



**REGULAR MEETING OF COUNCIL**  
**Held on Monday February 27, 2023**  
**In Person & Virtually,**  
**Commencing at 6:00 p.m.**

**IN ATTENDANCE:**

Mayor: D. Anderberg

Councillors: M. Barber, D. Green, W. Oliver, B. Wright,  
G. Cleland, and S. Nodge

Staff: A. Lucas, Chief Administrative Officer; K. Green, Executive Assistant; W. Catonio Director of Finance and Human Resources, A. Grose, Recreation Manager; M. Everts, Events, Marketing & Economic Development; L. Rideout, Director of Community Services; A. Hlady, FCSS; T. Walker, Energy Lead and L. Wilgosh, Former CAO

**1. CALL TO ORDER**

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

**2. Scheduled Public Hearing**

**2.1 Pincher Creek Part 2 Northeast Area Structure Plan Bylaw 1635-23**

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

Staff: A. Lucas, Chief Administrative Officer  
L. Wilgosh, Former CAO  
K. Green, Executive Assistant  
L. Rideout, Director of Community Services  
T. Walker, Energy Lead  
A. Hlady, FCSS  
M. Everts, Events, Marketing & Economic Development  
A. Grose, Recreation Manager  
A. Levair, Director of Operations  
W. Catonio, Director of Finance and Human Resources

**1. CALL TO ORDER**

The Mayor called the Public Hearing for Bylaw No. 1635-23 at 6:00pm February 27, 2023 to order.

**2. ADOPTION OF AGENDA**

**BARBER:**

That Council for the Town of Pincher Creek approves the February 27, 2023 Public Hearing for Bylaw No. 1635-23 agenda as presented

**CARRIED PH23-1**

**3. PURPOSE OF PUBLIC HEARING -- (Mayor).**

The purpose of the public hearing is to present Bylaw 1635-23 to adopt the Northeast Pincher Creek Part 2 Area Structure Plan, being a bylaw to amend the 1989 Northeast Pincher Creek Area Structure Plan Bylaw 1427 for portions of the SW 26-6-30-W4M including:

- LOT 1, BLOCK 8, PLAN 0613747
- LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15, BLOCK 7, PLAN 0613747
- LOT 15, BLOCK 5, PLAN 0613747
- LOT 1, BLOCK 6, PLAN 0512720
- LOTS 24 & 25, BLOCK 4, PLAN 0611417
- LOTS 12, 16 & 17, BLOCK 4, PLAN 0512718
- LOT 2, BLOCK 5, PLAN 0512718

A portion of the SE 26-6-30-W4M including:

- BLOCK 1, PLAN 2060JK

The purpose of the Northeast Pincher Creek Part 2 Area Structure Plan (ASP) is to provide for the future land use, subdivision layout and design, road networks, servicing guide and engineering support information applicable to the land to allow for orderly and efficient development of the said lands as described in the ASP document.

**4. CONFIRMATION OF NOTICE (Asked for by The Mayor and replied by the CAO).**

The Chief Administrative Officer advised that the Notice of Public Hearing was advertised first on February 8, and re-advertised in the February 15 and 22, 2023 editions of the local weekly newspaper the Pincher Creek Echo.

**5. REPORT FROM OLDMAN RIVER REGIONAL SERVICES COMMISSION SENIOR PLANNER**

(Steve Harty - Development Services Report)

**REPORT FROM THE TOWN'S MANAGEMENT STAFF**

Referral comments were received from Operational Services

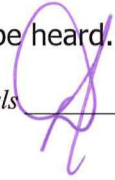
**6. WRITTEN SUBMISSIONS**

There have been no written submissions received as of 12:00 Noon, February 22, 2023.

**7. PERSONS WISHING TO BE HEARD/PRESENTATIONS**

There have been no persons indicating their wish to be heard as of 12:00 Noon, February 22, 2023.

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

Initials 

**Nodge:**

That Council for the Town of Pincher Creek agrees to hear Megan Metherall at the Public Hearing for Bylaw No. 1635-23 on February 27, 2023 .

**CARRIED PH23-2**

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)

Bylaw No. 1635-23 will be presented to Council for consideration of Second and Third reading at the regular Council meeting on March 13, 2023.

**8. CLOSURE OF PUBLIC HEARING**

**ANDERBERG:**

That this Public Hearing on February 27, 2023 be hereby adjourned at 6:25 p.m.

**CARRIED PH23-3**

*L.Goss & A. Hlady left meeting at 6:25pm*

**3. AGENDA APPROVAL**

**CLELAND:**

The Council for the Town of Pincher Creek agrees to approve the February 27, 2023 agenda as presented.

**CARRIED 23-065**

**4. DELEGATIONS**

**4.1 Glenda Farnden – Stars**

**4.2 Faith Zachar - Pincher Creek Football Club**

**5. ADOPTION OF MINUTES**

**5.1 Minutes of the Regular Meeting of Council held on February 13, 2023**

**GREEN:**

That Council for the Town of Pincher Creek approves the minutes of the Regular Meeting of Council held on February 13, 2023 as presented.


**CARRIED 23-066**

**5.2 Minutes of the Joint Council Meeting held on November 15, 2022**

**WRIGHT:**

That Council for the Town of Pincher Creek approves the minutes of the Joint Council Meeting held on November 15, 2022 as presented.

**CARRIED 23-067**



**6. BUSINESS ARISING FROM THE MINUTES**

**6.1 Disposition Of Delegation - Alan Mcrae (Triple T Energy)**

**NODGE:**

That Council for the Town of Pincher Creek accept the disposition of delegation by Alan McRae of Triple T Energy as information and direct administration to set up a meeting with Mr. Mcrae and property owner and report back to council.

**CARRIED 23-068**

*A. Levair left meeting at 6:35pm*

**7. BYLAWS**

**7.1 Municipal Borrowing Bylaw 1636-23 – Curling Rink**

**BARBER:**

That Council for the Town of Pincher Creek give first reading to Municipal Borrowing Bylaw No. 1636-23 with regards to incurring indebtedness by the issuance of a loan or authorized debt instrument in an amount up to \$4,000,000.

