House as circulation to adjacent landowners, and at the time of writing this report, has no concerns to report.

Recommendation to Municipal Planning Commission

Location of Proposed Development





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. 2025-08

Date Application Received Jan 17/25

PERMIT FEE \$100 Permitted \$150 Discretionary

Date Application Accepted May 13/25

RECEIPT NO. _____

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 Mountain Resort

Address: PO Box 610, Pincher Creek Alberta

Telephone: 403 627 5101 Email: [REDACTED]

Owner of Land (if different from above): _____

Address: _____ Telephone: _____

Interest of Applicant (if not the owner): _____

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:

Development of a 42 site RV park; please see developmeent package and site plan.

Legal Description: Lot(s) _____

Block 2

Plan 9911497

Quarter Section 25

Estimated Commencement Date: November 1 2024

Estimated Completion Date: November 1 2025

SECTION 3: SITE REQUIREMENTS

Land Use District: Castle Mountain Resort Seasonal Residential 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)

See site plan, washhouse building plan, information package and input from Q&A session

ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site	6.7 Acres		
(2) Area of Building	720 sq/ft.		
(3) % Site Coverage by Building (within Hamlets)	—		
(4) Front Yard Setback Direction Facing: W	81M	2.5M (82ft)	Yes
(5) Rear Yard Setback Direction Facing: E	43M	2.5M (82ft)	Yes
(6) Side Yard Setback: Direction Facing: N	19.9M	2.5(M)(82ft)	Yes
(7) Side Yard Setback: Direction Facing: S	13.4M	2.5M (82ft)	Yes
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

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

Site plan, development package

SECTION 4: DEMOLITION

Type of building being demolished : N/A

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: 01/17/2025

Applicant

 Registered Owner

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

IMPORTANT NOTES:

THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.

1. In addition to completing this application form in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provision for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances;
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-refundable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. All development permits shall contain the following informative:

“ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER.”
5. In accordance with the *Municipal Government Act*, a development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

A decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 21 days, of the expiry of the decision date.
6. Every approach to a residence is entitled to a civic address sign, supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.

RV Development Proposal: Year-Round RV Park Castle Mountain Resort

1. Project Overview

Project Name: Castle Mountain Resort – Year-Round RV Park Development

Location: Castle Mountain Resort

Project Type: Relocation and upgrade of 42 RV sites

Timeline: November 1 2024-November 1 2025

Castle Mountain Resort is comprised of a village with over 100 dwellings, including single family, commercial and multi-family buildings. Within the village footprint, there are currently RV sites that are used multi-season and serviced electrically with access to a washhouse located in the southeast corner of the resort.

The RV park at Castle Mountain Resort is a long standing piece of the community, providing accommodation options for a reasonable rate. The RV park is currently located in the south and east portions of the village. The Master Development Plan has identified the area at the south end of the parking lot where most of the RVs are currently located as Phase 5 and is on schedule to be the next developed land. An area located on the east side of the maintenance shop has been identified as the new RV park location. The area is zoned

The Phase 5 development area is crucial to the future financial sustainability of the resort. It includes not only land for development but parking area as well.

As per policy 5.13.13, this area is designated in the Castle Mountain Resort Area Structure Plan as Castle Mountain Resort Seasonal Recreation with the following description: “Recreational vehicles provide non-permanent low cost accommodation for the resort. Upon redevelopment of the existing RV site, a new site of 50 stalls may be constructed. To support the needs of RV users, a central common building may be constructed to provide restroom, shower, laundry, meeting area and common kitchen facilities.” The purpose of this project is to move 42 sites with room to expand in future years from the current RV Area to a new RV site development on the north end of the resort, below the maintenance shop. This area is zoned as Seasonal Residential. This will be a year-round RV development.

This proposal outlines the development of a **50-site year-round RV park** at Castle Mountain Resort, with the primary goal of relocating the existing RV sites to a new, upgraded location. The project will provide modern amenities and enhanced infrastructure to cater to seasonal and year-round RV users, offering a unique recreational experience in the picturesque landscape of Castle Mountain Resort.

The sites have been classified into 3 classes:

- Class A – 6mx18m
- Class B – 6mx13m
- Class C– 6mx10m

Sites have been classified in a way to provide approximate sizes that suit the most common trailer and RV units. While every effort will be made to adhere to the planned sizes, topography and other environmental factors will be taken into consideration when building to ensure a healthy and safe environment and may attribute to sizes being smaller or larger.

2. Project Objectives

- **Relocation of Sites:** Move up to 50 RV sites from the existing area to a new, improved location within Castle Mountain Resort, Alberta. This will be completed in phases with 42 coming in 2025 and additional in future years.
- **Year-Round Operation:** Design the park for year-round use, providing infrastructure that supports both winter and year-round RV users.
- **Enhanced Amenities:** Upgrade and add new amenities to improve the experience for visitors, including:
 - Full 30 Amp Service to each site.
 - High-speed internet, provided by third parties
 - On-site laundry, toilet and shower facilities in an updated washhouse location with a gray water receptacle.
- **Sustainability and Eco-friendly Design:** Incorporate green initiatives, such as energy-efficient utilities, waste management, and landscaping that blends with the natural environment.
- **Economic Growth:** Drive tourism and provide a boost to the local economy by offering a high-quality RV park for both visitors and long-term tenants.

- **Continuation of Community:** The RV park at Castle Mountain Resort has a long history as a unique asset of the resort and its community.
-

3. Demand for a Year Round RV Park at Castle Mountain Resort

Castle Mountain Resort is a popular winter destination for skiers, snowboarders and outdoor enthusiasts. There is currently a multi-year waiting list for winter RV spots that has been ongoing for the past 20+ years. These spots also account for a significant portion of season pass sales, which improves the financial sustainability of the resort.

4. Project Scope and Plan

Site Development

- **Site Relocation:** The new location has been selected based on accessibility, topography, and environmental impact. All sites will be designed for optimal privacy, safety, and convenience. Sites have been categorized into 3 main sizes in order to fit an appropriate size RV and make best use of natural land and space. While every effort will be made to stay with proposed size, topography, soil and environmental factors will be taken into account while building. Approximate site sizes are below:
 - **Class A:** 6mx18m
 - **Class B:** 6mx13m
 - **Class C:** 6mx10m
- **Utilities & Infrastructure:** Sites will have upgraded electrical service, providing a safer, better experience for users. All sites will have a 30Amp service installed in a pedestal. The washhouse is centrally located on a 0.2ac plot. The building blueprint has been attached and the building permit will be submitted via a separate permit.
- **Access Road, Parking, and Snow Storage:** Safe, durable roadways and parking areas will be established for ease of access, especially during winter months. Roads will be designated one-way and will be a minimum of 5m wide, with the intention that the steeper lane roads will be 10m wide. Parking will be at the south end of the RV area and in the North parking lot. Users will be able to unload at their site but will not be permitted to park at the site. Snow storage areas are set between loops to

provide designated space for snow. In between sites, there will be a 3.5-5m buffer. This buffer will be left natural, without development permitted.

- **Landscaping and Green Spaces:** The development will prioritize eco-friendly landscaping that complements the natural beauty of the region. The development will also be “FireSmart”, through tree thinning and ground fuel removal as the sites are put in. There is additional space set aside for the area around the washhouse to provide a communal recreation area.

Amenities

- **Electrical Hookups:** Each RV site will include a 30 amp electrical hook up.
- **Wi-Fi & Communication:** High-speed internet is available through a third-party operator.
- **Common Areas:** Includes community fire area and washhouse with laundry facilities.
- **Service Facilities:** On-site laundry and washhouse.

Timeline & Milestones

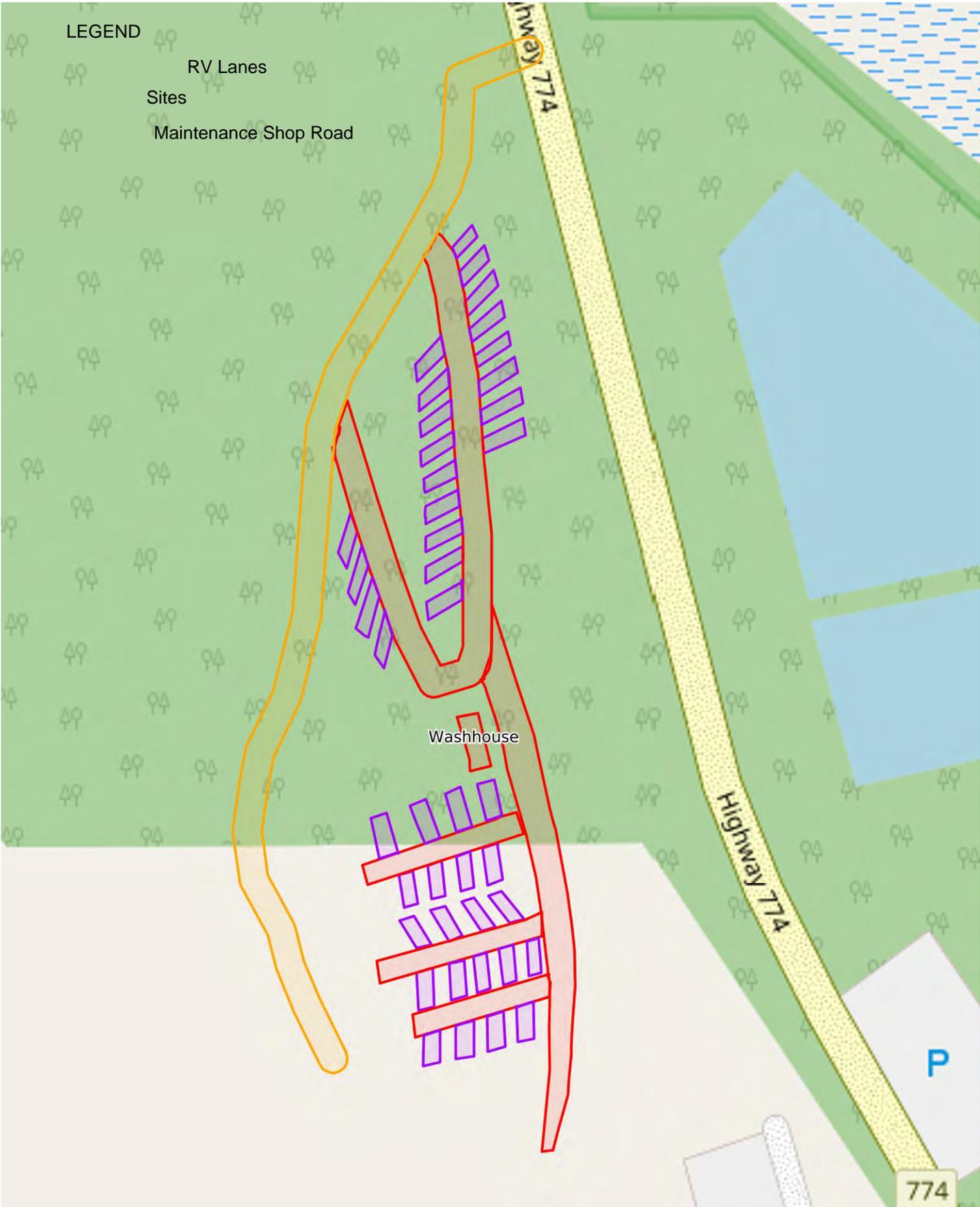
1. **Phase 1** (Planning & Permitting):
 - Finalizing the design and layout of the RV park.
 - Securing development permit from the MD of Pincher Creek.
 - Target completion: June 15, 2025
2. **Phase 2** (Site Preparation & Construction):
 - Clearing and preparing the land.
 - Submit permit for washhouse
 - Infrastructure installation (water, power, sewage for washhouse and power for sites)
 - Road construction and site leveling.
 - Target completion: September 30, 2025
3. **Phase 3** (Final Touches & Opening):
 - Installation of amenities, landscaping, and final inspections.

- Marketing and grand opening.

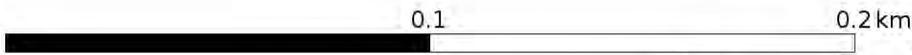
Target completion: October 1, 2025

LEGEND

- RV Lanes
- Sites
- Maintenance Shop Road



Mercator Projection
WGS84
UTM Zone 11U

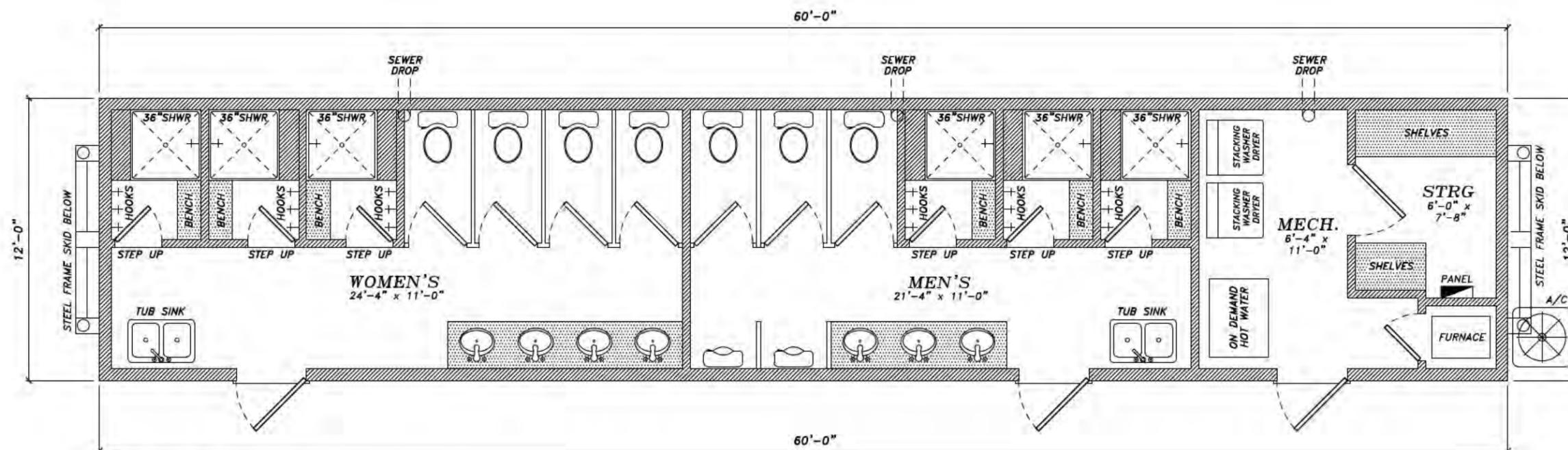
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PARKLAND MODULAR
 EQUIPMENT & BROKERAGE
 PO BOX 4084
 30 ALBERTA AVENUE
 SPRUCE GROVE, AB. T7X 3B3
 CONTACT: KELVIN STEINKE
 PHONE: (780) 221 5494

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CHANGES AND AMENDMENTS:



FLOOR PLAN

TOTAL FLOOR AREA: 720 SQ.FT.

RG DRAFTING & DESIGN

26-1030 TWP RD 544
 STURGEON CT, AB. T8R 2M7
 CONTACT: RYAN GAGAN
 PHONE: (780) 263 8182
 RYANGAGAN@LIVE.CA

Date JAN. 30, 2025	File No. 5105
Designer R.G.	Drawn by R.G.
Scale 3/16"=1'-0"	Page 1 of 1

2025-08 - Aerial



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.



2025-08 - Area for RV Development

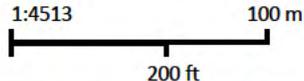
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All information depicted is subject to change, therefore the Municipal District Of Pincher Creek assumes no responsibility for discrepancies at time of use. Please note, average accuracy of the displayed data is: +/- 10m.



1:4513



100 m
200 ft



SE25 4-4-5



2025-08 - Previous RV Location



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.



