



**TOWN OF PINCHER CREEK COUNCIL
MEETING AGENDA
Monday, September 11, 2023 at 6:00 p.m.
Council Chambers, Town Hall
[Zoom Link](#) [Passcode: 3BS2LP](#)**

1. **Call to Order**
2. **Scheduled Public Hearing**
3. **Agenda Approval**
4. **Scheduled Delegations**
5. **Adoption of Minutes**
 - 5.1 Minutes of the Regular Meeting of Council held on August 28, 2023 ([Page 2](#))
 - 5.2 Minutes of the Committee of the Whole held on September 5, 2023 ([Page 8](#))
6. **Business Arising from the Minutes**
7. **Bylaws**
 - 7.1 Land Use Bylaw Amendment 1547-AQ – 2nd & 3rd Readings ([Page 13](#))
 - 7.2 Land Use Bylaw Amendment 1547-AR - Short-term Rentals to C4 ([Page 20](#))
8. **New Business**
 - 8.1 October 4th Public Open House ([Page 24](#))
 - 8.2 Committee of the Whole Meetings ([Page 26](#))
 - 8.3 Letter from the Municipal District of Pincher Creek ([Page 28](#))
 - 8.4 Office Space Requirements ([Page 31](#))
 - 8.5 Vote on Resolutions at AB Municipalities Convention (No RFD)
 - 8.6 National Legion Week ([Page 34](#))
9. **Council Reports**
 - 9.1 Upcoming Committee Meetings and Events
10. **Administration**
 - 10.1 Council Information Distribution List ([Page 37](#))
11. **Closed Session Discussion**
 - 11.1 Offer to Purchase Roll #08603600, 08603800 & 08604000 FOIP s. 16
 - 11.2 Offer to Purchase Roll #4102400 FOIP s. 16
 - 11.3 Multi-Purpose Facility - Lease Agreement FOIP s. 16
 - 11.4 Letter to MD on EMS - FOIP s. 21
 - 11.5 Administration Transition (No RFD) - FOIP s. 24
12. **Notice of Motion**
13. **Adjournment**

The next Regular Council Meeting is scheduled for September 25, 2023 AT 6:00 p.m.



**REGULAR MEETING OF COUNCIL
Held on Monday August 28, 2023
In Person & Virtually,
Commencing at 6:00 p.m.**

IN ATTENDANCE:

Mayor: D. Anderberg
Councillors: M. Barber, D. Green, G. Cleland, S. Nodge,
and B. Wright
With Regrets: W. Oliver
Staff: A. Lucas, Chief Administrative Officer; W.
Catonio, Director of Finance and Human
Resources; L. Goss, Legislative Manager
and T. Walker, Energy Lead

1. CALL TO ORDER

Mayor Anderberg called the meeting to order at 6:00 pm.

2. SCHEDULED PUBLIC HEARINGS

2.1 Land Use Bylaw Amendment 1547-AQ

Present: Mayor Anderberg
Councillor Barber
Councillor Cleland
Councillor Nodge
Councillor Green
Councillor Wright

Staff: A. Lucas, Chief Administrative Officer
K. Green, Executive Assistant
L. Goss, Legislative Manager
W. Catonio, Director of Finance and Human Resources
T. Walker, Energy Lead

1. CALL TO ORDER

The Mayor called Public Hearing for Bylaw No. 1547 – AQ at 6:00pm on August 28, 2023 to order.

**2. ADOPTION OF AGENDA
CLELAND:**

That Council for the Town of Pincher Creek approves the August 28, 2023 Public Hearing for Bylaw No. 1547 – AQ agenda as presented.

CARRIED PH23-8

3. Purpose of Public Hearing -- (Mayor).

The purpose of the public hearing is to present Bylaw No. 1547-AQ, to add Drive-In Restaurant as a Discretionary Use in the Transitional Commercial – C4 land use district,

and to add to Schedule 4, Standards of Development, requirements, and development standards to apply to Drive-In Restaurant uses.

4. CONFIRMATION OF NOTICE --

The Notice of Public Hearing was advertised in the August 9 and 16 editions of the local weekly newspaper Shootin' the Breeze.

5. REPORT FROM OLDMAN RIVER REGIONAL SERVICES COMMISSION SENIOR PLANNER

Comments were received from Oldman River Regional Services Commission Steve Hardy

6. REPORT FROM THE TOWN'S MANAGEMENT STAFF

No comments were received from Emergency Services
Comments were received from Operational Services

7. WRITTEN SUBMISSIONS -- (Asked for by The Mayor – Reply by the CAO)

There have been no written submissions received as of 12:00 Noon August 23, 2023.

8. PERSONS WISHING TO BE HEARD

No persons indicate their wish to be heard as of 12:00 Noon, August 23, 2023

The Mayor asked if there were any persons wishing to be heard. (First Time)

The Mayor asked if there were any persons wishing to be heard. (Second Time)

The Mayor asked if there were any persons wishing to be heard. (Third and Final Time)

9. CLOSURE OF PUBLIC HEARING

GREEN:

That this Public Hearing on August 28, 2023 be hereby adjourned at 6:05 p.m.

CARRIED PH23-09

3. AGENDA APPROVAL

NODGE:

That Council for the Town of Pincher Creek agrees to moved agenda item 11.3 PC Community Early Learning Centre to 8.3 on the August 28, 2023 Regular Council meeting agenda.

CARRIED 23-374

CLELAND:

That Council for the Town of Pincher Creek approves the August 28, 2023 Regular Council meeting agenda as amended.

CARRIED 23-375

4. DELEGATIONS

4.1 James Van Leeuwen – SASCI

5. ADOPTION OF MINUTES

5.1 Minutes of the Special Meeting of Council held July 4, 2023

NODGE:

That Council for the Town of Pincher Creek approves the minutes of the Special Meeting of Council held July 4, 2023 as presented.

CARRIED 23-376

5.2 Minutes of the Committee of the Whole held on July 5, 2023

GREEN:

That Council for the Town of Pincher Creek approves the minutes of the Committee of the Whole held on July 5, 2023 as presented.