**CARRIED 23-069**

**BARBER:**

That Council for the Town of Pincher Creek direct administration to advertise Bylaw No. 1636-23 for two weeks; the week of March 8, 2023 and March 15, 2023. The 15-day petition period would start March 16, 2023 and end March 30, 2023.

**CARRIED 23-070**

**OLIVER:**

That Council for the Town of Pincher Creek direct administration to provide information on the borrowing capacity of the town.

**CARRIED 23-071**

**7.2 Municipal Borrowing Bylaw 1570-23**

**NODGE:**

That Council for the Town of Pincher Creek agree to give first reading to the Municipal Borrowing Bylaw #1570-23.

**CARRIED 23-072**

**OLIVER:**

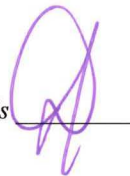
That Council for the Town of Pincher Creek agree to give second reading to the Municipal Borrowing Bylaw #1570-23.

**CARRIED 23-073**

**GREEN:**

That Council for the Town of Pincher Creek upon unanimous consent, agree to present the Municipal Borrowing Bylaw #1570-23 for third and final reading.

**CARRIED 23-074**



**WRIGHT:**

That Council for the Town of Pincher Creek agree to give third and final reading to the Municipal Borrowing Bylaw #1570-23, and that a copy be attached hereto and form part of the minutes.

**CARRIED 23-075**

**8. NEW BUSINESS**

**8.1 Epilepsy Calgary – Purple Day – Proclamation**

**BARBER:**

That Council for the Town of Pincher Creek agree to proclaim March 26, 2023 as Purple Day in honor of Epilepsy Calgary

**CARRIED 23-076**

*Councillor Oliver has recused himself at 7:45 pm*

**8.2 Riplinger Wind Project Proposal**

**NODGE:**

That Council for the Town of Pincher Creek directs the Mayor as required by bylaw 1622-18 to investigate code of conduct and respond to the author of the letter.

**CARRIED 23-077**

*Councillor Oliver returned to meeting at 7:51 pm*

**8.3 Oldman Watershed Council Letter**

**CLELAND:**

That Council for the Town of Pincher Creek receive the letter from the Oldman Watershed Council as information.

**CARRIED 23-078**

**8.4 Community Recreation & Events Centre for Green and Inclusive Buildings Grant**

**OLIVER:**

That Council for the Town of Pincher Creek provide direction and approval for additions to the curling rink design build to meet standards necessary for the Green and Inclusive Buildings Grant

**CARRIED 23-079**

**OLIVER:**

That Council for the Town of Pincher Creek agree to meet the grant criteria and the applicants design must be built to net zero standards (Zero Carbon Building (ZCB) Design Standard V3)

- Be built to highest accessibility standards ( Canadian Standards Association's Technical Standard Accessible Design for the Built Environment)
- Be built as an economic driver and for the benefit of multiple user groups, with weight put on underserved populations. Additions to the existing request to

meet these standards have been identified in the Recreation Master Plan as priorities including:  
- A climbing/bouldering wall to provide an accessible space for diverse recreation (Priority 6)  
- And an exhibition or conference space to provide capacity to gather and share in a variety of formats to create a destination to drive the local economy.

**CARRIED 23-080**

**8.5 Piikani Nation Chief and Council Meet & Greet**

**BARBER:**

That Council for the Town of Pincher Creek accepts the update as information.

**CARRIED 23-081**

**9. COUNCIL Report**

**9.1 UPCOMING COMMITTEE MEETINGS AND EVENTS**

**BARBER:**

That Council for the Town of Pincher Creek accepts upcoming meetings and events as information.

**CARRIED 23-082**

**NODGE:**

That Council for the Town of Pincher Creek move that Councillor Green attend the Public Agriculture Literacy Program training.

**CARRIED 23-083**

**10. ADMINISTRATION**

**10.1 Council Information Distribution List**

**BARBER:**

That Council for the Town of Pincher Creek accepts the February 27, 2023 Council Information Distribution List as information.

**CARRIED 23-084**

**10.2 Community Services Quarterly Report**

**GREEN:**

That Council for the Town of Pincher Creek accepts the Community Services Quarterly Report as information with great thanks.

**CARRIED 23-085**

*T. Walker left meeting at 8:20 pm  
Mayor Anderberg called a recess at 8:30 pm  
Mayor Anderberg called the meeting back to order at 8:43 pm  
M. Everts left meeting at 8:43 pm*

**11. CLOSED MEETING DISCUSSION**

**CLELAN:**

That Council for the Town of Pincher Creek agree to move into closed session of Council on Monday, February 27, 2023 at 8:45 pm in accordance with section 16 & 24 of the

*Regular Council Meeting  
February 27, 2023*

Freedom of Information and Protection of Privacy Act, with the Chief Administrative Officer, Executive Assistant, Director of Community Services, Former CAO and Director of Finance and Human Resources in attendance.

**CARRIED 23-086**

**CLELAND:**

That Council for the Town of Pincher Creek agree to move out of closed session of Council on Monday, February 27, 2023 at 10:08 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 Community Services, Former CAO and Director of Finance and Human Resources in attendance.

**CARRIED 23-087**

**11.1 Allied Arts Lease Agreement - FOIP s. 16 & 24**

**GREEN:**

That Council for the Town of Pincher direct administration to share the draft lease agreement with the Allied Arts Council of Pincher Creek for consideration and if agreeable prepare and execute same.

**CARRIED 23-088**

**11.2 CUPE Local 927, Draft Union Contract Review- FOIP s. 16 & 24**

**CLELAND:**

That Council for the Town of Pincher accept the Memorandum of Agreement and that the Mayor be authorized to sign the Memorandum of Agreement between the Town of Pincher Creek and Local 927 of the Canadian Union of Public Employees for the period of April 1, 2022 to March 31, 2026

**CARRIED 23-089**

*W. Catonio left meeting at 9:45 pm*

**11.3 Debrief of Joint Council meeting FOIP s. 21**

**WRIGHT:**

That Council for the Town of Pincher accepts the debrief update as information.