1:2256

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200 ft

NE24 4-4-5

991 1497

Previous RV Area

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121 1214

091 3558

071 2207

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051 2644

051 2644

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121 1214

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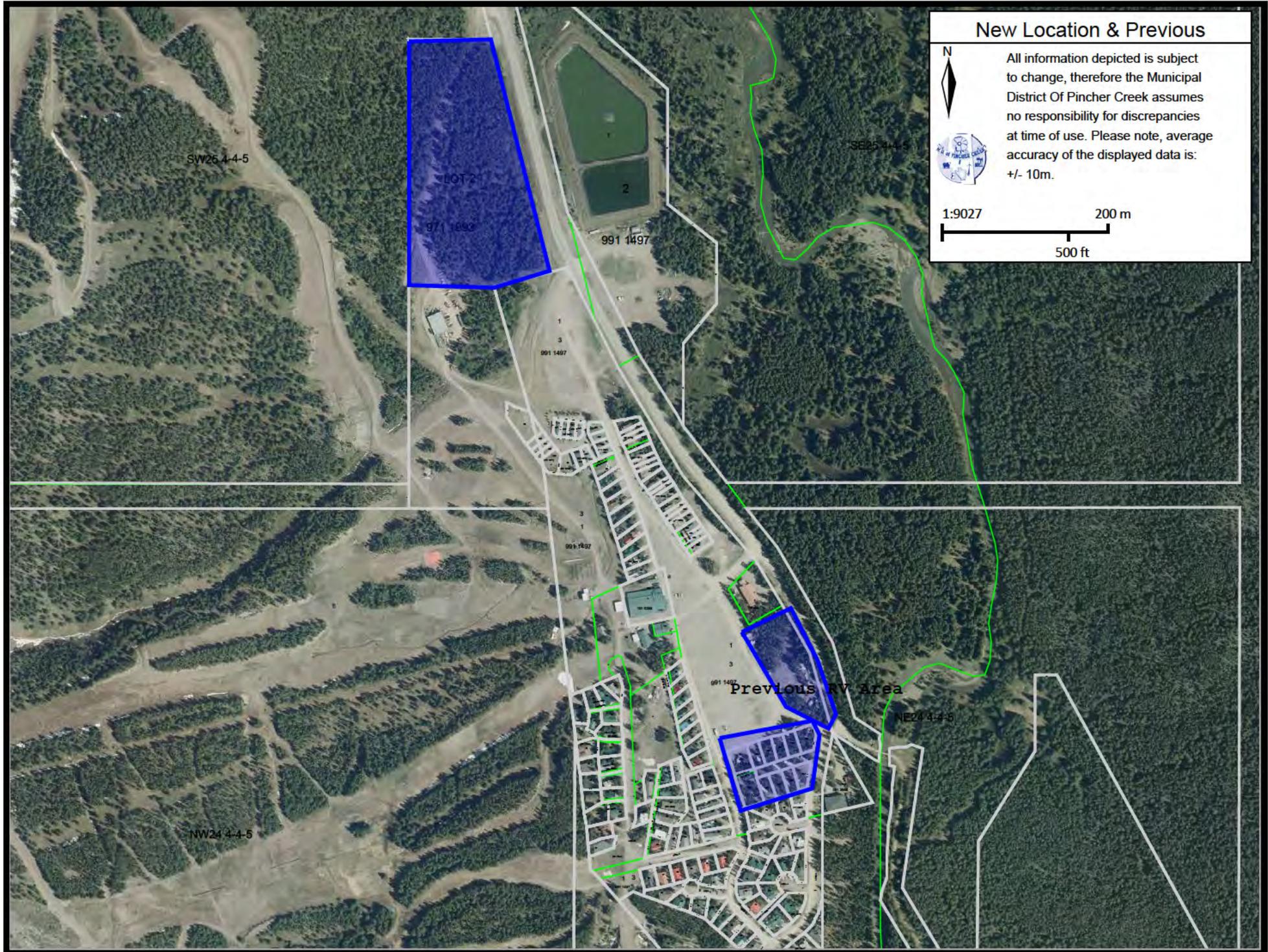
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New Location & Previous

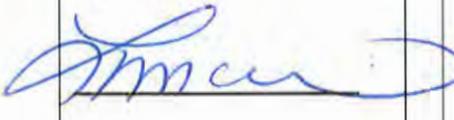
All information depicted is subject to change, therefore the Municipal District Of Pincher Creek assumes no responsibility for discrepancies at time of use. Please note, average accuracy of the displayed data is: +/- 10m.

1:9027 200 m

500 ft



Recommendation to Municipal Planning Commission

TITLE: Applicant: Location: Division: Size of Parcel: Zoning: Development:	DEVELOPMENT PERMIT No. 2025-09 Glenda Kettles o/a Dam Campground Block OT; Plan 2420JK within NE 27-4-28 W4 1 62.24 ha (25.44 Acres) Rural Recreation-1 (RR-1) Recreational Accommodation, Commercial Highway & Accessory Building		
PREPARED BY: Laura McKinnon		DATE: May 28, 2025	
DEPARTMENT: Planning and Development			
Signature: 		ATTACHMENTS: 1. Email from Glenda re: Fence Location 2. Alberta Transportation Approval 3. Dam Campground Concept Plan 4. Development Permit Application 2025-09 5. GIS Site Plan 6. Letter from Applicant 7. Tree Planting Aerial 8. Adjacent Landowner Comments	
APPROVALS:			
<hr style="width: 80%; margin: auto;"/>	<hr style="width: 80%; margin: auto;"/>	Roland Milligan <hr style="width: 80%; margin: auto;"/>	
Department Director	Date	CAO	Date

RECOMMENDATION:

That the Development Authority rescind Development Permits 2023-16 and 2024-19

AND That Development Permit Application No. 2025-09, for 30 Seasonal Campsites and Accessory Buildings, 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 garbage storage is required to be in bear proof containers**
- 3. That this development meets the National Building Code – Alberta Edition for Campground Washrooms requirements.**
- 4. That the applicant adhere to conditions set forth within the required Alberta Transportation Roadside Development Permit, to be attached and form part of this permit.**
- 5. That the campsites be organized as depicted in the site plan and that all trailers face in the same direction.**

Recommendation to Municipal Planning Commission

6. That each lot be limited to one accessory building for either storage or outdoor kitchen purposes, that does not exceed 9.29 m² (100 ft²).
7. That this development is seasonal (May-October) and that the storage of RVs on site is prohibited
8. That this development be constructed and operated as per the submitted and approved plans.
9. That all current and future provincial approvals regarding this development be submitted to the Development Officer.
10. That no underground waterlines, potable or non-potable, be developed without approval.

Informative(s):

1. That no further seasonal sites be permitted unless rezoning occurs.

BACKGROUND:

June 3rd 2025 Update

- At the May 6th 2025 MPC meeting, Development Permit Application No. 2025-09 was tabled pending further information;
 - Fence location (*Attachment No. 1*)
 - Alberta Transportation Approval (*Attachment No. 2*)
 - Concept plan & accessory building aesthetics (*Attachment No. 3*)
 - Water usage (*Attachment No. 3*)
- The applicant was able to provide the attached information as requested.
- Additionally, Reeve Lemire and Councillor Bruder attended an Intermunicipal Development Plan Committee Meeting on May 20, 2025 with Cardston County committee members and administration. As depicted in the comments from Cardston County, the main concerns are the overall use and management of the Waterton Dam Area.

May 6th 2025 MPC Information

- On March 28, 2025, the MD accepted the Development Permit Application No. 2025-09 from applicant Glenda Kettles o/a The Dam Campground. (*Attachment No. 4*).
- This development has been in operation since 2023, starting at 12 seasonal lots (Development Permit 2023-16) and then an additional 10 lots in 2024 (Development Permit 2024-19). The applicant has reconfigured the site plan from 2024, to fit 8 final lots, which do border along Hwy 505 (*Attachment No. 5*)
- The applicant wrote a letter stating her reasons for increasing the number of lots to 30 (*Attachment No. 6*).
- The reasoning for rescinding permits 2023-16 and 2024-19 is to ensure that administration has a final tally and does not have to dig back historically to ensure the amount of lots are correct.
- This application is being placed in front of the MPC because:

Recommendation to Municipal Planning Commission

- Within the Rural Recreation 1 (RR-1) Land Use District, Recreational Accommodation, Highway Commercial is a Discretionary Use.
- The applicant is additionally asking for each lot to be allowed one (1) accessory building, to a maximum size of 9.29 m² (100ft²) for storage purposes, or to be used as an outdoor camp kitchen. Lease holders are responsible for all their own belongings and would be responsible for providing accessory building specs to the applicant.
- The applicant has planted a significant number of trees, to shelter the sites from the wind and elements, but also created an esthetically pleasing campsite area (*Attachment No. 7*).
- The application was forwarded to the adjacent landowners for comment; two responses were received at the time of this report being written (*Attachment No. 8*).

Fence location

From Glenda Kettles <damcampground@gmail.com>

Date Tue 2025-05-27 3:11 PM

To Laura McKinnon <AdminDevOfr@mdpincercreek.ab.ca>

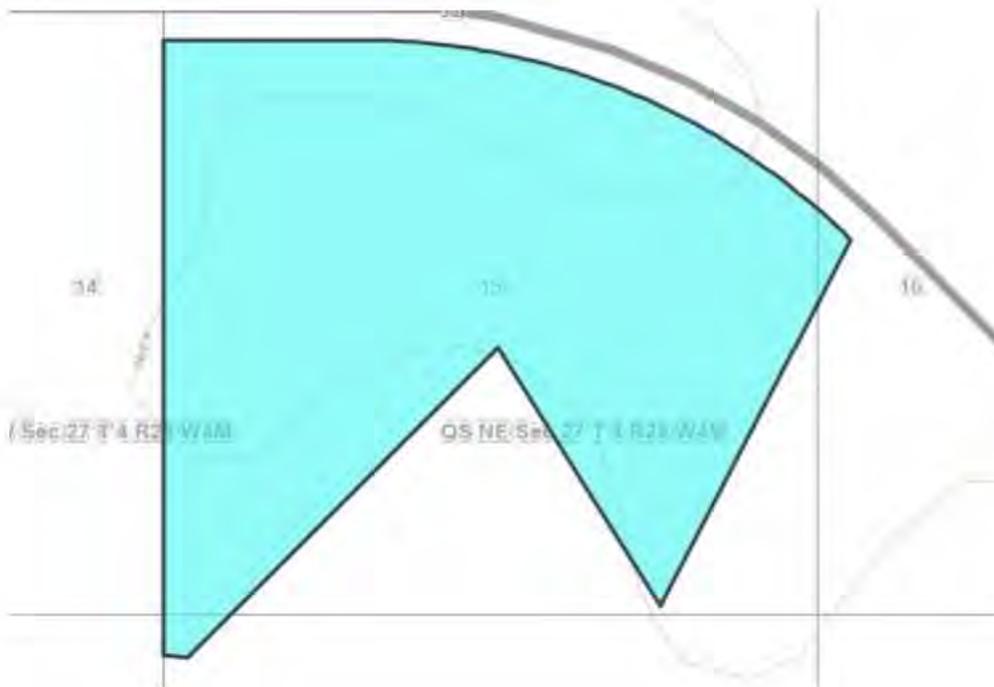
Hi Laura,

Here's some clarification as to the fence Alberta parks mentioned. It's not a property "boundary" fence. We put it up to keep neighboring cattle away from the new trees. We are currently waiting for Alberta Parks to produce the property survey they were going to have done last year along the east and south property lines.

~Glenda

Transportation and Economic Corridors Permit
Request for Development Permit - On Private Property
in Proximity of a Provincial Highway - Approved

Permit Number:	2025-0050391	Highway(s):	505
Issued to (Permittee):	Glenda Kettles Pincher Creek Alberta T0K 1W0 [REDACTED]		
Legal Land Location:	QS-NE SEC-27 TWP-004 RGE-28 MER-4	Municipality:	M.D. of Pincher Creek No. 9
Approved By:	Leah Olsen	Issuing Office:	Southern Region / Lethbridge
Issued Date:	April 25, 2025		
Description of Development:	Additional 10 sites on seasonal campground, with each lot having the option of a 10x10 accessory building.		



Transportation and Economic Corridors Permit No. **2025-0050391** is issued to the above named Permittee under authority of Section 14 of the *Highways Development and Protection Act* (the Act) authorizing the development(s) listed herein, and a further application is required for any changes or additions.

The approved site plan forms a part of this permit and any changes to the approved site plan will require an amendment or a new permit application.

This permit is subject to the following terms and conditions, which should be carefully reviewed:

1. This permit is subject to the provisions of Section 11-19 inclusive of the Highways Development and Protection Act (Chapter H-8.5 2004), amendments thereto, and Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto.
2. This permit is issued subject to any other municipal, provincial, or federal approvals that may be required. Issuance of a permit by Transportation and Economic Corridors does not guarantee the permittee will be able to obtain other required approvals and does not excuse violation of any regulation, bylaw, or Act that may affect the proposed development.
3. The Permittee consents to a person designated by Transportation and Economic Corridors to enter upon land during construction and again upon completion of construction for the purpose of inspection to ensure the terms and conditions of this permit are met.
4. All works authorized by this permit shall be constructed, altered, maintained or operated at the sole expense of the Permittee. The permittee expressly waives any right to claim damages or compensation (including injurious affection) for development, signs or other encumbrances that are placed in an area required for future widening of the highway right of way for highway improvement purposes
5. In consideration of the permit issued in respect to this development, the Permittee shall indemnify and hold harmless Transportation and Economic Corridors, its employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly from anything done or omitted to be done in the construction, maintenance, alteration or operation of the works authorized.
6. The Permittee shall conform to the approved site plan. Failure to conform to the approved site plan without an approved amendment may result in enforcement measures as laid out in the Act
7. The proposed development is to be set back from the highway right of way, as shown on the attached site plan. No encroachment within this setback distance is permitted without an amendment to this permit.
8. No new direct highway access will be permitted. Access shall be via the local municipal road or existing access.
9. Any yard lights, area lighting or other lights that are considered distracting to the motoring public, or create a traffic hazard, are not permitted.
10. Transportation and Economic Corridors is under no obligation to reissue a permit if the development is not commenced before expiry of this permit.

11. This permit approves only the development contained herein, and a further application is required for any changes or additions.
12. Pursuant to Section 11(2) of the Highways Development and Protection Regulation, a permit for a sign is not required for a business identification sign for this development provided that the sign is located no closer to the highway than the proposed building or is no more than 30m from either side of the building. If a proposed sign does not meet these requirements the landowner shall submit a separate sign application.
13. Transportation and Economic Corridors accepts no responsibility for the noise impacts or other impacts of highway traffic upon any development or occupants thereof.

Failure to comply with the terms and conditions of this permit is an offense pursuant to Section 35 of the Highways Development and Protection Regulation (the Regulation), and may result in enforcement or penalties as described in Section 55 of the Act and Section 35-36 of the Regulation.

This permit is valid for a period of **two years from the date of issuance**. If the works authorized by this permit have not commenced within this timeframe, the permit expires and the Permittee must submit a request for an extension, or reapply for a new permit, if they wish to proceed. Transportation and Economic Corridors is under no obligation to reissue a permit if the development is not commenced before expiry of this permit.

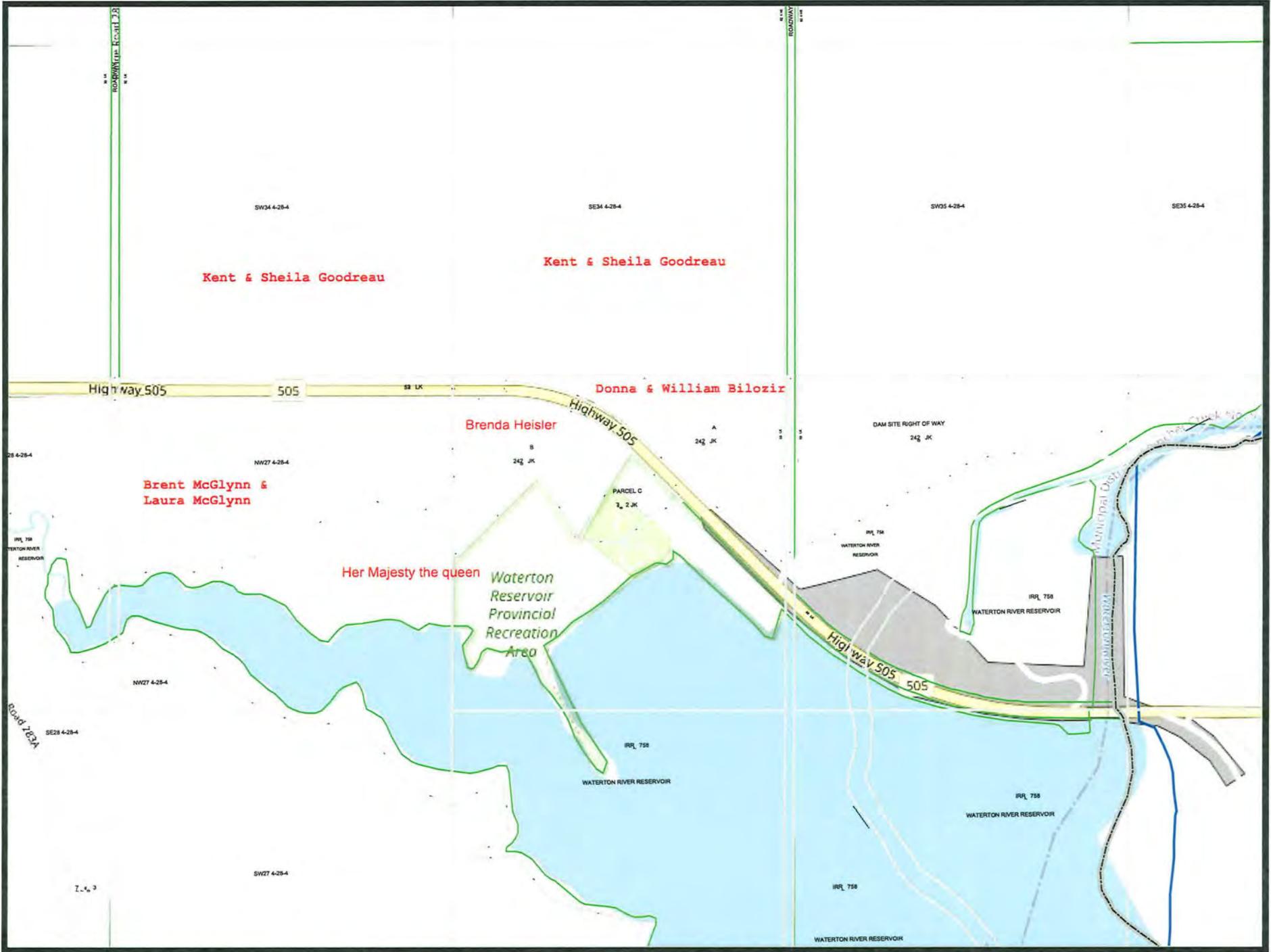
Please contact Transportation and Economic Corridors through [RPATH application](#) if you have any questions, updates, additions, or require additional information.



