Town of Pincher Creek

Municipal Development and Subdivision Authority

Wednesday, September 16, 2026, | 10:00 a.m.
Council Chambers
962 St. John Avenue and Virtual via Teams

Attendance: W. Oliver, S. Nodge, P. Taylor; B. McGillivray

With Regrets: S. Boese

Staff: K. Kozak, Planning and Development Officer, L. Goss, Legislative Service Manager, A. McGladdery, Administrative Assistant, S. Haubrich, Project Engineer

Oldman River Regional Services Commission: Senior Planner, S. Harty, Assistant Planner, S. Nikkel

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1. **Call to Order**
   W. Oliver called the meeting to order at 10:00 a.m.

2. **Agenda Approval**
   B. McGillivray:
   Moved to approve the September 16, 2026, agenda as presented.
   CARRIED MDSA 26-078

3. **Adoption of Minutes**
   3.1 Minutes of August 19, 2026 Regular MDSA Meeting
   S. Nodge:
   Moved to approve the Minutes for August 19, 2026, Regular MDSA Meeting as presented.
   CARRIED MDSA 26-079

4. **Applications**

   John Radvak spoke on application 26-D0064

   P. Taylor:
   That the Municipal Development and Subdivision Authority agree to move into a closed session at 10:09 a.m. with the Planning and Development Officer, Legislative Services Manager, Senior Planner, Assistant Planner, Project Engineer and Administrative Assistant.
   CARRIED MDSA 26-080

B. McGillivray:
That the Municipal Development and Subdivision Authority agree to revert to an open session at 10:24 a.m.

CARRIED MDSA 26-081

4.1 <u>26-D0059 – 1014 Livingston Way, Residential – R1; Retain existing concrete driveway extension, and construct a rear concrete apron and concrete sitting area</u>

B. McGillivray:
That the Municipal Development and Subdivision Authority approve Development Permit Application No. 26-D0059 – Diana Tuccillo and Mark Burden; Plan 0811978 Block 6 Lot 9; 1014 Livingston Way; Residential – R1; Discretionary Use: Access and Driveway, and Landscaping, Retain existing concrete driveway extension, and construct a rear concrete apron and concrete patio subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1639-25 and amendments thereto excepting the following waiver granted by the Municipal Development and Subdivision Authority on September 16, 2026:

    a. Bylaw Regulation: Schedule 5, Section 16 Residential Requirements (1) – In residential districts only one off-street driveway or parking pad shall be permitted in the front yard for single-detached residential development to a maximum of 7.62 m (25 ft) in width. Waiver Granted: The waiver is for the approval of the driveway width at 9.16 m (30 ft);

2. The development is to conform to the Development Permit Application stamp dated July 28, 2026 and approved plans dated September 16, 2026;

3. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;

4. The Applicant shall contact Utility Safety Partners (formerly Alberta One Call) to locate and mark any buried utilities prior to breaking ground;

5. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at http://pinchercreek.ca/town/developmet.php;

6. If municipal infrastructure improvements are required, work completed by the Developer on municipal infrastructure (water service, sewer service,

roadway, gutter, curb, sidewalk, etc.) requires the Developer to enter into a Development Agreement with the Town and must be done to the satisfaction of the CAO. The Development Agreement shall include warranty and securities as outlined by the Engineering Standards;

7. The Applicant is responsible for ensuring that the finished lot grade provides positive drainage away from the foundation(s) and does not result in drainage onto or negatively impact adjacent properties;

8. The Applicant is responsible to ensure the connection between the proposed development and adjacent lands (both public and private) is acceptable regarding utilities, infrastructure, grading, landscaping etc. In the event of damage to adjacent lands, the Applicant is required to repair all damages at their sole expense to the satisfaction of the Director of Operations. If the damages are not corrected to the satisfaction of the Director of Operations, the Town of Pincher Creek may complete the repairs and recover the costs by any means necessary. Pre and post development inspection with the Operations staff required. The Applicant shall Contact the Director of Operations and Infrastructure Operationsdir@pinchercreek.ca to book an inspection;

9. The Applicant is responsible for all costs associated with the cleaning and removal of debris and/or mud tracked onto municipal roads as a result of construction activities;

10. During construction, the site shall be maintained in a neat and orderly manner so as to ensure that neighbours are not directly impacted by construction activity. This includes parking of construction vehicles and storage of construction materials, debris, and topsoil. Any damage to neighbours' property, including fences, driveways, or landscaping that occurs due to this construction shall be repaired;

11. The Applicant shall control the erosion so that soil and dust is not conveyed off site;

12. The Applicant shall control the standing water on the site;

13. Any intensification of the use may require a new development permit;

14. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 26-082

4.2 <u>26-D0062 – 935 Kettles Street, Comprehensive Mixed Use – C3; Short-term Rental Type 2</u>

P. Taylor:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 26-D0062 – Marla Bosch; Plan 3880BD Lot 280; 935 Kettles Street; Designated Comprehensive Mixed -Use – C3; Discretionary Use: Short-term Rental Type 2 subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1639-25 and amendments thereto;

2. The development is to conform to the Development Permit Application stamp dated August 17, 2026;

3. The Applicant shall contact Park Enterprise (1-800-621-5440) to ensure the dwelling unit complies with the applicable requirements of the National Building Code – Alberta Edition, particularly regarding fire safety;

4. The Applicant shall provide the name and phone number of the person who will be managing the Short-term Rental while in use to the Designated Officer prior to the business operating. The contact information will be kept on file and used for compliance reasons; the Town is to be made aware of any changes related to the contact person;