**CARRIED 23-090**

*K. Green, A. Grose, L. Wilgosh & L. Rideout left meeting at 9:50 pm*

**11.4 Personnel (Discussion) – FOIP s. 24 & 25**

**OLIVER:**

That Council for the Town of Pincher accepts the personnel update as information.

**CARRIED 23-091**


**12. NOTICE OF MOTION**

**13. ADJOURNMENT  
CLELAND:**

That this meeting of Council on February 27, 2023 be hereby adjourned at 7:53 pm.

**CARRIED 23-092**

  
\_\_\_\_\_  
MAYOR, D. Anderberg

  
\_\_\_\_\_  
CAO, A. Lucas

**APPROVED BY RESOLUTION  
OF THE COUNCIL OF THE  
TOWN OF PINCHER CREEK,  
THIS 13<sup>th</sup> DAY OF MARCH 2023**

**S E A L**

**NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON  
MONDAY MARCH 13, 2023 AT 6:00 P.M.**





Bylaw No. 1570-23

**BYLAW NO. 1570-23  
MUNICIPAL BORROWING BYLAW**

**OF THE TOWN OF PINCHER CREEK  
IN THE PROVINCE OF ALBERTA**

**This bylaw authorizes the Council for the Town of Pincher Creek to borrow for the purpose of financing operating expenditures as specified in Section 256 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26.**

**WHEREAS** the Council for the Town of Pincher Creek (hereinafter called the "Corporation") in the Province of Alberta, considers it necessary to borrow certain sums of money for the purpose of:

Revolving line of credit for short-term financial purposes (under 1 year) and:

Mastercard for short-term financial purposes (under 1 year)

**NOW THEREFORE** pursuant to the provisions of the Municipal Government Act, it is hereby enacted by the Council of the Corporation as a By-law that:

1. The Corporation borrow from ATB Financial up to the principal sum of **\$1,000,000.00 (ONE MILLION DOLLARS AND 00/100 CENTS)** repayable upon demand at a rate of interest per annum not to exceed the Prime Lending Rate from time to time established by ATB Financial plus 1.00%, and such interest will be calculated daily and due and payable monthly on the last day of each and every month.
  - (a) Pursuant to Section 251 (2) (b) of the Municipal Government Act, the interest rate in respect of such direct revolving advances shall not in any event exceed a maximum rate of 5% per annum.
2. The Corporation borrow from ATB Financial (Mastercard) sums of money from time to time to complete operating expenditures for convenience purposes and where required by suppliers. Provided that the principal sum owed to ATB Financial at one time not exceed the sum of **\$50,000 (FIFTY THOUSAND DOLLARS AND 00/100 CENTS)**.
3. The Chief Elected Officer and the Chief Administrative Officer are authorized for and on behalf of the Corporation:
  - (a) to apply to ATB Financial for the aforesaid loans to the Corporation and to arrange with ATB Financial the amount, terms and



Bylaw No. 1570-23

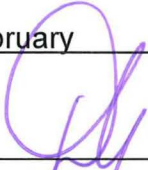
conditions of the loan and security or securities to be given to ATB Financial;

- (b) as security for any money borrowed from ATB Financial
    - (i) to execute promissory notes and other negotiable instruments or evidences of debt for such loans and renewals of all such promissory notes and other negotiable instruments or evidences of debts;
    - (ii) to give or furnish to ATB Financial all such securities and promises as ATB Financial may require to secure repayment of such loans and interest thereon; and
    - (iii) to execute all security agreements, hypothecations, debentures, charges, pledges, conveyances, assignments and transfers to and in favour of ATB Financial of all or any property, real or personal, moveable or immovable, now or hereafter owned by the Corporation or in which the Corporation may have any interest, and any other documents or contracts necessary to give or to furnish to ATB Financial the security or securities required by it.
4. The source or sources of money to be used to repay the principal and interest owing under the borrowing from ATB are: Property Taxation
  5. The amount to be borrowed and the term of the loan will not exceed any restrictions set forth in the Municipal Government Act.
  5. In the event that the Municipal Government Act permits extension of the term of the loan and in the event the Council of the Corporation decides to extend the loan and ATB Financial is prepared to extend the loan, any renewal or extension, bill, debenture, promissory note, or other obligation executed by the officers designated in paragraph 3 hereof and delivered to ATB Financial will be valid and conclusive proof as against the Corporation of the decision of the Council to extend the loan in accordance with the terms of such renewal or extension, bill, debenture, promissory note, or other obligation, and ATB Financial will not be bound to inquire into the authority of such officers to execute and deliver any such renewal, extension document or security.
  6. That Bylaw #1570-22 be repealed.
  7. This Bylaw comes into force on the final passing thereof.



Bylaw No. 1570-23

READ A FIRST TIME this 27<sup>th</sup> day of February, 2023


  
\_\_\_\_\_

MAYOR, Don Anderberg

  
\_\_\_\_\_

CAO, Angie Lucas

READ A SECOND TIME this 27<sup>th</sup> day of February, 2023


  
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MAYOR, Don Anderberg

  
\_\_\_\_\_

CAO, Angie Lucas

READ A THIRD TIME this 27<sup>th</sup> day of February, 2023

  
\_\_\_\_\_

MAYOR, Don Anderberg

  
\_\_\_\_\_

CAO, Angie Lucas



Bylaw No. 1570-23

**CERTIFICATE**

**WE HEREBY CERTIFY** that the foregoing bylaw was duly passed by the Council of the Corporation therein mentioned at a duly and regularly constituted meeting thereof held on the 27<sup>th</sup> day of February, 2023, at which a quorum was present, as entered in the minutes of the said Council, and that the Bylaw has come into force and is still in full force and effect.

WITNESS our hands and the seal of the Corporation this 27<sup>th</sup> day of February, 2023.

A handwritten signature in purple ink, appearing to be "A. Lucas", is written above a horizontal line.

Chief Elected Official

**Seal**

A handwritten signature in blue ink, appearing to be "A. Lucas", is written above a horizontal line.

