



Town of Pincher Creek
Municipal Development and Subdivision Authority

Wednesday, February 21, 2024, | 10:00 a.m.
Council Chambers
962 St. John Avenue and Virtual via Zoom

Attendance: D. Burnham, S. Nodge, W. Oliver, B. McGillivray, B. Wright

With Regrets: N/A

Staff: L. Goss, Legislative Services Manager, K. Kozak, Planning and Development Officer and A. McGladdery, Administrative Assistant

Oldman River Regional Services Commission: S. Harty, Senior Planner, K. Schlamp, Planner, M. Barrett, Planning Intern

1. Call to Order

D. Burnham called the meeting to order at 10:01 a.m.

2. Agenda Approval

B.McGillivray:

Moved to approve the February 21, 2024, agenda as amended changing 4.4 & 4.5 items were switched.

CARRIED MDSA 24-06

3. Adoption of Minutes

3.1 Minutes of the January 17, 2024 MDSA Meeting

B.Wright:

Moved to approve the Minutes of the January 17, 2024, MDSA Meeting as presented.

CARRIED MDSA 24-07

4. Applications

Susan Lovestead spoke on application 23-D0064

Ben Ingram spoke on application 24-D0001

Rachel VanBussel spoke on application 24-D0004

Jacqueline Anderson spoke on application 24-D0005

Layne Martin spoke on application 24-D0009

Allan Matthews spoke on application 24-D0009

Ben Elzen spoke on application 24-D0009

D. Burnham called for a break at 10:56 a.m.

D. Burnham called the meeting to order at 11:00 a.m.

W.Oliver:

That the Municipal Development and Subdivision Authority agree to move into a closed session at 11:00 a.m. with the Manager of Legislative Services, Administrative Assistant, Planning and Development Officer, and ORRSC Planners in attendance.

CARRIED MDSA 24-08

W. Oliver left the closed session at 11:04 a.m.

B. McGillivray:

That the Municipal Development and Subdivision Authority agree to revert to an open session at 12:15 a.m.

CARRIED MDSA 24-09

4.1 2024-0-009 – Oldman River Regional Services Commission (ORRSC) – Resolution for Subdivision of Land; Lot 1, Block 13, Plan 7510110 within SE1/4 22-6-30-W4M

B.McGillivray:

That the Municipal Development and Subdivision Authority approve the Residential subdivision of Lot 1, Block 13, Plan 7510110 within SE1/4 22-6-30-W4M (Certificate of Title No. 221 196 214), to split a 120' (36.49 m) by 71' (21.74 m) title and create two lots subdivided along a common party wall/property line, resulting in lots 60' (18.42 m) wide by approximately 71' (30.18 m) in length respectively, for semi-detached (duplex) residential use; BE APPROVED subject to the following: CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the Town of Pincher Creek.
2. That verification be provided that each individual dwelling unit has its own separate municipal services and utility meter; or if individual services and utility meters are determined to be required by the municipality, that the applicant shall provide at their expense the required infrastructure to the Town of Pincher Creek standards and specifications with confirmation of such provided prior to final endorsement.
3. That a legal party wall agreement shall be provided by the applicant in accordance with the Land Titles Act, to be registered concurrently with the final subdivision plan.
4. That a plan of survey as prepared by an Alberta Land Surveyor to subdivide the semi-detached (duplex) along the party wall as approved, be provided for final endorsement.

CARRIED MDSA 24-10

4.2 23-D0052 – 1014 Heweston Avenue, Downtown/Retail Commercial – C1, Dwelling Unit as a Secondary Use

B.Wright:

That the Municipal Development and Subdivision Authority Development agree Permit Application No. 23-D0052 – 1659968 Alberta Ltd. (Inhyeong Lee) – Plan 460B, Lots 97-98 & 101; 1014 Heweston Ave.; Discretionary Use; Downtown/Retail Commercial – C1; 1 Dwelling Unit as a Secondary Use to be tabled for applicant to request professional floor plans demonstrating suitability of commercial use.