Issued by **Leah Olsen, Development and Planning Tech**, on **April 25, 2025** on behalf of the Minister of Transportation and Economic Corridors pursuant to *Ministerial Order 52/20 – Department of Transportation and Economic Corridors Delegation of Authority*







Application For
Glenda Kettles

NE 28-04-27-W4 containing 7.9 acres in the
MD of Pincher Creek,
Alberta

January 2021

Revised for clarification 2025

Table of Contents

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1.2 Conceptual design

2. Current Conditions and Land Use

2.1 Current Land Use

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2.3 Landscape and vegetation

2.4 Drainage

3. Planning and Policies

3.1 Plan concept

3.2 Roads

3.3 Plan Standards

4. Servicing Requirements

4.1 Lot access

4.2 Sewage disposal

4.3 Water Supply

4.4 Garbage storage and disposal

4.5 Fire protection

4.6 Communications

4.7 Bear Safety

5. Development Plan

5.1 Objectives of plan

5.2 Land use and population

5.3 Conceptual plan

6. Conclusion

1. Introduction

This plan is to accompany an application to extend the campground by 10 lots, also to include sheds an/or camp kitchens

1.1 Location

NE28-04-27-W4 Located on the north shore of The Waterton Reservoir adjacent to the Waterton Reservoir Provincial Campground and Recreation Area, South East of Pincher Creek off Hwy 6.

1.2 Conceptual Design

The land encompasses approximately 3.2 hectares (7.9 acres). The land use is intended for a seasonal campground comprising 30 large (60' X 80') single or double occupancy private lots.

2. Existing Conditions and Land Use

2.1 Existing Land Use

Currently the land is zoned as RR1

Land use in the immediate area include:

- Provincial campground/recreation area, day use beach, boat launch, and dock.
- Agriculture usage in the surrounding areas

Campground usage in this specific location is complementary to the immediate area. There will be a minimal effect on the development of existing or potential recreation amenities in the area. Due to the proximity with the Provincial campground and rec area this should create minimal impact to the existing agriculture operations in the area.

2.2 Site Opportunities

This site is remarkably scenic and easily accessible to water sport and activity with no investment from the MD. Lots created on this site will be highly desirable, quality development can be achieved.

2.3 Landscape and vegetation

The land is stable and mostly level with a slight slope to the Waterton Reservoir. See attached map. The Current berm is in place to protect against spring runoff. Vegetation consists mainly of grasses, with the addition of several hundred trees and shrubs providing a future shelterbelt to the west and a noise reducing shelterbelt to the north along Hwy 505.

2.4 Drainage

There will be a minimal amount of alteration to the current landscape that will affect existing drainage. a minimal amount of the development will be made through roadways and buildings, that will not have a negative effect on surrounding areas.

3. Planning and Policies.

3.1 Plan Concept

The intent of this plan is to provide a seasonal campground that allows for the enjoyment of water sports/activities of Waterton Reservoir, fishing in Cameron Creek and the beautiful prairies to Rockies landscape.

3.2 Roads

The safe and efficient use of the nearby highway provides excellent and easy access to the area.

3.3 Plan Standards

- a. Site envelope: No permanent structures, no winter storage of RV's. Non permanent Sheds/Kitchen/gazebos with a max height of 8' & 100 sq feet enclosed are permitted and limited to one per site to stay on site during off season. Color's will be kept to neutral/earth tones as per campground rules. See appendix A
- b. Roads:Gravel will be used to outline campsite roadways. They will be maintained to ensure safe and easy access to lots and highways.
- c. Pets: Non-Aggressive dogs are welcome providing they are always tethered and attended to. Failure to comply will result in eviction from the campground.

4. Servicing Requirements

4.1 Lot access

Vehicle access to the campground will be obtained from the existing highway.

4.2 Sewage disposal

Sewage (black and grey water) will be taken off site to a permitted dumping station.

4.3 Water

Water storage will be internal tanks located in campers, and rain collection tanks. Potable water will also be available via water truck on a weekly basis to meet the demands and provide enough for campers during their stay. Water access to the reservoir is pending for irrigation, basic cleaning and emergency services.

4.4 Garbage storage and disposal

Garbage will be stored on site within bear proof containers. Garbage will be disposed off site at an approved dumping station as needed.

4.5 Fire Protection

The campground has adopted the 'FireSmart Manual' supplied through Alberta Sustainable Resource Development. And the municipal fire department. Several water totes are placed strategically around the property in case of fire.

4.6 Communications

There are several cell towers within range of this site and provide excellent cell service.

4.7 Bear Smart

There are ongoing bear smart programs in the adjacent areas. We have adopted similar practices from information available through Alberta Fish and Wildlife. All garbage and food must be in bear safe containers. As per camp ground rules

5. Development Plan

5.1 Objectives

The Waterton Dam Campground will give the opportunity of camping and boating that is in high demand in the area.

- Promotes a family friendly environment, with access to water sports.
- Spacious annual campsites
- Has low impact on sensitive areas of the property.
- Helps support local businesses by promoting their products and services.

5.2 Land use and population

the estimated population of the campground would be 90-200 people. Based on an average of 3 people per lot at full capacity.

5.3 Site layout

Subject to amendments the attached map is the site layout.

- Proposed campsites.
- Garbage bin and porta potty locations
- Roadway and paths
- Recreation and Green space areas
- Future tree and vegetation placement

6. ConclusionThe Waterton Dam Campground will be a positive and beneficial in the MD of Pincher Creek





appendix A

STRUCTURES AND RENEWAL

43. No permanent structures of any type are allowed but certain temporary structures are. Dam Campground Management must approve all temporary structures including decks and sheds prior to installation or building as certain restrictions apply. If a temporary structure is built or installed prior to approval, both Dam Campground and the MD of Pincher Creek reserve the right to have the structure removed at the owner's expense. Temporary structures – (gazebos/camp kitchen or sheds for example) are limited to no more than 1, 100 square foot item per site with a max height 8' (decks are not included in this, for example; each full-time trailer may have a deck each and 1 shed or gazebo/camp kitchen to share on their site). If you choose not to renew your site, there may be a fee to fix any damage to the site caused by the temporary structure or landscape items such as pavers, for the reseeding of grass.



DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2025-09

Date Application Received 2025/02/13

PERMIT FEE \$100 Permitted \$150 Discretionary

Date Application Accepted

RECEIPT NO. 65724

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: GLENDA KETZLES / DAM CAMPGROUND

Address: P.O. Box 1635 PC, TOK 1W0

Telephone: 4 [redacted] Email: [redacted]

Owner of Land (if different from above): BRENDA HEISLER

Address: P.O. Box 2823 PC, TOK 1W0 Telephone: 403-627-2616

Interest of Applicant (if not the owner):

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:

INSTALL AN ADDITIONAL 10 LOTS ALONG THE NORTH SIDE OF CAMP GROUND.

Legal Description: Lot(s) NE 27-428 W4

Block

Plan

Quarter Section

Estimated Commencement Date: APRIL 1st 2025

Estimated Completion Date: MAY 30th 2025

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:	NA		
(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.

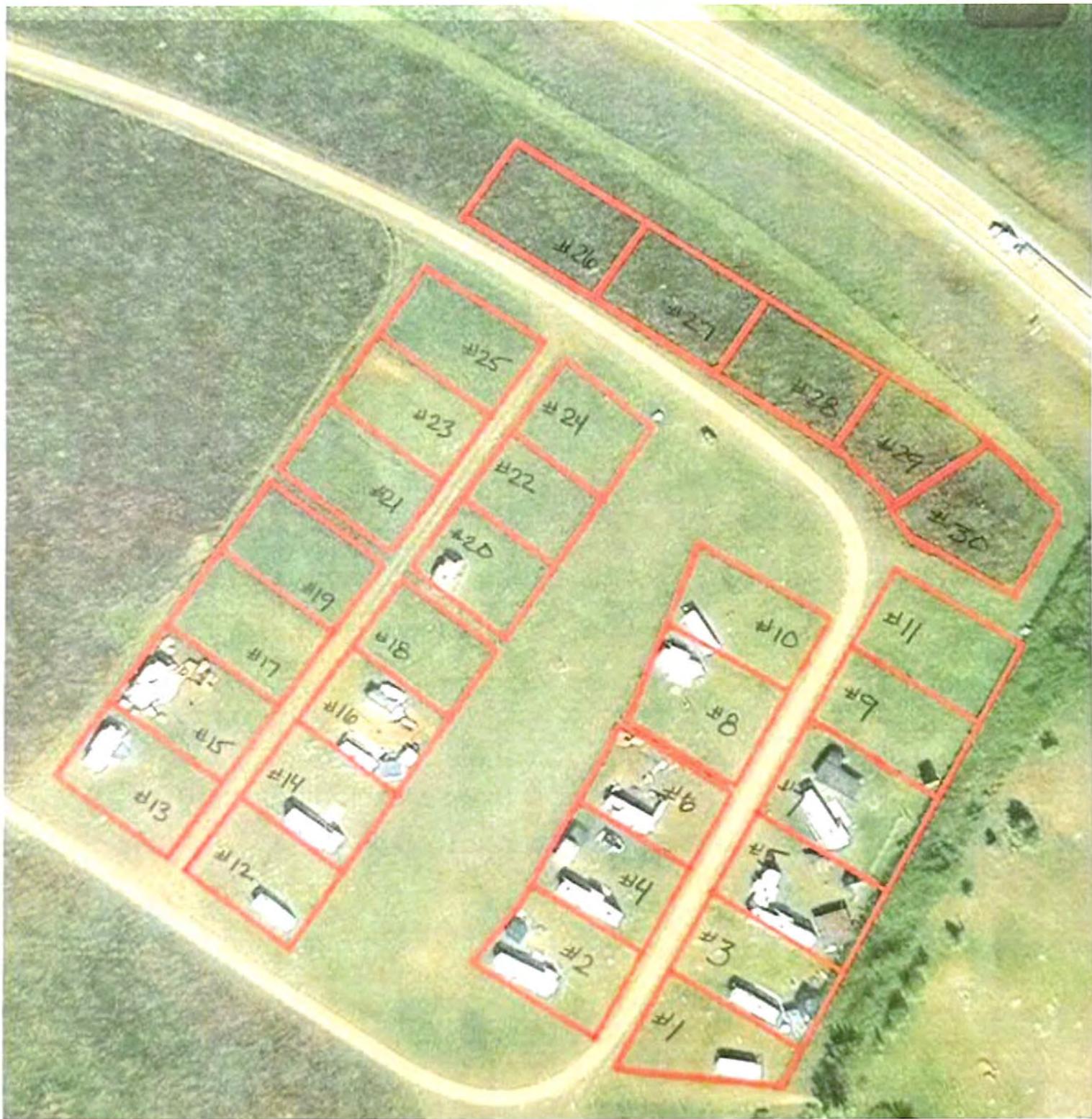
I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: Feb 12, 2025

Glenda Kettles
Applicant

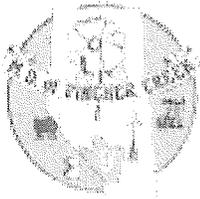
[Signature]
Registered Owner

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

Glenda Kettles Dam Campground

PAYMENT RECEIPT

Receipt Number:	65724
Date:	2/13/2025
Initials:	KO
GST Registration #:	10747347RP

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

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

March 10,2025

Hello council,

Thank you for considering my application for another 10 lots at the Dam Campground bringing our total to 30. This will complete the area that was zoned RR-1. We currently have no vacancy and a bit of a waiting list for more to become available. The majority of the lots we have now are occupied by residents of Pincher Creek and the MD. Adding 10 more lots will give availability to some families from out of town.

People are enjoying not having to pull their trailers every weekend and having a safe, secure place to enjoy their summers.

Thank you,

Glenda Kettles

Dam Campground



RE: Development Permit 2025-09

From Development <development@cardstoncounty.com>

Date Thu 2025-05-01 9:52 AM

To Laura McKinnon <AdminDevOfr@mdpincercreek.ab.ca>

Yes, Sorry.

We reviewed the application at Monday's MPC meeting.

There are a number of concerns with the proposed development. First, I want to reiterate that the proposal does not impact any Cardston County infrastructure, but it does impact our citizens. We understand that the Campgrounds that we have approved in the past contribute to the same concerns we will raise below.

1. The provincial recreation area for the Waterton reservoir is already overcrowded. We have seen a significant increase in usage over the last few years, and there is currently not enough room and services to accommodate any more usage. Ten more camping spots may not be overly significant, but they will contribute to an already overcrowded area.
2. We spoke to Waterton Park last month, and because of their "no outside" watercraft policies, they are sending all people with watercraft, paddle boards, etc., to the Waterton Reservoir, contributing to the overcrowding.
3. With this significant increase in recreation area users, it significantly increases the chance of introducing invasive species, specifically mussels, to the reservoir, which is a main basin for the UID and many other irrigation districts downstream. This would be detrimental to the economy and our farmers on both sides of the river. What plans/conditions do you have in place to mitigate mussel concerns the watercraft using this campground have?
4. Cardston County Council is requesting an IMDP meeting with the MD of Pincher Creek not necessarily to oppose this proposed development but to come up with a joint plan on how both municipalities can come together to fix the current issues at the Waterton Reservoir recreation area and rally support for the Province to do its job in fixing up its recreation area.
5. Cardston County Council truly believes that this area has become potentially dangerous due to boating, overcrowding, swimming, and the use of the dwindling beach. We need to come to a solution for fixing the current issues prior to approving any more developments that will exacerbate the situation.

Please let me know when the members of your portion of the IMDP committee can meet, and we will come up with a time to meet and discuss the issue and proposal.

Please let me know if you have any questions or concerns about the above.

Thanks

Joe Thomas, P.Tech (Eng), CLGM
Cardston County
Project Manager / Development Officer

development@cardstoncounty.com

Office: 403-653-4977

Cell: 403-894-0587

From: Laura McKinnon <AdminDevOfr@mdpincercreek.ab.ca>

Sent: May 1, 2025 9:03 AM

To: Development <development@cardstoncounty.com>

Subject: Re: Development Permit 2025-09

Hi Joe,

Just following up on this, as the package is going out today.

Kindly,

Laura McKinnon, CPT

Development Officer

MD Of Pincher Creek

1037 Herron Avenue

Box 279

Pincher Creek, AB

T0K1W0

Office: 403-627-3130

Email: AdminDevOfr@mdpincercreek.ab.ca

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From: Laura McKinnon

Sent: April 16, 2025 2:45 PM

To: development <development@cardstoncounty.com>

Subject: Development Permit 2025-09

Hi Joe,

Please find attached permit for the Dam Campground for circulation and comment.

Let me know if you have any further questions.

Kindly,

Laura McKinnon, CPT

Development Officer

MD Of Pincher Creek

1037 Herron Avenue

Box 279

Pincher Creek, AB

T0K1W0

Office: 403-627-3130

Email: AdminDevOfr@mdpincercreek.ab.ca

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Date: April 30th, 2025

To: Laura McKinnon, Development Officer (lmckinnon@mdpincercreek.ab.ca)

RE: Development Permit Application No. 2025-09 – Alberta Parks Comments

Dear Laura McKinnon,

Thank you for circulating this proposal to Alberta Parks, it is greatly appreciated.

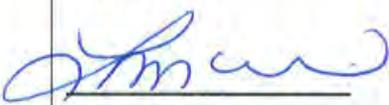
Alberta Parks, South Region has the following comments regarding Development Permit Application No. 2025-09 for the property adjacent to Waterton Reservoir Provincial Recreation Area (PRA):

- Vehicular access into Waterton Reservoir PRA is restricted to the main access road entering the PRA via Highway 505.
- Note that the span of the private campground's recently built fence which runs parallel to the southwest boundary between the campground and the PRA encroaches approximately 12 to 15 metres into the PRA.
 - Ensure all development, building placements, land/vegetation changes, and campground uses are within the proponent's property, and all required setbacks are measured from the property line, not the fence.
 - Note that future development of the PRA may require fence relocation.
- The proposed development and site use must not adversely impact Alberta Park infrastructure. This includes, but is not limited to, fencing, trails, roads, campsites, vault toilets, and waste receptacles.
- The vault toilets, waste receptacles, and parking areas within Waterton Reservoir PRA are for PRA users. The private campground must be self-sufficient with their own on-site infrastructure to accommodate all their users.
- The development and or maintenance of formal or informal trails, paths, or roads within the PRA by the private campground owners, operators, or users is prohibited. This includes the clearing or mowing of any vegetation within the PRA.
- The applicant must adhere to the Alberta *Weed Control Act*, and ensure due diligence is taken to prevent, manage, and contain all noxious weeds during and after construction. This includes measures to mitigate the spread of weeds into the PRA. Most notably, the spread of spotted knapweed must be managed and contained.