Chief Administrative Officer

**AGENDA**  
**PUBLIC HEARING FOR BYLAW NO. 1635-23**

**Item No. 2.1**

**Town of Pincher Creek, TOWN HALL**  
**6:00 P.M. MONDAY, February 27, 2023**

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1. **Call to Order - Public Hearing for Bylaw No. 1635-23** (The Mayor).
2. **Adoption of the Agenda** – (Mayor).
3. **Purpose of Public Hearing** -- (Mayor).  
**The purpose of the public hearing is to present Bylaw 1635-23 to adopt the Northeast Pincher Creek Part 2 Area Structure Plan, being a bylaw to amend the 1989 Northeast Pincher Creek Area Structure Plan Bylaw 1427 for portions of the SW 26-6-30-W4M including:**
  - **LOT 1, BLOCK 8, PLAN 0613747**
  - **LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15, BLOCK 7, PLAN 0613747**
  - **LOT 15, BLOCK 5, PLAN 0613747**
  - **LOT 1, BLOCK 6, PLAN 0512720**
  - **LOTS 24 & 25, BLOCK 4, PLAN 0611417**
  - **LOTS 12, 16 & 17, BLOCK 4, PLAN 0512718**
  - **LOT 2, BLOCK 5, PLAN 0512718****A portion of the SE 26-6-30-W4M including:**
  - **BLOCK 1, PLAN 2060JK****The purpose of the Northeast Pincher Creek Part 2 Area Structure Plan (ASP) is to provide for the future land use, subdivision layout and design, road networks, servicing guide and engineering support information applicable to the land to allow for orderly and efficient development of the said lands as described in the ASP document.**
4. **Confirmation of Notice** -- (Asked for by The Mayor and replied by the CAO).  
**The Notice of Public Hearing was advertised first on February 8, and re-advertised in the February 15 and 22, 2023 editions of the local weekly newspaper the Pincher Creek Echo.**
5. **Report from Oldman River Regional Services Commission Senior Planner (Development Services Report)** -- (Asked for by The Mayor). (Summary provided by ORRSC)
6. **Report from the Town’s Management Staff (Development Services Report)** -- (Asked for by The Mayor). (Summary provided by the Legislative Services Manager)
7. **Written Submissions** -- (Asked for by The Mayor – Reply by the CAO)  
**There have been no written submissions received as of 12:00 Noon, February 22, 2023.**
8. **Persons Wishing to be Heard** -- (Asked for by The Mayor - Reply by the CAO)  
**There have been no persons indicating their wish to be heard as of 12:00 Noon, February 22, 2023.**

9. (The Mayor to ask ---- are there any persons wishing to be heard) (**First** time)  
**In the event that there are person(s) wishing to be heard, The Mayor will request the following resolution of Council: That Council for the Town of Pincher Creek approves the presentation of the following at the Public Hearing for Bylaw No. 1635-23:**  
**- John Doe of 123 Main Street etc. (State Your Name and Address)**

(The Mayor to ask ---- are there any persons wishing to be heard) (**Second** time)  
(The Mayor to ask ---- are there any persons wishing to be heard) (**Third** and final time)

10. **Closure of Public Hearing** -- (The Mayor thanks the public for their participation).  
The Mayor – **Call for motion declaring the Public Hearing adjourned.**

**Bylaw No. 1635-23 will be presented to Council for consideration of Second and Third reading at the regular Council meeting on March 13, 2023.**



## TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA

### BYLAW NO. 1635-23

**BEING** a bylaw of the Town of Pincher Creek in the Province of Alberta, to adopt Bylaw No. 1635, Northeast Pincher Creek Part 2 Area Structure Plan, being a bylaw to amend the 1989 Northeast Pincher Creek Area Structure Plan Bylaw No. 1427 applicable for the lands generally described as:

Portions of the SW 26-6-30-W4M including:

- LOT 1, BLOCK 8, PLAN 0613747
- LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15, BLOCK 7, PLAN 0613747
- LOT 15, BLOCK 5, PLAN 0613747
- LOT 1, BLOCK 6, PLAN 0512720
- LOTS 24 & 25, BLOCK 4, PLAN 0611417
- LOTS 12, 16 & 17, BLOCK 4, PLAN 0512718
- LOT 2, BLOCK 5, PLAN 0512718

Portion of the SE 26-6-30-W4M including:

- BLOCK 1, PLAN 2060JK

**AND WHEREAS** the Plan Area encompasses an area of 47.6 Ha (117.7 acres) and includes lands within Bylaw No. 1427 and additional adjacent lands, with the said lands as illustrated on the map in Schedule "A" attached hereto.

**AND WHEREAS THE PURPOSE** of Northeast Pincher Creek Part 2 Area Structure Plan (ASP) is to provide for the future land use, subdivision layout and design, road networks, servicing guide and engineering support information applicable to the land to allow for orderly and efficient development of the said lands as described in the ASP document, attached as Schedule "B" hereto.

**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 the Northeast Pincher Creek Part 2 Area Structure Plan attached hereto as Schedule "B" be adopted by Bylaw No. 1635 for the subject lands as described.
2. That the 1989 Northeast Pincher Creek Area Structure Plan Bylaw No. 1427 be amended to include the updates and amendments as described in Bylaw No. 1635
3. Final formatting and consolidation shall take place following the passage of the bylaw.
4. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time this 23<sup>rd</sup> day of January, 2023.

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*Mayor – Don Anderberg*

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*Chief Administrative Officer – Laurie Wilgosh*

READ a **second** time this 27<sup>th</sup> day of February, 2023.

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*Mayor – Don Anderberg*

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*Chief Administrative Officer – Angie Lucas*

READ a **third** time and finally PASSED this 27<sup>th</sup> day of February, 2023.

