

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

CHINOOK INTERMUNICIPAL SUBDIVISION & DEVELOPMENT APPEAL BOARD

May 27, 2026; 10:00 am

Hearing No. DP 2026-12

Appellant: Caroline Johnson, Kurt Johnson, Lynn Dennis

Applicant: Frank Marsh

LIST OF EXHIBITS

- A. Notice of Hearing and Location Sketch Map
- B. List of Persons Notified
- C. Notice of Appeal
- D. Notice of decision of Development Permit Application 2026-12
- E. Development Permit 2026-12
- F. Unapproved Minutes of March 3, 2026 MPC Meeting
- G. Municipal Planning Commission (MPC) Meeting Package + Referral Comments
- H. Notice of Development Permit Application 2026-12
- I. Development Permit Application 2026-12
- J. Aerial Photos
- K. Excerpts from Municipal District of Pincher Creek Land Use Bylaw No. 1349-23

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

Development Application 2026-12

Ptn. of NW¼ 12-6-1 W5M

THIS IS TO NOTIFY YOU THAT IN ACCORDANCE WITH SECTION 686 OF THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA, 2000, CHAPTER M-26, AS AMENDED, A PANEL OF THE CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD WILL HEAR AN APPEAL OF A DECISION BY THE:

**Municipal Planning Commission of the Municipal District of Pincher Creek No. 9
with respect to Development Permit No. 2026-12**

APPELLANTS: Caroline Johnson, Kurt Johnson, Lynn Dennis

APPLICANT: Frank Marsh

LEGAL DESCRIPTION: Ptn. of NW¼ Sec. 12, Twp. 6, Rge. 1, W5M, containing
(SUBJECT PROPERTY) 34.7 hectares (85.75 acres), more or less; Excepting
thereout: Roadway Plan 7911171 (0.008 Hectares;
0.02 Acres), more or less; and Descriptive Plan
0111088 (1.20 Hectares; 2.97 Acres), more or less;

PROPOSAL: Outdoor Storage (Vehicles)

DECISION: Approved with conditions

PLACE OF HEARING: **Municipal District of Pincher Creek No. 9**
Council Chambers
1037 Herron Avenue, Pincher Creek, Alberta

DATE OF HEARING: **May 27, 2026**

TIME OF HEARING: **10:00 a.m.**

PROCEDURES PRIOR TO THE HEARING FOR DP 2026-12:

1. **Provide Written Submissions** - The Appeal Board is encouraging all hearing participants to submit presentations, letters, and comments to the Board prior to the hearing. It is preferred that written material is emailed to the Board Clerk, ideally in a PDF format. Please contact the Clerk with your written submissions which will be accepted until **12:00 p.m. May 22, 2026**.

EMAIL: kattieschlamp@orrsc.com

MAIL: **Kattie Schlamp, Board Clerk**
Oldman River Regional Services Commission
3105 – 16th Avenue N., Lethbridge, Alberta T1H 5E8

If do not submit your information by the deadline, you may bring information to the hearing for submission and are expected to supply 12 copies.

2. **Exhibit Viewing** - The initial appeal exhibit package will be posted on the ORRSC website at www.orrsc.com.

DATE: May 6, 2026

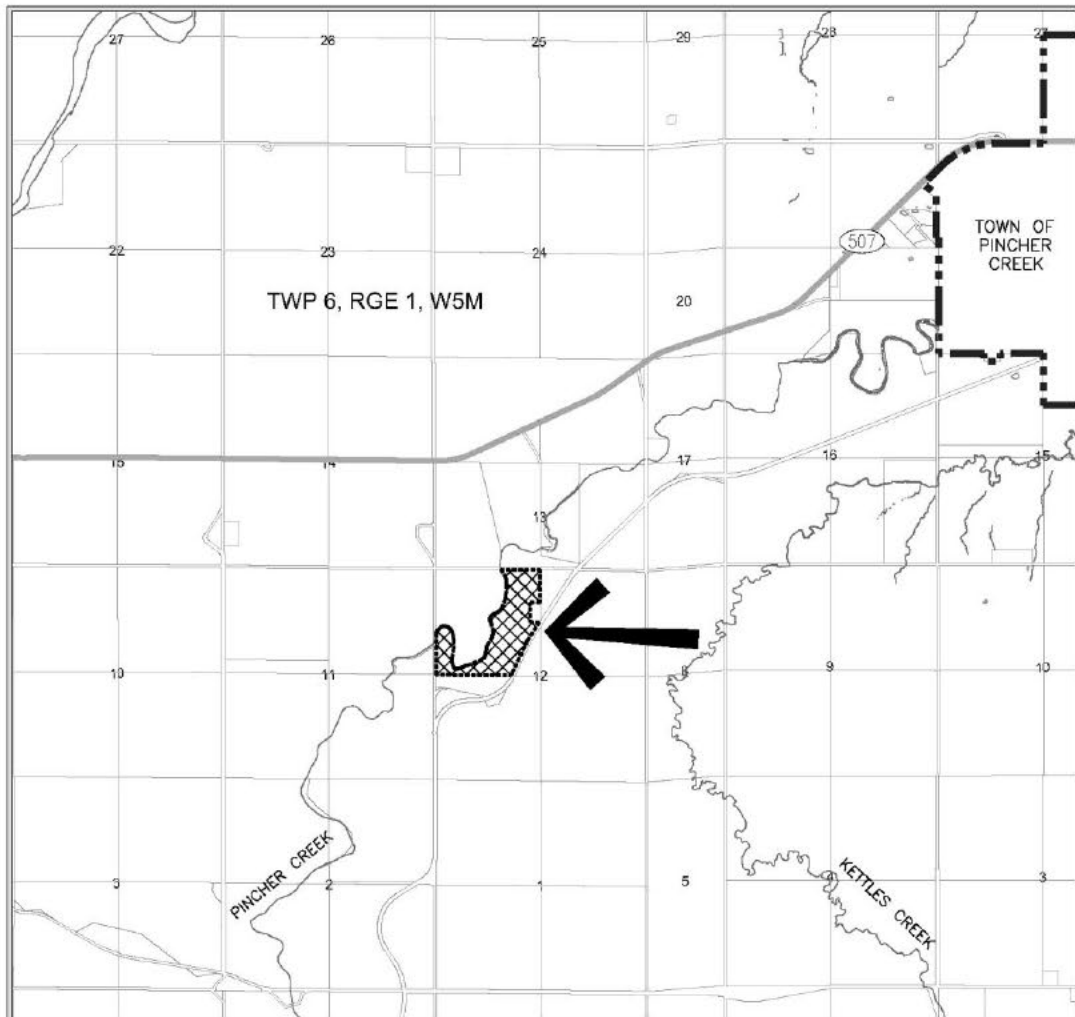


Kattie Schlamp, Clerk
Subdivision & Development Appeal Board

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Appeal Hearing 2026-12
Ptn. of NW¼ 12-6-1 W5M



LOCATION SKETCH
PORTION OF NW 1/4 SEC 12, TWP 6, RGE 1, W 5 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: MAY 4, 2026

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
CHINOOK INTERMUNICIPAL SUBDIVISION & DEVELOPMENT
APPEAL BOARD**

Development Application 2026-12

List of Persons Notified

Municipality:

M.D. of Pincher Creek MPC (7)
M.D. of Pincher Creek CAO (1)
M.D. of Pincher Creek DO (1)
ORRSC Planner, Gavin Scott

SDAB Members:

Sandy Lybbert
Don Anderberg
Bjorn Peter Berg
Evert Vandenberg
Evert Van Essen

Appellants:

Caroline Johnson
Kurt Johnson
Lynn Dennis

Applicant

Frank Marsh

Adjacent Landowners Notified:

Douglas Sokoloski & Michelle Stuart
Jerett & Kathryn Marsh
Adriana & Hendrik Hoekstra
Elizabeth Williams
Jacqueline & Matthew French
Lee Fernquist
Joel & Julie Smith
Francis Bitango

From: Roland Milligan <AdminCAO@mdpincercreek.ab.ca>
Sent: April 28, 2026 10:29 AM
To: Gavin Scott <gavinscott@orrsc.com>
Cc: Laura McKinnon <AdminDevOfr@mdpincercreek.ab.ca>
Subject: Appeal of Development Permit No. 2026-12

Good Morning Gavin,

As indicated yesterday, Adjacent Landowner Caroline Johnson and family are appealing the MPC's decision to approve Development Permit No. 2026-12, for outdoor storage.

In discussion with Ms. Johnson, she states the reason is for the potential environmental damage to the area and the creek.

I have attached a copy of the Appeal Fee receipt.

Please reach out to Laura for all the additional information that will be required. Laura should be back on Thursday.

Regards,

Roland Milligan

Chief Administrative Officer
M.D. of Pincher Creek No. 9
Box 279
1037 Herron Avenue
Pincher Creek, AB T0K1W0
Phone: 403-627-3130
Email: AdminCAO@mdpincercreek.ab.ca

Emails and associated attachments are confidential and intended solely for the individual or entity to whom they have been addressed. In the event you have received this email by mistake, please notify the sender and delete it from your email system. Disclosing, copying, or distributing this information is strictly prohibited. We do not accept any liability from software viruses that may have been transmitted via email, or associated attachments.

From: Caroline Johnson [REDACTED]
Sent: April 28, 2026 09:13
To: Roland Milligan <AdminCAO@mdpincercreek.ab.ca>
Subject:

Hello Roland,

My family, Lynn Dennis and Kurt Johnson, and I, would like to appeal the decision made by M.D. Council regarding the Development Permit Application you received from Frank Marsh.

I will be at the M.D. office with \$600.00 this morning.

Anything I should know? Prepare for?

Caroline Johnson

Court grants stay

Continued from page 15

a representative of the Crown, McClure had a duty to consult with First Nations prior to approving the petition, since the court had already determined that an independence referendum would put their treaty rights at risk.

The provincial government and Sylvestre's lawyers each argued that First Nations' treaty rights aren't at risk through the collection of signatures.

Orlagh O'Kelly, SLCN's lawyer, said in a statement that she and her client are "delighted" that Justice Leonard imposed a "limited pause to consider this momentous case on its merits."

"We're looking forward to the court's final decision on this harmful process, set in motion by Alberta without any authority under our treaty," added SLCN Chief Sheldon Sunshine in the same statement.