Sincerely,

Rob Janzen, RPP, MCIP
Senior Parks Planner, Alberta Parks

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2025-27 Applicant: Jeffrey & Kim Fortin Location: Lot 2, Block 7, Plan 8410592 within Beaver Mines Division: 3 Size of Parcel: 0.19 ha (0.49 Acres) Zoning: Hamlet Single Detached Residential 1 (HR-1) Development: Tourist Home			
PREPARED BY: Laura McKinnon		DATE: May 30, 2025	
DEPARTMENT: Planning and Development			
Signature:	 May 30/25	ATTACHMENTS: 1. Development Permit Application 2025-27 2. Letter from Applicant 3. GIS Site Plan	
APPROVALS:			
		_____ Roland Milligan	
Department Director	Date	CAO	Date

RECOMMENDATION:

That Development Permit Application No. 2025-27, for 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 the applicant adhere to conditions set forth within the required Alberta Transportation Roadside Development Permit, to be attached and form part of this permit.

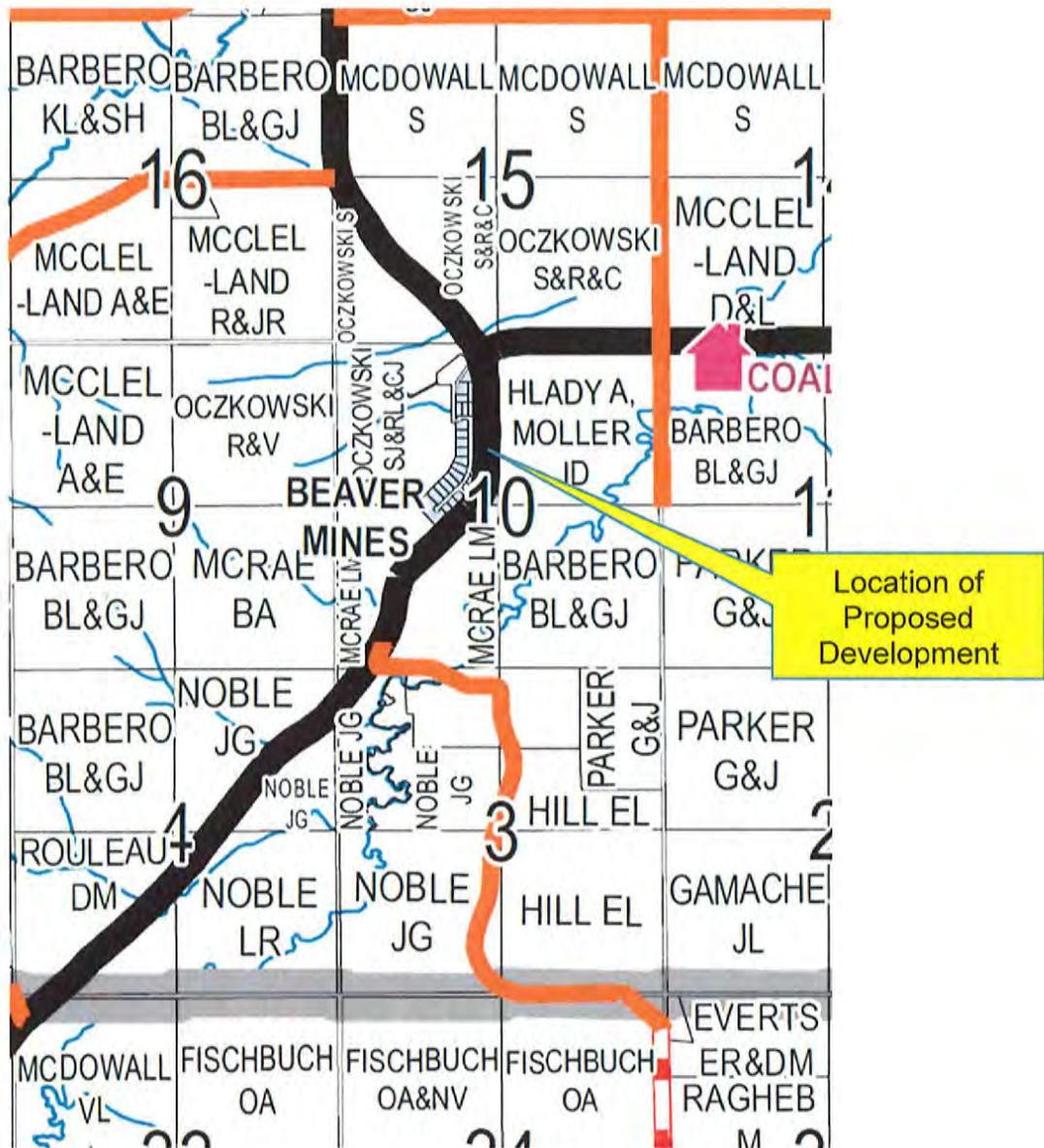
BACKGROUND:

- On May 14, 2025, the MD accepted the Development Permit Application No. 2025-27 from applicants Jeffrey & Kim Fortin (*Attachment No. 1*).
- The applicant has submitted a letter stating the reasons for their request, and current operations out of compliance (*Attachment No. 2*).
- This application is being placed in front of the MPC because:
 - Within the Hamlet Single Detached Residential 1 (HR-1) Land Use District, a Tourist Home is a discretionary use.
- As per the letter, applicant would like to use the current residence for short term rental purposes while they are not occupying it (*Attachment No. 3*).

Recommendation to Municipal Planning Commission

- The application was forwarded to the adjacent landowners for comment; no responses were received at the time of this report being written.

Location of Proposed Development





DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2005-27

Date Application Received May 7/05

PERMIT FEE ^{\$100 Permitted} _{\$150 Discretionary}

Date Application Accepted May 14/05

RECEIPT NO. 66754

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: Jeffrey Fortin & Kim Fortin

Address: [redacted] SE, Calgary AB, [redacted]

Telephone: [redacted] Email: [redacted]

Owner of Land (if different from above): _____

Address: _____ Telephone: _____

Interest of Applicant (if not the owner): _____

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:

Desire to have property enter into compliance with Land Use Bylaw 1349-23 for discretionary use as a tourist home. Property has been operating as a tourist home under the previous bylaw for over 3 years.

Legal Description: Lot(s) 2

Block 7

Plan 8410592

Quarter Section NW 10-6-2 W5M

Estimated Commencement Date: Immediately / No construction required

Estimated Completion Date: N/A

SECTION 3: SITE REQUIREMENTS

Land Use District: Hamlet Residential 1 HR-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 (Not a development site, property/building at site for 30+ years)

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

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	<u>1/2 acre lot</u>		
(2) Area of Building	<u>54 m²</u>		
(3) %Site Coverage by Building (within Hamlets)	<u>2.75 %</u>		
(4) Front Yard Setback Direction Facing: <u>WEST</u>	<u>17m</u>		
(5) Rear Yard Setback Direction Facing: <u>EAST</u>	<u>18m</u>		
(6) Side Yard Setback: Direction Facing: <u>NORTH</u>	<u>5.6 m</u>		
(7) Side Yard Setback: Direction Facing: <u>SOUTH</u>	<u>32.8m</u>		
(8) Height of Building	<u>5 m</u>		
(9) Number of Off Street Parking Spaces	<u>4+</u>		

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

- 1) Real Property Report 2) Land Title certificate (copy)
3) Aerial View of property 4) Interior cabin plans

ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site	N/A		
(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)

N/A

SECTION 4: DEMOLITION

Type of building being demolished : N/A

Area of size: N/A

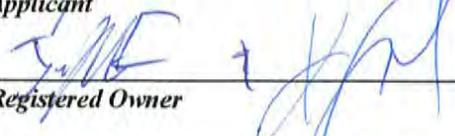
Type of demolition planned: N/A

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: May 1, 2025


 Applicant

 Registered Owner

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

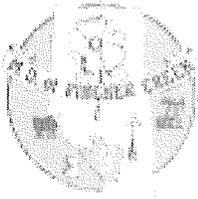
IMPORTANT NOTES:

THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.

1. In addition to completing this application form in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provision for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances;
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-refundable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. All development permits shall contain the following informative:

“ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER.”
5. In accordance with the *Municipal Government Act*, a development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

A decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 21 days, of the expiry of the decision date.
6. Every approach to a residence is entitled to a civic address sign, supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.



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

Fortin, Jeffrey & Kim

PAYMENT RECEIPT

Receipt Number:	66754
Date:	5/14/2025
Initials:	CD
GST Registration #:	10747347RP

Receipt Type	Roll/Account	Description	QTY	Amount	Amount Owing
General	DEVE	Development Application Fees	1	\$150.00	\$0.00

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

Thursday, May 1, 2025

To whom it may concern,

In order to comply with the new bylaw 1349-23 in the MD, we are requesting a discretionary use change to allow us to operate our cabin (401- 1st Ave, Beaver Mines AB) as a Tourist Home.

We have been operating as a short-term rental for over 3 years already, as no restrictions existed previously under bylaw 1289-18.

We have also been complying with all other government requirements at the federal and provincial levels; including tourism levy and income tax reporting. Our primary purpose has been to use the cabin for ourselves and therefore we only make it available when we cannot use it. We keep a list and record of guest stays for all our guests; we also do not have any form of advertising on our property and do not intend to have any in the future.

From the documents submitted, you will see that the cabin is set on a treed, ½ acre lot, in a private setting with ample parking (at least 4 vehicles can park). We have always limited the number of guests who can stay to a maximum of 6 people. The cabin has 3 bedrooms per the plans included in this application and a 4 pc bathroom including laundry.

To note, the property has already converted its water and sewer system to comply with the mandatory MD water/sewer upgrade in the Hamlet. We received MD approval in 2024 for the work performed.

Should you need any additional information, please don't hesitate to reach out at the coordinates provided on our application.

Kind Regards,

A handwritten signature in blue ink, appearing to be 'Kim Fortin & Jeff Fortin', with a long horizontal flourish extending to the right.

Kim Fortin and Jeff Fortin



40.84

20.12

2

5

10.67

20.12

10.67

1MR

55.39

45.72

Location of the House

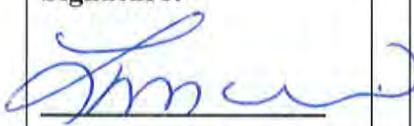
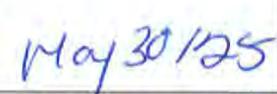
ing House

8.72

45.72

(201 1299)

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2025-30 Applicant: Ataya Zeller Location: SE 7-6-1 W5 Division: 3 Size of Parcel: 65.20 ha (158.65 Acres) Zoning: Agriculture (A) Development: Secondary Farm Residence			
PREPARED BY: Laura McKinnon	DATE: May 30, 2025		
DEPARTMENT: Planning and Development			
Signature:  <div style="text-align: right; margin-top: 10px;">  </div>	ATTACHMENTS: 1. Development Permit Application 2025-30 2. GIS Aerial 3. House Photos		
APPROVALS:			
	 Roland Milligan		
Department Director	Date	CAO	Date

RECOMMENDATION:

That Development Permit Application No. 2025-30, for a Secondary Farm Residence, be approved subject to the following Condition(s):

Condition(s):

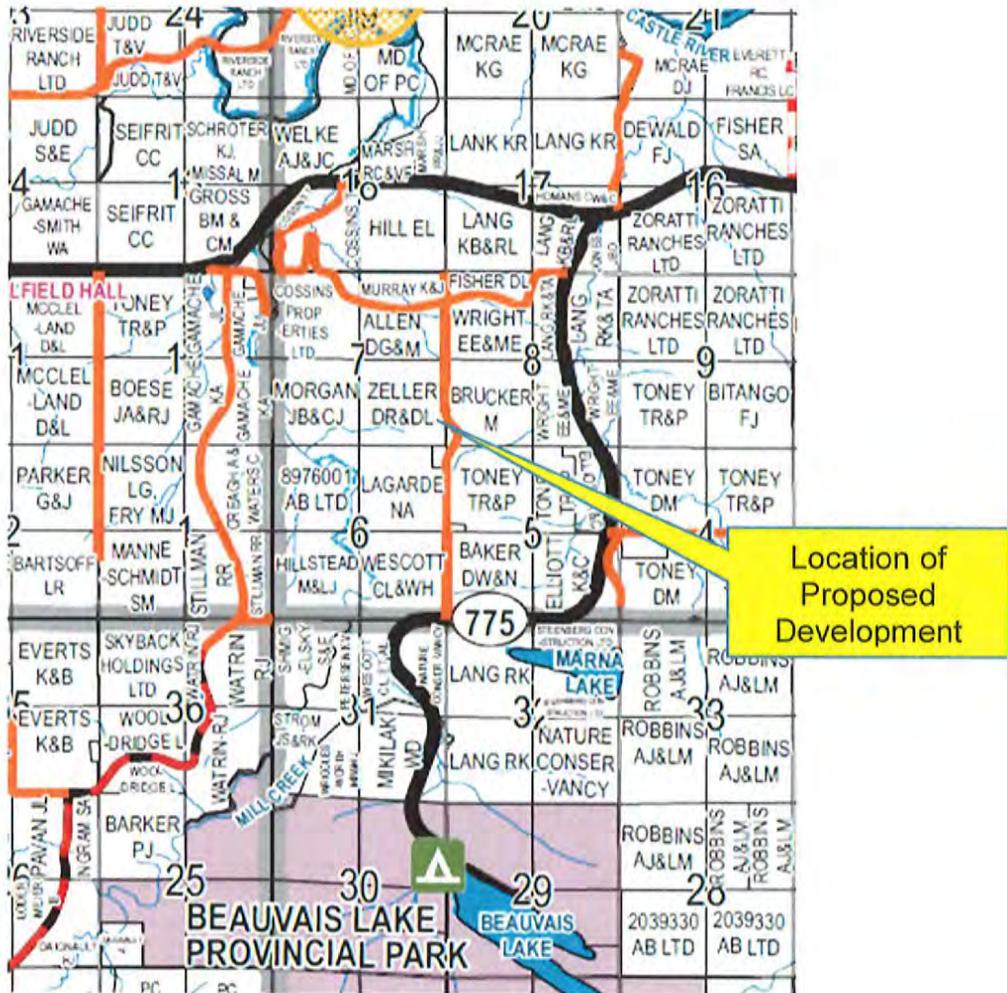
1. That this development meets the minimum provisions as required in Land Use Bylaw 1349-23.

BACKGROUND:

- On May 16, 2025, the MD accepted the Development Permit Application No. 2025-30 from applicants Ataya Zeller. (*Attachment No. 1*).
- This property currently has one residence, occupied by the applicants parents (*Attachment No. 2*)
- This application is being placed in front of the MPC because:
 - Within the Agriculture (A) Land Use District, Secondary Farm Residence is a Discretionary Use.
- The applicant is intending to move on a residence from a different location (*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

Location of Proposed Development





DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2085-30

Date Application Received May 14/25

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

Date Application Accepted May 16/25

RECEIPT NO. 66846

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: Ataya Zeller

Address: [Redacted] Cowley

Telephone: 403 [Redacted] Email: [Redacted]

Owner of Land (if different from above): Darrell + Debbie Zeller

Address: Box [Redacted] Pincher Creek Telephone: 403 [Redacted]

Interest of Applicant (if not the owner): Residential Dwelling

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:

Moving second dwelling on to quarter.

Legal Description: Lot(s) _____
Block _____
Plan _____
Quarter Section SE 1/4-7-6-1-W5

Estimated Commencement Date: _____

Estimated Completion Date: _____

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - A 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

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	70' x 60'		
(2) Area of Building	1200 sq ft.		
(3) %Site Coverage by Building (within Hamets)	3%		
(4) Front Yard Setback Direction Facing: <u>North East</u>	19.2 m	30M (98.4ft)	Yes
(5) Rear Yard Setback Direction Facing: <u>South West</u>	4.04 m	7.5M (24.6ft)	Yes
(6) Side Yard Setback: Direction Facing: <u>East</u>	135 m	30M (98.4ft)	Yes
(7) Side Yard Setback: Direction Facing: <u>West</u>	386 m	7.5M (24.6ft)	Yes
(8) Height of Building	20'	-	Yes
(9) Number of Off Street Parking Spaces	4		

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

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: May 15, 2025

[Signature]
Applicant

[Signature] [Signature]
Registered Owner

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

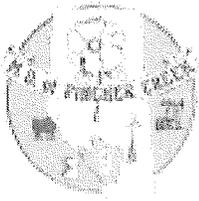
IMPORTANT NOTES:

THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.

1. In addition to completing this application form in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provision for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances;
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-refundable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. All development permits shall contain the following informative:

“ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER.”
5. In accordance with the *Municipal Government Act*, a development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

A decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 21 days, of the expiry of the decision date.
6. Every approach to a residence is entitled to a civic address sign, supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.