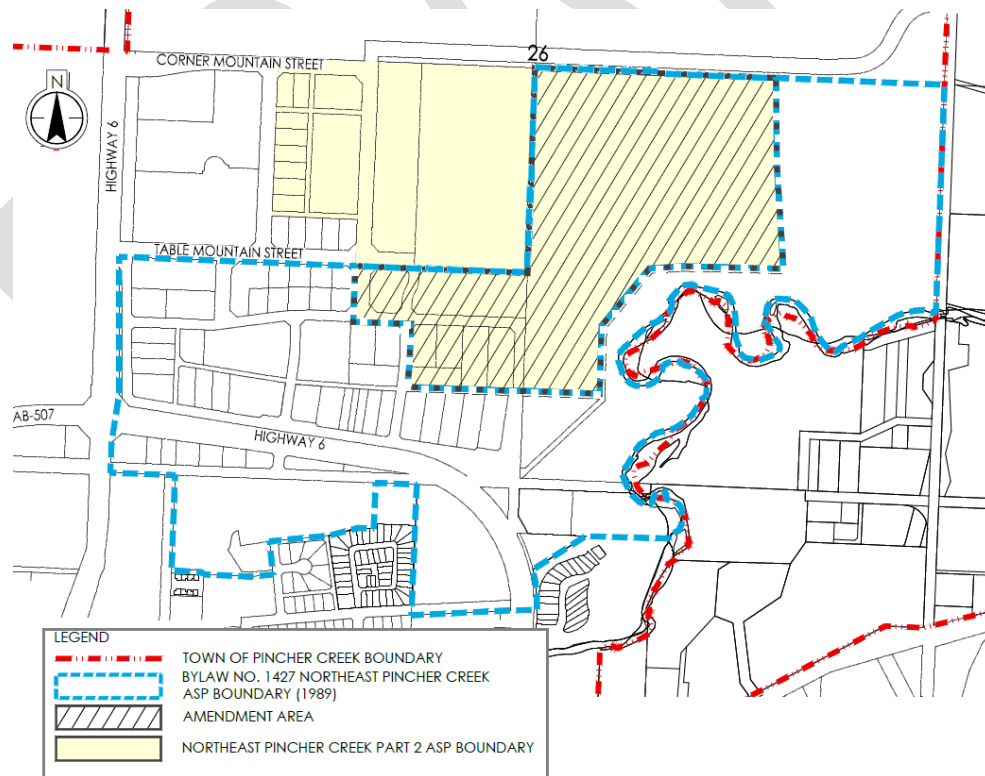
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*Mayor – Don Anderberg*

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*Chief Administrative Officer – Angie Lucas*

### Schedule “A”



### Schedule “B” - Northeast Pincher Creek Part 2 Area Structure Plan (ASP document)



# Memo

**To:** Lisa Goss – Legislative Services Manager Town of Pincher Creek

**From:** Steve Harty – ORRSC Senior Planner

**Date:** 2023-02-22

**Re:** Comments on adoption of draft NE ASP Part 2 – ptn of SW & SE 26-6-30-W4M

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The ASP Part 2 has been developed as a refinement to the previous Bylaw 1427 Northeast Pincher Creek ASP (1989, Bylaw No. 1427). This update was to provide more detail on infrastructure constraints and potential servicing options, a storm water drainage analysis, and address the land constraints present for the area. The ASP provides a comprehensive analysis of land conditions and an environmental assessment. The plan outlines the proposed land use and how this may be serviced and developed. The plan area consists of approximately 54% parks and open space, 19% industrial/commercial use, 16% storm water facility and 10% roads. After a review of the initial draft ASP last spring, the plan was revised to add a few more details to describe what the ‘Detail Design Stage’ involves (i.e., requirements for lot developers and the Town) for clarity and consistency.

On conducting a review of the revised draft ASP on the above subject matter, I respectfully submit the following comments, generally limited to the ASP planning and policy considerations (i.e., approach for Council and administration), for consideration. As I entered the process at the completed draft stage I was not involved in early discussions or plan concept ideas. As such, I was not privy to the early discussions by the Town and Council on what the ultimate vision and goals on the proposal were and if they are met. The Consultants did provide their synopsis on this and felt it has been met.

Council will need to determine if the final submitted draft ASP aligns with what Council envisions for the area. As a new municipal election occurred in the fall 2021, and then a subsequent byelection in 2022, this aspect will need to be thoroughly reviewed with the current Council.

The ASP is seen to generally align with the goals of the Towns’ MDP Bylaw No. 1518-13, especially as it relates to commercial & industrial land use, parks & recreation, future town growth and stormwater management. However, Council will have to determine if it meets the Town’s needs in providing the right balance of enough industrial/commercial land and providing the right amount of recreational, especially in consideration of the Town’s Parks and Open Space Master Plan and the Recreation Master Plan, or if too much is intended for recreational use. Does the plan offer the right balance? (As a note, the 1989 ASP had a similar land use ratio, with a large portion of recreational land.) Allowing for more business/industrial use will see better return for the municipality, but it is recognized there are servicing and capacity issues along with costs associated with that also. The Town should strive to have the maximize amount of land that can efficiently be serviced in the plan area available to sell for businesses (cost/benefit). The areas not readily serviced are more suited to park and recreation space, along with the areas needed for storm water management and the future Highway 3 bypass.

Some specific planning related comments/suggestions for consideration:

- The ASP identifies potential wetlands and there will need to be wetland compensation considerations if verified as such, as it is the land developer (i.e., Town in this case) who performs this upfront. The proposed “Parcel Consolidation B” on McEachern Street is affected by this. *Water Act* approval will be required to impact or remove the ephemeral waterbodies, wetlands, and drainages. To address this, the Town has engaged aquatic specialists to undertake a wetland assessment who have already commenced the process.
- Section 4.3 of the ASP states a Historical Resource Assessment should be completed prior to subdivision and development, as there is a small area of potential 5a (archeological) land in the southeast corner of the plan area near the creek. I would suggest if the ASP is adopted, the Town should then submit the document to the province for review (HR Application through OPaC) right away. The outcome of the review will provide information about historic resource concerns in the planning area and may offer guidance for developing strategies to address these concerns. An assessment may need only be undertaken if required by the administrator of Historical Resources (and under their direction or conditions) which may save the Town time and financial resources.
- The ASP proposes flexibility so that the designation (zoning) of land will be left to the lot developer to apply to put in place at time of development on a case-by-case basis. This will add a minimum of two and likely 3-4 months to the land development process. If Council desires some land more ready for business, this implementation component may need to be more efficient. Once the ASP is adopted, it is suggested that the land use be pre-designated as proposed in the ASP or designated to the most likely use such as I2, and then deal with ‘one-off’s’ (for C2 or I3) on a case-by-case basis.
- On a similar note - the ASP states that “General Industrial and Warehousing (I1)” will not be permitted, largely due to infrastructure & servicing constraints. The Town should therefore redesignate the existing designated I1 land with another recommended designation after the ASP is adopted so the LUB is not in conflict with the ASP, and which may also help expedite future development processes.
- Section 8.1 Transportation – The consultants added a statement, as requested by the Town, that the south end of Alison Street, south of McEachern, will be closed or altered as the future highway bypass will connect south in this area (refer to Figures 6.1 and 7.1). From the referral process, Alberta Transportation did recommend that additional information be added, including that Lot 25 will be impacted by the future bypass and that the illustrated ball diamonds on the diagram be removed. This may be done through some minor text amendments to the plan.
- Section 11 Phasing – As mentioned in the initial review, Phases 1 and 2 are referred to with policy but there is nothing provided on Phase 3. Also, the plan does not indicate ‘triggers’ for when Phases 2 or 3 may be commenced, or if there are any, if it needs to be sequential or if it is strictly based on municipal budget allocations. The Town may want to create a process to manage this as it should be clarified so there is a clear plan moving forward and administration may provide proper guidance to potential purchasers/developers on potential land availability and its servicing needs.
- Section 11.3 Subdivision – The ASP suggests parcel consolidation of existing Town properties should be done, except for those parcels serviced along Chief Mountain Avenue. I would recommend that as the parcels are already subdivided and owned by the municipality, this gives the Town the most flexibility to sell one lot or two or more adjacent lots if a business needs more space (they can then