CARRIED 23-377

5.3 Minutes of the Regular Meeting of Council held on July 17, 2023

WRIGHT:

That Council for the Town of Pincher Creek approves the minutes of the Regular Meeting of Council held on July 17, 2023 as presented.

CARRIED 23-378

5.4 Minutes of the Regular Meeting of Council held on July 24, 2023

NODGE:

That Council for the Town of Pincher Creek approves the minutes of the Regular Meeting of Council held on July 24, 2023 as amended.

CARRIED 23-379

5.5 Minutes of the Committee of the Whole held on August 2, 2023

BARBER:

That Council for the Town of Pincher Creek approves the minutes of the Committee of the Whole held on August 2, 2023 as presented.

CARRIED 23-380

5.6 Minutes of the Special Meeting of Council held on August 3, 2023

CLELAND:

That Council for the Town of Pincher Creek approves the minutes of the Special Meeting of Council held on August 3, 2023 as presented.

CARRIED 23-381

5.7 Minutes of the Special Meeting of Council held on August 8, 2023

GREEN:

That Council for the Town of Pincher Creek approves the minutes of the Special Meeting of Council held on August 8, 2023 as presented.

CARRIED 23-382

5.8 Minutes of the Special Meeting of Council held on August 16, 2023

WRIGHT:

That Council for the Town of Pincher Creek approves the minutes of the Special Meeting of Council held on August 16, 2023 as presented.

CARRIED 23-383

6. BUSINESS ARISING FROM THE MINUTES

6.1 Lebel Mansion Solar Installation

GREEN:

That Council for the Town of Pincher Creek defers the Solar Array Installation at the Lebel Mansion until there has been a confirmation from the Grant Funding.

CARRIED 23-384

T. Walker left meeting at 7:03 pm

7. BYLAWS

8. NEW BUSINESS

8.1 2023 Awards of Excellence

NODGE:

That Council for the Town of Pincher Creek agree to provide a sponsorship of \$1500 as a Diamond Sponsor for the Pincher Creek & District Chamber of Commerce Awards of Excellence to be funded from the general contingency fund 7412 002 700.

CARRIED 23-385

8.2 Dog Park Irrigation Update

BARBER:

That Council for the Town of Pincher Creek defer the dog park irrigation project to the 2024 budget deliberations.

CARRIED 23-386

8.3 PC Community Early Learning Centre

NODGE:

That Council for the Town of Pincher Creek have a Special Council Meeting at 5:00 pm on September 11, 2023 for the Pincher Creek Community Early Learning Centre (PCCELC) member Annual General Meeting to appoint the auditor, appoint the PCCELC Board Members, receive the financial statements.

CARRIED 23-387

9. COUNCIL REPORTS

9.1 Upcoming Committee Meetings and Events

10. ADMINISTRATION

10.1 Council Information Distribution List

BARBER:

That Council for the Town of Pincher Creek accepts the August 28, 2023 Council Information Distribution List as information.

CARRIED 23-388

10.2 Council Resolution Spreadsheet

WRIGHT:

That Council for the Town of Pincher Creek accept the resolution spreadsheets as information.

CARRIED 23-389

Mayor Anderberg called a recess at 7:26 pm
Mayor Anderberg called the meeting back to order at 7:42 pm

11. CLOSED MEETING DISCUSSION

CLELAND:

That Council for the Town of Pincher Creek agree to move into closed session of Council on Monday August 28, 2023 at 7:42 pm in accordance with section 16 & 24 of the Freedom of Information and Protection of Privacy Act, with the Chief Administrative Officer, Executive Assistant, Director of Operations and Director of Finance and Human Resources in attendance.

CARRIED 23-390

WRIGHT:

That Council for the Town of Pincher Creek agree to move out of closed session of Council on Monday August 28, 2023 at 8:55 pm in accordance with section 16 & 24 of the Freedom of Information and Protection of Privacy Act.

CARRIED 23-391

11.1 Offer to Purchase Roll # 08603600, 08603800 & 08604000- FOIP s.16

WRIGHT:

That Council for the Town of Pincher Creek direct administration to garner additional information regarding the offer to purchase Plan 0613747, Block 7, Lots 6, 7 & 8 dated July 24, 2023.

CARRIED 23-392

11.2 Land Transfer - Roll 8600600 - FOIP s.16

NODGE:

That Council for the Town of Pincher Creek direct administration to continue negotiations for the land transfer of Roll #8600600.

CARRIED 23-393

W. Catonio & L. Goss left meeting at 8:40 pm

11.3 Moved to 8.3

11.4 Administration Transition – FOIP S. 24

BARBER:

That Council for the Town of Pincher Creek accept the Administration Transition update as information.

CARRIED 23-394

12. NOTICE OF MOTION

13. ADJOURNMENT

*Regular Council Meeting
August 28, 2023*

CLELAND:

That this meeting of Council on August 28, 2023 be hereby adjourned at 9:00 pm.

CARRIED 23-395

MAYOR, D. Anderberg

CAO, A. Lucas

**APPROVED BY RESOLUTION
OF THE COUNCIL OF THE
TOWN OF PINCHER CREEK,
THIS 11th DAY OF SEPTEMBER 2023**

S E A L

**NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON
MONDAY SEPTEMBER 11, 2023 AT 6:00 P.M.**



Town of Pincher Creek
COMMITTEE OF THE WHOLE MINUTES
September 5, 2023 – 8:30 AM
962 St. John Avenue
In Person & Virtually

ATTENDANCE:

- Mayor: D. Anderberg
- Councillors: M. Barber, S. Nodge, G. Cleland, D. Green, and W. Oliver
- With Regrets: B. Wright
- Staff: A. Lucas, Chief Administrative Officer; W. Catonio, Director of Finance and Human Resources; K. Green, Executive Assistant; A. Levair, Director of Operations; A. Hlady, FCSS; and L. Goss, Legislative Services Manager

1. **CALL TO ORDER**

Mayor Anderberg called the meeting to order at 8:30 am.

2. **AGENDA APPROVAL**

CLELAND:

That the Committee of the Whole for the Town of Pincher Creek agrees to add 8.4 Citizen Letter and 8.5 Rural Renewal Program to the September 5, 2023 Committee of the Whole Agenda.

