



REGULAR MEETING OF COUNCIL
Held on Monday February 26, 2024
In Person & Virtually,
Commencing at 6:00 p.m.

IN ATTENDANCE:

- Mayor: D. Anderberg
- Councillors: M. Barber, D. Green, W. Oliver, G. Cleland, and S. Nodge
- With Regrets: B. Wright
- Staff: D. Henderson, Chief Administrative Officer; W. Catonio, Director of Finance and Human Resources; S. Burnell, Director of Operations; A. Hlady, FCSS; K. Kozak, Planning and Development Officer, and K. Green, Executive Assistant

1. CALL TO ORDER

Mayor Anderberg called the meeting to order at 6:02 pm.

2. SCHEDULED PUBLIC HEARING

3. AGENDA APPROVAL
CLELAND:

That Council for the Town of Pincher Creek agree to add 8.2 CAO Recruitment Update to the February 26, 2024 Regular Council meeting agenda.

CARRIED 24-084

GREEN:

That Council for the Town of Pincher Creek accept the February 26, 2024 Regular Council meeting agenda as amended.

CARRIED 24-085

4. DELEGATIONS

5. ADOPTION OF MINUTES

5.1 Minutes of the Regular Meeting of Council held on February 12, 2024

GREEN:

That Council for the Town of Pincher Creek approves the Minutes of the Regular Meeting of Council held on February 12, 2024 as presented.

CARRIED 24-086

6. BUSINESS ARISING FROM THE MINUTES

6.1 Disposition of Delegation - STARS Air Ambulance

BARBER:

Initials

That Council for the Town of Pincher Creek receive the STARS delegation report as information.

CARRIED 24-087

6.2 Disposition of Delegation - Allied Arts Society – Stacey McRae

NODGE:

That Council for the Town of Pincher Creek encourage the Allied Arts Council to apply for Community Facility Enhancement Program and other grants to support improvements to the Historic Lebel Mansion.

CARRIED 24-088

OLIVER:

That Council for the Town of Pincher Creek review deer fencing and other control options at the March 25 Council Meeting.

CARRIED 24-089

7. BYLAWS

7.1 Land Use Bylaw Amendment 1547-AS

BARBER:

That Council for the Town of Pincher Creek agree and give second reading to Land Use Bylaw Amendment 1547-AS amending the Land Use Bylaw to redesignate lands located at 655 and 659 Main Street and 656 Charlotte Street, and legally described as Lot 13, Plan 552LK and Lot 103, Plan 460B from "Transitional Commercial - C4" to "Direct Control - DC", and Lot 14, Plan 552LK and Lot 102, Plan 552LK from "Downtown/Retail Commercial - CI" to "Direct Control - DC".

CARRIED 24-090

NODGE:

That Council for the Town of Pincher Creek agree and give third and final reading to Land Use Bylaw Amendment 1547-AS amending the Land Use Bylaw to redesignate lands located at 655 and 659 Main Street and 656 Charlotte Street, and legally described as Lot 13, Plan 552LK and Lot 103, Plan 460B from "Transitional Commercial - C4" to "Direct Control - DC", and Lot 14, Plan 552LK and Lot 102, Plan 552LK from "Downtown/Retail Commercial - CI" to "Direct Control - DC", and that a copy of which be attached hereto forming part of the minutes.

CARRIED 24-091

8. NEW BUSINESS

8.1 Property Taxes Late Payment Penalty

GREEN:

That Council for the Town of Pincher Creek receive the request for tax payment penalty refund on Roll #800800 as information.

CARRIED 24-092

8.2 CAO Recruitment

BARBER:

That Council for the Town of Pincher Creek agrees to hold a Special Council meeting on March 25 at 3:30 pm to review CAO applications for prospective candidates.

CARRIED 24-093



9. COUNCIL REPORTS

9.1 Upcoming Committee Meetings and Events

CLELAND:

That Council for the Town of Pincher Creek accept the Upcoming Committee Meetings and Events as information.

CARRIED 24-094

10. ADMINISTRATION

10.1 Council Information Distribution List

CLELAND:

That Council for the Town of Pincher Creek accepts the February 26, 2024 Council Information Distribution List as information.