be combined onto one title then). There is no initial need to go through the time and expense to consolidate and then possibly later resubdivide if that step has already been done. Servicing and timing are really the prime issues to address. The one exception is proposed 'Parcel Consolidation B' which makes sense to eliminate the odd island parcel and the road and allow the proposed new road on the east side (Alison Street extension). If proposed 'Parcel Consolidation H' occurs, it requires a formal bylaw road (lane) closure process. This is not identified in the ASP or stated in Figure 10.1. This would be a simple text amendment that could be added, or flagged as a future implementation step.

I would suggest an option for the Town to consider is to look at a 'phased servicing design' approach (i.e., one service tie stub-in is provided to 'main' parcel or block (such as G, B or H areas), then additional services installed if block is further subdivided out. If the ASP is not for general industrial uses, lighter industrial or business type uses often want smaller not larger parcels. This may need some further consideration, but as the Town owns all the land titles it ultimately has the control. A 'sales and sequenced servicing plan' for phased/additional subdivision could be used.

These are a few planning considerations for the Town and Council to think about in considering the presented ASP. I had previously provided the Town with an implementation list of steps (tasks) to consider in moving forward with this process. With a few matters clarified, the final ASP should help guide future development and better meet the Town's needs in having a plan to go forward. A few of the items outlined could be added as a few minor text additions to the ASP, while some of the other aspects may be managed as part of an implementation strategy.

The main matter for Council, will be to determine if the presented ASP captures what Council envisions for the area. Council should decide if it has the appropriate mix of land use to both benefit the community and to see an economic return on its' investment in the plan, infrastructure, and lands. Council needs to review the ASP and if satisfied it meets the Towns' vision, then proceed with the formal adoption. Any changes or additions it would like to see in the plan that are discussed at the public hearing, may be included and then adopted as amended. If there is a substantial change, then the ASP revisions may need to be advertised and recirculated and a further public hearing held.

It is at Council's discretion and prerogative to adopt the ASP bylaw.



## **Town of Pincher Creek**

February 27, 2023

### **Development Services Report**

#### **Northeast Pincher Creek Part 2 Area Structure Plan – Bylaw No. 1635-23**

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Referral comments from Management Staff are as follows:

##### **Operational Services**

Operations has no additional comments regarding the NE Area Structure Plan Part 2.

##### **Fire/Emergency Services**

No comments received at the time of writing.

##### **Bylaw Enforcement**

No comments.

##### **Administration**

Administration supports the proposed Northeast Pincher Creek Part 2 Area Structure Plan Bylaw No. 1635-23 as it will provide for a framework for future development. It is also a continuation of the 1989 Northeast Area Structure Plan Bylaw 1427. As per the Intermunicipal Development Plan between the Town of Pincher Creek and the Municipal District of Pincher Creek the IMDP Committee met on January 31, 2023 to review the Plan. The committee supported the NE Part 2 ASP and moving forward with the Public Hearing with minor amendments as required.

Referral comments from external agencies are as follows:

##### **Holy Spirit RC School Division**

No comments received at the time of writing.

##### **Livingstone Range School Division**

No comments received at the time of writing.

##### **AltaLink**

No comments received at the time of writing.

##### **FortisAlberta**

No comments received at the time of writing.

**TELUS**

See Attached

**APEX Utilities Inc.**

See Attached

**AB Health Services – South Zone**

See Attached

**AB Environment & Protected Areas**

No comments received at the time of writing.

**AB Transportation**

See Attached

## Legislative

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**From:** circulations <circulations@telus.com>  
**Sent:** Tuesday, January 24, 2023 3:38 PM  
**To:** Legislative  
**Subject:** RE: Town of Pincher Creek Northeast Area Structure Plan Update/Amendment

Good afternoon,

TELUS Communications Inc. has no objection to the above circulation.

Thank you,

**Real Estate Specialist | TELUS Rights of Way**  
Network Engineering & Operations (NEO) | TELUS | Rights of Way  
2930 Centre Avenue NE, Calgary, AB T2A 4Y2  
[circulations@telus.com](mailto:circulations@telus.com)



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**From:** Legislative <legislative@pinchercreek.ca>  
**Sent:** January 20, 2023 03:13 PM  
**To:** Legislative <legislative@pinchercreek.ca>; sampsonk@holyspirit.ab.ca; perryj@lrsd.ab.ca; 3rdpartyrequests@altalink.ca; landserv@fortisalberta.com; circulations <circulations@telus.com>; SHE.SouthZoneEPH@ahs.ca; jason.cayford@gov.ab.ca; transdevelopmentlethbridge@gov.ab.ca; 'leah.olsen@gov.ab.ca' <leah.olsen@gov.ab.ca>; southlandadmin@atcogas.com; CAO@mdpinchercreek.ab.ca; 'AdminDevAsst@mdpinchercreek.ab.ca' <AdminDevAsst@mdpinchercreek.ab.ca>  
**Cc:** Cao <cao@pinchercreek.ca>; Angie Lucas <interncao@pinchercreek.ca>; steveharty <steveharty@orrsc.com>  
**Subject:** Town of Pincher Creek Northeast Area Structure Plan Update/Amendment

**ATTENTION:** This email originated from outside of TELUS. Use caution when clicking links or opening attachments. | Ce courriel provient de l'extérieur de TELUS. Soyez prudent lorsque vous cliquez sur des liens ou ouvrez des pièces jointes.

