

# **MUNICIPAL DISTRICT OF PINCHER CREEK**

INTERMUNICIPAL SUBDIVISION & DEVELOPMENT APPEAL BOARD

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**October 17, 2024**

**Hearing No. DP 2024-42**

**Appellant: Stephen Mogdan, Stringam LLP on behalf of Castle Valley Campground**

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## **LIST OF EXHIBITS**

- A. Notice of Hearing and Location Sketch Map
- B. List of Persons Notified
- C. Notice of Appeal
- D. Recommendation to the Municipal Planning Commission (MPC) DP 2024-42
- E. Notice to Applicant and Adjacent Landowners regarding Development Permit Application 2024-42
- F. Unapproved Minutes of September 3, 2024 MPC Meeting
- G. 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 2024-42

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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 Application 2024-42

**APPELLANT:** Stephen Mogdan, Legal Counsel on behalf of Castle Valley Campground

**LEGAL DESCRIPTION:** Within LSD 1 and Portion of LSD 2, Section 2-7-1 W5M

**PROPOSAL:** Outdoor Storage

**DECISION:** Refused with reasons

**PLACE OF HEARING:** Municipal District of Pincher Creek Council Chambers  
1037 Herron Avenue, Pincher Creek, Alberta

**DATE OF HEARING:** **October 17, 2024**

**TIME OF HEARING:** **1:30 p.m.**

### PROCEDURES PRIOR TO THE HEARING FOR DA 2024-42:

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 **4:00 p.m. October 15, 2024.**

EMAIL: [dianehorvath@orrsc.com](mailto:dianehorvath@orrsc.com)

MAIL: **Diane Horvath, Board Clerk**  
**Oldman River Regional Services Commission**  
**3105 – 16<sup>th</sup> Avenue N., Lethbridge, Alberta T1H 5E8**

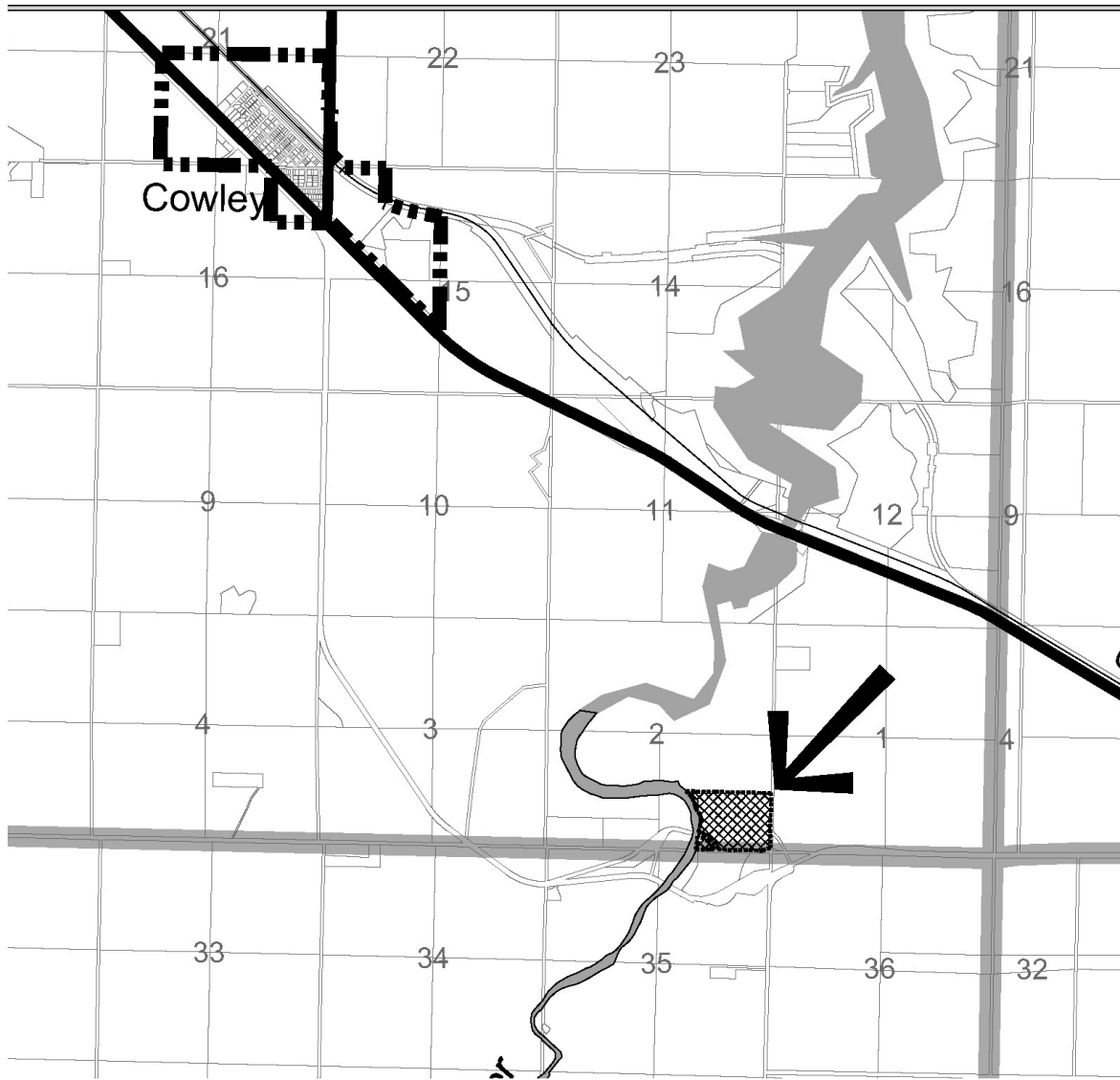
**If do not submit your information by the deadline, you may bring information to the hearing for submission and are expected to supply 12 copies.**

2. **Exhibit Viewing** - The initial appeal exhibit package will be posted on the ORRSC website at [www.orrsc.com](http://www.orrsc.com). Any additional submissions submitted up to October 15, 2024 will be posted to the website prior to the hearing.

**A1**

**MUNICIPAL DISTRICT OF PINCHER CREEK No. 9**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**Appeal Hearing 2024-42**  
**Within LSD 1 and Portion of LSD 2, Section 2-7-1 W5M**



LOCATION SKETCH

DATE: October 2, 2024

*Diane Horvath, Clerk*  
Subdivision & Development Appeal Board

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

Development Application 2024-42

List of Persons Notified

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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:**  
Bjorn Berg  
Glen Girhiny  
Evert Vandenberg  
Barb Edgecomb-Green

**Applicant/ Appellant:**  
Stephen Mogdan, Stringam LLP on  
behalf of Castle Valley Campground Ltd.  
  
Ryan Alger, Castle Valley Campground  
Ltd.