CARRIED COTW 2023-139

GREEN:

That the Committee of the Whole for the Town of Pincher Creek accepts the September 5, 2023 Committee of the Whole Agenda as amended.

CARRIED COTW 2023-140

3. **DELEGATIONS**

3.1 **Sgt. Ryan Hodge – RCMP**

4. **COMMITTEE REPORTS**

- BARBER:** Aug 2 – Committee of the Whole
Aug 3 – Special Council Meeting

Aug 3 – Chinook Arch
Aug 8 - Special Council Meeting
Aug 12 – Claresholm Parade
Aug 16 - Special Council Meeting
Aug 24 – Housing Committee
Aug 28 – Regular Council Meeting
Aug 29 – Pincher Creek Early Learning
Aug 30 – Landfill
Aug 30 – Special Council Meeting
Aug 30 – Community Futures

GREEN: Aug 2 – Committee of the Whole
Aug 3 – Special Council Meeting
Aug 8 - Special Council Meeting
Aug 28 – Regular Council Meeting
Aug 29 – Pincher Creek Early Learning
Aug 30 – Special Council Meeting

NODGE: Aug 2 – Committee of the Whole
Aug 2 - Alberta Southwest - Ranchlands
Aug 3 – Special Council Meeting
Aug 8 - Special Council Meeting
Aug 16 - MDSA
Aug 16 - Special Council Meeting
Aug 23 - EAC - water issue MD
Aug 24 – Housing Committee
Aug 28 – Regular Council Meeting
Aug 30 – Special Council Meeting

CLELAND: Aug 2 – Committee of the Whole
Aug 3 – Special Council Meeting
Aug 8 - Special Council Meeting
Aug 12 – Claresholm Parade
Aug 16 - Special Council Meeting
Aug 24 – Housing Committee
Aug 28 – Regular Council Meeting
Aug 30 – Special Council Meeting

OLIVER: Aug 2 – Committee of the Whole
Aug 2 - PC Foundation Special Board Meeting
Aug 16 – MDSA
Aug 30 – Special Council Meeting

S. Nodge joined meeting at 8:47 am

NODGE:

That the Committee of the Whole for the Town of Pincher Creek accept the committee reports as presented.

CARRIED COTW 2023-141

A. Levair joined meeting at 8:52 am

5. ADMINISTRATION

5.1 FCSS Update

CLELAND:

That the Committee of the Whole for the Town of Pincher Creek accepts the FCSS Update presentation as information with thanks.

CARRIED COTW 2023-142

5.2 Operations Second Quarter Report

GREEN:

That the Committee of the Whole for the Town of Pincher Creek accepts the Operations Second Quarter Report presentation as information with thanks.

CARRIED COTW 2023-143

A. Hlady left meeting at 9:40 am

6. BUSINESS ARISING FROM THE MINUTES

6.1 Eco-Centre Organics

CLELAND:

That the Committee of the Whole for the Town of Pincher Creek accept the Eco-Centre Organics discussion as information.

CARRIED COTW 2023-144

Mayor Anderberg called a recess at 9:58 am

A. Levair left meeting at 9:58 am

Mayor Anderberg called the meeting back to order at 10:09 am

7. POLICY

8. New Business

8.1 Snow Storage Location

CLELAND:

That the Committee of the Whole for the Town of Pincher Creek direct administration to research potential options for relocation of the Town's snow storage location.

CARRIED COTW 2023-145

8.2 Policy Review Committee

NODGE:

That the Committee of the Whole for the Town of Pincher Creek agree to suspend the Policy Review Committee for a period of 8 months.

CARRIED COTW 2023-146

L. Goss left meeting at 10:46 am

8.3 Vote on Resolutions at AB Municipalities Convention

CLELAND:

That the Committee of the Whole for the Town of Pincher defer the Vote on Resolutions at AB Municipalities Convention to the September 11, 2023 Council Meeting.

CARRIED COTW 2023-147

8.4 Citizen Letter

CLELAND:

That the Committee of the Whole for the Town of Pincher direct administration to follow up on the inquiry of the August 6th letter from resident.

CARRIED COTW 2023-148

8.5 Rural Renewal:

ANDERBERG:

That the Committee of the Whole for the Town of Pincher direct administration to research the background information on the Rural Renewal Program and communicate with the Pincher Creek District of Commerce.

CARRIED COTW 2023-149

Mayor Anderberg called a recess at 11:20 am

Mayor Anderberg called the meeting back to order at 11:27 am

9. Closed Session

CLELAND:

That the Committee of the Whole for the Town of Pincher Creek agree to move into a closed session of Council on Wednesday, September 5, 2023 at 11:30 am in accordance with section 23 of the Freedom of Information and Protection of Privacy Act with the Chief Administrative Officer; Director of Finance & Human Resources; and Executive Assistant and in attendance.

CARRIED COTW 2023-150

GREEN:

That the Committee of the Whole for the Town of Pincher Creek to move out of a closed session of Council on Wednesday, September 5, 2023 at 12:07 pm.

CARRIED COTW 2023-151

9.1 RCMP Building Update (No RFD) - FOIP s. 23

CLELAND:

That the Committee of the Whole for the Town of Pincher Creek direct Mayor Anderberg, Councillor Wright, and CAO to move forward in setting up a meeting on the RCMP Building.

CARRIED COTW 2023-152

10. Adjournment

OLIVER:

That this session of Committee of the Whole be adjourned at 12:07 pm.

CARRIED COTW 2023-153

**APPROVED BY RESOLUTION OF
COUNCIL FOR THE TOWN OF PINCHER CREEK
THIS 11th DAY OF SEPTEMBER 2023**

Mayor, D. Anderberg

CAO, A. Lucas



Town of Pincher Creek

REQUEST FOR DECISION

Council or Committee of the Whole

SUBJECT: Land Use Bylaw Amendment 1547-AQ – Second and Third Reading	
PRESENTED BY: Lisa Goss, Legislative Service Manager	DATE OF MEETING: 9/11/2023

PURPOSE:

For Council to consider amending the Land Use Bylaw to include “Drive-In Restaurant” as a discretionary use in the Transitional Commercial – C4 land use district.