"We also expect Alberta will follow this court order and not move the goal posts on us while the court deliberates."

In order to obtain a stay, the First Nations' lawyers had to demonstrate that a failure to do so would cause "irreparable harm" to their clients. They argued that this harm would primarily take the form of an erosion of treaty rights.

Justice Leonard emphasized that she wasn't yet ruling on whether the Crown, as represented by the

province, had a duty to consult at this stage in the petition process.

However, Leonard ruled that the First Nations "have provided evidence of harm from lack of consultation and harm to treaty relationships."

She agreed that failure to grant a stay would inconvenience First Nations more than granting it would inconvenience the respondents.

"The alleged harm is irreparable and ongoing. In contrast, the stay sought is for a short time" and goes into effect only once the petition signatures are submitted to the chief electoral officer, wrote Leonard.

In an interview with the Canadian Press, Sylvestre's lawyer, Jeffrey Rath, questioned how quickly Leonard reached her decision, noting that it came less than 24 hours after three days of arguments concluded.

"I suspect that it's just going to motivate our volunteer base and our canvassers and Albertans even more to get out and sign the petition," said Rath.

Leonard said she intends on having a decision on whether the chief electoral officer acted appropriately in permitting the referendum petition within the next month.

"All parties who have participated in this matter, and the public, are entitled to have this process completed as expeditiously as possible," she wrote.

The Archaeological Society of Alberta - Lethbridge Centre presents

Stones and Bones



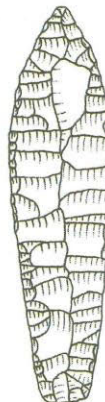
at Head-Smashed-In Buffalo Jump,

World Heritage Site

18 kilometres north & west of Fort Macleod on secondary highway #785

April 25th and 26th 2026,
Saturday 10-4 Sunday 11-2

Do you have a collection of arrowheads, bones, cool rocks, or fossils you would like identified? Join archaeologists & paleontologists to learn about your discoveries!



Free Admission

for participants & their families
Activities for the whole family!



For more information please contact:
arky.lethbridge@gmail.com

Partial funding for this event has been provided through the Alberta Historical Resources Foundation and the Alberta Gaming and Liquor Commission

MD OF PINCHER CREEK PERMITS



MD of Pincher Creek No. 9 NOTICE OF DEVELOPMENT PERMITS LAND USE BYLAW NO. 1349-23

The Municipal Development Authority of the Municipal District of Pincher Creek No. 9 recently approved and/or denied the following development application(s):

Permit No. 2026-12
Division: 3
Legal Address: Ptn of NW-12-6-1 W5
Land Use District: A
Proposed Development: Outdoor Storage
Decision: Approved

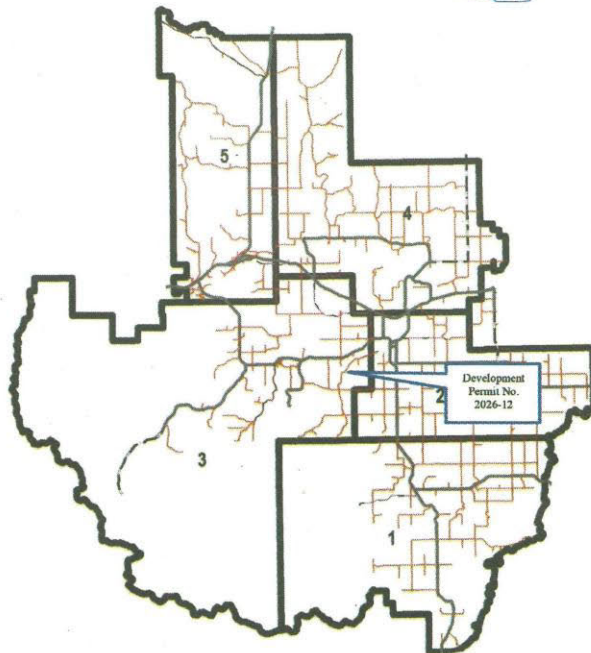
Right to Appeal

The Municipal Government Act provides that any person affected by the issuance of a development permit may appeal the decision or any conditions of the development permit within 21 days after the date on which the written decision is given, to the appropriate appeal board. The date of receipt of the decision is deemed to be 7 days from the date the decision is mailed. The appeal may be commenced by providing a written statement of the grounds to appeal to:

The Municipal District of Pincher Creek
Box 279 Pincher Creek, AB T0K 1W0
info@mdpincercreek.ab.ca

For permitted use development approval notifications, please visit our website at www.mdpincercreek.ab.ca or contact 403-627-3130.

Roland Milligan
Chief Administrative Officer



MD of Pincher Creek Administration Office

403-627-3130 1037 Herron Avenue, Pincher Creek



D1



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

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DEVELOPMENT PERMIT
DEVELOPMENT PERMIT No. 2026-12

This development permit is hereby issued to:

NAME: **Frank Marsh**
ADDRESS: **PO Box [REDACTED]**
Pincher Creek AB
T0K 1W0

In respect of works consisting of: • **Outdoor Storage (Vehicles)**

On land located at: **Ptn of NW 12-6-1 W5**

and as described on plans submitted by the applicant.

This permit refers only to works outlined in Development Application No. **2026-12**

and is subject to the Condition(s) contained herein:

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1349-23.
2. That all outdoor storage be kept tidy and organized, to the satisfaction of the development authority.
3. That the number of vehicles located on this parcel, as outdoor storage, must not exceed 40.

This permit becomes effective the **8th Day of April 2026**, unless an appeal pursuant to section 686(1) of the *Municipal Government Act* is lodged within twenty one (21) days.

SIGNED: _____

Laura McKinnon
Development Officer

IMPORTANT – See Attached

THIS IS NOT A BUILDING PERMIT

The development outlined above is subject to the following conditions:

- (a) This permit indicates that only the development to which it relates is authorized in accordance with the provisions of the land use bylaw and in no way relieves or excuses the applicant from complying with the land use bylaw or any other bylaw, laws, orders and/or regulations affecting such development.
- (b) This permit, issued in accordance with the notice of decision, is valid for a period of two (2) years from the date of issue. If, at the expiry of this period, the development has not been completed, an extension must be requested.
- (c) If this development permit is issued for construction of a building, the exterior of the building, including painting, shall be completed within twenty four (24) months from the date of issue of this development permit
- (d) The Development Officer may, in accordance with section 645 of the *Municipal Government Act*, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
- (e) Construction undertaken in accordance with this development may be regulated by the provincial building requirements. The applicant / owner / developer assumes all responsibilities pertaining to construction plan submissions, approvals and inspections as may be required by Alberta Labour.
- (f) Any development commenced prior to this permit being valid is entirely at the risk of the owner and/or applicant.

NOTE: Information provided in this application or generated by this application may be considered at a public meeting.

Inspection Information

To obtain the necessary Safety Code permits, please contact:

Superior Safety Codes Inc.
Phone: (403) 320-0734
Toll Free: 1-877-320-0734
Fax: (403) 320-9969
www.superiorsafetycodes.com

Note: Fire Permit inquiries are to be directed to the Pincher Creek and District Fire Hall at 403-627-5333.



DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. <u>2026-12</u>	
Date Application Received <u>March 18/26</u>	PERMIT FEE <u>\$100 Permitted / \$150 Discretionary</u>
Date Application Accepted <u>March 18/26</u>	RECEIPT NO. <u>70720</u>
Tax Roll # _____	

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

SECTION 1: GENERAL INFORMATION

Applicant: FRANK MARSH

Address: _____

Telephone: 403 127 2104 Email: _____

Owner of Land (if different from above): _____

Address: _____ Telephone _____

Interest of Applicant (if not the owner): _____

SECTION 2: PROPOSED DEVELOPMENT

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

A brief description of the proposed development is as follows:

VEHICLE STORAGE

Legal Description: Lot(s) _____

Block _____

Plan NW-12-6-1-W5.

Quarter Section _____

Estimated Commencement Date: CURRENT

Estimated Completion Date: March 18 / 2031

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - A Division: 3
 Permitted Use Discretionary Use

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

- Yes No

Is the proposed development below a licenced dam?

- Yes No

Is the proposed development site situated on a slope?

- Yes No

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

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

- Yes No Don't know Not required

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

- Yes No Don't think so

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

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

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

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

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

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

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

DATE: March 18/26

Applicant

Registered Owner

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

IMPORTANT NOTES:

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

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

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

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



MD of Pincher Creek No. 9

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

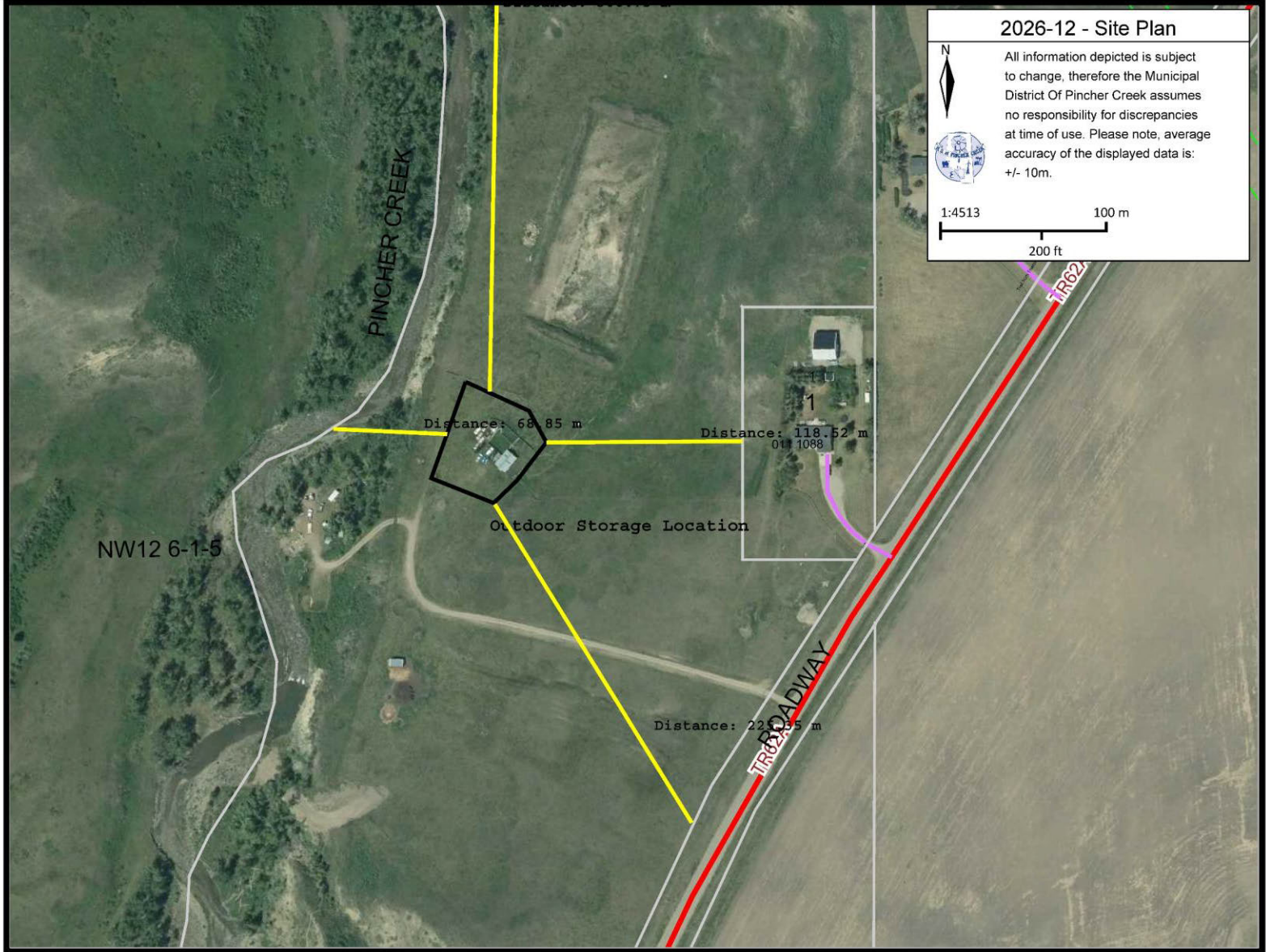
Marsh, Frank R. and Jacqueline
P.O. Box [REDACTED]
Pincher Creek, AB T0K 1W0
Canada

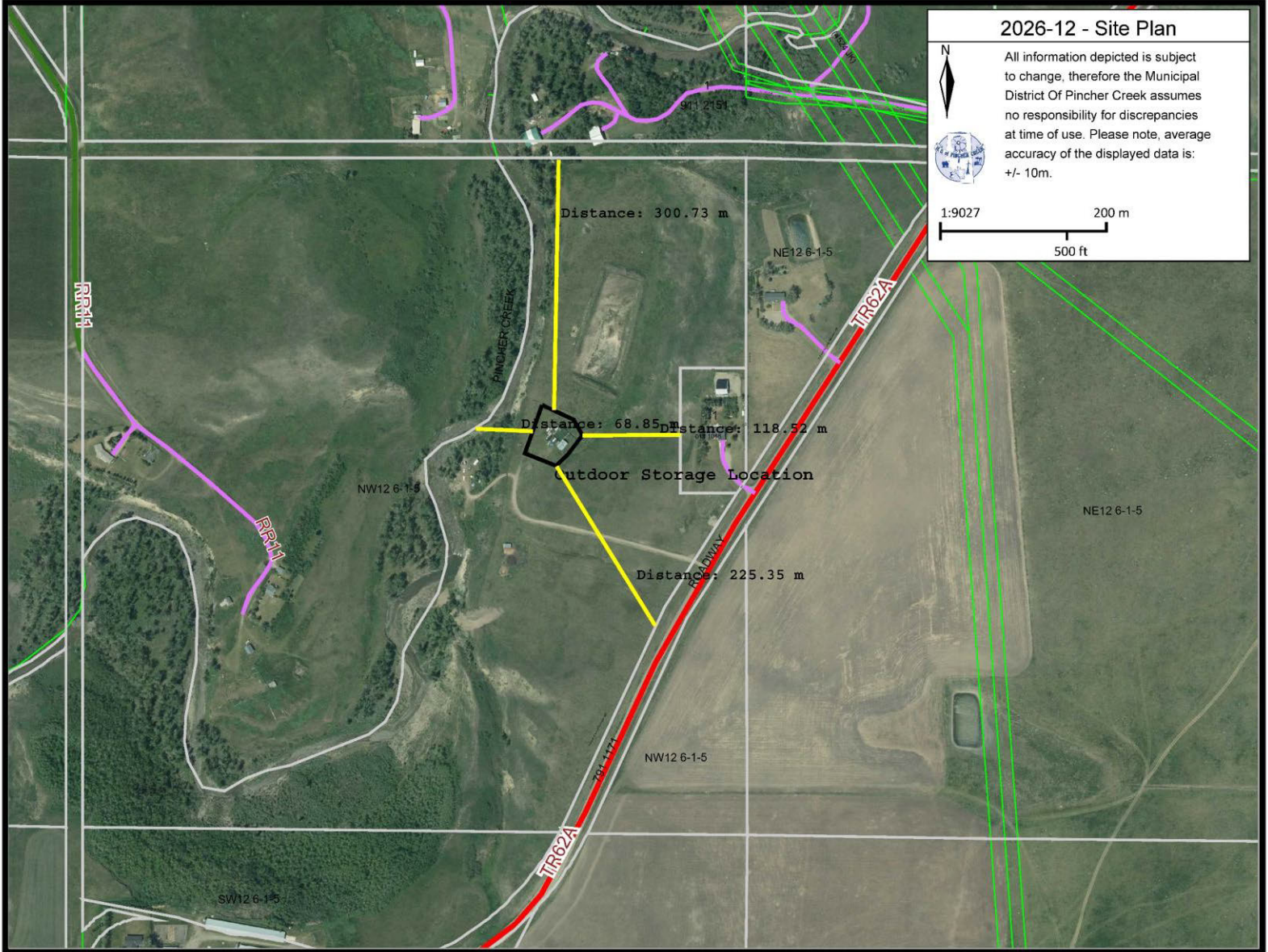
PAYMENT RECEIPT

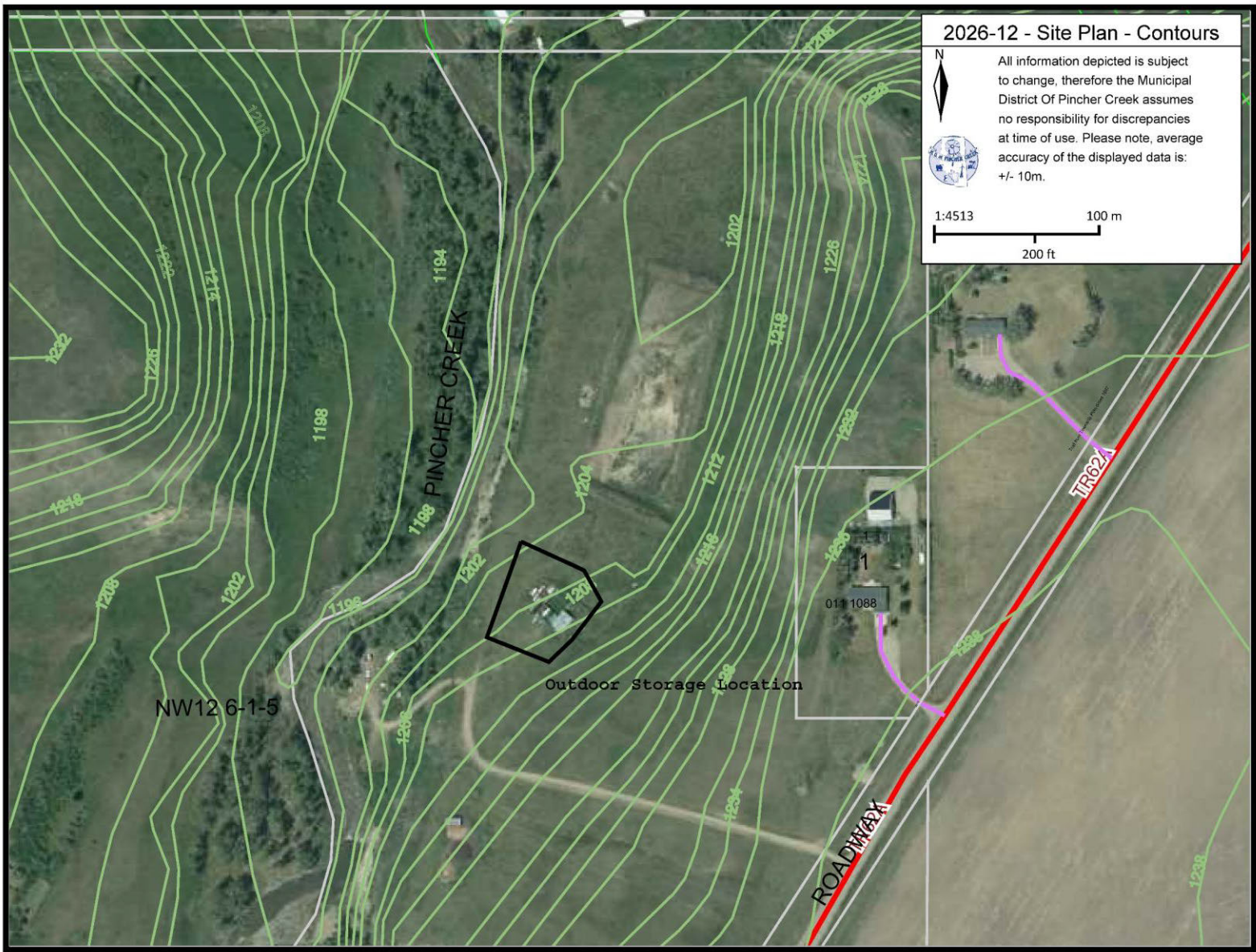
Receipt Number:	70720
Date:	3/18/2026
Initials:	TM
GST Registration #:	10747347RP

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

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







**Meeting Minutes of the
Municipal Planning Commission
March 3rd, 2026 6:30 pm
MD of Pincher Creek Council Chambers**

ATTENDANCE

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

Staff: CAO Roland Milligan, Development Officer Laura McKinnon

Planning
Advisor: ORRSC, Senior Planner Gavin Scott (virtual)

Absent: Chairperson Jeff Hammond

Co-Chairperson Laurie Klassen called the meeting to order, the time being 6:30 pm.