**Adjacent Landowners Notified:**

Castle Valley Holdings Corporation  
The Hutterian Brethan of Pincher Creek as a Church  
Brent and Patricia McRae  
David Saganuik and Janet Elder  
Alberta Transportation and Economic Corridors, Edmonton  
Alberta Transportation and Economic Corridors, South Region  
Alberta Environment and Protected Areas, Edmonton  
Alberta Environment and Protected Areas, Public Land South Region

Our File: 149472-0001/SCM:crm

Legal Assistant: Chelsey R. Mackenzie  
Email: chelsey@stringam.ca  
Phone: (403) 388-1327  
Fax: (403) 328-0274

Barristers & Solicitors  
150 - 4 Street S.  
Lethbridge, AB T1J 5G4  
Office Phone: (403) 328-5577

September 19, 2024

**Via Email: lenzekuiper@orrsc.com**

Original to Follow via Regular Mail

**Chinook Intermunicipal Subdivision and Development Appeal Board**

c/o Oldman River Regional Services Commission  
3105 - 16 Avenue N.  
Lethbridge, AB T1H 5E8

Attention: Lenze Kuiper

Dear Sir:

**Re: Appeal of Decision  
Development Permit Application 2024-42  
Within LSD 1 & PTN of LSD 2; 2-7-1-W5  
Outdoor Storage**

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Please be advised that we represent Castle Valley Campground Ltd. ("Castle Valley Campground" and sometimes herein, the "Appellant").

The development authority of the Municipal District of Pincher Creek, the Municipal Planning Commission ("MPC"), issued a letter dated September 4, 2024, denying the above-said development permit application of Castle Valley Campground (the "denial"). Please accept this correspondence as the formal appeal on behalf of Castle Valley Campground of the denial.

This appeal is pursuant to section 30 of the Land Use Bylaw of the MD of Pincher Creek, being bylaw 1349-23 (the "LUB"), and pursuant to sections 685 and 686 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26. The appeal fee of \$600 is enclosed with the original copy of this correspondence.

The denial (a copy of which is included with this correspondence) is hereby appealed by Castle Valley Campground in connection with the below background, reasons and specific grounds of appeal, as follows:

A. Background

Castle Valley Campground operates a seasonal recreational campground adjacent to Castle River, south of the Oldman River Reservoir and Highway 3, and approximately equidistant from the village of Cowley and the town of Pincher Creek. The campground provides serviced sites with a number of amenities including onsite sewage, firewood services, and non-potable water. Users are able to lease a site for each camping season with the ability to renew for the next camping season.

Castle Valley Campground is within an easily accessible distance of Waterton Lakes National Park, the communities and recreational facilities of the Crowsnest Pass, and the Head-Smashed-In Buffalo Jump World Heritage Site. Throughout the camping season, patrons are provided with the opportunity to take part in social events and to access a wide variety of amenities in the area including picnic facilities and river-based activities such as fishing and canoeing. Castle Valley Campground is zoned rural recreation 2 (RR-2) pursuant to which it allows for recreational accommodation, commercial/private recreation and outdoor storage as discretionary uses.

#### B. Development Permit Application 2024-42

Castle Valley Campground's development application sought to obtain approval for the off-season (roughly mid-October to mid-May) outdoor storage of recreational vehicles. A copy of the development permit application is enclosed, along with the onsite storage plan that accompanied it.

The definition of "outdoor storage" is contained in section 6.111 of the LUB, as the "...use of land with or without attendant buildings for the outdoor storage of equipment, materials or vehicles..." with the provision that such use is "... limited to those uses that require minimal onsite improvements, service and public amenities or facilities."

Castle Valley Campground was confident that the development authority would view its permit application favourably, particularly as the proposed development/use was no more than the extension of an existing, permitted use, namely, the parking of recreational vehicles at the campground; the only difference (phrased here as an extension or intensification) being the location of such recreational vehicles at the campground over the off-season as well as during the regular camping season. Further, Castle Valley Campground recognized that storage of such recreational vehicles would require no additional onsite improvements, service, or public amenities or facilities – in keeping with the definition of "outdoor storage" as outlined above.

Castle Valley Campground further viewed its application as being beneficial not only to the campground itself, but to its patrons (allowing them to keep their recreational vehicle at the campground for the off season, instead of removing it in approximately mid-October and returning it for the next season in early to mid-May), and the Municipal District of Pincher Creek (in enhancing a recreational facility that serves as a point of attraction in the municipal District).

#### C. The Denial

The MPC denied the development permit application 2024-42 of Castle Valley Campground for the stated reason that: "... it is the opinion of the Municipal Planning Commission, and in keeping with the original approval, this location is only suitable for seasonal (being May 15 - Oct 15) recreational accommodation and that Outdoor Storage is not acceptable on this site."

No further reasons were given by the Municipal Planning Commission, and in particular the basis of or reasoning behind the MPC's "opinion" was not provided to Castle Valley Campground.

#### D. Grounds of Appeal

On behalf of Castle Valley Campground, the following are the grounds of appeal put forth for the consideration of the Chinook Intermunicipal Subdivision and Development Appeal Board:

1. The development authority erred in law by failing to have regard to the relevant provisions of the *Municipal Government Act*, the LUB, or both. Without limiting the generality of the foregoing, the development authority failed to consider any factors pertaining to "suitability of sites" listed in section 18.1 of the LUB.
2. The development authority failed to consider matters which it was required to consider prior to rendering its decision, including but not limited to section 18.1 and section 18.11 of the LUB
3. The development authority failed to provide any, or any adequate, reasons for the denial of development permit application 2024-42. In particular, the "reasons" of the MPC for the denial was stated only as its "opinion", namely that the subject location was suitable only for recreational accommodation between May 15 and October 15, and that "outdoor storage" was "not acceptable". Such ostensible "reasons" are a mere conclusion and do not properly constitute reasons based on any identifiable criteria in the *Municipal Government Act*, the LUB, or both.
4. Such further and other grounds of appeal as counsel on behalf of the Appellant may recommend and this Appeal Board may permit.