RECOMMENDATION:

That Council for the Town of Pincher Creek agree and give second reading to Land Use Bylaw Amendment 1547-AQ amending the Land Use Bylaw 1547 to include “Drive-In Restaurant” as a discretionary use in the Transitional Commercial – C4 land use district.

BACKGROUND/HISTORY:

The majority of the area surrounding the Transitional Commercial - C4 land use district is Residential - R1. The intent of the Transitional Commercial - C4 land use district is to identify residential areas within the community whereby the commercial expansion of the downtown may be feasible and/or desirable to develop. Intensifying the use of downtown properties adjacent to residential properties is conflicting as it effects traffic volumes, air quality, noise levels, light pollution and litter and debris.

Upon a motion being made by a Council member for second reading, a majority of Council voting against granting second reading will defeat the bylaw.

ALTERNATIVES:

That Council for the Town of Pincher Creek agree and give third and final reading to Land Use Bylaw Amendment 1547-AQ amending the Land Use Bylaw 1547 to include “Drive-In Restaurant” as a discretionary use in the Transitional Commercial – C4 land use district and that a copy of which be attached hereto forming part of the minutes.

That Council for the Town of Pincher Creek direct administration to bring back Bylaw 1547-AQ with amendments for consideration.

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

See attached.

FINANCIAL IMPLICATIONS:

Advertisement and adjacent property owner notification. In addition, the Land Use Bylaw is to be updated accordingly.

PUBLIC RELATIONS IMPLICATIONS:

In addition to the Towns' Department referral comments, the adjacent property owners are to be notified in accordance with the Land Use Bylaw section 50 and the Municipal Government Act sections 230, 606 and 692. Subsequent to first reading of Bylaw 1547-AQ the Notice of Public Hearing on Bylaw 1547-AQ was published for two consecutive weeks in the local weekly newspaper as per Advertising for Public Hearing Policy 115-95 on August 9 and 16, 2023 respectively.

ATTACHMENTS:

DRAFT Town Pincher Creek LUB 1547 Amendment - Add Drive-in Restaurant to C4 - First Reading - 3246
Public Hearing Comments for Proposed LUB Amendment No. 1547-AQ - MEMO - 3246

CONCLUSION/SUMMARY:

Administration supports that Council for the Town of Pincher Creek refuse to approve the proposed Bylaw 1547-AQ amending the Land Use Bylaw 1547 through defeat of second reading.

Signatures:

Department Head:

Lisa Goss

CAO:

Angie Lucas

Memo

To: Lisa Goss – Legislative Services Manager, Town of Pincher Creek
Cc: Angie Lucas – CAO, Town of Pincher Creek
From: Steve Harty Senior Planner **Date:** August 14, 2023
Re: Public Hearing Comments for Proposed Land Use Bylaw Amendment No. 1547-AQ

BACKGROUND

The Town of Pincher Creek Council gave first reading in July 2023 to an amendment to Land Use Bylaw No. 1547 to add Drive-in Restaurant as a Discretionary Use in the Transitional Commercial – C4 land use district. The Subway restaurant on Main St. is completing renovations and desire to offer a drive-thru window service. As the land use district does not have a listed permitted or discretionary use to accommodate a Drive-in Restaurant, the use is currently prohibited, and the use provisions of the bylaw cannot be waived. Council gave first reading to the proposed bylaw “as amended” to consider as a discretionary use (as opposed to a permitted). If Drive-in Restaurant is listed as a discretionary use in the C4 district such a use would be available for any such zoned lot owner to apply for the use. Also, as part of the bylaw amendment, a schedule of proposed Drive-in restaurant requirements and standards of development was included to be incorporated into the land use bylaw to help manage such a use.

An extensive overview of the particular Subway restaurant situation was provided to Council at the time of first reading. The Subway drive-in/pick-up window has been boarded up and not used for more than a decade and it is deemed a discontinued use. Any recommencement of the use requires a new development permit approval which may only be allowed if the use is prescribed in the district. It is noted that the use is presently only allowed in the Highway Commercial - C2 land use district of the bylaw.

COMMENTS

As a refresher for Council, the land use bylaw’s definition of Drive-in restaurant is as follows:

Drive-in restaurant means a restaurant which offers car attendant service or drive-through pickup service.

The intent of the Transitional Commercial – C4 land use district is: *to identify residential areas within the community whereby the commercial expansion of the downtown may be feasible and/or desirable to develop.*

From a planning perspective, adding the Drive-in Restaurant use to the Transitional Commercial – C4 land use district is problematic for several reasons. Typical planning and land use concerns associated with drive-thru type uses that require consideration, especially in proximity or adjacent to residential uses, are:

- a drive-thru generates additional local traffic, and if poorly designed or configured to accommodate such, it can create safety issues due to vehicle back-ups on the adjoining street.

Exiting from the drive-thru lane into the public street also needs to be carefully planned and sited for the lot so there are no blind spots that may cause potential collisions with pedestrians or vehicle traffic;

- odours & air quality - idling vehicles waiting in queue lines lessen the quality of air in the vicinity;
- excessive noise – from menu speaker boxes, patrons shouting orders, vehicle engines idling;
- light pollution – from vehicle headlights, site and building lights; and
- litter and debris issues from blowing food packaging.

Adding the use to the C4 district may be premature as the C4 district's purpose should be carefully considered by Council as part of the forthcoming land use bylaw review process. The district may be revised and could become more focussed on various higher-density residential uses and affordable housing accommodations with mixed commercial uses. Drive-ins could create more conflict with residential uses and many C4 lots are also not appropriately sized for drive-in restaurant stacking que aisles. If proposed Bylaw 1547-AQP is adopted to add Drive-in restaurant as a discretionary use in the C4 district, then a development permit application for the development may be decided on by the Municipal Development and Subdivision Authority (MDSA).

At the conclusion of the public hearing, potential options Council will have available to consider are:

1. Refuse the amendment application if the use in the C4 district is deemed to be not suitable for the reasons as previously outlined.
2. Approve "as amended" the application as applied for (i.e., add as a permitted use rather than discretionary) along with the bylaw standards of development schedule to include and add the drive-in use standards to help regulate the use. Council must be aware that if Drive-in restaurant is added as a permitted use to the C4 district a development permit application could be made for any parcel of land within the C4 district, and the Development Authority is duty bound to issue a permit if the bylaw requirements are met.
3. Approve the amendment as given at first reading (discretionary use) and give second and third reading of the bylaw to allow the use as a discretionary use in the C4 district along with the drive-in use standards of development.