1. ADOPTION OF AGENDA

Councillor Dave Cox 26/024

Moved that the agenda for April 7, 2026, be approved as amended.

Carried

2. NEW BUSINESS

3. ADOPTION OF MINUTES

Councillor John MacGarva 26/025

Moved that the Municipal Planning Commission Meeting Minutes for March 3, 2026 be approved as presented.

Carried

4. DELEGATION

Sarah Duncan, Government Relations for Forbes Bros Ltd, gave an overview of proposed Telecommunications Tower AB 5495 – 2026-01-T.

Sarah Duncan left the meeting at 6:46pm

5. CLOSED MEETING SESSION

Reeve Rick Lemire 26/026

Moved that the Municipal Planning Commission close the meeting to the public, under the authority of the *Municipal Government Act*, Section 197(2.1), the time being 6:46 pm.

Carried

Councillor John MacGarva

26/027

Moved that the Municipal Planning Commission open the meeting to the public, the time being 7:30 pm.

Carried

6. **UNFINISHED BUSINESS**

7. **DEVELOPMENT PERMIT APPLICATIONS**

a. **Development Permit Application No. 2026-12**

Frank Marsh

Ptn of NW 12-6-1 W5

Outdoor Storage

Councillor Dave Cox

26/028

Moved that Development Permit No. 2026-12, for Outdoor Storage be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions required in Land Use Bylaw 1349-23.
2. That all outdoor storage be kept tidy and organized, to the satisfaction of the development authority.
3. That the number of vehicles located on this parcel, as outdoor storage, must not exceed 40.

b. **Telecommunications Tower – AB 5495 – 2026-01-T**

Xplore Inc (via FB Connect)

S ½ 17-6-30 W4

Councillor Dave Cox

26/029

Moved that Municipal Concurrence be issued, for Telecommunications Tower AB 5495 (2026-01-T) subject to the following Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1349-23.
2. The applicant is responsible for obtaining all applicable safety code permits prior to commencement.
3. The applicant is responsible for complying with all Provincial and Federal Regulations, approvals and authorizations and obtaining all applicable permits with copies being provided to the MD of Pincher Creek.
4. That no lighting be placed on the tower, unless required by Navigation Canada and Transport Canada.

8. **DEVELOPMENT REPORT**

a. Development Officer's Report

Councillor Tony Bruder 26/030

Moved that the Development Officer's Report, for the period March 2026, be received as information.

Carried

9. **NEW BUSINESS**

10. **CORRESPONDENCE**

11. **NEXT MEETING** – May 5th, 2026; 6:30 pm.

12. **ADJOURNMENT**

Councillor John MacGarva 26/031



Moved that the meeting adjourn, the time being 7:41 pm.

Carried

Chairperson Jeff Hammond
Municipal Planning Commission

Development Officer
Laura McKinnon
Municipal Planning Commission

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2026-12 Applicant: Frank Marsh Location: Ptn of NW 12-6-1 W5 Division: 3 Size of Parcel: 28.62 ha (70.72 ac) Zoning: Agriculture (A) Development: Outdoor Storage			
PREPARED BY: Laura McKinnon	DATE: April 2, 2026		
DEPARTMENT: Planning and Development			
Signature:	Apr 4/26	ATTACHMENTS: 1. Development Permit Application 2026-12 2. GIS Aerial 3. Adjacent Landowner Comment	
APPROVALS:			
		 _____ David Desabrais	
		_____ Acting CAO	
Department Director	Date		_____ Date

RECOMMENDATION:

That Development Permit Application No. 2026-12, for Outdoor Storage be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions required in Land Use Bylaw 1349-23.
2. That all outdoor storage be kept tidy and organized, to the satisfaction of the development authority.
3. That all vehicles, if no longer running, will be flushed of fluids, to the satisfaction of the development authority.

BACKGROUND:

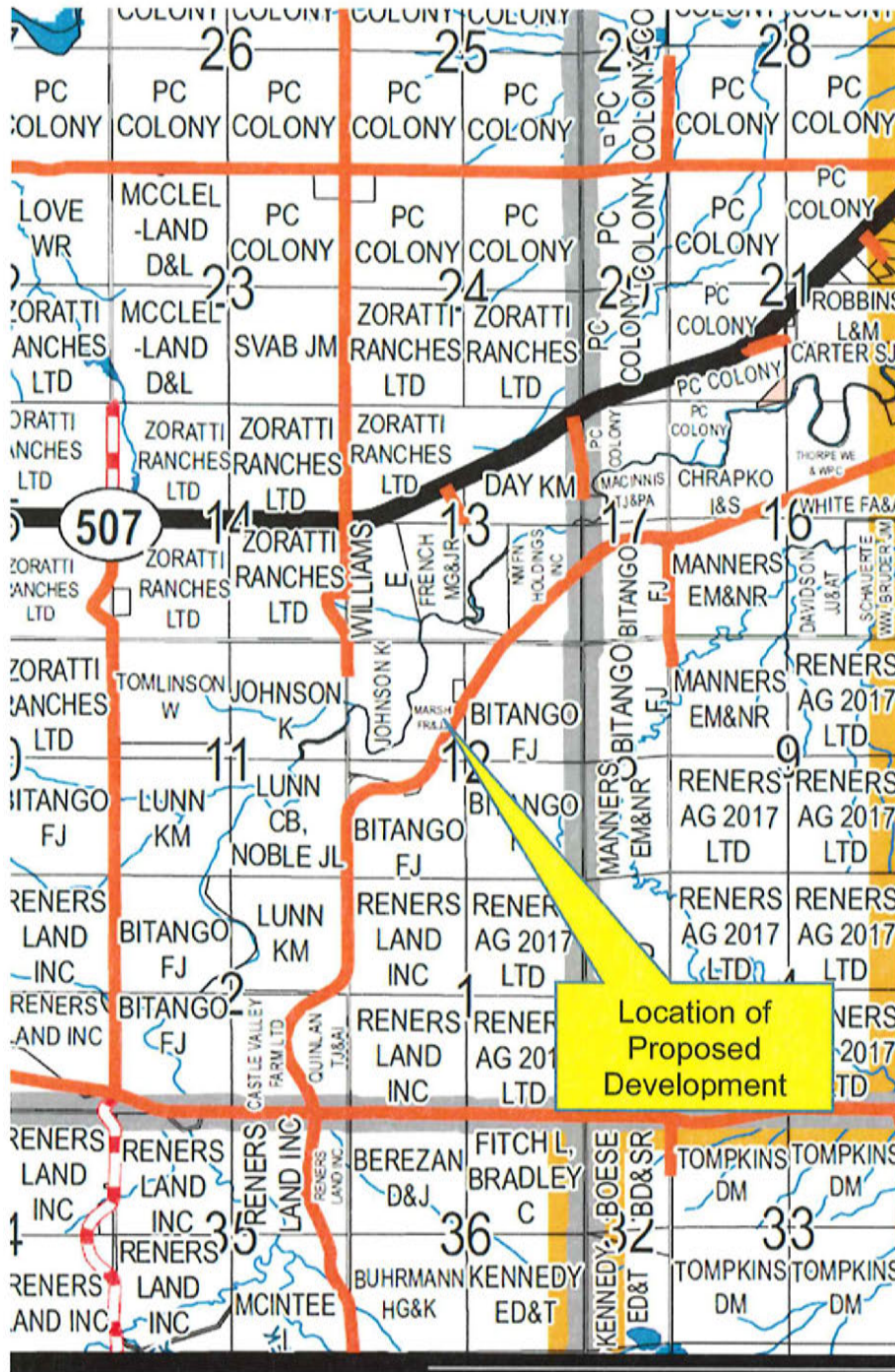
- On March 18, 2026, the MD accepted the Development Permit Application No. 2026-12 from applicant Frank Marsh. (*Attachment No. 1*).
- This application is to allow for Outdoor Storage on an Agricultural parcel.
- This application is being placed in front of the MPC because:
 - Within the Agriculture (A) Land Use District, Outdoor Storage is a Discretionary Use.
- Due to a complaint processed through the MD of Pincher Creeks Enforcement Services, under Community Standards Bylaw 1366-25, it was determined that Mr. Marsh's parcel was in contravention of Part 2 – Unightly Premises and Nuisance below;

Recommendation to Municipal Planning Commission

- *The presence of more than three (3) unregistered vehicles or parts thereof on a parcel of land less than 21 acres, or the presence of more than five (5) unregistered vehicles or parts thereof on a parcel of land that exceeds 21 acres, unless a Development Permit has been issued pursuant to the Land Use Bylaw;*
- Enforcement Services investigated the complaint, and in discussion with the Development Officer it was determined that Mr. Marsh should apply for the Outdoor Storage Use, in accordance with Land Use Bylaw 1349-23. Outdoor Storage is defined as;
 - *The use of land with or without attendant buildings for the outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials, except those goods or materials which are hazardous. For the purposes of this bylaw, “outdoor storage” uses are limited to those uses that require minimal on-site improvements, services and public amenities or facilities.*
- The applicant stores an excess of five (5) non-registered vehicles on this parcel, either for future parts, or potentially just storage until removal, on the lower ledge of his parcel (**Attachment No. 2**).
- The Development Officer conducted an offsite inspection – attempting to view the vehicles from Twp Rd 6-2A on the South Side and Range Road 1-1, and due to topography, was unable to view the storage site. An on-site inspection was offered to the landowner, but no response was received.
- The application was forwarded to the adjacent landowners for comment; one response was received at the time of this report being written (**Attachment No. 3**).

Recommendation to Municipal Planning Commission

Location of Proposed Development





DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. <u>2026-12</u>	
Date Application Received <u>March 18/26</u>	PERMIT FEE ^{\$100 Permitted} _{\$150 Discretionary} <u> </u>
Date Application Accepted <u>March 18/26</u>	RECEIPT NO. <u>70720</u>
Tax Roll # _____	

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

SECTION 1: GENERAL INFORMATION

Applicant: FRANK MARSH

Address: Box [REDACTED]

Telephone: 403 127 2104 Email: [REDACTED]

Owner of Land (if different from above): _____

Address: _____ Telephone _____

Interest of Applicant (if not the owner): _____

SECTION 2: PROPOSED DEVELOPMENT

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

A brief description of the proposed development is as follows:

VEHICLE STORAGE

Legal Description: Lot(s) _____

Block _____

Plan NW-12-6-1-W5.