E. Materials to be Relied Upon

The Appellant, pursuant to the provisions of the *Municipal Government Act* and the LUB, will have reference to the said legislation, and will further have reference to the following materials (a copy of which will be provided to the Subdivision and Development Appeal Board under separate cover):

1. Development permit application and Castle Valley Campground Proposal and Mitigation Plan for Off-Season Storage of RV's and Trailers.
2. Site map, satellite image and images of improvement/mitigation measures pertaining to Castle Valley Campground;
3. Series of pictures re: particulars of site including bank height, and height of mitigation facilities (growings and abutment);
4. Excerpts of Castle Valley Campground leasing rules and regulation;
5. Historical data re: flow rates of the Castle River;
6. Such further and other material as counsel for Castle Valley Campground may recommend and the Subdivision and Development Appeal Board may permit.

F. Requested Relief



Pursuant to the *Municipal Government Act* and the provisions of the LUB, Castle Valley Campground hereby requests that the subdivision and Development Appeal Board:

- i) Vary the decision of the development authority, namely to approve development permit 2024-42, with any necessary conditions as it may reasonably require; and
- ii) Such further and other relief as this board may determine.

Should you have any questions on the above, please contact the writer at your earliest convenience. We understand that you are required to hold an appeal hearing with 30 days of receipt of this notice of appeal. We look forward to hearing from you with respect to available hearing dates and procedures pertaining thereto, including any facilities the Subdivision and Development Appeal Board may have in respect of electronic hearings.

Respectfully submitted,

**STRINGAM LLP**

Per:

**STEPHEN C. MOGDAN**  
Partner, B.A., M.Phil., LL.B.  
[scmogdan@stringam.ca](mailto:scmogdan@stringam.ca)  
SCM/crm  
Enclosure

cc: Municipal District of Pincher Creek No. 9 Attn: Roland Milligan, CAO



Municipal District of Pincher Creek  
 P.O. Box 279  
 Pincher Creek, AB T0K 1W0  
 Phone: 403.627.3130 • Fax: 403.627.5070

## DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

<b>DEVELOPMENT PERMIT APPLICATION NO.</b> _____	
<b>Date Application Received</b> _____	<b>PERMIT FEE</b> <small>\$100 Permitted \$150 Discretionary</small> _____
<b>Date Application Accepted</b> _____	<b>RECEIPT NO.</b> _____
<b>Tax Roll #</b> _____	

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

### SECTION 1: GENERAL INFORMATION

**Applicant:** Castle Valley Campground-Ryan Alger

**Address:** SW 2-7-1 W5M

**Telephone:** \_\_\_\_\_ **Email:** Castlevalleycampground@gmail.com

**Owner of Land (if different from above):** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Interest of Applicant (if not the owner):** On site winter storage of campers RVs during the Off-Season

### 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:**

To provide on site storage of our returning campers RVs during the off-season.

**Legal Description:** Lot(s) SW OF 2-7-1 W5M

Block \_\_\_\_\_

Plan \_\_\_\_\_

Quarter Section SW

**Estimated Commencement Date:** OCTOBER 15TH 2024- May 15th 2024

**Estimated Completion Date:** YEARLY

**SECTION 3: SITE REQUIREMENTS**

Land Use District: \_\_\_\_\_ Division: \_\_\_\_\_

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)

Please see attached drone shot of campground. As well as our mitigation plan to address any potential concerns and the benefits this change will provide.

<b>ACCESSORY BUILDING</b>	<b>Proposed</b>	<b>By Law Requirements</b>	<b>Conforms</b>
(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.

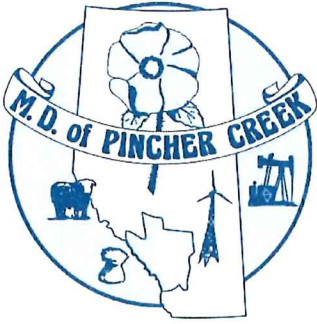
I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: Aug 8, 2024

on behalf of  
Ryan Alger - Castle Valley Campground  
Applicant

[Signature]  
Registered Owner

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



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

[info@mdpincercreek.ab.ca](mailto:info@mdpincercreek.ab.ca)  
[www.mdpincercreek.ab.ca](http://www.mdpincercreek.ab.ca)

September 4, 2024

Castle Valley Campground  
[REDACTED]  
[REDACTED]

sent via - [castlevalleycampground@gmail.com](mailto:castlevalleycampground@gmail.com)

Dear Applicant:

**NOTICE OF DECISION**  
**Development Permit Application 2024-42**  
**Within LSD 1 & Ptn of LSD 2 ; 2-7-1 W5**  
**Outdoor Storage**

This letter is to inform you that Development Permit Application No. 2023-42 for Outdoor Storage was denied at the Municipal Planning Commission (MPC) meeting on September 3<sup>rd</sup> 2024.

After considering Development Permit Application 2023-42, the MPC denied the application for the following reason(s):

1. That it is the opinion of the Municipal Planning Commission, and in keeping with the original approval, this location is only suitable for seasonal (being May 15-Oct 15) recreational accommodation and that Outdoor Storage is not acceptable on this site.

You may appeal this decision to the Municipal District of Pincher Creek No. 9 Subdivision and Development Appeal Board in accordance with Sections 685 and 686 of the *Municipal Government Act* and Section 30 of Land Use Bylaw 1349-23, by providing a written notice of appeal, containing reasons, together with the applicable fee of \$600.00 to the Subdivision and Development Appeal Board by **September 25, 2024**, to:

Roland Milligan, CAO, Municipal District of Pincher Creek No. 9,  
1037 Herron Avenue, P.O. Box 279, Pincher Creek, AB T0K 1W0

Should further information or clarification be required, please do not hesitate to contact us.

Regards,

A handwritten signature in blue ink, appearing to read 'Laura McKinnon', with a large, stylized flourish at the end.

Laura McKinnon,  
Development Officer

Cc: Roland Milligan, CAO  
Gavin Scott, Planner

**CASTLE VALLEY CAMPGROUND**

**SE 2-7-1 W5M**

**PROPOSAL AND MITIGATION PLAN  
FOR OFF- SEASON STORAGE OF RV'S AND TRAILERS**



## **Dear Municipal District of Pincher Creek,**

We are Castle Valley Campground, a seasonally leased campground proudly operating within the MD of Pincher Creek since 2016. Our campers have come to love our location and the wonderful amenities offered by the MD and the Town of Pincher Creek.

Over the years, we have received significant requests from our campers for RV storage during the off-season. Our off-season runs from October 15th to May 15th, with an early arrival option to ease road traffic and maximize enjoyment of the sites. If our proposal is accepted, campers' RVs would stay parked on their sites, reducing wear and tear on our infrastructure and public roads, as hundreds of trailers and RVs would no longer need to be moved at the beginning and end of each season.