CARRIED MDSA 24-11

4.3 23-D0064 – 648 Main Street, Transitional Commercial – C4, Home Occupation – Class 1 (Taxi Services)

B.McGillivray:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 23-D0064 – Susan Lovestead; Plan 460B Lot 197; 648 Main Street; designated Transitional Commercial – C4; Discretionary Use; Home Occupation (Taxi Services) subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto;

2. A valid Town of Pincher Creek Taxi Business License shall be secured and held in good standing, in accordance with Taxi Bylaw No. 1484 and Business License Bylaw No. 1550-11.
3. Should any renovations be required, the Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspection and final reports, with a copy of all submitted to the Town of Pincher Creek in a timely manner consistent with their undertaking;
4. No more than two business related vehicles may be parked, stored, or maintained on the subject property or on adjoining lands, including public roadways;
5. No outdoor storage is permitted in conjunction with the Home Occupation;
6. 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;
7. No signage has been proposed by the Applicant. A separate sign permit will be required prior to placement of a sign in accordance with Home Occupation Identification Sign standards in Land Use Bylaw No. 1547.

CARRIED MDSA 24-12

4.4 24-D0001 – Foothills Avenue, Residential – R1, Home Occupation – Class 2 (Landscaping/Snow Removal, Home Office, with a wavier to Outdoor Storage of Equipment (Skid Steer and Bucket)

B.McGillivray:

That the Municipal Development and Subdivision Authority Approve Development Permit Application No. 24-D0001 – Benn Ingram; Plan 7811553, Block 11, Lot 9; 850 Foothills Ave.; designated Residential – R1; Discretionary Use; Home Occupation – Class 2 (Landscaping/Snow Removal, Home Office, with Variance to Outdoor Storage of Equipment (Skid Steer and Bucket)) subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto; excepting the following waiver granted by the Municipal Development and Subdivision Authority on February 21, 2024:
 - a. Outdoor storage of Equipment (Skid Steer and Bucket);

2. A valid Town of Pincher Creek business license shall be secured and held in good standing;
3. The parking and storage of the skid steer, bucket, and blade are to be located at the rear of the property;
4. The washing of the equipment (Skid Steer and Bucket) is prohibited on site;
5. The loading of the equipment (Skid Steer and Bucket) is prohibited on the roadway;
6. The development shall comply with the Town of Pincher Creek Noise Control Bylaw;
7. All business related waste shall be disposed of in accordance with local and Provincial Legislation and the Applicant shall be responsible for disposing any hazardous waste in accordance with Provincial Legislation;
8. 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;
9. Should any renovations any be required, the Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspections, and final reports, with a copy of all submitted to the Town of Pincher Creek in a timely manner consistent with their undertaking;
10. No signage has been proposed by the Applicant. A separate sign permit will be required prior to placement of a sign in accordance with Home Occupation Identification Sign standards in Land Use Bylaw No. 1547;
11. Any intensification of use shall require a new development permit

CARRIED MDSA 24-13

4.5 24-D0002 – 300 Pineridge Way, Residential – R1, Home Occupation – Class 2 (Aesthetics (Facials/Lashes)

S.Nodge:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0002 – Dakota Rae Van Loon – Plan 0614156, Block 15, Lot 25; 300 Pineridge Way; Discretionary Use;

Residential - R1; Home Occupation – Class 2 (Aesthetics (Facials/Lashes), subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto;
2. The Applicant shall register the personal service business with Alberta Health Services at the following link:
<https://ephisahs.microsoftcrmpartals.com/create-case-psn/>;
3. One (1) parking stall shall be provided and maintained on site for use by the home occupation's clientele;
4. The business must not require more than two business related visits to the home per day or ten visits per week;
5. Should any renovations be required, the Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspection and final reports, with a copy of all submitted to the Town of Pincher Creek in a timely manner consistent with their undertaking;
6. 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;
7. No signage has been proposed by the Applicant. A separate sign permit will be required prior to placement of a sign in accordance with Home Occupation Identification Sign standards in Land Use Bylaw No. 1547.

CARRIED MDSA 24-14

4.6 24-D0004 – 967 Main Street, Highway/Drive-in Commercials – C2, Shipping Container

B. McGillivray:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0004 – Lost Things Distillery Ltd.; Plan 3880BD, Lots 218-222; 967 Main Street; Highway Drive-In Commercial – C2; Discretionary Use: Shipping Container subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto;

2. The Shipping Container must be kept clean and regularly painted;
3. A new development permit application approval is required prior of placing any additional shipping container/s on the property;
4. The Applicant is responsible to ensure the shipping container is placed in a manner that does not impede stormwater drainage, or negatively affect adjacent properties and roadways in regard to stormwater drainage;
5. 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;
6. The Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspection, and final reports, with a copy of all submitted to the Town of Pincher Creek in a timely manner consistent with their undertaking.