It is recognized it is often difficult for a municipal Council to not support or accommodate an existing business in the community that desires to update/expand their business. The challenging part is weighing such business plans with other competing or conflicting interests. Thus, it is prudent of Council to carefully consider any public comments that may be submitted. There are two issues at play with this bylaw proposal – one is specific for the Subway restaurant itself at their location and how it may impact neighbors – and the other is the broader consideration of how such a use may be applied in the general C4 district. If considering allowing the use, Council should also be satisfied the proposed development standards are suitable to manage the use. It is noted that for some of the standards prepared (if they were incorporated into the bylaw), the Subway parcel would need a waiver by the MDSA as some criteria (e.g., driving aisles, separation distances) could not be met. Council cannot guarantee the MDSA will do so as the MDSA is independent of Council, and there is also an appeal process that would be available.

If the proposed bylaw amendment is defeated, but Council sees merit in the drive-in proposal specifically for the Subway restaurant situation on its own, an alternative option may be that the applicant could be encouraged to apply for an amendment to perhaps Direct Control. This would enable it to be site specific for the Subway restaurant and so that the use is not available to all lands designated as C4. Adopting or refusing to adopt the bylaw amendment as granted first reading is at the sole prerogative of Council, and there is no appeal process of such a decision (except to the Court of Appeal on a question of law).

**TOWN OF PINCHER CREEK
BYLAW NO. 1547-AQ**

BEING a bylaw of the Town of Pincher Creek in the Province of Alberta, to amend Bylaw No. 1547, being the municipal Land Use Bylaw;

WHEREAS the Council of the Town of Pincher Creek has received a request to accommodate "Drive-In Restaurant" as a use in the Transitional Commercial – C4 land use district;


AND WHEREAS the purpose of the proposed amendment is to add the Use of "Drive-In Restaurant" as a Discretionary Use in the Transitional Commercial – C4 land use district;

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek in the Province of Alberta duly assembled does hereby enact the following:

1. That "Drive-In Restaurant" be added as a Discretionary Use to Schedule 2, Transitional Commercial – C4, Section 1.
2. That Schedule 4, Standards of Development, of Land Use Bylaw 1547 is amended as indicated in attached Schedule A to add standards for Drive-In Restaurants.
3. Bylaw No. 1547, being the municipal Land Use Bylaw, is hereby amended and consolidated.
4. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this 24 day of July, 2023.



Mayor – Don Anderberg



Chief Administrative Officer – Angie Lucas

READ a **second** time this _____ day of _____, 2023.

Mayor – Don Anderberg

Chief Administrative Officer – Angie Lucas

READ a **third** time and finally passed this _____ day of _____, 2023.

Mayor – Don Anderberg

Chief Administrative Officer – Angie Lucas

Schedule A

Town of Pincher Creek Land Use Bylaw No. 1547 as amended by Bylaw No. 1547-AQ

AMENDMENTS: Add standards for Drive-In Restaurants

Add a section to the land use bylaw Schedule 4, Standards of Development

Section 32 Drive-In Restaurants

- (a) Any drive-in restaurant may be located only:
 - (i) Where it can be shown that it does not inhibit safe traffic movement; and
 - (ii) Where it is provided within a shopping centre site; or
 - (iii) Where it is provided along a highway or main arterial road; or
 - (iv) At the intersection of two or more public roadways, not including lanes.
- (b) The Development Authority shall, where necessary to mitigate the effect on adjacent residential properties, regulate the hours of operation of the drive-thru portion of a restaurant.
- (c) Drive-thru aisles shall be:
 - (i) when adjacent to a residential district, screened or landscaped to the satisfaction of the Development Authority to provide a noise barrier for the adjacent residential properties;
 - (ii) a minimum width of 3.66 m (12 ft.);
 - (iii) fenced, where necessary, to prevent access to a lane or street or to act as a screen;
 - (iv) sited so that pedestrians entering and exiting the building are not required to cross the driving aisle.
 - i. When it is absolutely necessary for pedestrian to have to cross drive-thru aisles, crosswalks shall be clearly demarcated from the parking area to the building entrance;
 - (v) sited so that other vehicles leaving or entering the parking lot won't be impeded by others using the drive-thru.
- (d) Areas required for parking or circulation of vehicles shall be hard surfaced to the satisfaction of the Development Authority.
- (e) Parking shall be provided in accordance with Schedule 9.
- (f) Parking stalls dedicated to mobile order pick-up shall not be included in the computation of parking requirements in Schedule 9.
- (g) Exits and entrances shall be as approved by the Development Authority, and circulation within the lot shall be directional and adequately signed.
- (h) Front, side, and rear yards abutting parking or circulation areas shall be adequately landscaped to the satisfaction of the Development Authority and in accordance with Schedule 10.
- (i) In addition to off-street parking requirements, a drive-thru is required to provide adequate stacking space for vehicles utilizing the drive-thru. The use of laneways or roadways as stacking space is prohibited.
 - (i) For new developments, a drive-thru is required to provide a minimum stacking space of 30.5 m (100 ft.) from order box to pick-up window.
 - (ii) For existing buildings to be retrofitted to a drive-in restaurant, the stacking space shall be at the discretion of the Development Authority and shall ensure vehicle queuing does not hinder vehicle or pedestrian safety or flow.

- (j) Drive-in restaurants may have outdoor speakers (menu order box) provided:
 - (i) The speakers are not located within 30.5 m (100 ft.) of a property line of any parcel designated as a residential district; or
 - (ii) They are separated from a residential district by a non-residential building;
 - (iii) The Development Authority may vary the distance in subsection (i) where adequate buffering has been provided to lessen the impact on adjacent residential properties.
- (k) Waste collection receptacles for the purpose of disposing of rubbish and debris shall be provided on the exterior of the restaurant as required by the Development Authority.
- (l) Applications for drive-in restaurants must be accompanied by a site plan that meets the measurable standards of this section and illustrates the location of site access(es), garbage receptacles, landscaping, etc.