To enhance the convenience and experience of our campers, we propose offering winter storage for their RVs. Many campgrounds already provide this service, and we believe it will retain our current campers and attract new ones. This service is particularly beneficial for our families, solo and elderly campers, as on site greatly eases their burden of both moving and parking their units and reduces wear and tear on both our land, the municipal roads and highways. We are confident that year-round storage will be a positive addition for everyone involved.

## **Mitigation Plan for Potential Concerns**

### **Theft Prevention:**

- **Security Measures:** Our campground has locked gates that prevent unauthorized entry during the off-season. Located 1 km from the highway, we plan to enhance security by installing 1080p Wi-Fi color cameras with infrared night vision and motion detection, along with strategically placed hidden game cams for 24/7 monitoring. Signage will also deter potential intruders. Additionally, snowfall during the off-season inhibits unauthorized access and makes vehicle access virtually impossible unless we choose to plow our roads. Campers will not be allowed to camp during the off-season, this request is for storage only.
- **On-Site Monitoring:** We employ a local resident to regularly monitor the campground during the off-season through on-site inspections and regular drive-bys. Our Camp Host also checks on the property weekly and begins staying full-time on-site before the end of March.
- **Track Record:** In our eight years of operation, we have never experienced theft. We believe our expanded security measures will continue to protect our property and campers' belongings.

### **Flood Mitigation:**

- **Flood Protection:** Rock groins installed by the government and a bridge abutment and old Highway 3 road running through our land protect us from flooding. These structures were designed by government engineers to divert water away from our campground to the lower land on the opposite side of the river. With the addition of the rock groins, ongoing monitoring of river conditions, and the campground's elevated position relative to the surrounding area, we



have consistently experienced zero concerns about flooding. Historically, the off-season has posed the least risk for flooding, as the river typically reaches its highest levels in early July.

- **Off-Season Safety:** We keep an updated list of camper contacts to ensure prompt notifications in case of any concerns. Collin Smyth of 5 S Enterprises, along with emergency assistance from the Pincher Creek Hutterite Colony, is prepared to plow roads if we need to quickly remove RVs. In such an event, RVs can be swiftly towed to a 10-acre area at the top of our property, designated for temporary and immediate emergency storage.

### **Securing Items:**

- **Camper Preparedness:** The vast majority of our campers are long-term and are familiar with local weather conditions and know how to properly secure their units and belongings. We ensure new campers receive the same guidance we have learned over the years on proper storage techniques, including the securing of sheds and gazebos with ground spikes and ratchet straps.

- **Ongoing Maintenance:** We conduct a fall and spring clean-up at the end and start of each season and maintain the campground's appearance throughout. Respect for our neighbors and nature is integral to Castle Valley Campground's values.

We appreciate your consideration of our proposal to offer winter RV storage. This service will enhance the quality of life for our campers, support the local economy during their stays, enhance safety on highways while greatly reducing traffic and the wear and tear of municipal roads and hi-ways.

We are confident that our reputation and commitment to land stewardship will assure you of our ability to manage this service responsibly.

Thank you for your time and consideration.



Sincerely,

Castle Valley Campground



C13

## Recommendation to Municipal Planning Commission

<b>TITLE:</b> DEVELOPMENT PERMIT No. 2024-42 <b>Applicant:</b> Castle Valley Campground <b>Location:</b> Within 1,2 ;; 2-7-1 W5 <b>Division:</b> 3 <b>Size of Parcel:</b> 20.78 ha (51.36 Acres) <b>Zoning:</b> Rural Recreation 1 (RR-1) <b>Development:</b> Outdoor Storage	
<b>PREPARED BY:</b> Laura McKinnon	<b>DATE:</b> Aug 29, 2024
<b>DEPARTMENT:</b> Planning and Development	
<b>Signature:</b> 	<b>ATTACHMENTS:</b> 1. Development Permit Application 2024-42 2. Proposal and Mitigation Plan 3. GIS Site Plan
<b>APPROVALS:</b>	
_____	_____
Department Director	Roland Milligan
Date	Date

**RECOMMENDATION:**

That Development Permit Application No. 2024-42, for Outdoor Storage, be approved subject to the following Condition(s):

**Condition(s):**

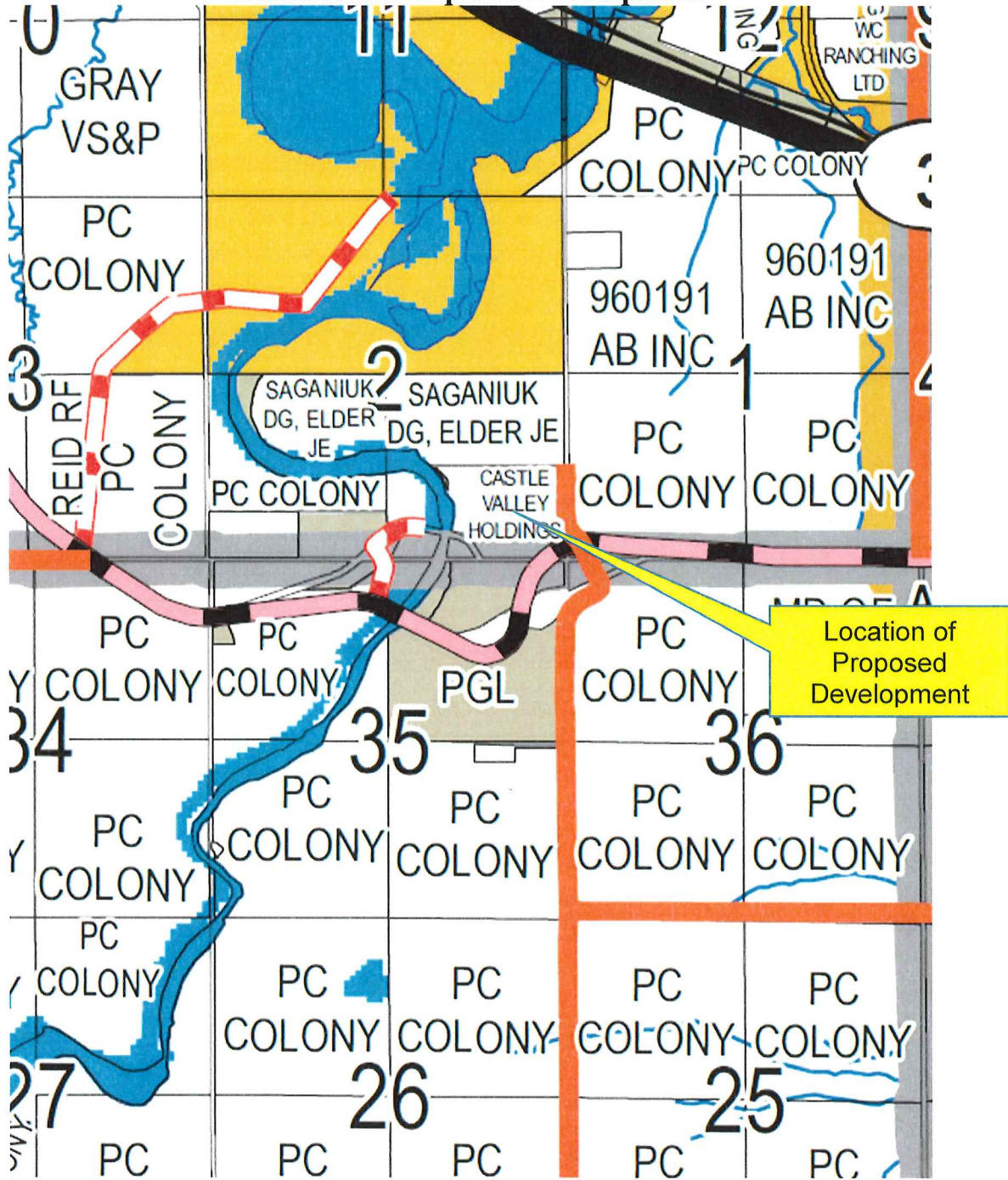
1. That this development meets the minimum provisions as required in Land Use Bylaw 1349-23.
2. That this development would not permit winter camping.