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

Ataya Zeller Devo Permit

PAYMENT RECEIPT

Receipt Number:	66846
Date:	5/16/2025
Initials:	CD
GST Registration #:	10747347RP

Receipt Type	Roll/Account	Description	QTY	Amount	Amount Owing
General	DEVE	Development Application Fees	1	\$150.00	\$0.00

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







2025-30 Setbacks



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.

1:2256

50 m

200 ft

Distance: 413.02 m

Distance: 667.67 m

Distance: 113.35 m

Proposed Residence Location

Distance: 372.69 m

RR15



Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2025-31 Applicant: Henry Hofer for The Hutterian Brethren Church of Waterton Location: SW 3-4-28 W4 Division: 1 Size of Parcel: 56.99 ha (140.85 Acres) Zoning: Agriculture (A) Development: Secondary Farm Residence			
PREPARED BY: Laura McKinnon	DATE: May 30, 2025		
DEPARTMENT: Planning and Development			
Signature:  <hr style="width: 100%;"/>	ATTACHMENTS: 1. Development Permit Application 2025-31 2. GIS Aerial 3. House Photos		
APPROVALS:			
<hr style="width: 100%;"/>	<hr style="width: 100%;"/> Roland Milligan <hr style="width: 100%;"/>		
Department Director	Date	CAO	Date

RECOMMENDATION:

That Development Permit Application No. 2025-31, for a Secondary Farm Residence, 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.

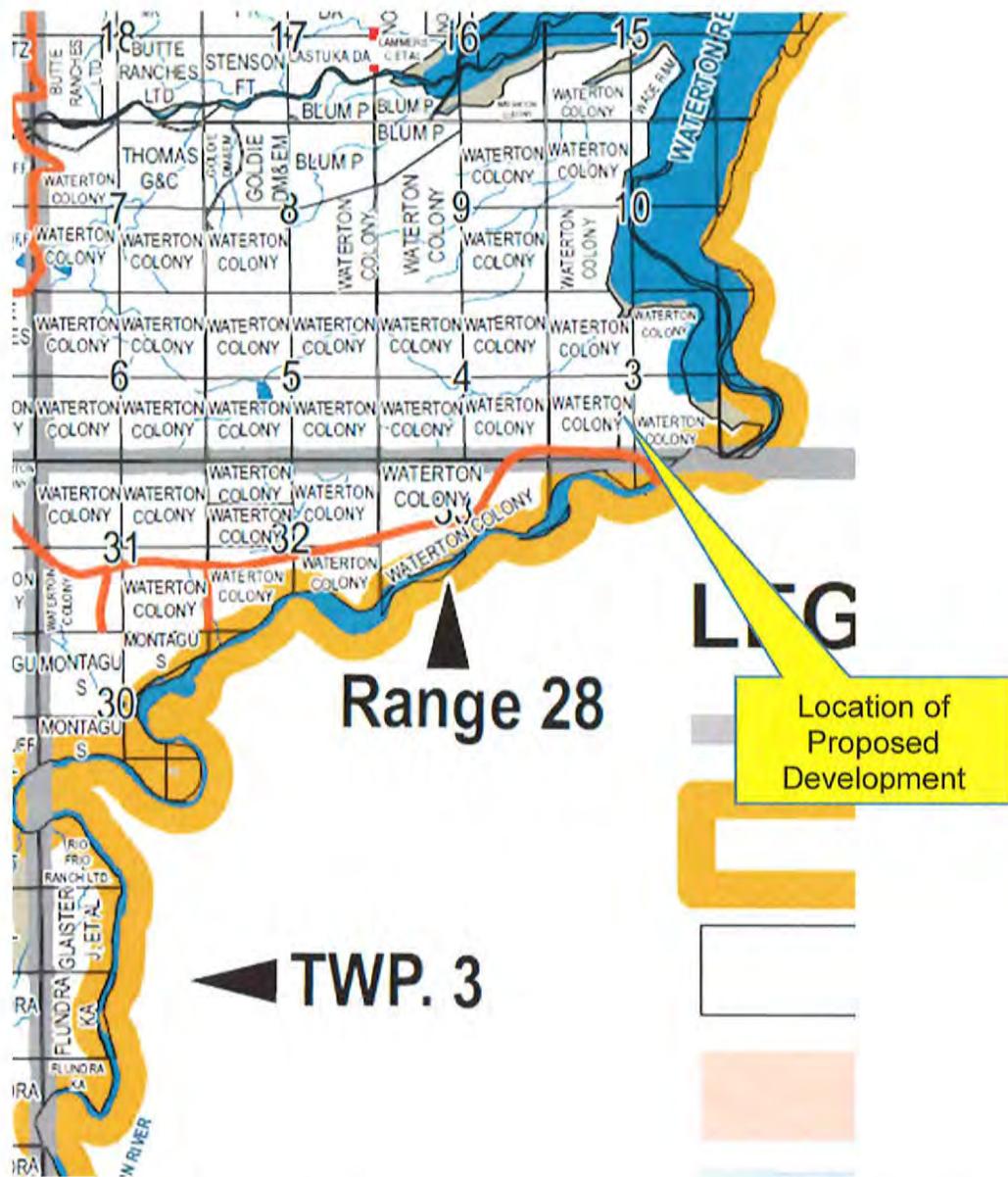
BACKGROUND:

- On May 14, 2025, the MD accepted the Development Permit Application No. 2025-31 from applicant Henry Hofer on behalf of The Hutterian Brethren Church of Waterton. (*Attachment No. 1*).
- This property currently has multiple residences, and they are requiring another residence for a boss (*Attachment No. 2*)
- This application is being placed in front of the MPC because:
 - Within the Agriculture (A) Land Use District, Secondary Farm Residence is a Discretionary Use.
- The applicant is intending on moving on a new manufactured home, just aside from the other residences (*Attachment No. 3*)

Recommendation to Municipal Planning Commission

- The application was forwarded to the adjacent landowners for comment; no responses were received at the time of this report being written.

Location of Proposed Development





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. 2025-31

Date Application Received May 14/2025

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

Date Application Accepted May 14/2025

RECEIPT NO. 66887

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: HENRY HOFER

Address: BOX 58 HILL SPRING - ALBERTA.

Telephone: 403-295-2232 Email: [REDACTED] .com

Owner of Land (if different from above): _____

Address: _____ Telephone: _____

Interest of Applicant (if not the owner): _____

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:

Adding another residence

Legal Description: Lot(s) _____

Block _____

Plan _____

Quarter Section SW 3-4-28 W4

Estimated Commencement Date: ASAP.

Estimated Completion Date: _____

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - A Division: 1

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

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	—		
(2) Area of Building	1596 sq ft		
(3) %Site Coverage by Building (within Hamets)	—		
(4) Front Yard Setback Direction Facing: S	164M	30M (98.4ft)	Yes
(5) Rear Yard Setback Direction Facing: N	554M	7.5M (24.6ft)	Yes
(6) Side Yard Setback: Direction Facing: E	100M	7.5M (24.6ft)	Yes
(7) Side Yard Setback: Direction Facing: W	30M	30M (98.4ft)	Yes
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

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

attached

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: MAY 14 / 2025

✓ Henry Kifer
Applicant

x Henry Kifer
Registered Owner

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

IMPORTANT NOTES:

THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.

1. In addition to completing this application form in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provision for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances;
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
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3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. All development permits shall contain the following informative:

“ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER.”
5. In accordance with the *Municipal Government Act*, a development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

A decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 21 days, of the expiry of the decision date.
6. Every approach to a residence is entitled to a civic address sign, supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.



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@mdpincercreek.ab.ca

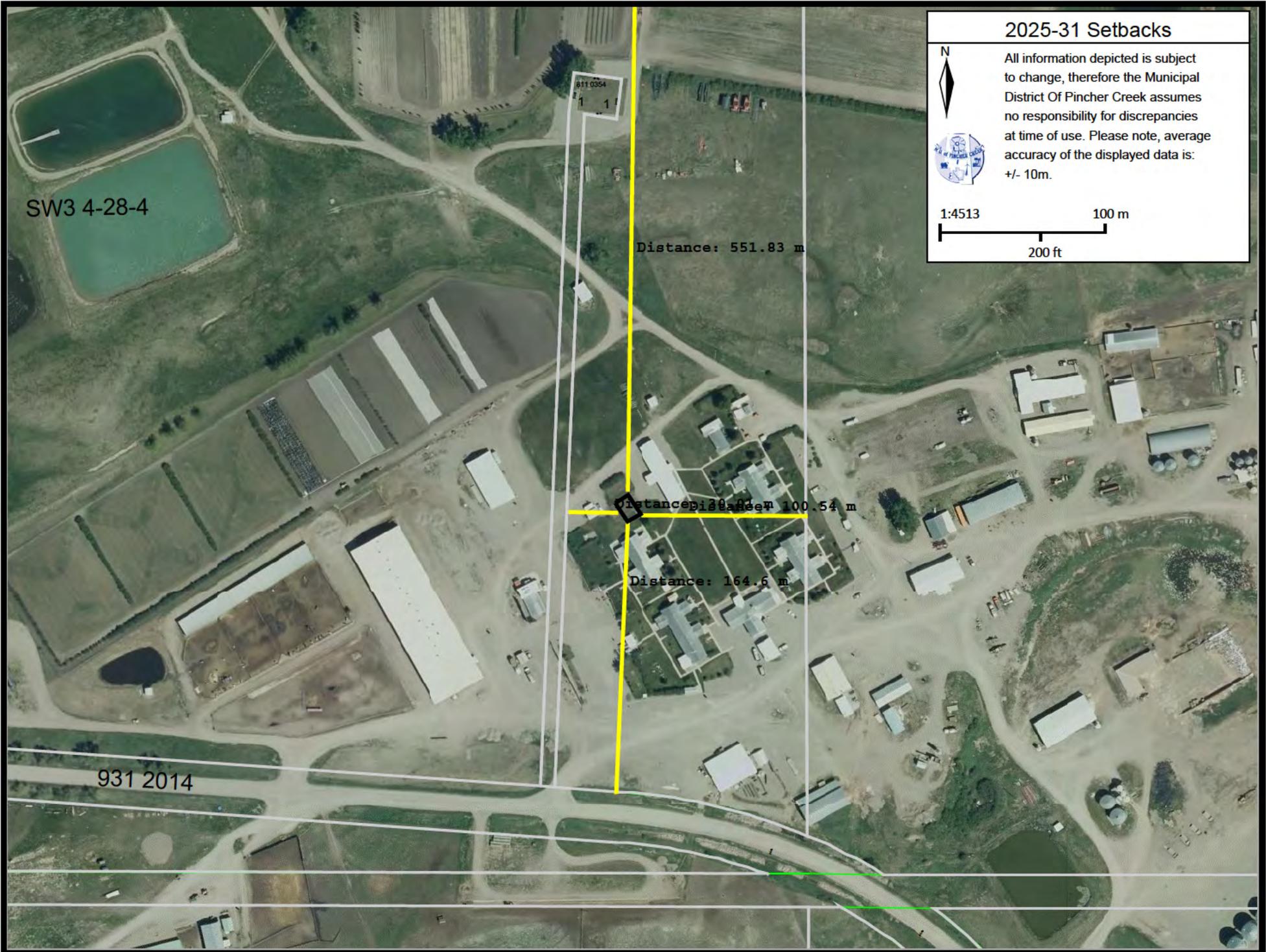
Hutterian Brethren Church of W

PAYMENT RECEIPT

Receipt Number:	66887
Date:	5/20/2025
Initials:	TM
GST Registration #:	10747347RP

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

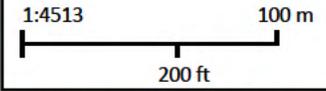
Subtotal:	\$150.00
Discount	\$0.00
GST	\$0.00
Total Receipt:	\$150.00
Cheque:	\$150.00
Total Amount Received:	\$150.00



2025-31 Setbacks



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.



SW3 4-28-4

Distance: 551.83 m

Distance: 100.54 m

Distance: 164.6 m

931 2014

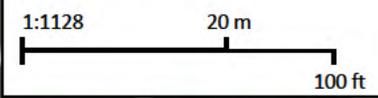
811 0354



Map Title - Subtitle



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 Proposed Residence

Current Residences

Distance: 551.83 m

Distance: 30.01 m

Distance: 100.54 m

Distance: 164.6 m

2025-31 Setbacks



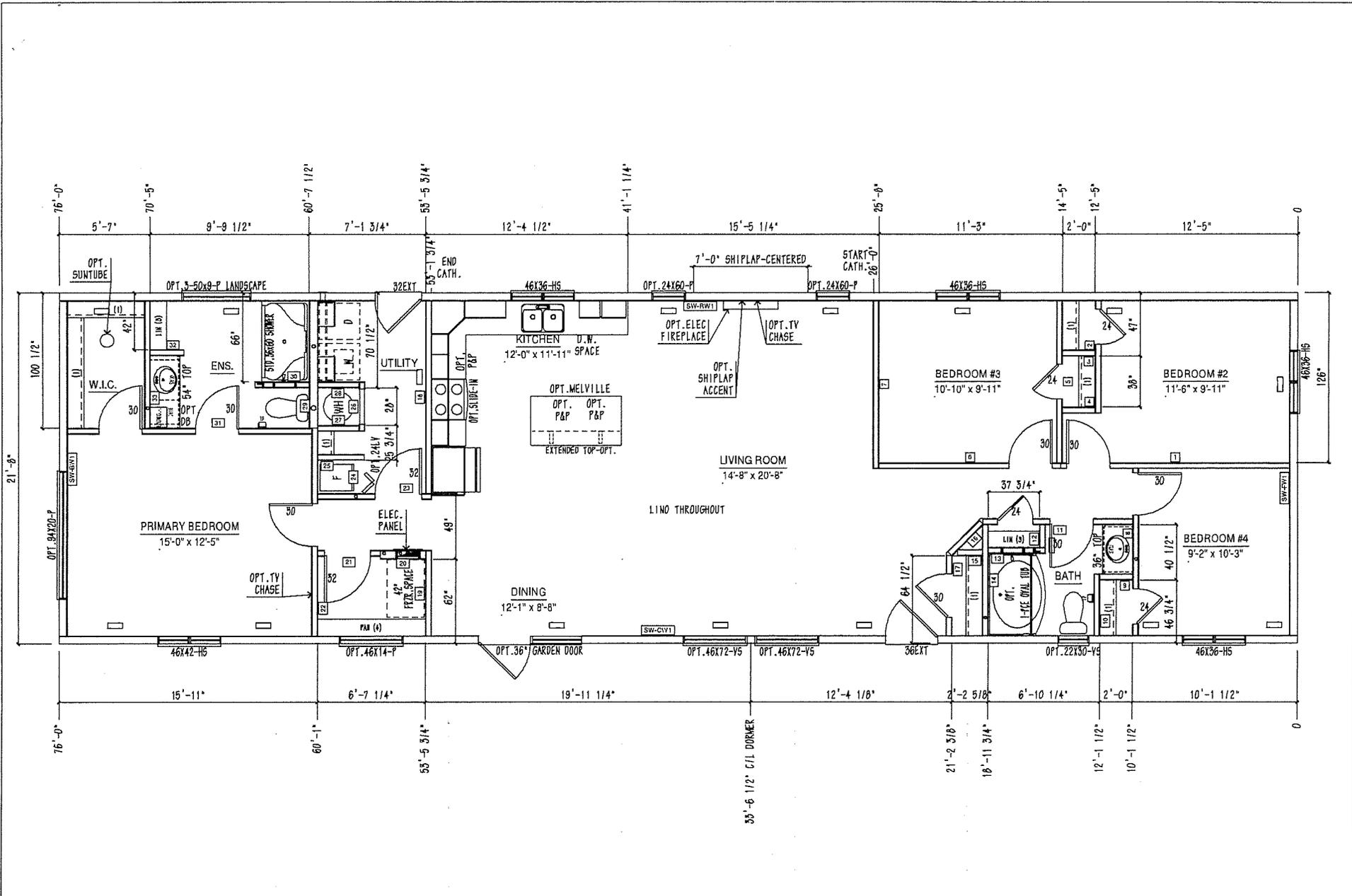
All information depicted is subject to change, therefore the Municipal District Of Pincher Creek assumes no responsibility for discrepancies at time of use. Please note, average accuracy of the displayed data is: +/- 10m.