CARRIED MDSA 24-15

4.7 24-D0005 – 749 Main Street, Downtown/Retail Commercial – C1, Retail Store/Restaurant with wavier to Parking

B.Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0005 – Jacalyn Anderson; 749 Main Street; Plan 6849JK, Block 1, Lot 4; designated Downtown / Retail Commercial – C1; Permitted Use; Retail Store / Restaurant with a wavier to Parking subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto excepting the following waiver granted by the Municipal Development and Subdivision Authority on February 21, 2024: a. A parking waiver for no on-site parking stalls;
2. The development is to conform to the development permit application dated January 18, 2024, and deemed complete on January 29, 2024;
3. The development is to conform to the approved plans dated February 21, 2024;

4. A valid Town of Pincher Creek business license shall be secured and held in good standing;
5. 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;
6. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, and the Untidy and Unsightly Premises Bylaw.
7. Should any renovations be required, the Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspection, and final reports, with a copy of all submitted to the Town of Pincher Creek in a timely manner consistent with their undertaking;
8. Any intensification of use shall require a new development permit;
9. No signage has been approved with this permit. (Signage will be addressed in Sign Permit 24- D0006, which the applicant must adhere to).

CARRIED MDSA 24-16

4.8 24-D0007 – 1119 James Avenue, Residential – R1, Semi-detached Dwelling

B.McGillivray:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0007 – 898845 Alberta Ltd. O/A Link Builders; 1119 James Avenue; Plan 2261H, Lot 155; designated Residential – R1; Permitted Use Demolition and Discretionary Use Semi-detached Dwelling subject to the following conditions:

General:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto;
2. The development is to conform to the development permit application dated January 25, 2024, and deemed complete on February 9, 2024;
3. During the 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 Applicant's expense. Erosion shall be controlled so that soil and dust is not conveyed off site. Standing water on the site shall also be controlled by the applicant;

Demolition:

1. The Applicant shall be financially responsible during demolition for any damage by the applicant or contractors to any public or private property;
2. The Applicant shall prevent excess soil or debris related to the demolition from spilling onto public roadways;
3. The Applicant shall obtain and comply with the requirements, where applicable, from the appropriate authority, permits relating to building, electricity, gas, or plumbing, and all other permits which may be required in connection with the proposed development;
4. Receptacle for control and disposal of rubbish must be provided by the Applicant, and regularly maintained;

Semi-detached Dwelling:

1. In accordance with Schedule 3, Section 29 of Land Use Bylaw No. 1547 an application has been made and a deposit has been provided for an Occupancy Permit. Upon completion of construction, it is the Applicants responsibility to request in writing to the Town office a refund on the deposit. Written requests must be accompanied by the Occupancy Certificate from the Town of Pincher Creeks designated Safety Codes Officer;
2. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
3. The Applicant shall complete the property's grading to ensure that all surface runoff does not discharge from the site onto adjacent properties;

4. The Municipal and Utility Services, including utility metering, shall be provided to each unit separately;
5. The Applicant shall have the foundation staked by an Alberta Land Surveyor. The shared common party wall between the two dwelling units must be surveyed to align the foundation location and party wall with the corresponding subdivision lot line;
6. The Applicant shall obtain a Building Permit to ensure the development complies with the current National Fire Code and the current National Building Code. It shall be the responsibility of the applicant to obtain the necessary Building, Plumbing, Electrical, and Gas permits;
7. Developer is responsible for all costs related to installation and/or upsizing of water / sewer service connections.
8. If the water service curbstop location is within the driveway apron the Developer shall install a suitable sleeve around the curbstop, before pouring concrete or placing an asphalt driveway, to allow continuous access to the curbstop.
9. Developer is responsible for all costs related to curb and gutter modifications for driveway installation or removal.
10. Developer is responsible for all costs to repair municipal infrastructure damaged during construction of building, driveway and landscaping.
11. Developer is responsible for grading and landscaping within municipal right of way adjacent to the parcel being developed. This typically means the area from back of curb to property line on any side of property facing municipal right of way.
12. Developer is responsible for insulation and other safeguarding of water / sewer services if they are installed shallower than identified by municipal engineering standards.
13. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>.