**BACKGROUND:**

- On Aug 13, 2024, the MD accepted the Development Permit Application No. 2024-42 from applicant Castle Valley Campground. (*Attachment No. 1*).
- This application is to allow use of Outdoor Storage of RV's in the off season.
- This application is being placed in front of the MPC because:
  - Within the Rural Recreation 1 (RR-1) Land Use District, Outdoor Storage is a Discretionary Use.
- The applicant currently operates a seasonal campground at this location, and has put together a proposal regarding outdoor storage (*Attachment No. 2*)
- The intent is to allow all the seasonal lot holders to leave their RV's on site for the off season. Currently the RV's are removed by October 15<sup>th</sup> of each year.
- The application was forwarded to the adjacent landowners for comment; no responses were received at the time of this report being written.

# Recommendation to Municipal Planning Commission

## Location of Proposed Development





Municipal District of Pincher Creek  
 P.O. Box 279  
 Pincher Creek, AB T0K 1W0  
 Phone: 403.627.3130 • Fax: 403.627.5070

## DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2024-42  
 Date Application Received Aug 13/24 PERMIT FEE <sup>\$100 Permitted</sup> ~~\$150 Discretionary~~  
 Date Application Accepted Aug 13/24 RECEIPT NO. 64216  
 Tax Roll # \_\_\_\_\_

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

### SECTION 1: GENERAL INFORMATION

Applicant: Castle Valley Campground-Ryan Alger  
 Address: SW 2-7-1 W5M  
 Telephone: [REDACTED] Email: Castlevalleycampground@gmail.com  
 Owner of Land (if different from above): \_\_\_\_\_  
 Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Interest of Applicant (if not the owner): On site winter storage of campers RVs during the Off-Season

### 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:

To provide on site storage of our returning campers RVs during the off-season.

Legal Description: Lot(s) SW OF 2-7-1 W5M  
 Block \_\_\_\_\_  
 Plan \_\_\_\_\_  
 Quarter Section SW

Estimated Commencement Date: OCTOBER 15TH 2024- May 15th 2024  
 Estimated Completion Date: YEARLY

**SECTION 3: SITE REQUIREMENTS**

Land Use District: Rural Rec-1 Division: 3  
 Permitted Use     Discretionary Use

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

Yes     No

Is the proposed development below a licenced dam?

Yes     No

Is the proposed development site situated on a slope?

Yes     No

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

<b>PRINCIPAL BUILDING</b>	<b>Proposed</b>	<b>By Law Requirements</b>	<b>Conforms</b>
(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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(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)

Please see attached drone shot of campground. As well as our mitigation plan to address any potential concerns and the benefits this change will provide.

<b>ACCESSORY BUILDING</b>	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: Aug 8, 2024

Ryan Alger - Castle Valley Campground  
*On behalf of*  
 Applicant

[Signature]  
 Registered Owner

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



D6



**CASTLE VALLEY CAMPGROUND**

**SE 2-7-1 W5M**

**PROPOSAL AND MITIGATION PLAN  
FOR OFF- SEASON STORAGE OF RV'S AND TRAILERS**



## **Dear Municipal District of Pincher Creek,**

We are Castle Valley Campground, a seasonally leased campground proudly operating within the MD of Pincher Creek since 2016. Our campers have come to love our location and the wonderful amenities offered by the MD and the Town of Pincher Creek.

Over the years, we have received significant requests from our campers for RV storage during the off-season. Our off-season runs from October 15th to May 15th, with an early arrival option to ease road traffic and maximize enjoyment of the sites. If our proposal is accepted, campers' RVs would stay parked on their sites, reducing wear and tear on our infrastructure and public roads, as hundreds of trailers and RVs would no longer need to be moved at the beginning and end of each season.

To enhance the convenience and experience of our campers, we propose offering winter storage for their RVs. Many campgrounds already provide this service, and we believe it will retain our current campers and attract new ones. This service is particularly beneficial for our families, solo and elderly campers, as on site greatly eases their burden of both moving and parking their units and reduces wear and tear on both our land, the municipal roads and highways. We are confident that year-round storage will be a positive addition for everyone involved.

## **Mitigation Plan for Potential Concerns**

### **Theft Prevention:**

- **Security Measures:** Our campground has locked gates that prevent unauthorized entry during the off-season. Located 1 km from the highway, we plan to enhance security by installing 1080p Wi-Fi color cameras with infrared night vision and motion detection, along with strategically placed hidden game cams for 24/7 monitoring. Signage will also deter potential intruders. Additionally, snowfall during the off-season inhibits unauthorized access and makes vehicle access virtually impossible unless we choose to plow our roads. Campers will not be allowed to camp during the off-season, this request is for storage only.
- **On-Site Monitoring:** We employ a local resident to regularly monitor the campground during the off-season through on-site inspections and regular drive-bys. Our Camp Host also checks on the property weekly and begins staying full-time on-site before the end of March.
- **Track Record:** In our eight years of operation, we have never experienced theft. We believe our expanded security measures will continue to protect our property and campers' belongings.