Quarter Section _____

Estimated Commencement Date: CURRENT

Estimated Completion Date: March 18 / 2031

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - A Division: 3
 Permitted Use Discretionary Use

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

- Yes No

Is the proposed development below a licenced dam?

- Yes No

Is the proposed development site situated on a slope?

- Yes No

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

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

- Yes No Don't know Not required

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

- Yes No Don't think so

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

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

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

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

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

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

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

DATE: March 18/26

Applicant

Registered Owner

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

IMPORTANT NOTES:

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

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

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

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



MD of Pincher Creek No. 9

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

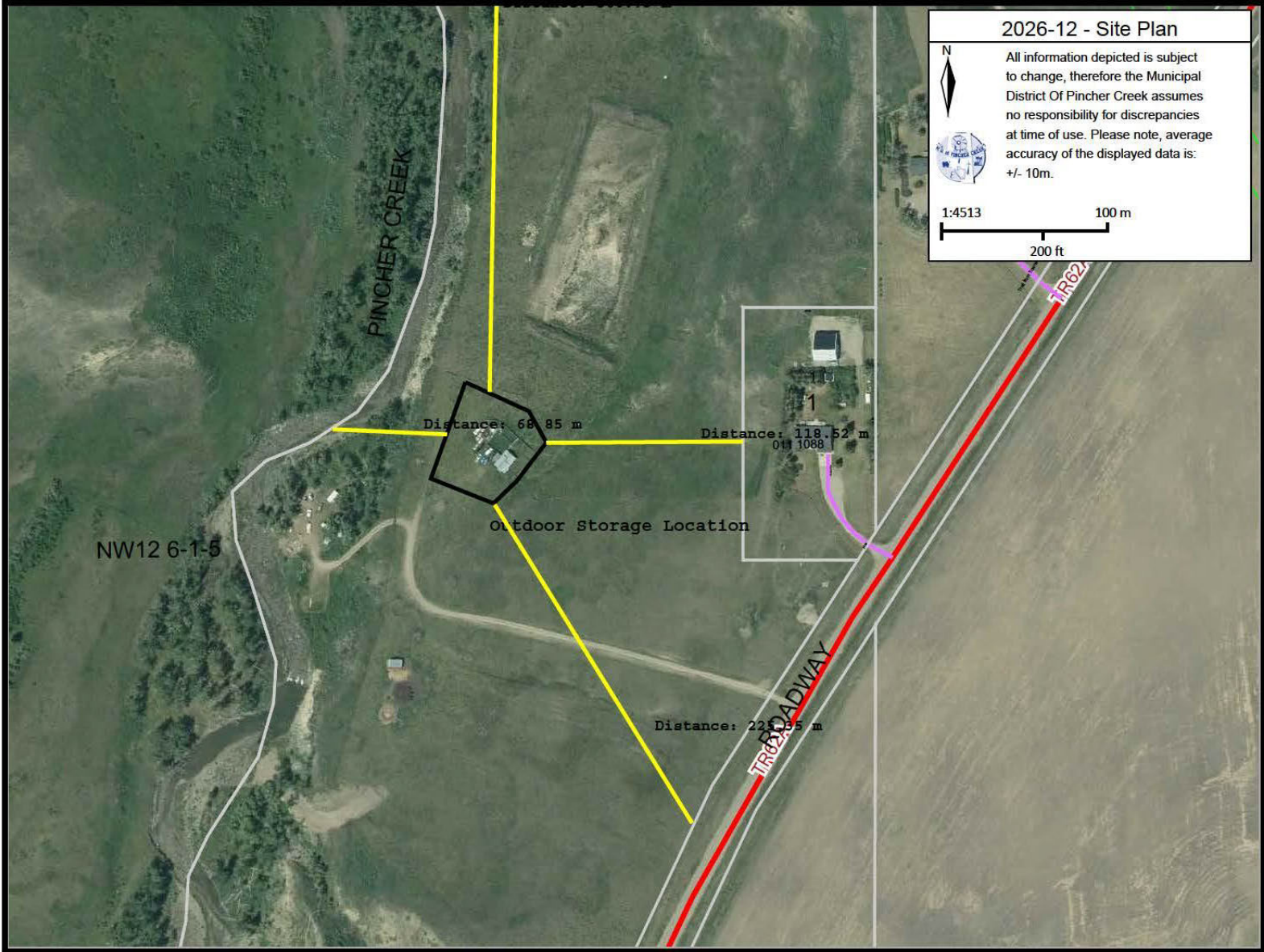
Marsh, Frank R. and Jacqueline
P.O. Box [REDACTED]
Pincher Creek, AB T0K 1W0
Canada

PAYMENT RECEIPT

Receipt Number:	70720
Date:	3/18/2026
Initials:	TM
GST Registration #:	10747347RP