To whom it may concern:

The Town of Pincher Creek has engaged a consultant to prepare an area structure plan (ASP) update and amendment for lands within a portion of SW & SE 26-6-30-W4M, situated in the northeast area of the town. The ASP Part 2 has been developed as a refinement to the previously adopted Bylaw 1427 Northeast Pincher Creek ASP (1989, Bylaw No. 1427). The Plan Area encompasses 47.6 ha (117.7 acres) and is bounded to the south by Table Mountain Street and McEachern Street and to the west by Chief Mountain Avenue, undeveloped land north of the Plan boundary, and an existing wetland and current Town boundary to the east.

The ASP provides a comprehensive analysis of land conditions, environmental assessment and outlines the proposed land use and how this may be serviced and developed. This plan will guide future development to conform to the proposed

uses in respect of the road network and block layout. It is proposed this area will be a mix of business/light industrial and recreational land uses.

We would appreciate your agency reviewing the proposed plan and forward on to us any concerns or interests you have that may affect the plan. You may view a PDF copy of the draft ASP Part 2 here <http://www.pinchercreek.ca/docs/files/DRAFT%20North%20East%20Pincher%20Creek%20Area%20Structure%20Plan%20282%29.pdf>

If you could forward to us any comments you may have **by February 22, 2023**, would be most appreciated.

If you have any questions or need clarification, please contact us at your convenience.

Kind Regards,

Lisa Goss  
Legislative Services Manager  
Town of Pincher Creek

## Legislative

---

**From:** Third Party Requests <thirdpartyrequests@apexutilities.ca>  
**Sent:** Wednesday, February 15, 2023 10:46 AM  
**To:** Legislative  
**Subject:** RE: Town of Pincher Creek Northeast Area Structure Plan Update/Amendment

To Whom it May Concern:

Apex Utilities Inc. has no objection to the proposed ASP amendment described below.

Please notify **Alberta One Call at 1-800-242-3447** to arrange for “field locating” should excavations be required within the described area.

We wish to advise that any relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.

Thank you,

**Ashley Bridgwater, BSc**

Admin. Assistant, Engineering Services  
she | her | hers

**Apex Utilities Inc.**

(formerly AltaGas Utilities Inc.)

T: 780.986.5215 ext. 2246 | C: 780.203.0579 | F: 780.986.5220

**As of June 2022, my work hours will be Monday to Friday, 7 a.m. to 3 p.m.**

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**From:** Legislative <legislative@pinchercreek.ca>  
**Sent:** Tuesday, February 14, 2023 2:58 PM  
**To:** Third Party Requests <thirdpartyrequests@apexutilities.ca>  
**Cc:** Legislative <legislative@pinchercreek.ca>  
**Subject:** FW: Town of Pincher Creek Northeast Area Structure Plan Update/Amendment

Good Afternoon,

Please see the referral request below. It is understood that your agency may not be able to accommodate submitting comments by the deadline suggested below. If an extension on the deadline is required please advise.

Kind Regards,

Lisa Goss  
Legislative Services Manager  
Town of Pincher Creek

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**From:** Legislative <[legislative@pinchercreek.ca](mailto:legislative@pinchercreek.ca)>  
**Sent:** Friday, January 20, 2023 3:13 PM  
**To:** Legislative <[legislative@pinchercreek.ca](mailto:legislative@pinchercreek.ca)>; [sampsonk@holyspirit.ab.ca](mailto:sampsonk@holyspirit.ab.ca); [perryj@lrsd.ab.ca](mailto:perryj@lrsd.ab.ca);



[3rdpartyrequests@altalink.ca](mailto:3rdpartyrequests@altalink.ca); [landserv@fortisalberta.com](mailto:landserv@fortisalberta.com); [circulations@telus.com](mailto:circulations@telus.com); [SHE.SouthZoneEPH@ahs.ca](mailto:SHE.SouthZoneEPH@ahs.ca); [jason.cayford@gov.ab.ca](mailto:jason.cayford@gov.ab.ca); [transdevelopmentlethbridge@gov.ab.ca](mailto:transdevelopmentlethbridge@gov.ab.ca); 'leah.olsen@gov.ab.ca' <[leah.olsen@gov.ab.ca](mailto:leah.olsen@gov.ab.ca)>; [southlandadmin@atcogas.com](mailto:southlandadmin@atcogas.com); [CAO@mdpincercreek.ab.ca](mailto:CAO@mdpincercreek.ab.ca); 'AdminDevAsst@mdpincercreek.ab.ca' <[AdminDevAsst@mdpincercreek.ab.ca](mailto:AdminDevAsst@mdpincercreek.ab.ca)>

**Cc:** Cao <[cao@pincercreek.ca](mailto:cao@pincercreek.ca)>; Angie Lucas <[interncao@pincercreek.ca](mailto:interncao@pincercreek.ca)>; steveharty <[steveharty@orrs.com](mailto:steveharty@orrs.com)>

**Subject:** Town of Pincher Creek Northeast Area Structure Plan Update/Amendment

To whom it may concern:

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If you could forward to us any comments you may have **by February 22, 2023**, would be most appreciated.

If you have any questions or need clarification, please contact us at your convenience.

Kind Regards,

Lisa Goss  
Legislative Services Manager  
Town of Pincher Creek

## Legislative

---

**From:** Michael Swystun <Michael.Swystun@albertahealthservices.ca>  
**Sent:** Wednesday, February 22, 2023 9:49 AM  
**To:** Legislative  
**Subject:** RE: Town of Pincher Creek Northeast Area Structure Plan Update/Amendment

Hey Lisa,

AHS appreciates the opportunity to review and comment on this proposed Area Structure Plan.