5. The Applicant shall provide the name and phone number of the person who will be managing the Short-term Rental while in use to the Adjacent Landowners;

6. The Applicant must apply for and maintain a current yearly municipal Business License from the municipality related to the Short-term Rental;

7. Prior to the placement of the Fire Pit, the applicant shall obtain a Fire Permit from Emergency Services, and must provide a copy to the Town;

8. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, Noise Bylaw, Nuisance and Untidy Premises Bylaw;

9. The Applicant shall obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;

10. If pets are permitted, the yard of the property shall be enclosed and fenced to keep pets contained on-site;

11. The maximum nightly occupancy related to the Short-term Rental must be no more than five (5);

12. The sleeping areas shall be limited to the two (2) bedrooms and one (1) couch;

13. The Applicant shall provide, identify, and maintain two (2) parking space on site;

14. The Applicant shall disclose their Business License Number in all online postings and advertisements. The Business License must also be posted and visible inside the dwelling to rental guests;

15. The Applicant must post in an area that visible to the eye, inside the dwelling, the name and phone number of the person managing the Short-term Rental while in use;

16. The Applicant shall keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer;

17. The Signage of the name of the Short-term Rental shall only be displayed as allowed for in this bylaw and includes:

    (i) one window signage, no larger than 0.4 m^2 (4 ft^2), or

    (ii) up to one freestanding sign no more than 1.5 m (5 ft.) above ground or sidewalk grade and shall not be more than 0.4 m^2 (4 ft^2 in area,

    (iii) any signage associated with a Short-term Rental, must be made of a material that is complementary to the principal dwelling, and

    (iv) not be directly illuminated in any way;

18. The Applicant shall be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on accommodation. The Applicant will be required to show verification of compliance to the Designated Officer when requested;

19. The Applicant shall be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The Applicant will be required to show verification of such when requested by the Designated Officer;

20. The Applicant shall comply with any requirements and obligations relating to the Public Health Act, Housing Regulation as applicable;

21. The exterior appearance of a dwelling approved as a Short-term Rental shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw;

22. The Short-term Rental shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Pincher Creek Nuisance Bylaw;

23. Any intensification of the business may require a new development permit;

24. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 26-083

4.3 26-D0064 – 687 Broadview Street, Residential – R1; Demolition and construction of a solarium attached to Dwelling with a 0.3 m (1 ft) front yard setback

S. Nodge:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 26-D0064 – John Radvak; Plan 1046AE Lots 436, 437; 687 Broadview Street; Designated Residential – R1; Demolition and construction of a solarium subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1639-25 and amendments thereto excepting the following waiver granted by the Municipal Development and Subdivision Authority on September 16, 2026:

    a. BYLAW REGULATION: Schedule 3 (R1), Section 3: Corner lots – Second frontage may be reduced to 3.0 m (10 ft).

WAIVER GRANTED: The waiver is for the approval of the Second frontage setback to 0.3 m (1 ft);

2. The development is to conform to the development permit application stamped August 18, 2026, and approved attached plans;

3. The contractor commissioned for the demolition and construction must have a valid Business License for the Town of Pincher Creek;

4. The Applicant must contact Utility Safety Partners (formerly Alberta One Call) 1-800-242- 3447 to locate and mark any utilities prior to commencing;

5. The Applicant shall obtain a Building Permit for the demolition and construction to ensure the development complies with the current National Fire Code (AE) and the National Building Code (AE). It shall be the responsibility of the Applicant to obtain the necessary Building, Plumbing, Electrical, and Gas permits;

6. The Applicant is responsible for all costs to repair municipal infrastructure damaged during the demolition and construction;

7. All work and repairs on municipal infrastructure shall be completed to the satisfaction of the CAO or designate;

8. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at http://pinchercreek.ca/town/development.php;

9. The Applicant is responsible for all costs related to cleaning of debris and/or mud tracking on municipal roads during construction activities;

10. During demolition and construction, the site shall be maintained in a neat and orderly manner so as to ensure that neighbours are not directly impacted by construction activity. This includes parking of construction vehicles and storage of construction materials, debris, and topsoil. Any damage to neighbours' property, including fences, driveways, or landscaping that occurs due to this construction shall be repaired or replaced at the Applicants costs;

11. The Applicant shall remove all garbage and waste at their own expense;

12. The Erosion shall be controlled so that soil and dust is not conveyed off site;

13. Standing water on the site shall be controlled by the Applicant;

14. Any intensification of the use may require a new development permit;

15. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified;

CARRIED MDSA 26-084

5. Permitted Issued Applications

26-D0063 – 935 Kettles Street, Comprehensive Mixed-Use – C3; Permitted Use: 11.98 m^2 (129 ft^2) Office located within the building (Private) Counseling/Psychotherapy Practice)

26-D0061 – 945 Davidson Avenue, Public and Institutional – PI; Permitted Use: Sign (Fascia Sign – Sponsor Identification)

B. McGillivray:
Moved acceptance of the approved applications as presented.

CARRIED MDSA 26-085

6. Adjournment

B. McGillivray:
That this meeting of the Municipal Development and Subdivision Authority be adjourned at 10:30 a.m.

CARRIED MDSA 26-086

Next Meeting Date: Wednesday, October 21, 2026

W. Oliver, Chairperson

for:
Konrad Dunbar, CAO
Town of Pincher Creek