1:2256

50 m

200 ft





12788

REVISIONS:		

www.triplemhousing.com

LETHBRIDGE, AB, CANADA
BUS: 4031 320-8548

Triple M Housing

TRUSS FLOOR MODEL **

MRD2276-237-CRD-5

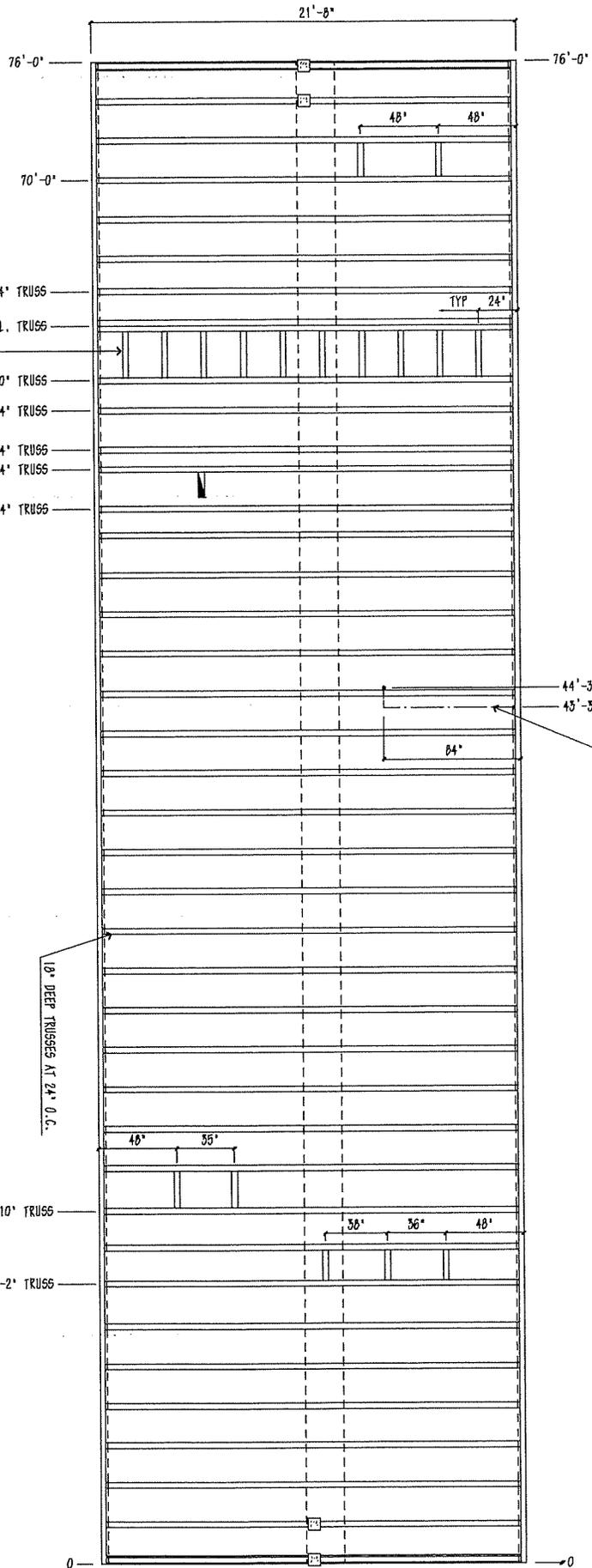
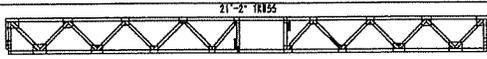
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DATE: 2024-12-16 DWN: FL DWG: 1

SCALE: 1/4" = 1'-0" CRD: CF

DWG. NO. TV-4940-24 1a

12788



2x4 CROSS BRACING
AT 24\"/>

- 64'-4\"/>
- 62'-7\"/> C/L DBL. TRUSS
- 59'-10\"/>
- 58'-3 3/4\"/>
- 56'-3 3/4\"/>
- 55'-4\"/>
- 53'-4\"/>

FORM NO. 12788			
REV.	DATE	DESCRIPTION	BY
1	12-16-24	ISSUE FOR CONSTRUCTION	CF
2	1-10-25	REVISED FOR 12788	CF

1 - 1272 WIRE 20' LONG
FOR ISL. PLUG LEAVE 6'
EXPOSED AT BOTH ENDS

TOTAL (1) WIRE IN FLOOR
(1) 12-2\"/>

REVISIONS:	

www.triplemhousing.com

Triple M Housing

LETBRIERRE AS CANADA
SINCE 1988

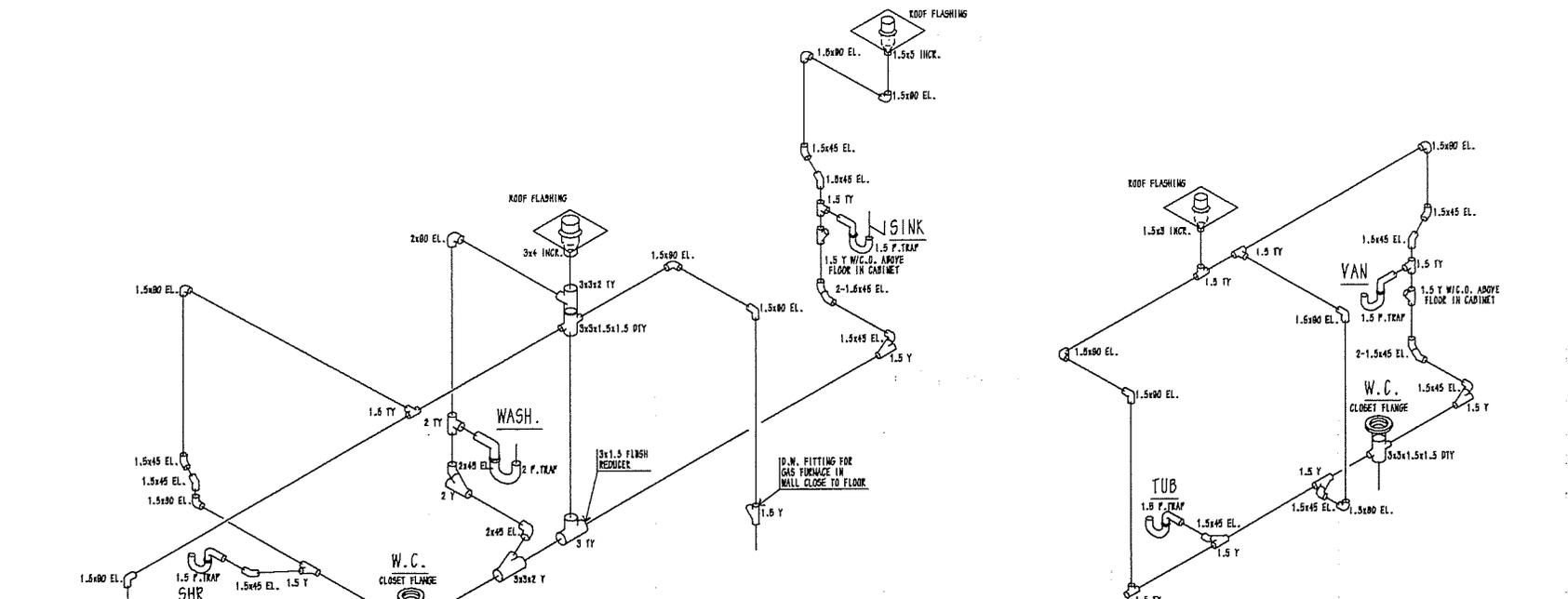
Model: MKD2276-237-CRD-5

TITLE: TRUSS FLOOR FRAMING (STD)

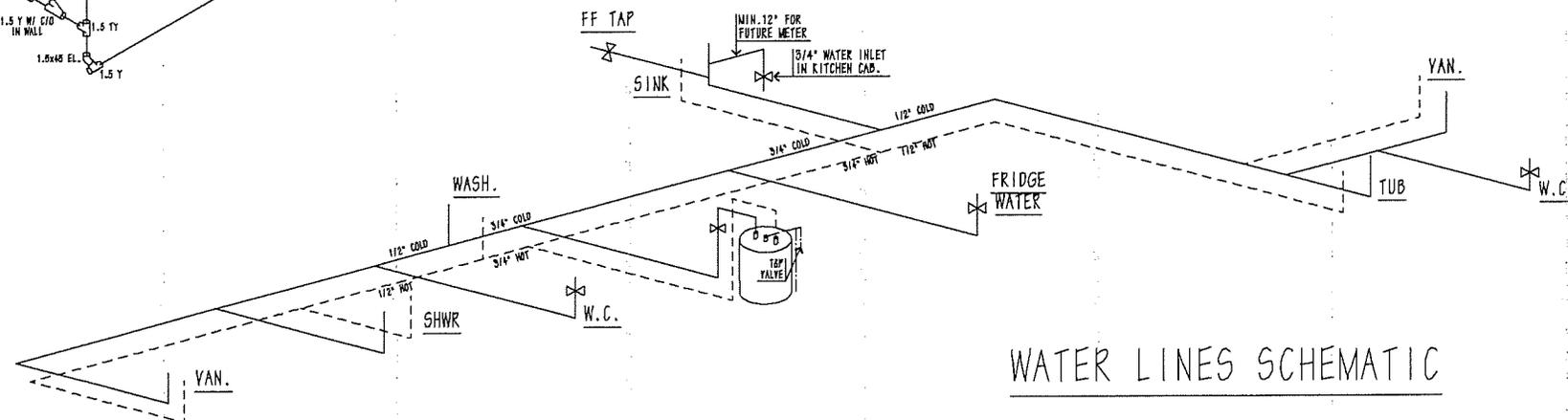
DATE: 2024-12-16

SCALE: 1/4\"/>

TRUSS FLOOR MODEL **



ABS DWV SCHEMATIC



WATER LINES SCHEMATIC

12788

- 1.5" ABS
- 2.0" ABS
- 3.0" ABS

REV	DATE	DESCRIPTION

www.triplemhousing.com

Triple M Housing

TRUSS FLOOR MODEL **

MODEL: MRD2276-237-CRD-5

TITLE: PLUMBING SCHEM. (STD)

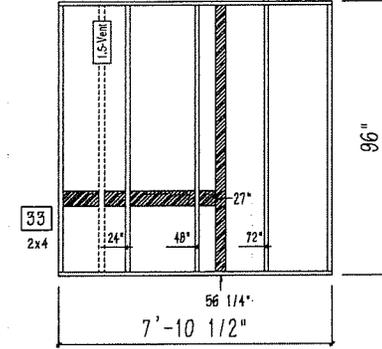
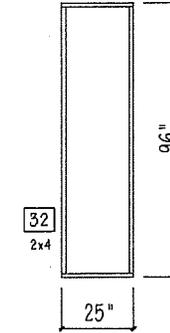
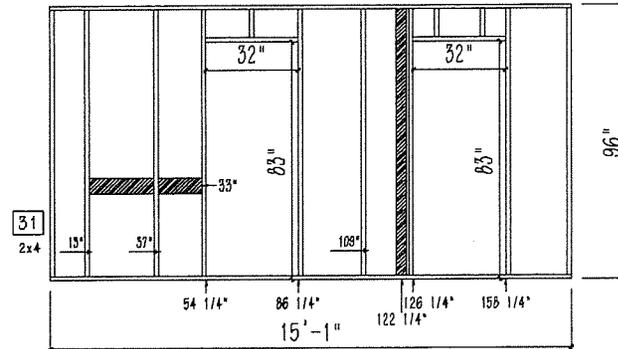
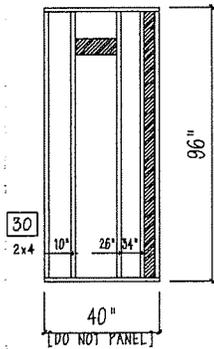
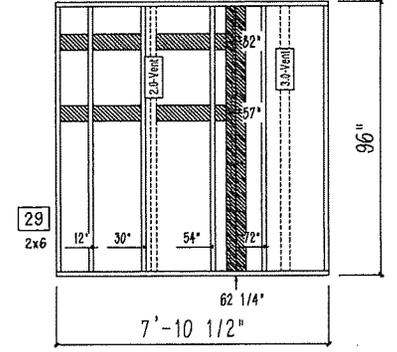
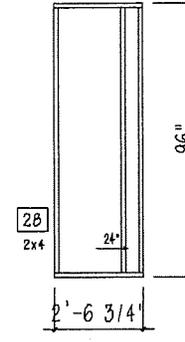
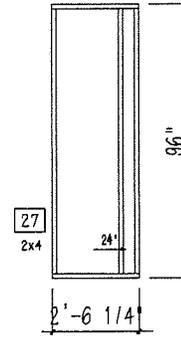
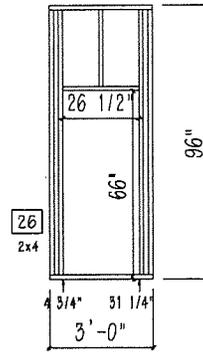
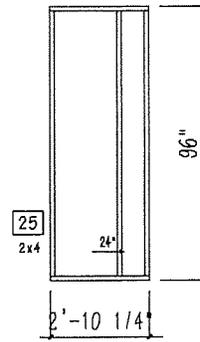
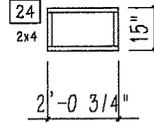
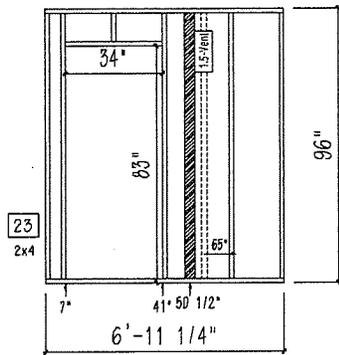
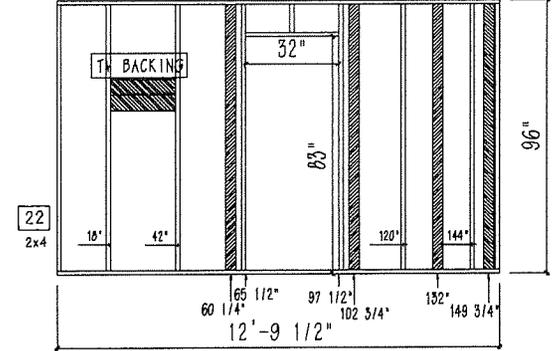
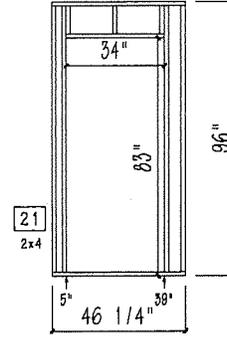
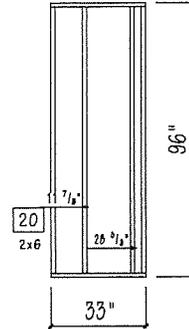
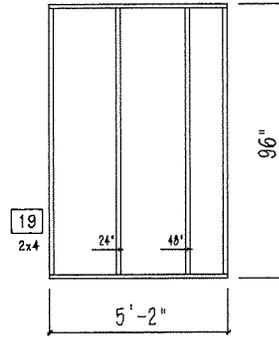
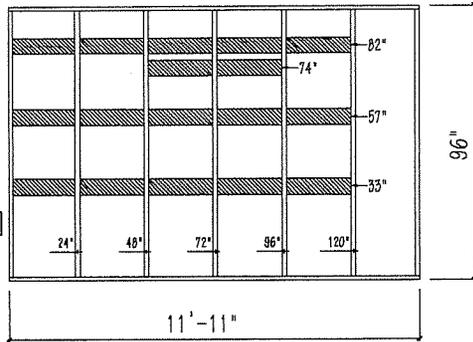
DATE: 2024-12-16 DWN: FL

SCALE: N.T.S. CRD: CF

DWG. NO. TV-4940-24

5a

LETHBRIDGE, AB, CANADA
BUS: 403-320-6508



12788

FF -
 RF -
 FF & RF -

REV	DATE	BY	CHKD

www.triplemhousing.com

LETHBRIDGE, AB, CANADA
BUS. 4031 329-8568

MODEL

MRD2276-237-CRD-5

Triple M Housing

TITLE: INT. PARTITIONS (STD)

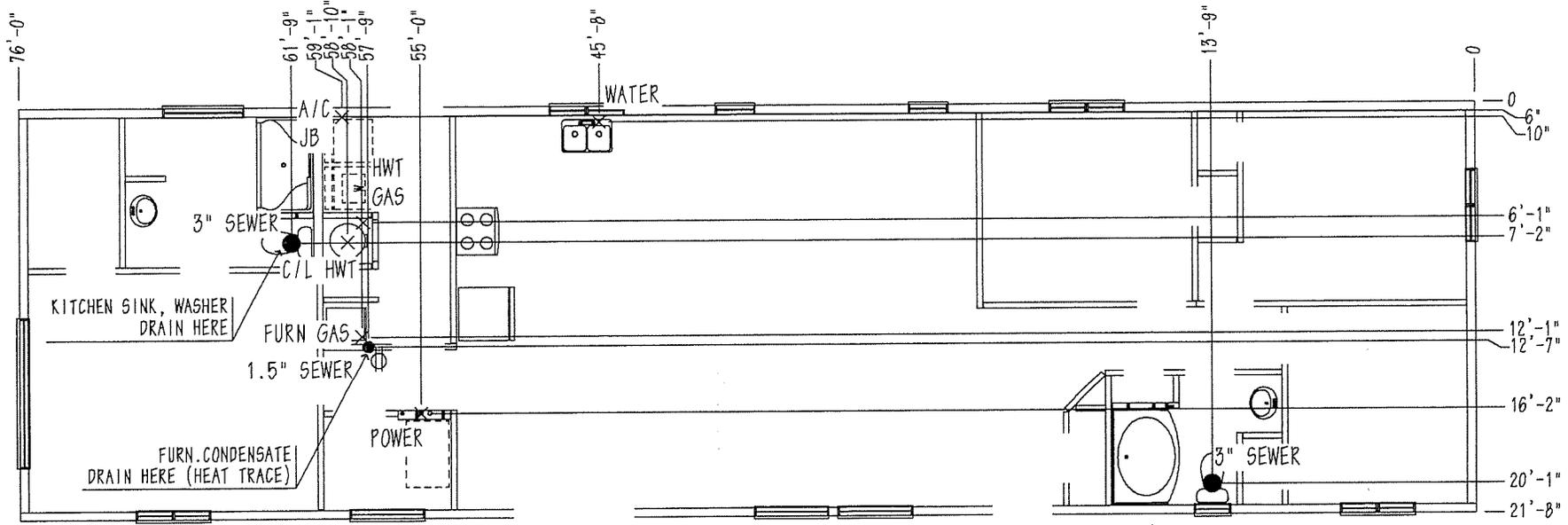
DATE: 2024-12-16 DWN: F.L.