CARRIED 24-095

BARBER:

That Council for the Town of Pincher Creek direct administration to present the prebudget submission letter from the National Police Federation to the police advisory committee to achieve a letter of support.

CARRIED 24-096

Mayor Anderberg called a recess at 6:42pm

Mayor Anderberg called the meeting back at 6:46pm

11. CLOSED MEETING DISCUSSION

NODGE:

That Council for the Town of Pincher Creek agree to move into closed session of Council on February 26, 2024 at 6:46 pm in accordance with section 24 of the Freedom of Information and Protection of Privacy Act, with the Chief Administrative Officer, Executive Assistant, Director of Finance and Human Resources in attendance.

CARRIED 24-097

OLIVER:

That Council for the Town of Pincher Creek agrees to move out of closed session of Council on February 26, 2024 at 7:55 pm in accordance with sections 24 of the Freedom of Information and Protection of Privacy Act.

CARRIED 24-098

Mayor Anderberg recused himself at 7:41pm

11.1 Priority Action Items Update – FOIP S. 24

BARBER:

That Council for the Town of Pincher Creek direct administration to pursue a supplemental water source for the golf course.

CARRIED 24-099

Mayor Anderberg rejoined meeting at 7:47pm

11.2 Council Code of Conduct – FOIP S. 24

GREEN:

That Council for the Town of Pincher Creek receive for information the two Councillor Code of Conduct Complaint final reports.

CARRIED 24-100

12. NOTICE OF MOTION

GREEN:


That Council for the Town of Pincher Creek agree to provide, to the public, information illustrating complete Concept, Engineering, Geotechnical details, construction cost analysis, facility ownership, lease, partnership and proposed operating and management projections related to the proposed Community Recreation and Event Centre to be located at the Golf Course and that the above-described information be made available in total, in a public information event to be scheduled not later than April 17, 2024

13. ADJOURNMENT


CLELAND:

That this meeting of Council on February 26, 2024 be hereby adjourned at 8:00 pm.

CARRIED 24-101



MAYOR, D. Anderberg



CAO, D. Henderson

*Regular Council Meeting
February 26, 2024*

**APPROVED BY RESOLUTION
OF THE COUNCIL OF THE
TOWN OF PINCHER CREEK,
THIS 11th DAY OF MARCH 2024 S E A L**

**NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON
MONDAY MARCH 11, 2024 AT 6:00 P.M.**

TOWN OF PINCHER CREEK
BYLAW NO. 1547-AS

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 wishes to provide a means whereby Council may regulate and control the use, development or subdivision on a lands within its corporate limits to allow for higher to medium-density housing and potential mixed-use commercial development as a secondary use in a form acceptable to Council, while also allowing development that conforms to Council's goals of supporting the viability of downtown through a mix of innovative housing, affordable housing, retail use, and professional or business services with multi-unit housing development being the main priority with the district regulations as outlined in Schedule B of the amending bylaw.

AND WHEREAS the purpose of proposed Bylaw No. 1547-AS is to redesignate the following lands:

- Lot 14, Plan 552LK** – (current address 656 Charlotte Street)
- Lot 13, Plan 552LK** - (current address 655 Main Street)
- Lot 103, Plan 460B** - (current address 659 Main Street)
- Lot 102, Plan 552LK** - (current address 659 Main Street)

from "Downtown/Retail Commercial – C1" and "Transitional Commercial – C4" to "Direct Control" accommodate the said use;

AND WHEREAS the said lands are shown on the map in Schedule A attached 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. Lands legally described as

- Lot 14, Plan 552LK** – (current address 656 Charlotte Street)
- Lot 102, Plan 552LK** - (current address 659 Main Street)

from "Downtown/Retail Commercial – C1" to "Direct Control" as shown on the map in Schedule A.

2. Lands legally described as

- Lot 13, Plan 552LK** - (current address 655 Main Street)
- Lot 103, Plan 460B** - (current address 659 Main Street)

From "Transitional Commercial – C4" to "Direct Control" as shown on the map in Schedule A.