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

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



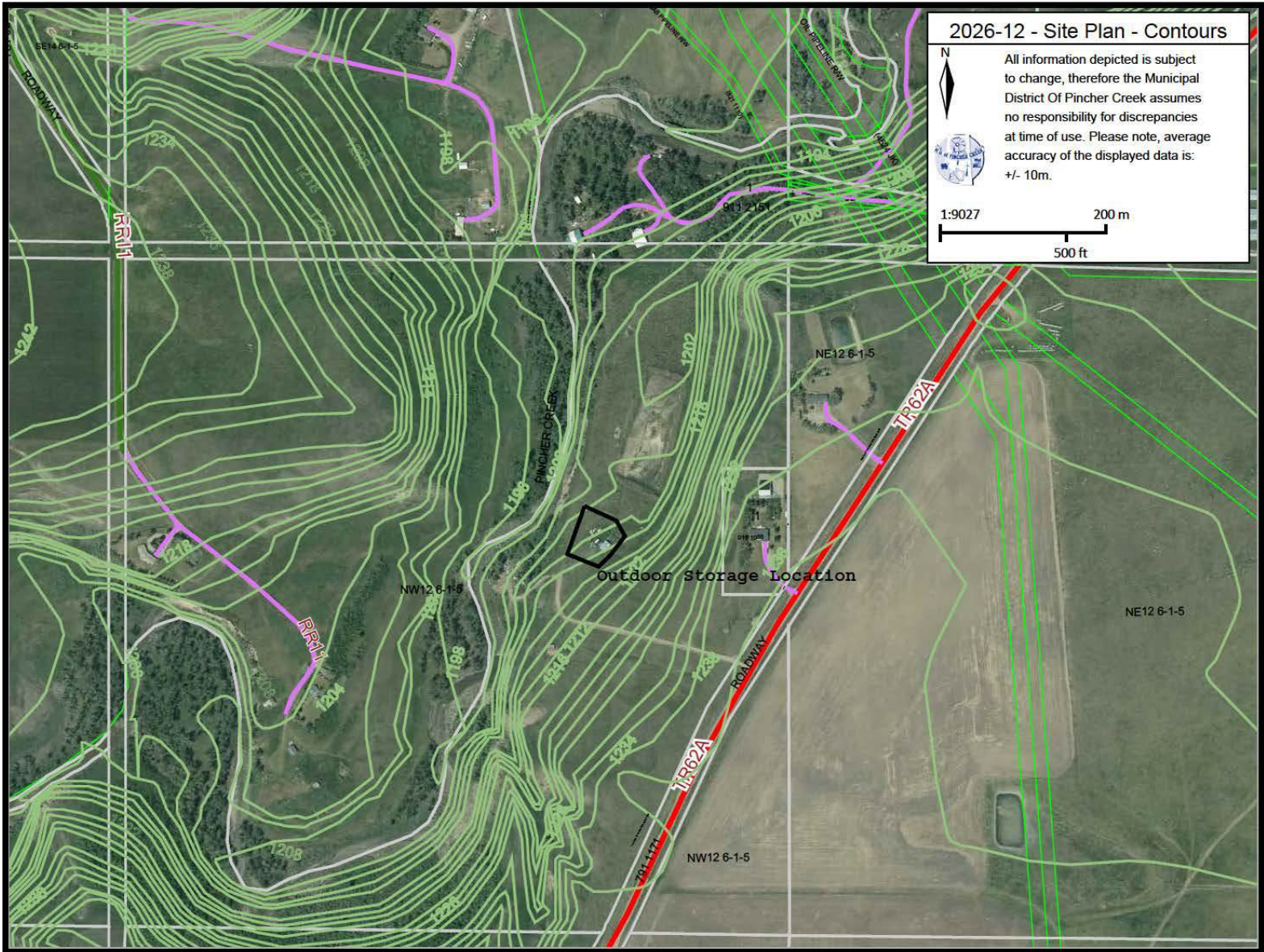
2026-12 - Site Plan

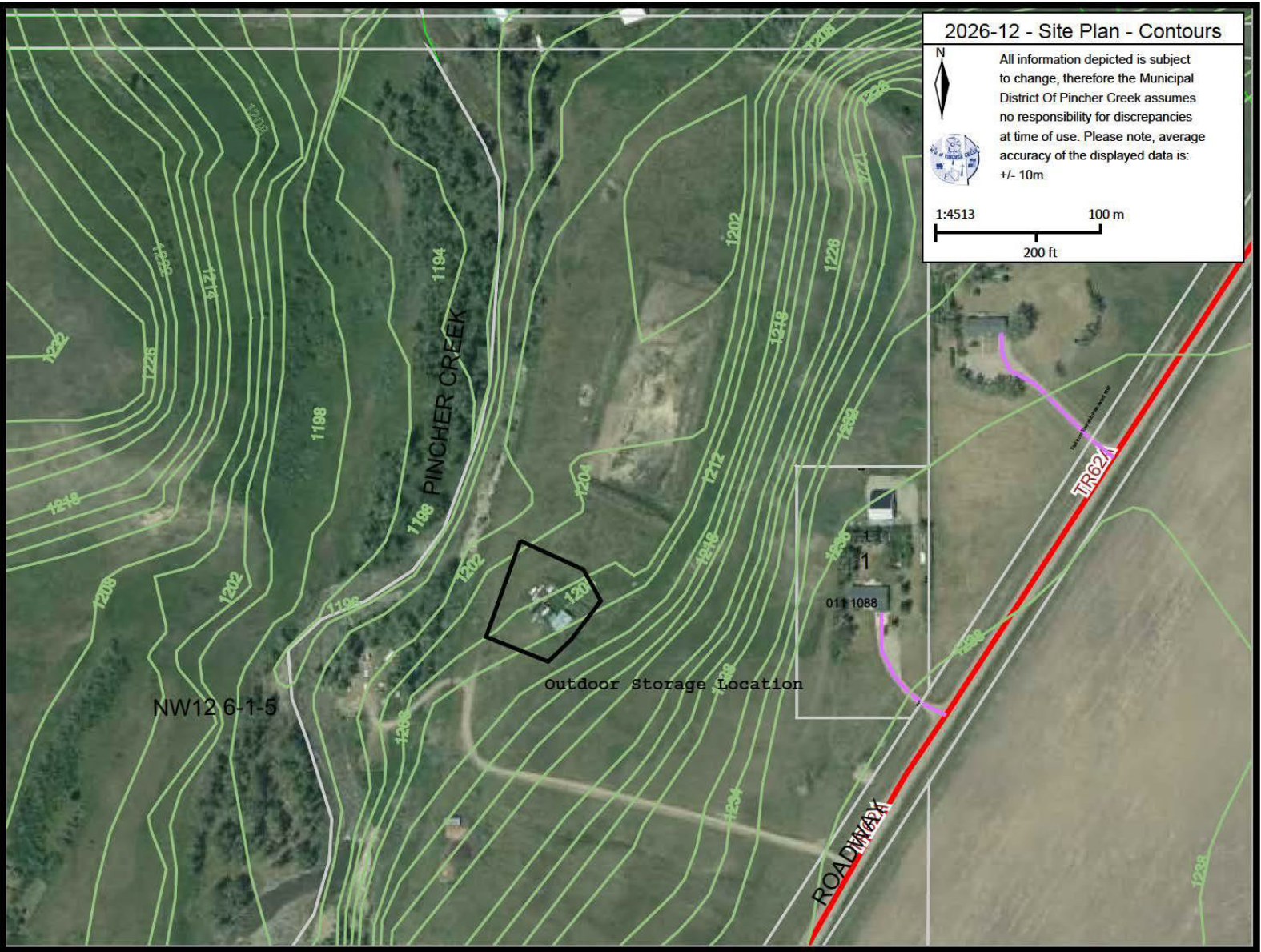
All information depicted is subject to change, therefore the Municipal District Of Pincher Creek assumes no responsibility for discrepancies at time of use. Please note, average accuracy of the displayed data is: +/- 10m.

1:4513

100 m

200 ft





2026-12 - Site Plan - Contours

N

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

1:4513 100 m 200 ft

Re: Development Permit Application No.2026-12

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

Date Wed 2026-04-01 10:34 AM

To Caroline Johnson [REDACTED]

Cc Mark Barber [REDACTED]; Dave Cox [REDACTED]

Good Morning Caroline,

Appreciate you reaching out - I did confirm with reception who does the mail outs, that it was indeed mailed to both Kurt Johnson and Lynn Laree Dennis, we must mail out to everyone registered on title.

I apologize though, I cannot speak to the reason why it took so long to get to you. I can confirm with Canada Post on their mailing timelines.

Your comments have been received and will go before the Municipal Planning Commission.

Kindly,

Laura McKinnon, CPT
Development Officer

MD Of Pincher Creek
1037 Herron Avenue
Box 279
Pincher Creek, AB
T0K1W0
Office: 403-627-3130
Email: AdminDevOfr@mdpincercreek.ab.ca

Emails and associated attachments are confidential and intended solely for the individual or entity to whom they have been addressed. In the event you have received this email by mistake, please notify the sender and delete it from your email system. Disclosing, copying, or distributing this information is strictly prohibited. We do not accept any liability from software viruses that may have been transmitted via email, or associated attachments.

From: Caroline Johnson [REDACTED]
Sent: April 1, 2026 10:22 AM
To: Laura McKinnon <AdminDevOfr@mdpincercreek.ab.ca>
Cc: David Cox [REDACTED]; Mark Barber [REDACTED]
Subject: Development Permit Application No.2026-12

Laura McKinnon,

Development Officer

Dear Ms. McKinnon

I received your letter dated March 23, 2026, yesterday - March 30th. The envelope was not sealed. It is also noted that my son and daughter, whose names are on the land titles, were not sent the letter.

I have two concerns about the application of Frank Marsh to store unregistered vehicles on Ptn of NW12 - 6 - 1W.

#1. The vehicles are unsightly

#2. I see no plan for hazardous waste containment from vehicles stored on land that is at the bottom of a hill and in close proximity to a creek (Pincher Creek).

Prior to the approval of the project I would like to see an environmental impact assessment completed by the Government of Alberta.

Thank you for your attention to this email. Please send acknowledgement.

Caroline Johnson



G15



G16



March 31, 2026

RE: Development Permit Application NO. 2026-12

Ptn of NW 12-6-1 W5

Attention Laura McKinnon,

We support this Development Permit application. We are left to wonder why this issue was ever brought up. There are plenty of properties in the MD that are unsightly and have many items being stored and as an MD taxpayer we believe you should be able to have this freedom. This seems like such a waste of time and energy for all involved.

According to the land use bylaw this application is completely within the allowable use:

6.111 Outdoor Storage The use of land with or without attendant buildings for the outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials, except those goods or materials which are hazardous. For the purposes of this bylaw, "Outdoor storage" uses are limited to those uses that require minimal on-site improvements, service and public amenities or facilities. "Agricultural / Industrial machinery sales rental and service", "Construction supply and contractors", "Equipment sales, rental and service", "Natural Resource Extractive", "Hazardous or offensive industries" and "Vehicle sales and rental" are separate uses.

Kathryn & Jerett Marsh



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

March 23, 2026

Frank Marsh

Via email: [REDACTED]

**Re: Development Permit Application No. 2026-12
Ptn of NW 12-6-1 W5**

Thank you for the Development Permit Application on the above mentioned parcel of land. As you are aware, this application will be presented to the Municipal Planning Commission (MPC) for their consideration.

Please find enclosed the notification package that was sent to the adjoining neighbours allowing them an opportunity to comment on your proposed development, along with a map indicating which neighbours it was sent to.

Your proposal will be presented to MPC on Tuesday, April 7, 2026 and be provided to them. **It is imperative that you provide all relevant information to make this decision.**

At any time after Thursday, April 2, 2026, you may view the entire package of information presented to MPC on your behalf by visiting our website at.

If you have difficulties downloading this or other documents, please do not hesitate to contact us so we may forward the document to you for your information.

Page 2

Development Permit Application No. 2026-12

Once you have downloaded the package, you can then view the recommendations put forth by the Development Officer as well as any responses that were received regarding your application.

MPC will consider your proposal and you will be advised of any resolutions made by MPC regarding your proposed development.

Resolutions generally are one of the following:

1. Tabled – MPC requires further information before they render a decision.
2. Approval – MPC may approve your application with or without conditions. These conditions must be met for your permit to be valid.
3. Denial – MPC must provide reasons for the denial.

If you, as the applicant, do not agree with the conditions of approval or the reasons of denial, you may appeal the decision by applying to the Subdivision and Development Appeal Board within 21 days of the decision.

Also, anyone who deems adversely affected by the decision may appeal to the Subdivision and Development Appeal Board following the same procedure.

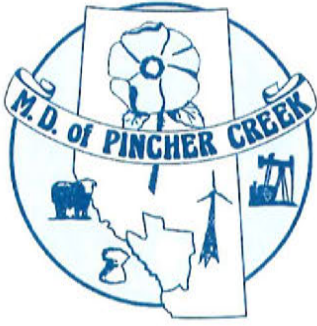
If you have any questions at any time, or would like to submit further information, please do not hesitate to contact us.

Regards,



Laura McKinnon
Development Officer

Enclosures



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

March 23, 2026

To Whom It May Concern:

RE: Development Permit Application No. 2026-12
Ptn of NW 12-6-1 W5

This letter is to advise you that Frank Marsh has submitted Development Permit Application No. 2026-12 (Outdoor Storage). The Applicant is seeking approval store an excess of five (5) unregistered vehicles on a 70ac parcel of land. Land Use Bylaw 1349-23 defines Outdoor Storage as “The use of land with or without attendant buildings for the outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials, except those goods or materials which are hazardous.” The Applicant intends to store these vehicles until a use is otherwise determined. A map showing the location is enclosed for your reference.

This application will be reviewed by the Municipal Planning Commission (MPC) on Tuesday April 7, 2026, for the following reason(s):

1. Within the Agricultural (A) Land Use District, Outdoor Storage is under Discretionary Use.

The Municipal District of Pincher Creek No. 9 would like to give you, as an adjacent landowner, an opportunity to provide your comments regarding this proposed development. Please submit your written comments to the attention of Laura McKinnon, either in person, fax to 403-627-5070 or email to lmckinnon@mdpincercreek.ab.ca. Kindly submit your comments prior to Thursday April 2, 2026. Please be advised that all written responses forwarded become public documents if they are to be included in the MPC package. In the event that you have a residence located on your parcel of land that you rent / lease to another individual, please either forward this information on our behalf or contact our office with the contact information so that we can pass this information onto your tenant.

For your information, at any time after **Thursday, April 2, 2026** you may view the entire package of information presented to MPC regarding this application by visiting www.mdpincercreek.ab.ca.

If you have difficulties downloading this or other documents, please do not hesitate to contact us so we may forward the document to you for your information.

Page 2

Development Permit Application No. 2026-12

The MPC will consider this application and make the necessary resolutions regarding this proposed development.

Resolutions generally are one of the following:

1. Tabled – MPC requires further information before they render a decision.
2. Approval – MPC may approve the application with or without conditions. These conditions must be met for the permit to be valid.
3. Denial – MPC must provide reasons for the denial.

If the Applicant does not agree with the conditions of approval or the reasons of denial, an appeal may be made by applying to the Subdivision and Appeal Board within 21 days of the decision.

Should you deem yourself adversely affected by the decision, you may appeal the decision to the Subdivision and Appeal Board by following the same procedure. For any decisions relating to this application, please contact our office within 21 days of the MPC meeting.

The entire application may be inspected at the M.D. office. Please contact us to arrange a time. Feel free to contact me should further information be required or clarified.