SCALE: 3/8" = 1'-0" CRD: C.F.

DWG. NO. TV-4940-24

SHEET

6b



12788

*DIMENSIONS FOR SERVICE LOCATIONS ARE APPROXIMATE AND MUST BE CONFIRMED ON SITE

REVISIONS: _____ _____ _____ _____	www.triplemhousing.com	LETHBRIDGE, AB, CANADA 815.403.320-8586	TITLE: SERVICE DWG(STD) DATE: 2024-12-16 SCALE: 1/4"=1'-0" DWG. NO.: TV-4940-24	MRD2276-237-CRD-5 MOD: EXP. CF: SHEET: 12a
			DATE: 2024-12-16 SCALE: 1/4"=1'-0" DWG. NO.: TV-4940-24	EXP. CF: SHEET: 12a
	Triple M Housing		DATE: 2024-12-16 SCALE: 1/4"=1'-0" DWG. NO.: TV-4940-24	EXP. CF: SHEET: 12a
			DATE: 2024-12-16 SCALE: 1/4"=1'-0" DWG. NO.: TV-4940-24	EXP. CF: SHEET: 12a

** TRUSS FLOOR UNIT SERVICE DIAGRAM **

DEVELOPMENT OFFICER REPORT

May 2025

Development / Community Services Activities include:

- May 6 Planning & MPC Meeting
- May 8 South Canadian Rockies – Municipal Outreach Event
- May 13 Committee & Council Meeting
- May 15 Pincher Creek Community Energy Strategy Session 1
- May 20 Intermunicipal Development Plan Committee Meeting - Cardston
- May 22 Motorola Weekly Meeting (Community Peace Officer)
- May 23 SDO
- May 26 Election Meeting - Upcoming Deadlines
- May 27 Committee & Council Meeting
- May 29 ORRSC – Subdivision & Development Appeal Board Training (DO's)
- May 29 Administration Safety Meeting

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Development Officer for May 2025

No.	Applicant	Division	Legal Address	Development
2025-20	Shane Krupinski	5	Lot 11, Block 4, Plan 1210170 within SW 18-7-2 W5	Accessory Building
2025-25	Lorraine Harper	2	Lot 1, Block 1, Plan 210719 within NE 35-5-29 W4	Home Occupation – Hair & Nails
2025-26	Frank & Sarina Welsch	4	NE 20-8-29 W4	Single Detached Residence
2025-29	Philip Mitchell	4	NE 36-8-30 W4	Addition to Cabin

Development Permits Issued by Municipal Planning Commission May 2025

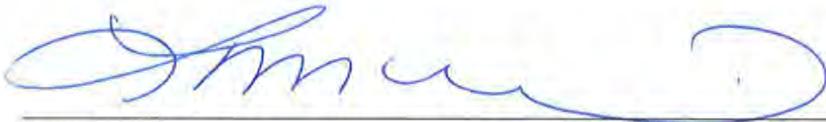
2025-17	Larry Donkersgoed	4	SE 12-7-3 W5	Manufactured Home (Direct Control via Council)
2025-19	Dave & Sandra Dalzell	1	Lot 16;15;; within NE 1-5-30 W4	Secondary Farm Residence
2025-21	Daniel Desabrais	5	Moved-In Residential Building	Lot 4, Block 1, Plan 1612164 within NW 26-7-2 W5

Development Statistics to Date

DESCRIPTION		2025 To date (May)	2024	2023	2022
Dev Permits Issued	7 – May	23 15 -DO 7 -MPC 1 - Council	54 38 -DO 16 -MPC	49 31 -DO 18 -MPC	48 29 – DO 19 - MPC
Dev Applications Accepted	8 – May	32	58	54	49
Utility Permits Issued	5 – May	23	23	35	12
Subdivision Applications Approved	0 – May	2	12	5	8
Rezoning	0 – Apr		1	0	5
DESCRIPTION		2025 to Date (May)	2024	2023	2022
Compliance Cert	0 – May	2	34	21	32

RECOMMENDATION:

That the report for the period ending May 30, 2025, be received as information.



Prepared by: Laura McKinnon, Development Officer

Date: May 30 2025

Respectfully Submitted to: Municipal Planning Commission

THE COMMUNICATOR

Alberta Development Officers Association (ADOA)

May 2025

Spring Issue

In this Issue:

- Words from Editor
- ADOA Forum Winners
- Conference Update
- Hosting a conference
- Education Subsidy
- Lunch & Learn
- Brownlee Legal Corner



Words from the Editor

Resignation! Election! Separation! What a whirlwind in politics these days. Lots going on and sometimes we get a bad wrap. Hang it there development teams!

I have found a few fun photos for the newsletter this month.

The first one on the right of the giant garage I found on Facebook but it is accurate for lots of parcels around here.

My husband would be in favor of this type of development.

THE GARAGE TO HOUSE RATIO IS JUST PERFECT



WHEN YOUR PRIORITIES ARE STRAIGHT



This second picture on the left was posted by a friend who went to Costa Rica on a mission to build a school. A lot of members went there with their families and it is so wonderful that these people are in the world, and close to home.

If you look at the young boy on the left side with the red rag on his shorts you can see his "ladder" I get nervous just looking at this photo.

I'm sure no one else even noticed the danger that my overthinking personality picked out.

ADOA Forum winners

You post a question or an answer on the Forum and you get your name into a draw for \$25 each month.

February—Jamie Weibe

March—Treena Lane

April - Diane Cloutier

ADOA Conference 2025 – Save the Date!

Mark your calendars! The **2025 ADOA Conference & Tradeshow** will be held **September 23–26, 2025**, at the **DoubleTree Hilton, 16615 109 Ave NW in Edmonton**

- Silent Auction:** Bring an item from your municipality to contribute—proceeds will support a local Edmonton-based organization on behalf of ADOA.

- Annual General Meeting:** Held during lunch on Day 2, including Executive Board elections—your participation matters!

- Book Your Room:**  [ALBERTA DEVELOPER OFFICERS ASSOCIATION CONFERENCE](#)
Guests can also call the hotel directly at 780-484-0821 or Toll Free at 1-855-610-8733 and ask for the **ALBERTA DEVELOPER OFFICERS ASSOCIATION CONFERENCE** room block.

- Sponsor & Exhibitor Opportunities:** Encourage your local vendors to showcase their services at the conference. Sheila@morcommpr.com for info.

- Host a Breakout Session:** Do you have a case study or win to share with your peers? Submit [Breakout Speaker Submission Form](#) to be considered to host a session.

- 2026 Host Municipality:** We're seeking a municipality to host the **2026 ADOA Conference**—interested? Let us know!

- Registration opens in May**—stay tuned!



The ADOA is looking for municipalities to host the 2026 conference

Did you Know?

- The ADOA is required to hold an annual conference.
- Policy 20-ADOA-001 provides guidelines for conference planning.
- The ADOA Executive gives \$45,000.00 to the hosting municipality to help with costs.
**you will be responsible to arrange for additional funds through sponsorships to offset the cost of the conference*
- Municipalities can collaborate with their neighbours to host.



You are provided with the following:

- ✓ Initial welcome email
- ✓ Conference Policy
- ✓ Past budgets
- ✓ Lessons Learned
- ✓ Checklist with Timelines

Why Host?

- Opportunity to plan a fun-filled, educational experience for the ADOA membership.
- The ability to tailor the conference by choosing a theme, speakers, entertainment etc.
- You get to showcase your municipality!
- A chance to bring some economic development to your community throughout the 3 day conference

The Executive Board is here to help! Once you have established your planning committee, we will meet with you and do regular check ups to ensure you are on track.

LUNCH AND LEARN

Don't forget to sign up for the June Lunch & Learn, June 5, 2025

Email Diane at admin@adoa.ca to get the details to join in virtually or if you are in the area we are bringing in lunch for the first 20 participants.

If you aren't able to make it for the lunch, the learning portion will start at 1 pm with 3 speakers discussing legal challenges, safety codes and environmental .

TERRY TOPOLNITSKY EDUCATION SUBSIDY

APPLICATION DEADLINE - JULY 31.

The Terry Topolnitsky Education Subsidy is meant to recognize and provide funds to Members enrolled in a recognized educational program that is dedicated to their profession and their educational advancement.

**SUBMIT YOUR
APPLICATION NOW!**
[HTTPS://ADOA.NET/EDUCATION/](https://adoa.net/education/)



ADOA LEGAL CORNER with:



BROWNLEE LLP
Barristers & Solicitors

Issuing Stop Orders:

Section 645 of the *Municipal Government Act*

(Article 4 in Brownlee LLP's Development Enforcement Series)

Prepared by: Derek J. King, KC (Partner) and Dylan Sigurdson (Student-at-Law)

Stop Orders are the central enforcement mechanism under Part 17 of the *Municipal Government Act*. They are authorized by section 645 which empowers development authorities to issue mandatory directives to the offending parties requiring them to remedy their transgression and, if necessary, establishing the authority for the municipality to remedy the transgression through intrusive action, taken at the offender's expense.

To ensure a Stop Order is clear, unambiguous, enforceable and effective, there are certain requirements that should be included in every order issued. These include:

i. Identification of Issuer and Recipient

A Stop Order should clearly identify both the person issuing the Order and the recipient or recipients. The issuer must be the Development Authority, typically a Development Officer. Frequently Orders that cross our desks are determined to be invalid, due to having been issued by the wrong authority, such as a Community Peace Officer, Bylaw Enforcement Officer, or Designated Officer of the Municipality.

The Stop Order must be issued to the "owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them". Whether issuing to a single person or to multiple persons, it must be clear from its wording who the Order is being issued to, in order to ensure that they are obligated to take positive action to remedy and can be held accountable for failure to comply. They should be specifically named and not just referred to by generic terms such as "landowner" or "occupant".

Most Stop Orders are issued to the registered owner of the land, but depending on the circumstances, they periodically are also issued to the tenant or occupant, or even a contractor, if that person is also responsible for the contravention.

ii. Contraventions and Remedies

A well drafted Stop Order will clearly and articulately identify the nature of the contravention that is the subject of the Order. It is important that there be no ambiguity as to what needs to be done to bring the lands into compliance with the Order.

If the Order itself is unclear it can lead to delays or confusion regarding compliance. For example, the recipient could falsely believe they have taken the proper steps to comply with the Stop Order, when in reality there is still more to be done. This can lead to conflict and confusion between the recipient and the municipality, even in situations where the recipient is willing to remedy the contravention.

Furthermore, a Stop Order that inadequately identifies the specifics of the contravention runs the risk of being found void due to vagueness. A similar concern can arise if the Stop Order also fails to clearly identify the actions that must be taken in order to remedy the contravention.

To avoid this, a Stop Order should both clearly articulate the nature of the contravention or conventions, and also outline the specific actions which are to be taken to remedy the contraventions. Ambiguity results in confusion, frustration on the part of the municipality and the recipients of the Order, and lost time and cost.

iii. Deadline for Compliance

The Stop Order must impose deadlines for compliance, but should also ensure that the deadlines are clear and reasonable. It is typically best practice to set a specific date for compliance. The length of time which should be allowed to remedy a specific contravention is wholly dependent on the circumstances, such as the complexity of the remedy, the urgency associated with remedying the matter, and the season or prevailing weather conditions.

When there are multiple steps that need to be taken in order to remedy the contraventions, a municipality should consider setting out a separate deadline for each step, with the missing of any of the time limits constituting a breach of the entire Stop Order. For example, the Order may require an *immediate* cessation of development, and then require removal of the offending structure within 14 days. Both deadlines must be met in order to avoid the risk of contravening the Order.

iv. Municipal Authority to Enforce the Order

A Stop Order must expressly inform the recipient that, if they fail to comply within the stated deadlines, the municipality has the authority to enter the lands and to complete the work at the recipient's expense. This can serve as an important motivator to the recipient as non-compliance could result in the municipality taking intrusive and costly action, remedying the contravention in a manner that may not be in the recipient's best interests, and imposing a significant financial burden on the recipient.

Equally important is to state that the costs of enforcement action can be added to the tax roll for the subject lands and recovered in the same manner as a property tax. This ensures that the

municipality will have the authority to actually take this step, and acts as further incentive for the recipient to comply.

v. Appeals

The Stop Order should refer to the availability of an appeal, the appropriate appeal tribunal and the deadline to seek an appeal. While this is not a mandatory requirement for inclusion within a Stop Order, it demonstrates that the municipality is acting in a fair and even-handed manner, and can be helpful in the event that the municipality finds itself seeking an injunction from the Court of King's Bench, if determined to be necessary.

vi. 2017 Amendments

In addition to the above requirements, municipalities should also be mindful of the additional requirements put in place by the 2017 amendments to the *Municipal Government Act*. Importantly, municipalities must now:

- Specify the date when the Stop Order is made;
- Provide any other information required by regulations; and
- Must give or send the Stop Order on the same day the decision is made.

To date, there are still no regulations providing additional requirements or information that must be included in a Stop Order.

Conclusion

Municipalities should ensure all Stop Orders meet the minimum requirements above. This will help ensure that Stop Orders are clear, effective and enforceable, allowing the municipality to avoid wasted effort, delay and unrecoverable cost.

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

2024-2025 Board of Directors

Board Member	Role	Municipality	Email	Phone
Jordan Reugg	President	Smoky Lake County	jreugg@smokylakecounty.ab.ca	780-656-3730
Roger Garnett	Vice-President	County of Vermillion River	rgarnett@county24.com	780-846-2244
Diane Cloutier	Treasurer Chair & Conference Committee Liaison		treasureradoa@gmail.com	780-623-8836
ShannaLee Simpson	Communications Chair	County of Newell	simpsons@newellmail.ca	403-794-2312
Kristy Sidock	Education Chair	Town of Three Hills	educationadoa@gmail.com	403-443-5822
Steve Chipchase	Membership Chair	Sturgeon County	schipchase@sturgeoncounty.ca	780-939-0628
Jenny Bruns	Secretary	Town of Barrhead	JBruns@barrhead.ca	780-282-0390

Diane Burtnick	Executive Assistant	admin@adoa.ca	780-913-4214
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Contact us

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

Phone: 780-913-4214

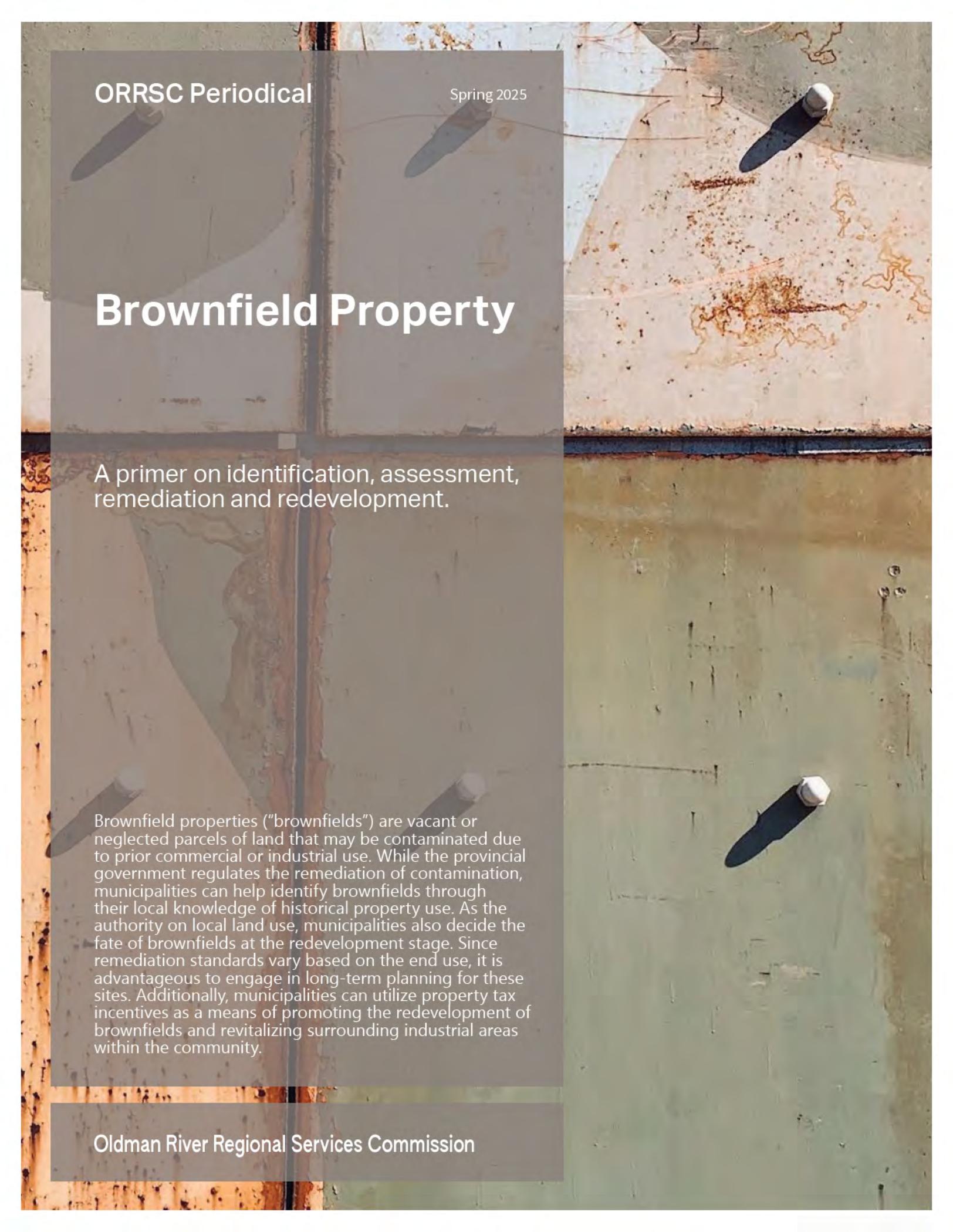
Email: admin@adoa.net

Alberta Development Officers Association

#48, 134 Village Way

Strathmore, AB T1P 1A2

Visit us on the web at www.adoa.net



ORRSC Periodical

Spring 2025

Brownfield Property

A primer on identification, assessment, remediation and redevelopment.