3. The Direct Control district as provided for in the attached Schedule B is hereby adopted for the aforementioned lands.
4. Bylaw No. 1547, being the municipal Land Use Bylaw, is hereby amended.
5. The land use district map shall be amended to reflect this change.
6. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this 8th day of January, 2024.

READ a **second** time this 26th day of February, 2024.

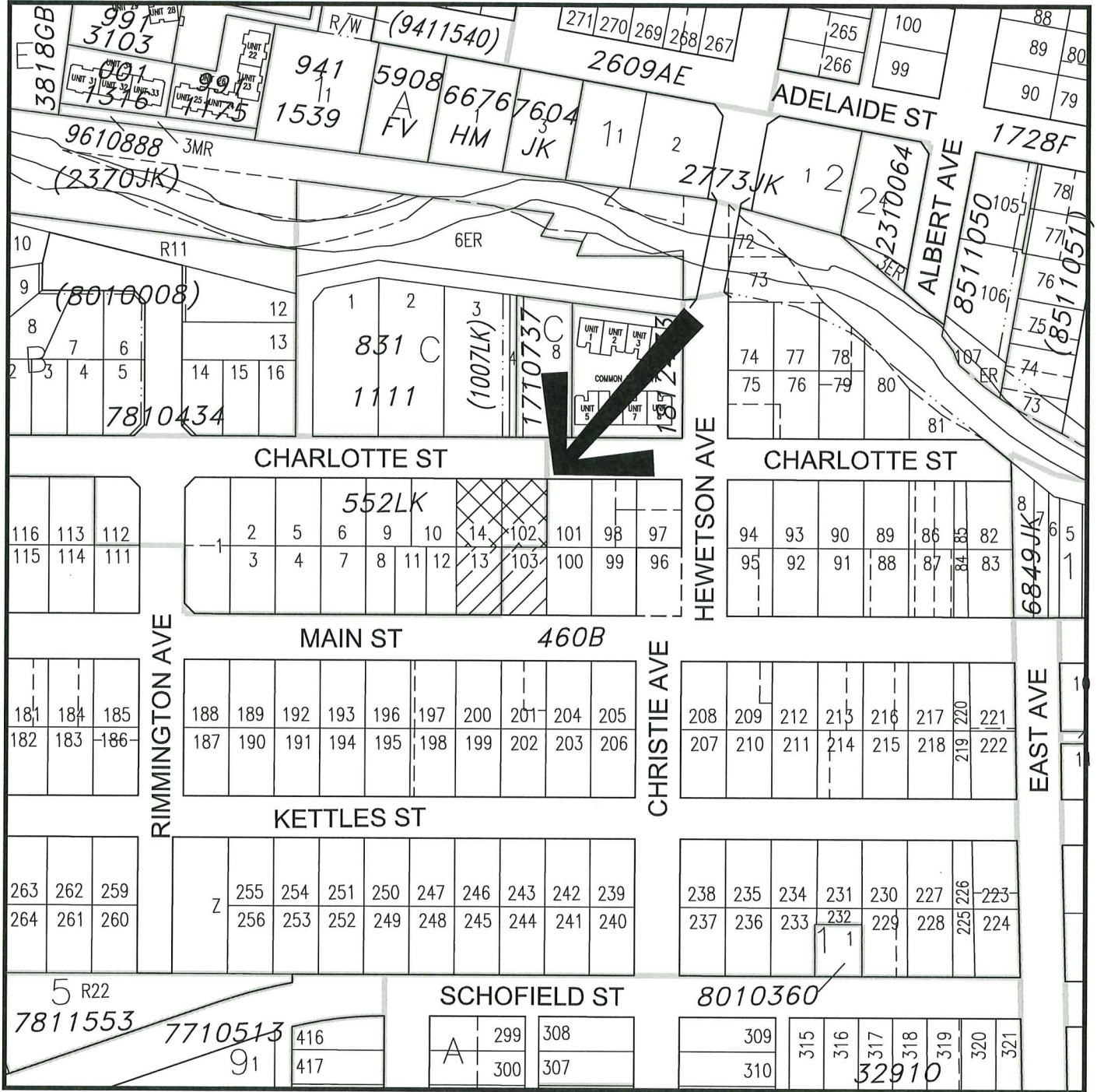
READ a **third** time and finally passed this 26th day of February, 2024.