Town of Pincher Creek

REQUEST FOR DECISION

Council or Committee of the Whole

SUBJECT: Land Use Bylaw Amendment 1547-AR - Short-term Rentals to C4	
PRESENTED BY: Lisa Goss, Legislative Service Manager	DATE OF MEETING: 9/11/2023

PURPOSE:

For Council to consider a Notice of Motion made by Councillor Nodge at the June 26, 2023 regular meeting of Council.

RECOMMENDATION:

That Council for the Town of Pincher Creek direct administration to prepare a Land Use Bylaw Amendment to include Short-term rental as a discretionary use to the Transitional Commercial - C4 land use district

BACKGROUND/HISTORY:

At the June 26, 2023 regular meeting of Council a Notice of Motion was presented by Councillor Nodge to include Short-term rental as a discretionary use to the Transitional Commercial - C4 land use district.

ALTERNATIVES:

That Council for the Town of Pincher Creek receives the information regarding the June 26, 2023 Notice of Motion as information.

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

See attached MEMO.

FINANCIAL IMPLICATIONS:

Advertisement and adjacent property owner notification. In addition, the Land Use Bylaw is to be updated accordingly.

PUBLIC RELATIONS IMPLICATIONS:

In addition to the Towns' Department referral comments, the adjacent property owners are to be notified in accordance with the Land Use Bylaw section 50 and the Municipal Government Act sections 230, 606 and 692.

ATTACHMENTS:

Adding Short-term rental to C4 - MEMO - 3248

CONCLUSION/SUMMARY:

Administration supports that Council for the Town of Pincher Creek direct administration to prepare a Land Use Bylaw Amendment to include Short-term rental as a discretionary use to the Transitional Commercial - C4 land use district

Signatures:

Department Head:

Lisa Goss

CAO:

Angie Lucas

Memo

To: Lisa Goss – Legislative Services Manager, Town of Pincher Creek
Cc: Angie Lucas – CAO, Town of Pincher Creek
From: Kattie Schlamp, Planner **Date:** August 30, 2023
Re: Comments for Notice of Motion - Proposed Land Use Bylaw Amendment

BACKGROUND

The Town of Pincher Creek Council gave third reading to Bylaw No. 1547-AO in December 2022. The purpose of the bylaw was to amend Land Use Bylaw No. 1547 to add Short-term Rental as a Use in the residential land use districts (R1, R2, R3, & R4). As directions were given specifically to add the use to residential districts, non-residential districts were not considered at that time. This was done to limit competition between Hotels, Motels, and Short-term Rentals however the unique nature of the Transitional Commercial – C4 land use district may have been overlooked in these considerations.

Since the amendment took place three applications have been received for Short-term Rentals, two permits have been issued in the Residential – R1 land use district and one application was withdrawn. The withdrawn application is for a single-detached dwelling located within the Transitional Commercial – C4 land use district, which does not allow for Short-term Rentals. When the application was received, the applicant was informed a Short-term rental was not a permitted or discretionary use in the C4 district, so it is currently prohibited. They were informed they must choose a location that meets the standards of Land Use Bylaw No. 1547 or an amendment to the bylaw would be necessary to allow the use in the proposed location.

COMMENTS

As a refresher for Council, the land use bylaw’s definitions pertaining to Short-term Rental are as follows:

Short-term Rentals means a dwelling unit (including a house, apartment, multi-unit dwelling, or individual room), operated as a temporary or short-term rental or lease accommodation unit, occupied by a guest or guests for a period of less than 28 continuance days where the residence owner may or may not be present or residing on site, and includes all temporary or short-term rentals, vacation homes or temporary accommodation for commercial purposes or for compensation. This use does not include Bed and Breakfasts, Home Occupations, Motels, or Hotels which are separately defined uses.

Short-term Rentals Type 1 (owner-occupied) means a short-term rental or lease situation where an owner lives/resides (owner-occupied) in the dwelling as their primary abode (residence) but may rent out the house or rooms as accommodation on a

temporary or short-term bases for a period of less than 28 continuance days but not to exceed 60 days in a calendar year for financial gain. (Note: This may apply to situations where an owner rents out their house while they are away on vacation or out of the country for an extended period, etc.)

Short-term Rentals Type 2 (non-owner-occupied rental) means a short-term rental or lease situation where an owner does not live/reside in the dwelling as their primary residence (non-owner-occupied rental) but rents out the house or rooms as accommodation on temporary or short-term bases for a period of less than 28 continuance days as a rental, vacation home or temporary accommodation for commercial purposes, or a commercial entity uses the home exclusively for short-term rentals. (Note: This applies to situations where a person or business owns a dwelling(s) that they primarily rent for the accommodation for commercial income, etc.).

Short-term Rentals Type 1 have been included as a permitted use in all four residential land use districts while Type 2 Short-term Rentals have been included as discretionary uses in the R1, R2, and R3 districts and are prohibited in the R4 land use district.

The intent of the Transitional Commercial – C4 land use district is: *to identify residential areas within the community whereby the commercial expansion of the downtown may be feasible and/or desirable to develop.*

From a planning perspective, adding the Short-term Rental use to the Transitional Commercial – C4 land use district is reasonable given the mix of residential, mainly single-detached dwellings, and commercial uses in the district. The proximity of the C4 district to the downtown commercial area makes Short-term Rentals in the C4 district desirable for tourists visiting the community and could be beneficial to downtown businesses. However, the forthcoming land use bylaw review process may alter the intent of the C4 district. The district may be revised and could become more focused on various higher-density residential uses and affordable housing accommodations with mixed commercial uses therefore Council should give consideration for the impacts Short-term Rentals, especially Type 2, may have on adjacent landowners in multi-unit buildings.

Should Council wish to move forward with amending Land Use Bylaw No. 1547 to add Short-term Rental to the C4 land use district an amending bylaw will be brought forward to a future Council meeting for consideration. Council's direction is required to determine what type of Short-term Rentals will be permissible (Type 1, Type 2, or both) and if they should be permitted or discretionary uses. If first reading is provided, a public hearing must be held and any comments received should be considered prior to second and third reading of the bylaw. If the amending bylaw receives third reading to add Short-term Rentals to the C4 district then a development permit application for a Short-term Rental may be decided on by the Municipal Development and Subdivision Authority (MDSA) as defined within the district and Short-term Rental Standards in Schedule 4, Section 31.