Regards,



Laura McKinnon
Development Officer

Enclosure



DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. <u>2026-12</u>	
Date Application Received <u>March 18/26</u>	PERMIT FEE <small>\$100 Permitted \$150 Discretionary</small> <u>70720</u>
Date Application Accepted <u>March 18/26</u>	RECEIPT NO. <u>70720</u>
Tax Roll # _____	

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

SECTION 1: GENERAL INFORMATION

Applicant: FRANK MARSH

Address: Box [REDACTED]

Telephone: [REDACTED] Email: [REDACTED]

Owner of Land (if different from above): _____

Address: _____ Telephone _____

Interest of Applicant (if not the owner): _____

SECTION 2: PROPOSED DEVELOPMENT

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

A brief description of the proposed development is as follows:

VEHICLE STORAGE

Legal Description: Lot(s) _____

Block _____

Plan NW-12-6-1-W5.

Quarter Section _____

Estimated Commencement Date: CURRENT

Estimated Completion Date: March 18 / 2031

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - A Division: 3
 Permitted Use Discretionary Use

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

- Yes No

Is the proposed development below a licenced dam?

- Yes No

Is the proposed development site situated on a slope?

- Yes No

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

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

- Yes No Don't know Not required

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

- Yes No Don't think so

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

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

ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site			
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(9) Number of Off Street Parking Spaces			

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

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

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

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

DATE: March 18/26

[Redacted Signature]
Applicant

[Redacted Signature]
Registered Owner

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

IMPORTANT NOTES:

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 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
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MD of Pincher Creek No. 9

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Website: www.mdpinchercreek.ab.ca
Email: info@mdpinchercreek.ab.ca

Marsh, Frank R. and Jacqueline
P.O. Box [REDACTED]
Pincher Creek, AB T0K 1W0
Canada

PAYMENT RECEIPT

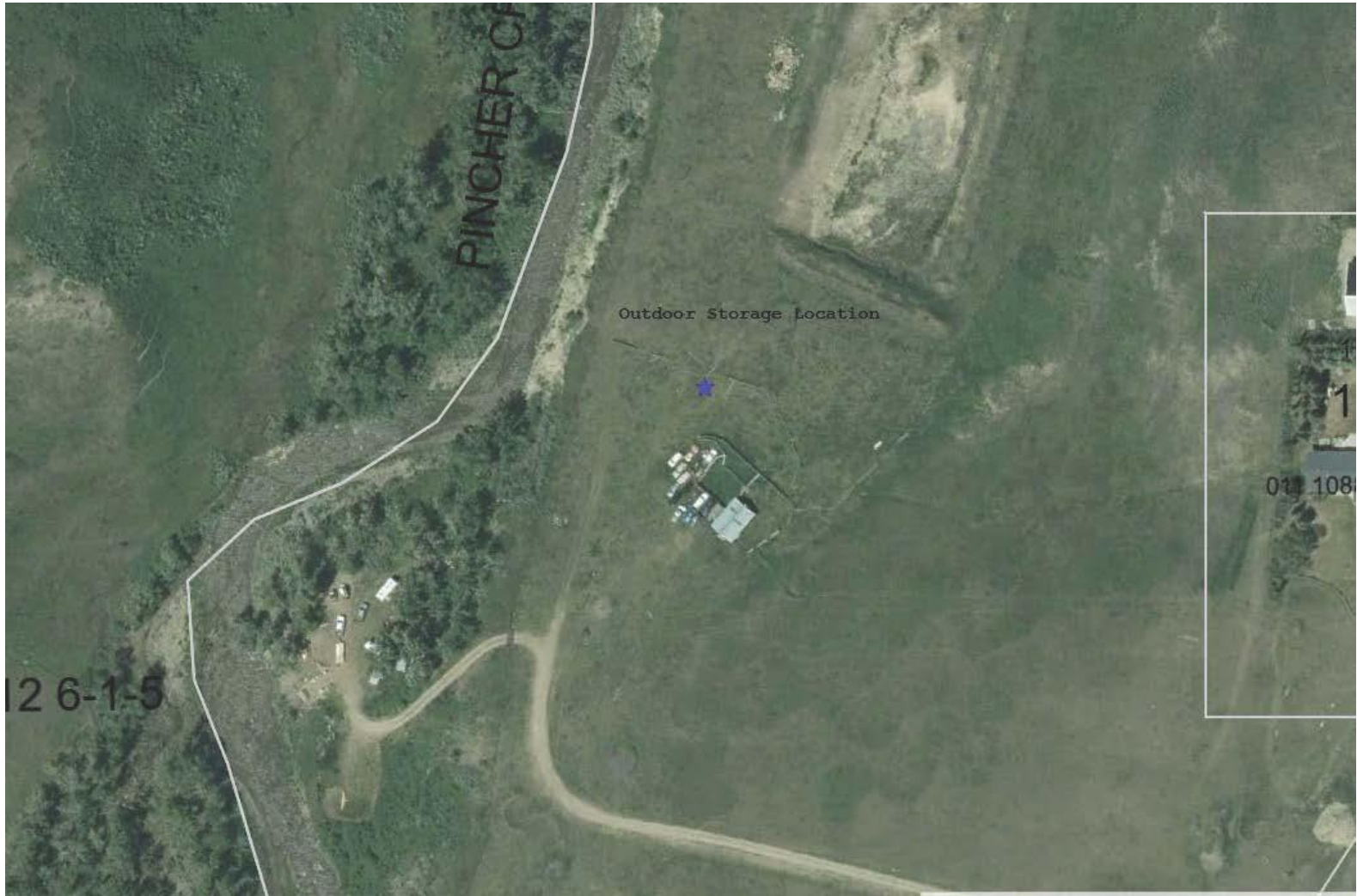
Receipt Number:	70720
Date:	3/18/2026
Initials:	TM
GST Registration #:	10747347RP

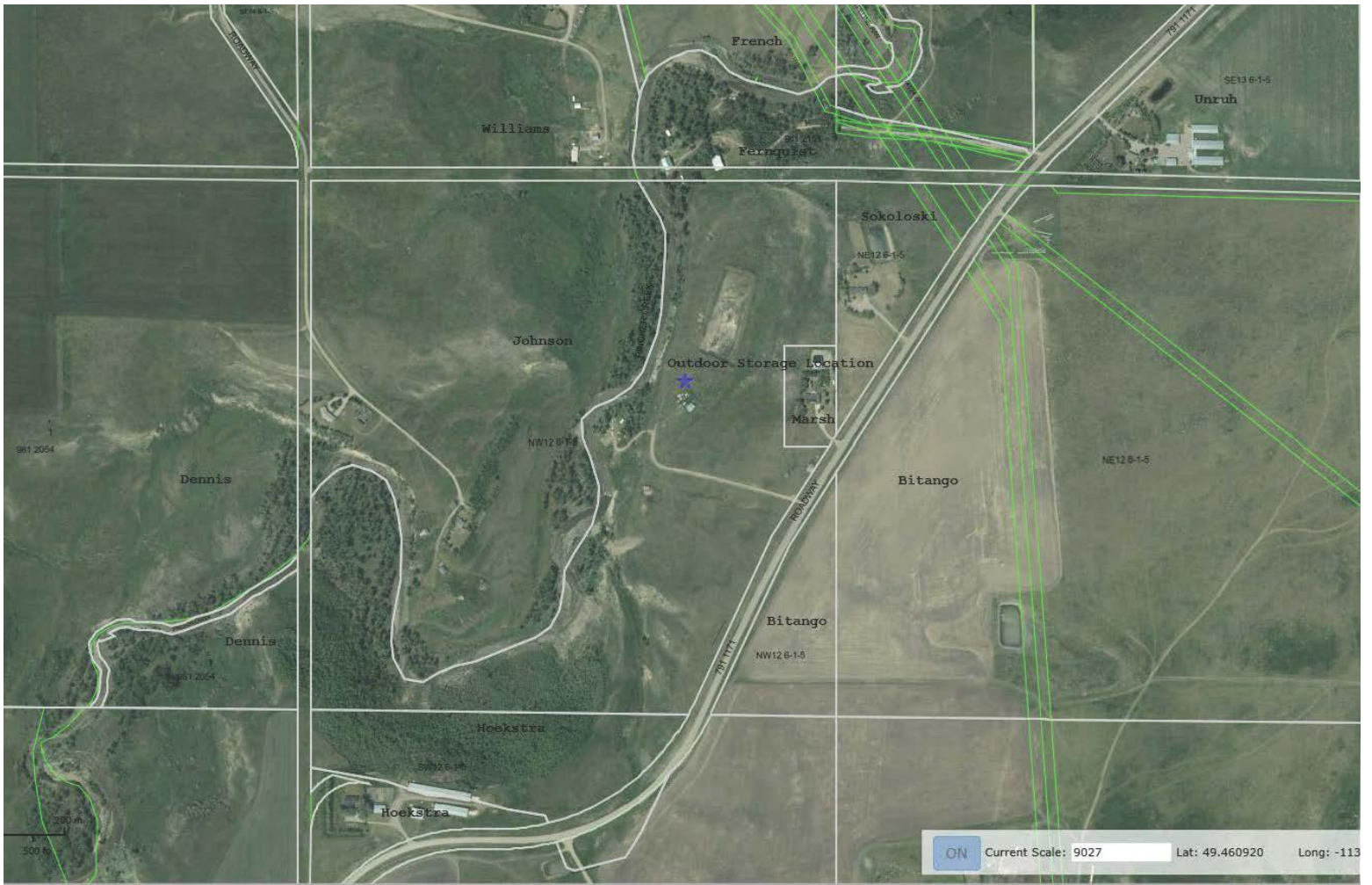
Receipt Type	Roll/Account	Description	QTY	Amount	Amount Owing
General	DEVE	Development Application Fees	1	\$150.00	\$0.00

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











Municipal District of Pincher Creek No. 9

Land Use Bylaw

No. 1349-23

April 2024

Consolidated to Bylaw No. 1370-26, March 2026

K1

6.50 Development Permit

A document issued pursuant to this Bylaw by the MD of Pincher Creek No. 9 authorizing a development that has been approved by the Designated Officer, Development Authority, or Subdivision and Development Appeal Board.

6.51 Discretionary Use

Subject to and in accordance with the Act:

- (a) the one or more uses of land or buildings that are stated as a discretionary use in a district; and
- (b) a development that may be issued a development permit at the discretion of the Development Authority with or without conditions as provided for in the Land Use Bylaw.