Mayor, Don Anderberg



CAO, Doug Henderson



**LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'**

LOTS 14 & 102, PLAN 552LK



FROM: Downtown/Retail Commercial C-1
TO: Direct Control DC

LOT 13, PLAN 552LK AND 103, PLAN 460B



FROM: Transitional Commercial C-4
TO: Direct Control DC

WITHIN SE 1/4 SEC 22, TWP 6, RGE 30, W 4 M
MUNICIPALITY: TOWN OF PINCHER CREEK
DATE: JULY 25, 2023

Bylaw #: 1547-AS

Date: February 26, 2024

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"



SCHEDULE 'B'

DIRECT CONTROL – DC BYLAW NO. 1547-AS

INTENT: To provide a means whereby Council may regulate and control the use, development, or subdivision on a site-specific basis to the following lands:

Lot 14, Plan 552LK – (current address 656 Charlotte Street)

Lot 13, Plan 552LK - (current address 655 Main Street)

Lot 103, Plan 460B - (current address 659 Main Street)

Lot 102, Plan 552LK - (current address 659 Main Street)

as shown on Schedule 'A', for the purposes of allowing opportunity for higher to medium-density housing and potential mixed-use commercial development as a secondary use in a form acceptable to Council, while also allowing development that conforms to Council's goals of supporting the viability of downtown through a mix of innovative housing, affordable housing, retail use, and professional or business services with multi-unit housing development being the main priority.

The development allowed is based on plans as approved by Council in consideration of the constraints of the site, compatibility with adjacent public, institutional, and commercial land uses, and on the basis the development must align with Council's vision and goals for the development of the site and the downtown area in general.

1. DEVELOPMENT CONTROL REGULATIONS

While this bylaw is in effect the following development control regulations shall apply and no development other than that prescribed for the following lots shall be undertaken unless otherwise approved by Council:

- (1) Lot 103, Plan 460B and Lot 102, Plan 552LK - The existing two-storey building (former RCMP office) constructed in 1970 can be renovated to accommodate the uses authorized by Council or may be demolished if more residential housing units can be provided than what the current building may be retrofitted for.
- (2) Lot 13, Plan 552LK and Lot 14, Plan 552LK - The land uses, buildings and structures as stipulated in Section 2, Permitted and Discretionary Uses, or as otherwise authorized by Council, may be considered in accordance with this bylaw. These may be considered in conjunction with a comprehensive development and site plan designed in combination with the existing 1970 two-storey building (situated on Lot 103, Plan 460B and Lot 102, Plan 552LK) as part of a multifaceted parcel development, or part of a larger site development if the existing building is removed.
- (3) Any of the land uses, buildings and structures as outlined in Section 2, Permitted and Discretionary Uses, or as otherwise authorized by Council may be considered in accordance with this bylaw and shall be approved by Council unless otherwise subdelegated.
- (4) Demolition of the existing two-storey building constructed in 1970 located on Lot 103, Plan 460B and Lot 102, Plan 552LK shall require Council's approval.
- (5) As the main purpose is to provide for higher to medium-density housing, the discretionary uses such as retail, offices, financial institutions, medical and dental clinics, and personal services are to be minor secondary uses and are to only occur in combination with residential use or as a

mixed-use development and should not exceed 30% of the gross floor area or building space unless otherwise authorized by Council.

2. PERMITTED AND DISCRETIONARY USES

Only those uses associated with the development of the lands as approved by Council and that are deemed by Council to meet the intent of the Direct Control bylaw are to be allowed.

In addition to those prescribed below, any use Council considers suitable may be considered and approved by Council.