### **Flood Mitigation:**

- **Flood Protection:** Rock groins installed by the government and a bridge abutment and old Highway 3 road running through our land protect us from flooding. These structures were designed by government engineers to divert water away from our campground to the lower land on the opposite side of the river. With the addition of the rock groins, ongoing monitoring of river conditions, and the campground's elevated position relative to the surrounding area, we

have consistently experienced zero concerns about flooding. Historically, the off-season has posed the least risk for flooding, as the river typically reaches its highest levels in early July.

- **Off-Season Safety:** We keep an updated list of camper contacts to ensure prompt notifications in case of any concerns. Collin Smyth of 5 S Enterprises, along with emergency assistance from the Pincher Creek Hutterite Colony, is prepared to plow roads if we need to quickly remove RVs. In such an event, RVs can be swiftly towed to a 10-acre area at the top of our property, designated for temporary and immediate emergency storage.

### **Securing Items:**

- **Camper Preparedness:** The vast majority of our campers are long-term and are familiar with local weather conditions and know how to properly secure their units and belongings. We ensure new campers receive the same guidance we have learned over the years on proper storage techniques, including the securing of sheds and gazebos with ground spikes and ratchet straps.

- **Ongoing Maintenance:** We conduct a fall and spring clean-up at the end and start of each season and maintain the campground's appearance throughout. Respect for our neighbors and nature is integral to Castle Valley Campground's values.

We appreciate your consideration of our proposal to offer winter RV storage. This service will enhance the quality of life for our campers, support the local economy during their stays, enhance safety on highways while greatly reducing traffic and the wear and tear of municipal roads and hi-ways.

We are confident that our reputation and commitment to land stewardship will assure you of our ability to manage this service responsibly.

Thank you for your time and consideration.

Sincerely,

Castle Valley Campground



SE2 7-1-5

UNKNOWN

SE2 7-1-5

UNKNOWN

SE2 7-1-5

SE2 7-1-5

D10

1898 EZ

1896 EZ

1697 EZ

Bank of Columbia River





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

[info@mdpincercreek.ab.ca](mailto:info@mdpincercreek.ab.ca)  
[www.mdpincercreek.ab.ca](http://www.mdpincercreek.ab.ca)

Aug 20, 2024

Castle Valley Campground  
[REDACTED]  
[REDACTED]

Dear Mr. Alger

**Re: Development Permit Application No. 2024-42  
Within 1,2 ;; 2-7-1 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, September 3<sup>rd</sup>, 2024. MPC will hear your proposal and make a decision based on the information provided to them. **It is imperative that you provide all relevant information to make this decision.**

At any time after Thursday, August 29<sup>th</sup>, 2024, you may view the entire package of information presented to MPC on your behalf by visiting our website at [www.mdpincercreek.ab.ca](http://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. 2024-42**

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. Postponed – 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.

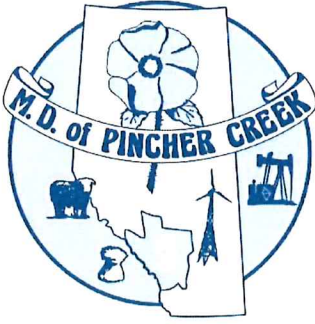
If you have any questions at any time, or would like to submit further information, please do not hesitate to contact us.

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](mailto:info@mdpincercreek.ab.ca)  
[www.mdpincercreek.ab.ca](http://www.mdpincercreek.ab.ca)

August 20, 2024

To Whom It May Concern:

**RE: Development Permit Application No. 2024-42**  
**Within 1,2 ;; 2-7-1 W5**

This letter is to advise you that Castle Valley Campground has submitted Development Permit Application No. 2024-42 (Outdoor Storage). The Applicant is seeking approval to allow for lot lease holders to leave their camping trailers over the winter. This would not permit winter camping. A map showing the location is enclosed for your reference.

This application will be reviewed by the Municipal Planning Commission (MPC) on Tuesday, August 3<sup>rd</sup>, 2024, for the following reason(s):

1. Within the Rural Recreation 1 (RR-1) 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](mailto:lmckinnon@mdpincercreek.ab.ca). Kindly submit your comments prior to Thursday August 29<sup>th</sup> 2024. 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, August 29<sup>th</sup> 2024** you may view the entire package of information presented to MPC regarding this application by visiting [www.mdpincercreek.ab.ca](http://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. 2024-42**

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

**CASTLE VALLEY CAMPGROUND**

**SE 2-7-1 W5M**

**PROPOSAL AND MITIGATION PLAN  
FOR OFF- SEASON STORAGE OF RV'S AND TRAILERS**



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Thank you for your time and consideration.