Town of Pincher Creek

REQUEST FOR DECISION

Council or Committee of the Whole

SUBJECT: October 4th Public Open House	
PRESENTED BY: Angie Lucas, Chief Administrative Officer	DATE OF MEETING: 9/11/2023

PURPOSE:

Administration is unable to facilitate the approved Public Information session set for October 4th due to a lack of staff that are needed to prepare materials, create communications for the event, prepare, coordinate and manage the session.

RECOMMENDATION:

That Council for the Town of Pincher Creek agree to cancel the Oct 4, 2023 Public Open House

BACKGROUND/HISTORY:

The October 4th date was decided upon earlier this year, as the third in a series of three sessions that Council directed Administration to arrange for 2023, to provide an opportunity for communication and public engagement with the community on a variety of topics that may be of interest to or effect the community.

When the dates for these sessions were arranged the number of staff available at the Town was sufficient to conduct all three sessions throughout the year. However, as staffing levels have now reduced the capacity is not now available to conduct the third public information session in October.

ALTERNATIVES:

accept as information

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

NA

FINANCIAL IMPLICATIONS:

NA

PUBLIC RELATIONS IMPLICATIONS:

The public will be notified via the Town website and social media that this event will be cancelled and a schedule of public information sessions will be brought forward for 2024.

ATTACHMENTS:

None at this time.

CONCLUSION/SUMMARY:

Cancel the Oct 4, 2023 Public Open House and bring a schedule forward for proposed public communication sessions to be conducted in 2024.

Signatures:

Department Head:

Angie Lucas

CAO:

Angie Lucas



Town of Pincher Creek

REQUEST FOR DECISION

Council or Committee of the Whole

SUBJECT: Committee of the Whole Meetings	
PRESENTED BY: Angie Lucas, Chief Administrative Officer	DATE OF MEETING: 9/11/2023

PURPOSE:

To request removal of the Committee of the Whole meetings for July & August 2024 to support Administration being able to book vacation time during the summer months without having to find staff coverage to prepare Agendas and reports and attend Committee of the Whole meetings during the summer vacation period.

RECOMMENDATION:

That Council for the Town of Pincher Creek agree to remove the Committee of the Whole meetings for July & August 2024.

BACKGROUND/HISTORY:

Administration have found it particularly difficult to find staff coverage during the summer months of July and August to create reports and agendas, develop the packages and attend the Committee of the Whole meetings.

July and August are the main summer vacation months for Town staff and therefore with reduced and limited staff coverage the situation of covering multiple workloads has caused stress and frustration for the staff who are in the office during this time period trying to cover the necessary core services.

As there are two Council meetings scheduled during the months of July and August any information that would normally go to a Committee of the Whole in July and August, could still go before Council in one of the two Council meetings during that time period.

ALTERNATIVES:

accept as information.

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

NA

FINANCIAL IMPLICATIONS:

NA

PUBLIC RELATIONS IMPLICATIONS:

The decision to remove the July and August Committee of the Whole meetings in 2024 will be provided to the public on the Town website.

ATTACHMENTS:

None at this time.

CONCLUSION/SUMMARY:

To removed the Committee of the Whole meetings for July & August 2024 to work with Administration Holidays.

Signatures:

Department Head:

Angie Lucas

CAO:

Angie Lucas



Town of Pincher Creek

REQUEST FOR DECISION

Council or Committee of the Whole

SUBJECT: Letter from the Municipal District of Pincher Creek	
PRESENTED BY: Wendy Catonio, Director of Finance and Human Resources	DATE OF MEETING: 9/11/2023

PURPOSE:

To provide Council with the letter from the MD of Pincher Creek regarding their funding to the Pincher Creek Curling Club.

RECOMMENDATION:

That Council for the Town of Pincher Creek direct administration to set up a meeting with the M.D. of Pincher Creek to discuss the proposed new Pincher Creek Curling Rink.

BACKGROUND/HISTORY:

The Town of Pincher Creek has committed \$1,250,000 towards the planning, design and construction of a new Curling Rink facility for the Town. The Town of Pincher Creek intends on owning the Pincher Creek Curling Rink and leasing the facility to the Pincher Creek Curling Club.

ALTERNATIVES:

That Council for the Town of Pincher Creek accept the letter from the M.D. of Pincher Creek as information.

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

Council has committed funding to construct the new Pincher Creek Curling Rink.

FINANCIAL IMPLICATIONS:

Council for the Town of Pincher Creek has committed \$1,250,000 for the construction of a new curling rink.

PUBLIC RELATIONS IMPLICATIONS:

None at this time

ATTACHMENTS:

2023-08-30 Letter Town - Curling Rink - 3240

CONCLUSION/SUMMARY:

Administration supports having a meeting with the M.D. of Pincher Creek to discuss the contents of this letter.

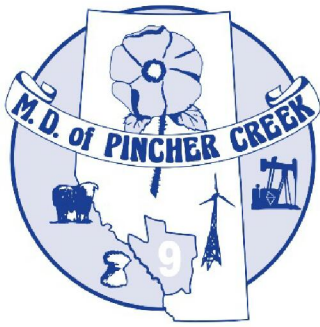
Signatures:

Department Head:

Wendy Catonio

CAO:

Angie Lucas



1037 Herron Ave.
PO Box 279
Pincher Creek, AB
T0K 1W0
p. 403.627.3130
f. 403.627.5070

info@mdpincercreek.ab.ca
www.mdpincercreek.ab.ca

August 30, 2023

Mayor and Council
Town of Pincher Creek
Box 159
Pincher Creek, AB
T0K 1W0
cao@pincercreek.ca

Re: Curling Club

Dear Mayor and Council,

At the Special Council meeting held on August 21, 2023, the Municipal District of Pincher Creek No. 9 (MD) agreed to provide the Pincher Creek Curling Club with a donation, up to a maximum of \$868,837. This donation may be a combination of in-kind and cash and is contingent on a successful 2023 application under the Community Facility Enhancement Program (CFEP).