PERMITTED USES

Accessory structures
Signs (in accordance with Schedule 5)
Solar collectors individual, roof-mount or wall mount, (see Schedule 4)

PROHIBITED USES

- ◆ *No change of use or conversion of residential units to other uses without Council approval.*
- Any use which is not listed as either a Permitted or Discretionary Use or not otherwise authorized by Council is a Prohibited Use.*

Note: Minor secondary use means it is not the principal or main use of the lot or building and is incidental to the principal use.

DISCRETIONARY USES

Accessory buildings
Accessory uses
Boarding Houses
Cluster housing
Financial institutions (as a minor secondary use)
Medical and dental clinics (as a minor secondary use)
Mixed-use: Commercial with residential
Multi-unit residential dwellings:

- Apartment buildings
- Fourplexes
- Five or more unit dwellings

Multi-unit residential additions
Offices (as a minor secondary use)
Parking Lot (as a minor secondary use)
Personal Services (as a minor secondary use)
Retail stores (as a minor secondary use)
Short term rentals Type 1 (as a minor secondary use)

3. MINIMUM LOT SIZE

The minimum lot size shall be as the existing lot titles for Lot 13, Plan 552LK; Lot 14, Plan 552LK; Lot 102, Plan 552LK and Lot 103, Plan 460B, or **0.06 ha (0.14 acres)**, unless otherwise approved by Council.

Depending on the development proposal and if it will include on or more of the adjacent Direct Control lots, Council may require the individual lot titles involved in the proposal to be consolidated together as one title.

4. MINIMUM YARD SETBACK REQUIREMENTS

As authorized by Council.

5. DENSITY AND SITE COVERAGE

- (1) The minimum number of dwelling units shall be 64 units per ha (or 4 units per 606 m²), unless Council specifies or approves otherwise. Council may require a higher density based on the proposal and type of multi-unit residential dwelling.
- (2) The maximum number of dwelling units or other buildings on the parcel, and the maximum parcel site coverage, is as authorized by Council.
- (3) The minimum floor area of any individual dwelling unit shall be: 46.5 m² (500 sq. ft.)

6. ACCESSORY BUILDINGS AND STRUCTURES

- (1) Any accessory buildings or structures shall not be located in a front yard or in an easement or utility right-of-way.
- (2) An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

7. STANDARDS OF DEVELOPMENT

- (1) Any development standards as Council, being the Development Authority, considers necessary having regard to but not bound by Schedule 4 of the land use bylaw.
- (2) **Parking** must be provided as required by Council and delineated on site, with Council having regard to, but not bound by, the parking standards of the Land Use Bylaw outlined in Schedule 9.
- (3) **Building Height** – The maximum building height of principal or accessory buildings or structures shall be as authorized by Council.
- (4) **Amenity Space** - The type, size, and number of indoor or outdoor amenity space or areas (e.g., balconies, recreation rooms, patios, yards, etc.) for residential uses must be provided as required by Council.
- (5) Council, may request the following standards and requirements be applied for any development permit application or approval in this district:
 - (a) **Site, Layout, and Grading Plan** – that shows the property dimensions, building size and locations (setbacks), outdoor storage areas, parking areas, utility easements, elevations, and servicing areas.
 - (b) **Landscaping Plan** – that shows the front yard landscaping and any fencing (height and type) on the property.
 - (c) **Stormwater Drainage Plan** – prepared by a qualified engineer to address runoff and storm water management of the entire site as it relates to the development proposal and neighbouring lots. An engineered stormwater management plan shall be provided to the specifications of the town's Municipal Operations department who shall advise Council on the suitability of the storm water plan submitted.
 - (d) **Refuse or Garbage** – shall be located and kept in a municipally approved waste receptacle container as per the Town of Pincher Creek Garbage Utility bylaw.
 - (e) **Servicing** – the developer shall be responsible for ensuring all required municipal servicing is provided for the development, including water, sewage, and drainage.