Sincerely,

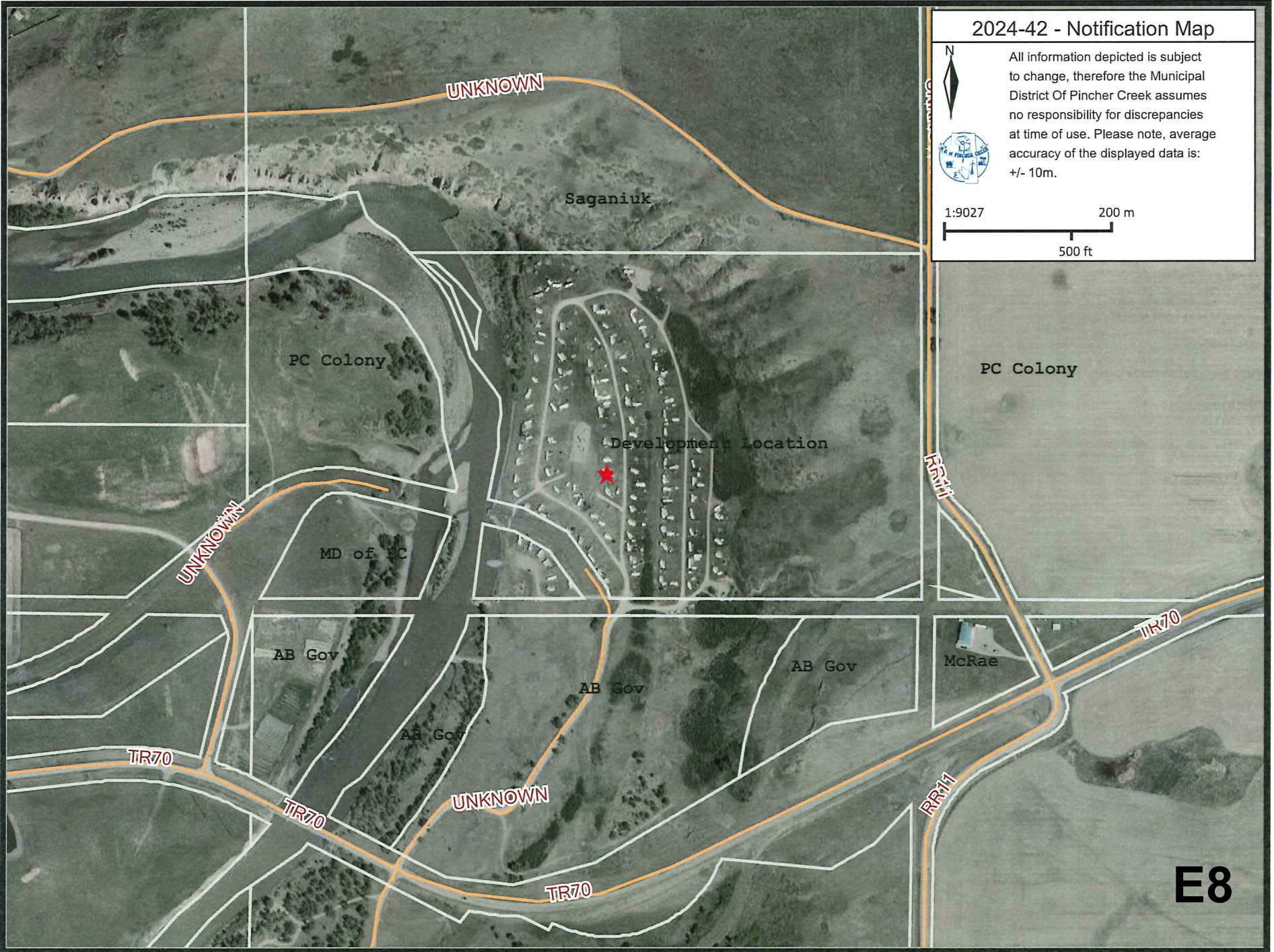
Castle Valley Campground

# 2024-42 - Notification Map



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

1:9027  
200 m  
500 ft



# E8

**Meeting Minutes of the  
Municipal Planning Commission  
September 3<sup>rd</sup>, 2024 6:30 pm  
Council Chambers**

**ATTENDANCE**

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

Staff: CAO Roland Milligan, Development Officer Laura McKinnon

Planning  
Advisor: ORRSC, Senior Planner Gavin Scott

Absent:

Chairperson Jeff Hammond called the meeting to order, the time being 6:36 pm.

**1. ADOPTION OF AGENDA**

Councillor Rick Lemire 24/058

Moved that the agenda for September 3<sup>rd</sup>, 2024, be approved as presented.

Carried

**2. ADOPTION OF MINUTES**

Councillor Jim Welsch 24/059

Moved that the Municipal Planning Commission Meeting Minutes for July 2<sup>nd</sup>, 2024 be approved as presented.

Carried

**3. CLOSED MEETING SESSION**

Reeve Dave Cox 24/060

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 6:37 pm.

Carried

Member at Large Laurie Klassen 24/061

Moved that the Municipal Planning Commission open the meeting to the public, the time being 7:13 pm.

Carried

4. **UNFINISHED BUSINESS**

5. **DEVELOPMENT PERMIT APPLICATIONS**

- a. **Development Permit Application No. 2024-41**  
**Gordon Wiebe**  
**Lot 3, Block 3, Plan 1010711 within NE 25-7-2 W5**  
**Farm Building**

Councillor John MacGarva

24/062

Moved that Development Permit No. 2024-41, Farm Building (Indoor Arena), be approved subject to the following Condition(s):

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1349-23.
2. That this development is for personal use only, no business or rentals permitted
3. That the applicant adhere to the conditions setforth within the required Alberta Transportation Roadside Development Permit, to be attached to form part of this permit.
4. That no luminaire on the building shall be oriented such that the light it emits trespasses beyond the property line on which the luminaire is situated.

- b. **Development Permit Application No. 2024-42**  
**Castle Valley Campground**  
**Within 1,2 ;; 2-7-1 W5**  
**Outdoor Storage**

Reeve Dave Cox

24/063

Moved that Development Permit No. 2024-42, for outdoor storage, be denied subject to the following Reasons(s):

**Reason(s):**

1. That it is the opinion of the Municipal Planning Commission, and in keeping with the original approval, this location is only suitable for seasonal (being May 15-Oct 15) recreational accommodation and that Outdoor Storage is not acceptable on this site.

6. **DEVELOPMENT REPORT**

a. Development Officer's Report

Councillor John MacGarva 24/064

Moved that the Development Officer's Report, for the period July and August 2024, be received as information.

Carried

7. **CORRESPONDENCE**

None

8. **NEW BUSINESS**

None

9. **NEXT MEETING** – October 1<sup>st</sup>, 2024; 6:30 pm.

10. **ADJOURNMENT**

Reeve Dave Cox 24/065

Moved that the meeting adjourn, the time being 7:33 pm.

Carried

---

Chairperson Jeff Hammond  
Municipal Planning Commission

---

Development Officer  
Laura McKinnon  
Municipal Planning Commission





# Municipal District of Pincher Creek No. 9

Land Use Bylaw

No. 1349-23

April 2024

**G1**

6.110 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.

6.111 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.

6.112 Owner

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

6.113 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.

6.114 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.

6.115 Parking Facility

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

6.116 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.



## RURAL RECREATION 1 – RR-1

### 1. INTENT

The intent of the Rural Recreation 1 - RR-1 district is to facilitate the development of commercial / private recreation uses at selective locations within the municipal district. Land contained within this district shall be developed in a sensitive fashion to limit or avoid compromising the municipality's natural attributes, natural aesthetics, and important scenic vistas.