AHS supports Pincher Creeks vision of more access to outdoor recreation and sports facilities. Our southern Alberta population as a whole has high rates of obesity, diabetes and depression/anxiety. Research has shown that having more access to parks and outdoor recreation areas can help reduce the rates of these chronic diseases.

If you require any further information, please feel free to contact me.

Mike

Mike Swystun, B.Sc., B.EH., CPHI(C)  
Executive Officer/ Public Health Inspector II  
Healthy Environments Specialist  
Pincher Creek, Alberta  
Mobile: 587-220-2791

**24 HOUR ON call: 1-844-388-6691**



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**From:** Legislative <legislative@pinchercreek.ca>  
**Sent:** Friday, January 20, 2023 3:13 PM  
**To:** Legislative <legislative@pinchercreek.ca>; sampsonk@holyspirit.ab.ca; perryj@lrsd.ab.ca; 3rdpartyrequests@altalink.ca; landserv@fortisalberta.com; circulations@telus.com; SHE.SouthZoneEPH <SHE.SouthZoneEPH@albertahealthservices.ca>; jason.cayford@gov.ab.ca; transdevelopmentlethbridge@gov.ab.ca; 'leah.olsen@gov.ab.ca' <leah.olsen@gov.ab.ca>; southlandadmin@atcogas.com; CAO@mdpincercreek.ab.ca; 'AdminDevAsst@mdpincercreek.ab.ca' <AdminDevAsst@mdpincercreek.ab.ca>  
**Cc:** Cao <cao@pinchercreek.ca>; Angie Lucas <interncao@pinchercreek.ca>; steveharty <steveharty@orrsc.com>  
**Subject:** Town of Pincher Creek Northeast Area Structure Plan Update/Amendment

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If you have any questions or need clarification, please contact us at your convenience.

Kind Regards,

Lisa Goss  
Legislative Services Manager  
Town of Pincher Creek

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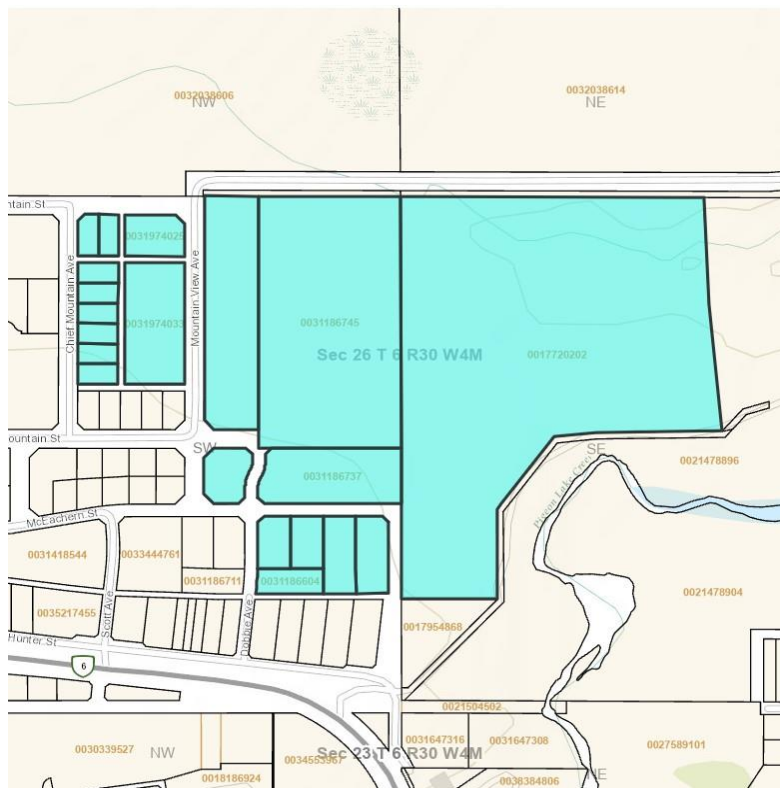
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# Transportation and Economic Corridors Notice of Referral

## Decision Statutory plan in proximity of a provincial highway

<b>Municipality File Number:</b>	Town of Pincher Creek Northeast Area Structure Plan Update/Amendment	<b>Highway(s):</b>	3X, 6, 507, 785, 6X
<b>Legal Land Location:</b>	QS-SE SEC-26 TWP-006 RGE-30 MER-4	<b>Municipality:</b>	Pincher Creek, M.D. of Pincher Creek No. 9
<b>Decision By:</b>	Leah Olsen	<b>Issuing Office:</b>	Southern Region / Lethbridge
<b>Issued Date:</b>	2023-02-01 11:58:52	<b>AT Reference #:</b>	RPATH0007864
<b>Description of Development:</b>	Town of Pincher Creek Northeast Area Structure Plan Update/Amendment in the S 26-6-30-W4M in proximity to Highway 6		



This will acknowledge receipt of your circulation regarding the above noted proposal. Transportation and Economic Corridors's primary concern is protecting the safe and effective operation of provincial highway infrastructure, and planning for the future needs of the highway network in proximity to the proposed development(s).

Transportation and Economic Corridors offers the following comments and observations with respect to the proposed development(s):

- Figure 7.1: Potential ball diamond area; leave as grassed area
  - Figure 8.1: Access to Lot 25, per Figure 2.3, should be from McEachem Street only
  - Figure 10.1: SE corner of Lot 25 (G) should be excluded from Phase 2 and designated park space
- 
- Pursuant to Section 618.3(1) of the Municipal Government Act (MGA), the department expects that the municipality will comply with any applicable items related to provincial highways in an ALSA plan if applicable
  - Pursuant to 618.4(1) of the Municipal Government Act, the department expects that the Municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, in accordance with Policy 7 of the Provincial Land Use Policies.

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information



Issued by **Leah Olsen**, on **2023-02-01 11:58:52** on behalf of the Minister of Transportation pursuant to *Ministerial Order 52/20 – Department of Transportation Delegation of Authority*