- (a) Shallow utilities (e.g., gas, electricity, fibre optics, phone) as required shall also be provided by the developer to the municipality's or utility agencies' standards.
- (b) Any utility right-of-ways or access easements as required shall be provided by the developer to the satisfaction of the Town of Pincher Creek.
- (f) **Development Agreement** – the developer shall enter into a development agreement with the Town of Pincher Creek to satisfy any servicing requirements or standards as stipulated by the Town when required to do so by Council. All servicing and maintenance of the site shall be the responsibility of the owner which is to be stipulated in the development agreement as deemed necessary.
- (g) **Site Plan Conformity** – If Council has requested a site plan be provided, the development may only proceed in accordance with overall conformity to an associated site plan as approved by town Council.

8. SIGNS

Only those signs associated with the formal name of a housing development, business name, addressing, or directional signage as Council, or the Development Officer acting as the Development Authority, considers necessary and compatible, having regard to Schedule 5.

9. APPLICATION PROCESSING PROCEDURE

- (1) All submitted development permit applications shall be made to the Development Officer who shall refer them to Council as stipulated unless the use has been delegated to the Development Officer to make a decision.
- (2) Before Council, or the Development Officer acting as the Development Authority as assigned by Council, considers an application for a use in the Direct Control district, they shall:
 - (a) cause notice to be issued by the Development Officer in accordance with Section 21 of the land use bylaw; and
 - (b) hear any persons who claim to be affected by a decision on the application.
- (3) As part of the development application review process, the application shall be circulated to municipal administration and planning staff to provide input and recommendations to Council on any proposal.
- (4) Council, or the Development Officer acting as the Development Authority as authorized, may then approve the application with or without conditions, or refuse the application.
- (5) Council delegates to the Development Officer the duty to issue a refusal notice or a municipal development permit approval on Council's behalf with any conditions as imposed by Council.

10. OTHER APPLICATION REQUIREMENTS (AS MAY BE REQUIRED BY COUNCIL)

Prior to decision being made upon receipt of a development application proposal, Council may request any information, plans or studies be provided that it determines are necessary to make an informed decision on the application in addition to what is outlined in section 7 of this bylaw.

11. SUBDIVISION

- (1) Notwithstanding the provisions of this bylaw, subdivision is limited to the form of the four existing titles, each 0.06 ha (0.14 acres) in size, unless Council otherwise grants permission for lots to be further subdivided or for building condominium unit titles to be created.
- (2) If Council required the lots to be consolidated together as one title as part of an approval for a Development Permit application, then subdivision of the lots (or title separation) is not permitted, with the exception of building condominium unit titles being created.
- (3) The Municipal Development and Subdivision Authority, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications in accordance with the Direct Control bylaw and as directed by Council.

12. DELEGATION OF AUTHORITY

- (1) Council shall be the Development Authority to decide on development permit applications for the discretionary uses or application for waivers of development standards. Council may also choose to decide on development permit applications for permitted uses.
- (2) Council delegates to the Development Officer, pursuant to section 641(3) of the Municipal Government Act, to act as the Development Authority and receive and decide upon development permit applications for permitted uses, provided they conform to the standards of the bylaw and any direction given by Council.

13. APPROVAL PROCEDURE

- (1) Before consideration of a development permit application for a proposal requiring waivers or discretionary use on the subject property, Council shall:
 - (a) cause a notice to be issued by the Development Officer to any person likely to be affected;
 - (b) ensure that the notice contains the date and time that Council will hear the application for discretionary uses or application for waivers of development standards;
 - (c) hear any person that claims to be affected by the decision on the application.
 - (d) Council may then approve the development application with or without conditions or refuse the application with reasons.
- (2) Where Council has decided on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and those persons likely to be affected who were originally notified of the application, and post a copy of the decision in the lobby of the town office or be published online on the Town's website or in an online news-site for the community.
- (3) Where the Development Officer as the Development Authority has been delegated the authority to decide upon development permit applications for permitted uses and has done so, then immediately upon issuance of the development permit the Development Officer shall cause a notice of the decision to be issued to the applicant and post a notice to be published online on the Town's website or in an online news-site for the community stating the location of the property for which the application has been made and the use approved.

14. APPEAL PROCEDURE

- (1) Pursuant to section 685(4)(a) to the Municipal Government Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.
- (2) If the Development Officer has been delegated the authority to decide upon development permit application as the Development Authority, then the appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the direction of Council.