6.52 District

A land use district established in Part IX.

6.53 Drive-In Restaurant

A restaurant that offers car attendant service or drive-through pick-up service.

6.54 Dwelling Unit

A complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping and cooking facilities and separated or shared toilet facilities and which unit is intended as a permanent or semi-permanent residence. "Duplex", "Multi-Unit dwelling", and "Hotel / Motel" are separate uses.

6.55 Dwelling Unit as a Secondary Use

A dwelling unit that is developed in conjunction with a principal use so that the dwelling is a supplementary use to that principal use.

6.56 Duplex

A residential building containing only two dwelling units, where one dwelling unit is located above the other in whole or in part and where each dwelling unit is typically provided with its own separate and individual access. "Semi-detached dwelling" is a separate use.

6.57 Entertainment Establishment

Development that provides dramatic, musical, dancing or cabaret entertainment and includes supplementary food service and/or facilities for alcoholic beverage consumption. This use includes theatres, cinemas, auditoriums, beverage rooms, cocktail lounges, cabarets, night-clubs, and theatre restaurants. "Amusement facility", "Hotel / Motel" and "Restaurant" are separate uses.

6.58 Equipment Sales, Rental and Service

Development for the retail sale, wholesale distribution, rental and/or service of hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment. "Agricultural / Industrial machinery sales, rental and service", "Automotive repair and service" and "Vehicle sales and rental" are separate uses.



6.111 Non-Serviced

In respect to a lot or parcel, means that neither a municipal water system nor a municipal sewage system services it.

6.112 Outdoor Recreation Use

An activity which is not dependent upon the construction or erection of any associated development(s) and which has no impact, or minimal impact, on the land or area within which the activity occurs. Typical uses include, but are not limited to, hiking, fishing, horseback riding, mountain climbing, etc. War games, paint ball, and “Commercial / Private recreation uses” are separate uses.

6.113 Outdoor Storage

The use of land with or without attendant buildings for the outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials, except those goods or materials which are hazardous. For the purposes of this bylaw, “Outdoor storage” uses are limited to those uses that require minimal on-site improvements, service and public amenities or facilities. “Agricultural / Industrial machinery sales rental and service”, “Construction supply and contractors”, “Equipment sales, rental and service”, “Natural Resource Extractive”, “Hazardous or offensive industries” and “Vehicle sales and rental” are separate uses.

6.114 Owner

The person or persons shown as the owner(s) of land on the assessment role of the municipality prepared under the Act.

6.115 Parcel of Land or Parcel

In accordance with the Act, the aggregate of the one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

6.116 Park Model Recreation Vehicle

A transportable unit designed to be transported on its own wheels. The unit is intended to be moved to other sites infrequently, however, is approved for towing on public roadways and subject to highway safety standards. These units are occupied on a short-term or seasonal basis and are generally wider and longer than recreational vehicles. See Seasonal.

6.117 Parking Facility

A development where the principal use is for vehicular parking either outdoors or in a building.

6.118 Partially Serviced Lot

A lot that is provided water or sewer serviced by either:

- (a) a municipal water line or a municipal sewer line; or
- (b) an incorporated organization or co-operative, recognized by the municipality, that is operating a provincially approved water or sewer system.



- (g) update the file if the development has changed yet still conforms with the provisions of this bylaw;
 - (h) apply required setbacks from future road rights-of-way;
 - (i) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals;
 - (j) a geotechnical report to confirm that the site is suitable in terms of topography, soil characteristics, flooding, mass wasting, avalanche, and treatment of sanitary sewage;
 - (k) an alteration of a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the *Matters Related to Subdivision and Development Regulation* can be met;
 - (l) any measures to ensure compliance with the requirements of this Land Use Bylaw or any other statutory plan adopted by the MD;
 - (m) require attenuation of external release of any Hazardous or Offensive Industry as defined in this bylaw;
 - (n) require lots to be consolidated where a development proposes to be located across property lines.
- 18.3 Notwithstanding Section 18.2, in the case of new construction, the Development Officer may require, as a condition of approval, that a Real Property Report, signed by an Alberta Land Surveyor, be submitted by the owner/developer prior to the construction of the building foundation, or siting in the case of mobile and/or portable units on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and this bylaw.
- 18.4 Upon receipt of a completed application for a development permit for a permitted use, the Development Officer may refer to the Municipal Planning Commission those applications for development specified in the list of permitted uses that, in the opinion of the Development Officer, should be decided by the Municipal Planning Commission.
- 18.5 Where development permit applications for permitted uses are referred to the Municipal Planning Commission pursuant to Section 18.4, the Municipal Planning Commission shall be subject to the same provisions that apply and are available to the Development Officer as prescribed in Section 18.1 and 18.2.

DISCRETIONARY USE APPLICATIONS

- 18.6 Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall review the application, issue a written notice to affected land owners as prescribed by Municipal Policy, and refer the application with the Development Officer's recommendations to the Municipal Planning Commission for decision.
- 18.7 The Municipal Planning Commission may, prior to making a decision, refer any application for a discretionary use to any municipal department or external agency for comment or hold a public meeting to present the application to affected persons.
- 18.8 The Municipal Planning Commission shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.



- 18.9 The Municipal Planning Commission may place any of the conditions stipulated in Section 18.1 and 18.2 on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area, or to achieve a logical land use planning objective.
- 18.10 At the request of the applicant, where a use is applied for which is not specifically considered in any land use district, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the following process shall apply:
- (a) the matter shall be referred by the Development Officer to the Municipal Planning Commission;
 - (b) the Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district;
 - (c) if the use is deemed similar, the proposed use shall be reviewed by the Municipal Planning Commission as a discretionary use for that land use district;
 - (d) given the above, if the application is approved by the Municipal Planning Commission a development permit shall be issued in accordance with Section 21.
- 18.11 The Municipal Planning Commission may refuse, or approve with conditions, any development if, in the opinion of the Municipal Planning Commission, the proposed development will detract from the character or appearance of the general development in the area.

DIRECT CONTROL DISTRICT APPLICATIONS

- 18.12 Upon receipt of a completed application for a development permit in a Direct Control District, the Development Officer shall:
- (a) refer the application to Council for a decision, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer; and
 - (b) notify adjacent landowners and other persons likely to be affected in accordance with Section 19.
 - (c) where the application is referred to Council ensure the notice indicates that public response may be presented in the form of written letter or verbal presentation at the meeting;
 - (d) where the application is delegated to the Development Authority that the responses be received in accordance with Section 19.
- 18.13 After considering any response to notifications issued under Section 19, Council or the delegated decision making authority may:
- (a) approve a development permit with or without conditions; or
 - (b) refuse to approve the development permit, stating reasons.
- 18.14 In accordance with Section 685(4)(a) of the Act, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a



PART IX – DISTRICTS

AGRICULTURE – A

1. INTENT

The intent of the Agriculture – A district is to ensure that agricultural land will facilitate agricultural pursuits while allowing some flexibility to accommodate limited non-agricultural uses in accordance with the Municipal Development Plan.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 15.1(d)(l) and Section 37)
Accessory use
Extensive agriculture (see Section 15.1(b))
Farm buildings and structures (see Section 15.1(a))
Home occupation (see Section 47)
Manufactured home, singlewide and doublewide (see Section 54)
Modular home
Public utility
Recreational Accommodation, Family (see Section 48 and 15.1(x))
Single-detached residence
Solar energy system, household (see Section 15.1(r))
Wind Energy Conversion System - Category 1 (see Section 57)

2.2 Discretionary Uses

Airstrip
Animal care service, major and minor
Aquaculture
Aquaponics
Auctioning establishment
Big game farm
Cannabis production facility
Cemetery
Club or fraternal organization
Construction/Field/Work Camp (see Section 15.1(e); Section 26)
Existing commercial / Private recreation
Farmer's market
Group home
Intensive horticultural operation
MET Tower
Moved-in residential building (see Section 54.6 - 54.9)
Moved-in accessory building (see Section 54.6 - 54.9)
Outdoor storage (See Section 2.4 below)
Public and institutional uses
Public park or recreation
Recreational Accommodation, Family limited (see Section 48)
Secondary farm residence
Secondary suite (see Section 49)

Shipping container (see Section 58)
 Shooting range
 Sign (see Section 55)
 Specialty manufacturing / Cottage industry, minor
 Solar energy system, household (see Section 59)
 Stockpile (see Section 15.1(o))
 Tourist home (see Section 47)
 Wind Energy Conversion System - Category 2 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

2.4 Outdoor Storage Use

A development application which proposes to locate an outdoor storage use within the boundary of the Burmis Lundbreck Corridor Area Structure Plan:

- (a) at a location which, in the opinion of the MPC, is highly visible to the travelling public from Provincial Highways 3, 3A, 22 or 507; or
- (b) at a location which is highly visible to an adjoining or nearby residence, a public park or recreation use, a commercial / private recreation use or a public and institutional use;

shall not be approved.

3. MAXIMUM DENSITY

For all subdivided parcels that are less than 32.4 ha (80 acres) the maximum number of dwelling units is two (2). This can be any combination of a principal dwelling with a secondary suite as defined by Section 49. For those properties that were approved for a secondary farm residence and were subdivided the secondary farm residence will need a permit to transition to a secondary suite. Where a subdivided parcel contains more than 2 dwelling units, each dwelling unit greater than two will be considered legal non-conforming and cannot be altered or added to with an addition or secondary suite.

4. MINIMUM LOT SIZE

All residences: 1.2 ha (3 acres) to a maximum of 4.05 ha (10.00 acres)
 Other uses: 1.2 ha (3 acres)

5. MINIMUM SETBACK REQUIREMENTS

Setbacks from public roadways:	30 m (98.4 ft.)
All other property lines:	7.5 m (24.6 ft.)
Provincial highways:	Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted
Railways	
(application: residence, dwelling or sleeping units):	40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location

Note: Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

See Section 57 for setbacks pertaining to WECS.



6. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES
See Sections 35, 44 and 45.
7. OFF-STREET PARKING AND LOADING REQUIREMENTS
See Section 56.
8. WIND ENERGY CONVERSION SYSTEMS (WECS) DENSITY
See Section 57.
Only one wind turbine allowed per titled parcel within this district.