Brownfield properties ("brownfields") are vacant or neglected parcels of land that may be contaminated due to prior commercial or industrial use. While the provincial government regulates the remediation of contamination, municipalities can help identify brownfields through their local knowledge of historical property use. As the authority on local land use, municipalities also decide the fate of brownfields at the redevelopment stage. Since remediation standards vary based on the end use, it is advantageous to engage in long-term planning for these sites. Additionally, municipalities can utilize property tax incentives as a means of promoting the redevelopment of brownfields and revitalizing surrounding industrial areas within the community.

Oldman River Regional Services Commission

Introduction

A brownfield property is a site that previously accommodated a commercial or industrial use; is suspected of being contaminated; is vacant, derelict or underutilized; and has potential for redevelopment. While not explicitly stated in the *Municipal Government Act* (MGA) definition paraphrased above, in practice the term is most frequently used in relation to urban properties—particularly those near downtown cores and along transportation corridors.

Former uses associated with brownfields include gas and bulk fuel stations, auto repair shops, dry cleaners, car washes, landfills, rail yards, highway maintenance yards, refineries, and various heavy manufacturing operations. Common contaminants found on these properties include petroleum hydrocarbons, metals and polycyclic aromatic hydrocarbons. This periodical will canvass the regulatory context governing brownfields and explore how to identify, assess, remediate, and ultimately redevelop this property type.

Why brownfields matter

The municipal interest in brownfields stems from the mandate to maintain safe communities and foster the well-being of the environment under s. 3 of the MGA. Councils fulfill these purposes chiefly through the planning provisions in Part 17 of the Act. If a brownfield is redeveloped without proper remediation, the contamination may result in serious risks to human health and the environment. Volatile compounds in the soil may leach into underground aquifers. They can also migrate through the soil—upward and into the interior space of a building, or laterally to an off-site location. Contaminated groundwater can likewise infiltrate the soil.

Where the contamination on or under a brownfield property has been eliminated through remediation, redevelopment of the property can achieve a more efficient use of land by leveraging existing municipal infrastructure and preventing undue urban sprawl. Making brownfields a core focus of urban revitalization efforts—through an area redevelopment plan or a non-statutory community action plan—can help spur capital investment in the area, enhancing property values and strengthening the local tax base.

Adverse effects

Contamination management is regulated by Alberta Environment and Protected Areas, except for properties owned by the federal Crown. The provincial policy framework for the management of contaminated sites aims to prevent pollution, protect public health, and restore land to productive use.

The legislative scheme for remediation—the mitigation of contamination at a site—is set forth in Part 5 of the *Environmental Protection and Enhancement Act* (EPEA). Notably, the Act defines neither “brownfield property” nor



Brownfield site (former gas station) in the City of Lethbridge

The Government of Alberta sets the acceptable levels of contaminants, measured in parts per million (ppm). Under the Tier 1 guidelines, these thresholds are dependent on the soil texture. For example, in coarse textured soil, the maximum acceptable level of benzene for residentially redeveloped properties is 0.015 ppm and a commercially mitigated site can have up to 0.078 ppm. In comparison, the maximum concentration in fine textured soil is 0.046 ppm for both land use categories.

Regulatory liability for historical contamination was recently considered by the provincial Environmental Appeals Board in the case of Sears Canada Inc. et al. v. Director, Regional Compliance, South Saskatchewan Region, Alberta Environment and Parks, 17-069-070 and 18-013-R, 2020 ABEAB 6 (CanLII). The property in question had hosted a service station that was originally operated by Sears (the landowner), who later outsourced operations to Suncor until the service station was closed. During decommissioning, it was revealed that a major leak from the underground storage tanks had contaminated the property and spread to a nearby neighborhood. Despite remediation efforts, contamination was still present when Sears initiated bankruptcy proceedings in 2017. In response, the Director issued an environmental protection order to Sears, Suncor, and the new owners who had purchased the property from Sears two years earlier. On appeal, the Board found Sears and Suncor responsible—but not the new owners. In the Board’s view, the new owners had merely acted as a landlord and had not actively assumed management or control of the contaminant. Still, the Board cautioned that the new owners could be deemed responsible in the future should they engage in any ground disturbance associated with redeveloping the property.

“contaminated site.” While Division 2 of the Act does outline a mechanism for designating contaminated sites, the Environmental Law Centre estimates that this designation has only been applied five times since the Act came into force in 1993. Instead, the provincial ministry regulates contamination almost exclusively through the substance release provisions in EPEA Division 1. These provisions are triggered when a substance is released that may cause, is causing or has caused an adverse effect (i.e. impairment of, or damage to, the environment, human health or safety or property). The most common regulatory response to a substance release is the issuance of an environmental protection order, which is registered against the certificate of title to the affected property and requires the person responsible to take remedial measures. It is worth noting that the human health component of an adverse effect is understood to encompass physical health and mental health. In the case discussed in the sidebar, the Environmental Appeals Board affirmed the Director’s finding that the adverse impacts included impacts on peace of mind and quality of life for residents of the nearby neighbourhood.

Regulatory liability

In relation to a substance release, the EPEA defines “person responsible” to include the owner and previous owner of the substance, along with anyone who has had management or control over it. One notable exemption embedded into the definition is that a municipality is not responsible for contamination on land that is either listed on its tax arrears list or that it acquired through the subdivision process as an environmental reserve, municipal reserve, school reserve, road, public utility lot, or public utility right-of-way. The municipal exemption only applies if there is no additional substance release and no aggravation of the adverse effects.

Where a municipality acquires land through an ordinary purchase, it could be liable for contaminants in the same way as if it had acquired the land as an individual or private corporation. Transfers of real property are subject to the rule of “buyer beware”—meaning that the risk of any deficiencies or liabilities rest with the buyer. The exception to this rule is where the seller fails to disclose defects that a buyer might not discover through exercising reasonable due diligence. It is therefore critical for a municipality to assess the baseline environmental condition of a property where there has been a history of commercial or industrial use. Including an indemnification clause in the purchase and sale agreement will protect a municipality against civil lawsuits but will not shield it from regulatory liability under the EPEA. And, as the case in the sidebar illustrates, a landowner can be held liable for any existing contaminants long after purchasing the property.

Identification and assessment

Information on the environmental condition of real property is dispersed across various governmental databases. Potentially contaminated federal land is catalogued in the Federal Contaminated Sites Inventory.

At the provincial level, information related to oil and gas contaminated sites can be accessed through the Alberta Energy Regulator's OneStop platform. Requests for historical information on storage tanks can be submitted through the Alberta Safety Codes Authority, except where a municipality is accredited to administer its own permitting and inspections for storage tanks. Regarding contaminated sites unrelated to oil and gas, the Environmental Site Assessment Repository (ESAR) helps municipalities, developers and the public identify brownfield properties for which an environmental site assessment (ESA) has been mandated by the provincial government. For brownfield properties not listed on ESAR, a municipality's local knowledge of historical commercial and industrial uses within its boundary can help bring awareness about potentially contaminated land. Maintaining an inventory of brownfields can be a beneficial practice to ensure environmental concerns are not overlooked at the development stage. For example, the Town of Magrath lists "Sites Containing Possible/Former Environmental Contamination" in its Municipal Development Plan.

Where no prior assessment has been undertaken in respect of a brownfield, a Phase 1 ESA is recommended to identify the likelihood, types and probable locations of substances that may be present on or under the land. A Phase 1 ESA involves reviewing the current and historic land uses and other available site records, interviewing relevant parties, and inspecting the site to identify areas of potential environmental concern. Common indicators of contamination include stressed vegetation, discoloured soil and offensive odours. The qualified professional undertaking the Phase 1 ESA will produce a report stating whether there is actual, suspected, or no contamination, and what further action is recommended.

Should the Phase 1 ESA recommend further investigation, a Phase 2 ESA will be completed to confirm the presence of contaminants and ascertain their nature and extent. This process includes surveying, drilling boreholes, and analyzing soil and groundwater samples. A Phase 2 ESA report will clearly outline the environmental condition of the property and any potential concerns from on-site and off-site sources, along with recommendations for remediation. Phase 2 ESAs are also used to evaluate residual contamination upon removal of substances from a property. The Alberta Environmental Site Assessment Standard specifies the minimum requirements for Phase 1 and Phase 2 ESAs and guides the planning, implementation and reporting of these studies in conjunction with CSA Standard Z768.

Remediation and exposure control

Remediation is typically undertaken subsequent to a Phase 2 ESA. Sites that are remediated to the Alberta Tier 1 or Tier 2 guidelines are eligible to obtain a remediation certificate under the *Remediation Regulation*.

The Tier 1 guidelines set broad targets for five generic land use categories: natural areas, agricultural, residential/parkland, commercial and industrial. Within the residential/parkland land use category, parkland is understood

CSA Standard Z768 assists in planning, implementing and interpreting the results of Phase I ESAs. The document provides specific guidance on site characterization methods and is to be used in conjunction with the Alberta Environmental Site Assessment Standard.

Whereas BC and Ontario have obligations for reporting on the environmental condition of a property prior to effecting a change in use, no equivalent province-wide requirements exist in Alberta. As such, it is good practice to proactively ensure that redesignation applications are subject to environmental review. In the City of Edmonton, any proposed redesignation from industrial, commercial, agricultural or direct control districts must be accompanied by a Phase I ESA that establishes the baseline environmental condition of the land.

Where the zoning for a brownfield is already in place but no Phase 1 ESA was undertaken, redesignating the property to Direct Control (DC) is an option. Relying on a conventional zoning district comes with some risk that the development of a permitted use might proceed without the benefit of proper remediation. To mitigate this risk, most ORRSC land use bylaws contain administrative provisions that confer power to the Development Authority for contaminated sites, and these provisions are operable even for permitted uses.



The R.W. Lindholm Service Station in Cloquet, Minnesota is the only gas station ever constructed from the designs of Frank Lloyd Wright. While the suspended overhead fuel lines had to be kiboshed due to non-compliance with local safety code regulations, the final design did include a soaring canopy and first-class observation lounge on the upper level. The significance of the building in the development of gas station architecture in America led to its inclusion in the National Register of Historic Places.

Where a brownfield property in Alberta contains a historical building that possesses significant character-defining elements, a municipality may decide that these elements warrant preservation as part of the scheme for remediation and redevelopment. In such circumstances, the municipality can designate the property as a Municipal Historic Resource pursuant to s. 26 of the Historical Resources Act. Under this statutory mechanism, the municipality adopts a bylaw designating the Municipal Historic Resource, and a copy of the bylaw is then registered against the certificate of title.

to include urban parks as well as recreational uses like campgrounds. In selecting the land use category for Tier 1 application, the appropriate category is the one that most closely aligns with the range of allowable uses provided for in the pertinent district of the municipal land use bylaw. It is not only the current land use that must be considered but also potential changes to more sensitive uses. Such potential changes are not limited to situations where a proposed land use redesignation has been initiated; they also include scenarios where a change is reasonably foreseeable. For example, it would generally not be appropriate to apply the natural areas land use category to a site that abuts the boundary of an urban municipality or that has been identified in a local statutory plan as a growth node. Also, where a brownfield abuts a property that fits into a more sensitive Tier 1 land use category, the standards for the more sensitive use must be applied to the portion of the brownfield located within 30 metres of the abutting property. Similarly, if the owner of a remediated site wishes to redistrict the land to accommodate a more sensitive use, additional remediation will be required to meet the standards applicable to that use. Adjustment of the Tier 1 guidelines according to site-specific conditions yields the Tier 2 guidelines.

Remediation to Tier 1 or Tier 2 guidelines is mandatory for sites that fit into the agricultural or natural land use categories, and for sites in the residential/parkland category where new development is being proposed. For sites that fit into the commercial or industrial category, and for existing residential properties that have been impacted by contamination, risk-managing the site through exposure control may be an acceptable alternative where remediation to an acceptable land use endpoint is not feasible. Exposure control entails the ongoing application of physical or engineered barriers coupled with administrative controls and long-term environmental monitoring. Administrative controls relevant to municipal planning include restrictions on land use and the siting of buildings. Exposure control can also be employed as a temporary measure in situations where remediation is the ultimate goal but has yet to be carried out to completion.

Redevelopment

Once contaminant levels are reduced through remediation to meet the regulatory thresholds, a brownfield property has the potential to be redeveloped, subject to local planning policies and development regulations.

The financial feasibility of redeveloping brownfields is often frustrated by high remediation costs, which can result in parcels remaining vacant for prolonged periods. By utilizing the brownfield tax incentives under Part 10 of the MGA, municipalities can help expedite the redevelopment timeline. To implement the tax incentives, a municipality can adopt a bylaw under s. 364.1(2) to exempt (fully or partially) brownfield properties from taxation or defer tax collection on brownfield properties. A bylaw under s. 364.1(2):

- must identify the brownfield properties eligible for exemption or deferral;
- may set criteria that a property must meet to qualify;

- must specify the applicable taxation year(s); and
- must outline any conditions of the exemption or deferral.

Before adopting the bylaw, the Council must hold a public hearing. Once the bylaw is in place, property owners can apply to the municipality for the incentive and the designated officer will assess eligibility. Alternatively, rather than adopting a bylaw under s. 364.1(2), a municipality can enter into an agreement with a brownfield property owner under s. 364.1(11) to exempt the property from tax or defer tax collection.

Another source of capital for brownfields is the Green Municipal Fund, a revolving fund administered by the Federation of Canadian Municipalities. At least 30% of the funding available through this program is reserved for proposals focused on the remediation and redevelopment of brownfields.

Before brownfield properties are fully remediated, they may be suitable for interim uses depending on the nature and extent of contamination. These interim uses could include parking lots, outdoor storage, public parks, spaces for pop-up retail, or renewable energy development. For instance, in the Town of Vulcan, a site formerly occupied by two bulk fuel stations was repurposed into a park after the contaminated soil was moved off-site. The park features a solar installation, with panels mounted on elevator-shaped metal structures as a tribute to the Town's history as a key grain shipping hub. Ongoing monitoring ensures that any residual contamination does not migrate to the land surface or to neighbouring properties. While this 23-kilowatt project was primarily aimed at educating the community about emerging technologies, a 120-kilowatt solar array at the Village of Hill Spring's irrigation pump house on land formerly used in association with the railway helps offset the municipality's annual electricity expenses. Similar revenue-generating opportunities could exist for other municipalities in southern Alberta seeking to deploy low-cost energy on brownfields, as these properties tend to be located in areas that are both adequately separated from residential neighbourhoods and serviced with existing electric distribution infrastructure. The term "brightfields" has been gaining traction to describe this emerging strategy for returning brownfields to productive use. Of course, given the ground disturbance involved in installing the pile foundations that support solar energy structures, stringent environmental monitoring would be required during development and throughout a project's operational stage.

Concluding remarks

Brownfield properties present both challenges and opportunities to municipalities. Proactively identifying these sites is critical in understanding their associated liability risk and in planning desired end uses. Once identified, brownfields warrant careful assessment and remediation to safeguard human health and the environment. The ultimate aim is to return these properties to productive use. By introducing property tax incentives, a municipality can spearhead the revitalization of underutilized areas by helping to alleviate the financial burden of redeveloping brownfields.



Solar Park, Town of Vulcan



Hill Spring Irrigation Pump House Solar PV, Village of Hill Spring

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