### 2. USES

#### 2.1 Permitted Uses

Accessory building (see Section 36)  
Accessory structure (see Section 37 and Section 15.1(l))  
Accessory use  
Extensive Agriculture (see Section 15.1(b))  
Solar energy system, household wall or roof mounted (see Section 15.1(r))

#### 2.2 Discretionary Uses

Commercial / Private recreation  
Country inn (see Section 48.4 - 48.10)  
Dwelling unit as a secondary use (see Section 50)  
Modular home as an accessory use  
Moved-in accessory building (see Section 54.6 - 54.9)  
Outdoor storage  
Recreation facility as an accessory use  
Recreational Accommodation, Commercial Highway (see Sections 48.27 - 48.31)  
Recreational Accommodation, Family limited (see Section 48.11 – 48.26)  
Restaurant as an accessory use  
Retail store as an accessory use  
Sign (see Section 55)  
Single-detached residence as an accessory use  
Sleeping unit as an accessory use (see Section 50)  
Solar energy system, household - freestanding (see Section 59)  
Tourist home (see Section 47)

#### 2.3 Prohibited Uses

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

### 3. MINIMUM LOT SIZE

Minimum lot dimensions shall be to the satisfaction of the MPC.

### 4. MINIMUM SETBACK REQUIREMENTS – All Buildings

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

Multi-lot Heavy Rural Industrial District

(application: residence, dwelling or sleeping units): 300 m (984 ft.)

All existing residential dwellings: 300 m (984 ft.)

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

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MAXIMUM BUILDING HEIGHT

8.5 m (27.9 ft.)

7. ARCHITECTURAL CONTROL

The Development Authority may require that the exterior of any building, development, or structure, including accessory buildings and structures shall be finished in unobtrusive natural earth-tone colours.

8. REFUSE SCREENING AND STORAGE

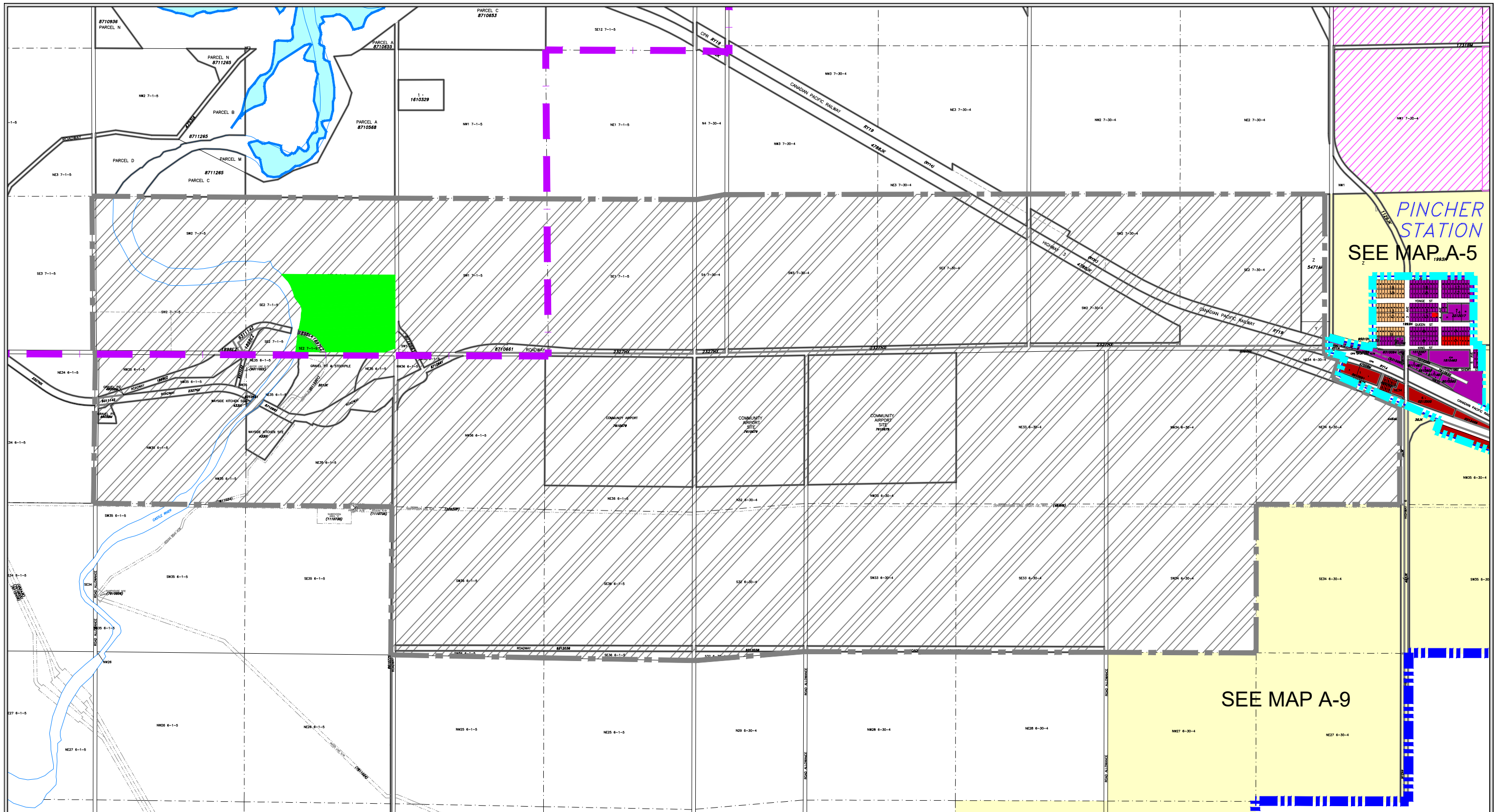
8.1 Refuse and garbage shall be kept in suitably-sized containers and it shall be effectively screened until such time as collection or disposal is possible.

8.2 As a condition of approval, the refuse containers may be required to be bear-proof.

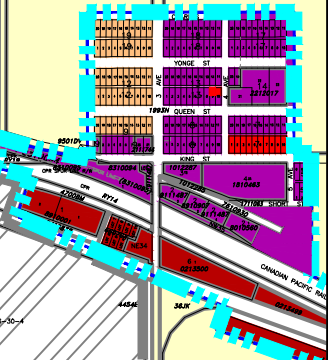
9. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.





PINCHER STATION  
SEE MAP A-5



SEE MAP A-9



M.D OF PINCHER CREEK No. 9  
LAND USE DISTRICT MAP  
Bylaw No. 1349-23, April 9, 2024

AIRPORT VICINITY PROTECTION

- Agriculture
  - Urban Fringe
  - Airport Vicinity Protection
  - Rural Recreation 1
  - Wind Farm Industrial
  - Hamlet Boundary
  - Town of Pincher Creek Boundary
  - Oldman Dam ASP Boundary
- 'A'
  - 'UF'
  - 'AVP'
  - 'RR-1'
  - 'WFI'

**G5** MAP A-19