It is the MD's understanding that should the facility proceed under this framework, it will be owned by the Town of Pincher Creek (Town) and leased to the Pincher Creek Curling Club, and the Town will not be responsible for operating costs.

The Pincher Creek Curling Club is not in the ICF Agreement. Should the Pincher Creek Curling Club or the Town of Pincher Creek require any further funding, we encourage both parties to bring the information forward to the MD Council for consideration.

If you have any questions or concerns please feel free to contact the administration office at (403) 627-3130.

Yours truly,

Rick Lemire
Reeve, MD of Pincher Creek No.9



Town of Pincher Creek

REQUEST FOR DECISION

Council or Committee of the Whole

SUBJECT: Office Space Requirements	
PRESENTED BY: Alexa Levair, Director of Operations	DATE OF MEETING: 9/11/2023

PURPOSE:

To request funding to renovate the Town Administrative Office to expand available office space in order to accommodate existing staff needs, immediate incoming new staff needs and future new staff needs that will be incoming in early 2024.

RECOMMENDATION:

That Council for the Town of Pincher Creek approve \$XXXXXX to be funded from the General Contingency Reserve for office renovations and furniture required for additional staff at the Town Administration Office.

BACKGROUND/HISTORY:

The Town Administrative Office located at 962 St. John Avenue is over its office and meeting room capacity. In recent years, staff have been required to have office space in the unrenovated portion of the West Wing. This has caused concern for safety and security for staff as the area is accessible to the public, staff have been subjected to noise from the use of the gym by the public and from the public using the washrooms in the hallway, leading to an atmosphere of unprofessionalism and general discontent with having to work in these low level conditions.

The renovated area of the main office is now at its limit in being able to serve the staff in its current configuration. While the long-term recommendation is to either construct a new Town Office, or fund a significant renovation of the West Wing and re-look at the current use of the gym, which would need to include cutting off public access to the areas used by staff, Administration is now looking to complete minor renovations as soon as possible to increase suitable office space through reconfiguration of the existing layout to facilitate immediate and short term staffing needs.

The proposed renovation would include the conversion of two cubicle spaces into enclosed offices, and the conversion of the 'small meeting room' into an office. This will reduce meeting room space and create a very busy and tight space in the existing Town Office area, but no other immediate and short term solution exists within the current footprint of the building.

The renovation work needs to be undertaken as soon as possible to accommodate the staffing needs of the organization which are required to cope with the increase in workloads and levels of service, that have been, and continue to be requested by Council and the community, and to start working on the large amounts of administrative work that needs to be undertaken in order to ensure the correct functioning of the organization.

The renovation and subsequent furniture is anticipated to cost \$XX,XXX (dollar figure to be provided at Council Meeting, budgetary estimate not available at time of agenda publication).

ALTERNATIVES:

That Council for the Town of Pincher Creek request additional information.

That Council for the Town of Pincher Creek direct administration to investigate off-site office space rental opportunities.

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

It is recommended that Council look at facilities as a whole to determine priorities and long-term planning. The creation of a Facilities Master Plan will be recommended as part of the 2024 budget deliberations to assist with determining long term facility needs and planning, managing facility maintenance and upgrading schedules and guiding capital and operating budgeting decisions.

FINANCIAL IMPLICATIONS:

The proposed office renovation is anticipated to cost \$XX,XXX. It is recommended to fund this through the General Contingency Reserve, which has a currently projected year-end balance of \$147,489.

The above missing information will be provided at the Council Meeting.

PUBLIC RELATIONS IMPLICATIONS:

N/A

ATTACHMENTS:

None at this time.

CONCLUSION/SUMMARY:

Administration supports Council in addressing the spacing constraints at the Town Administrative Office by approving renovation funds.

Signatures:
Department Head:



CAO:

Angie Lucas



Town of Pincher Creek

REQUEST FOR DECISION

Council or Committee of the Whole

SUBJECT: National Legion Week	
PRESENTED BY: Angie Lucas, Chief Administrative Officer	DATE OF MEETING: 9/11/2023

PURPOSE:

To declare the week of September 17th to September 23 as “NATIONAL LEGION WEEK”

RECOMMENDATION:

That Council for the Town of Pincher Creek agree to declare the week of September 17th to September 23 as National Legion Week

BACKGROUND/HISTORY:

A request came in from the Royal Canadian Legion Pincher Creek Branch 43 for the declaration

ALTERNATIVES:

accept as information

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

NA

FINANCIAL IMPLICATIONS:

NA

PUBLIC RELATIONS IMPLICATIONS:

NA

ATTACHMENTS:

National Legion Week - Town - 3250

CONCLUSION/SUMMARY:

To declare the week of September 17th to September 23 as “NATIONAL LEGION WEEK”

Signatures:

Department Head:

Angie Lucas

CAO:

Angie Lucas

**ROYAL CANADIAN LEGION PINCHER CREEK BRANCH #43
691 MAIN STREET PO BOX 131 PHONE 403 627 4024
PINCHER CREEK, ALBERTA T0K 1W0**



September 7th, 2023

Mayor and Council,
TOWN OF PINCHER CREEK
Box 159, 965 John Avenue
Pincher Creek, AB T0K1W0

The week of September 17th to September 23 is "NATIONAL LEGION WEEK" across Canada. The Royal Canadian Legion Pincher Creek Branch #43, respectfully request that the week of September 17th to 23rd, please be declared "NATIONAL LEGION WEEK" in the Town of Pincher Creek.

Thank you for your consideration of our request.

Dick Burnham, Branch Service Officer
Royal Canadian Legion Pincher Creek Branch 43



**Town of Pincher Creek
COUNCIL DISTRIBUTION LIST
September 11, 2023**

<u>Item No.</u>	<u>Date</u>	<u>Received From</u>	<u>Information</u>
1.	8/23/2023	Chinook Arch	Chinook Arch Library Board Report - August 2023
2.	8/30/2023	AHS	Thank you from AHS - Pincher Creek Community Conversation
3.	8/29/2023	SASCI	Report GS June & July 2023 CIRCULATION