14. 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 municipality and use a contractor suitable to the CAO. The Development Agreement shall include warranty and securities as outlined by the Engineering Standards.
15. All work and repairs on municipal infrastructure shall be completed to the satisfaction of the CAO or designate.
16. Costs for infrastructure upgrades/improvements to be completed by the municipality shall be paid in advance by the Developer. Contact the Operations Manager to determine an estimate and schedule for the upgrades/improvements.
17. Developer is responsible for all costs related to cleaning of debris and/or mud tracking on municipal roads during construction activities.
18. Rates for municipal equipment shall be based on the latest version of the Alberta Roadbuilders Equipment Rental Rates Guide.
19. Rates for municipally contracted work shall be based on tendered rates.
20. Developer is responsible for all engineering costs when development related municipal improvements/upgrades require engineering design and/or review.

CARRIED MDSA 24-17

4.9 24-D0009 – 719 – 721 Main Street, Transitional Commercial – C4, Fourplex

B.Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0009 – Sitefinders Real Estate Services Inc.; Plan 7756AL, Lot 18; 806 Main Street; designated Transitional Commercial – C4; Discretionary Use; Fourplex with Parking waiver subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto; excepting the following waiver granted by the Municipal Development and Subdivision Authority on February 21, 2024:

- a. parking waiver of the bylaw required 6 stalls, so that no on-site parking stalls are needed to be provided,
2. The development is to conform to the approved plans dated February 21, 2024, including that the building exterior materials and finish are completed as per the application plans site and building elevation renderings;
3. In accordance with Schedule 3, Section 29 of Land Use Bylaw No. 1547 an application has been made and a deposit has been provided for an Occupancy Permit. Upon completion of construction, it is the Applicants responsibility to request in writing to the Town office a refund on the deposit. Written requests must be accompanied by the Occupancy Certificate from the Town of Pincher Creeks designated Safety Codes Officer;
4. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
5. The Registered Landowner/s shall provide to the Town the License Agreement with the Registered Landowner/s of Plan 7756AL, Lot 18 and renewals of same. If the License Agreement is not renewed or new agreement obtained by the Registered Landowner/s of the subject land, a Parking Plan shall be provided to the Town through a Development Permit Application for consideration;
6. Landscaping shall be compliant with the approved plan;
7. The Applicant shall provide barriers on the subject lands along the North access to ensure no vehicle access to the property off Main Street, unless otherwise approved by the Director of Operations;
8. 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 or replace at the Applicant's expense. Erosion shall be controlled so that soil and dust is not conveyed off site. Standing water on the site shall also be controlled by the Applicant;

9. Developer is responsible for all costs related to installation and/or upsizing of water / sewer service connections.
10. If the water service curbstop location is within the driveway apron the Developer shall install a suitable sleeve around the curbstop, before pouring concrete or placing an asphalt driveway, to allow continuous access to the curbstop.
11. Developer is responsible for all costs related to curb and gutter modifications for driveway installation or removal.
12. Developer is responsible for all costs to repair municipal infrastructure damaged during construction of building, driveway and landscaping.
13. Developer is responsible for grading and landscaping within municipal right of way adjacent to the parcel being developed. This typically means the area from back of curb to property line on any side of property facing municipal right of way.
14. Developer is responsible for insulation and other safeguarding of water / sewer services if they are installed shallower than identified by municipal engineering standards.
15. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>.
16. 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 municipality and use a contractor suitable to the CAO. The Development Agreement shall include warranty and securities as outlined by the Engineering Standards.
17. All work and repairs on municipal infrastructure shall be completed to the satisfaction of the CAO or designate.
18. Costs for infrastructure upgrades/improvements to be completed by the municipality shall be paid in advance by the Developer. Contact the Operations Manager to determine an estimate and schedule for the upgrades/improvements.

19. Developer is responsible for all costs related to cleaning of debris and/or mud tracking on municipal roads during construction activities.
20. Rates for municipal equipment shall be based on the latest version of the Alberta Roadbuilders Equipment Rental Rates Guide.
21. Rates for municipally contracted work shall be based on tendered rates.
22. Developer is responsible for all engineering costs when development related municipal improvements/upgrades require engineering design and/or review.
23. If Developer does not continue to utilize existing driveway the drop curb and gutter shall be removed and replaced with standard curb and gutter at the Developers cost.
24. Sewer service shall be minimum 150mm. Developer to confirm existing size. Developer responsible for all costs to upgrade sewer service, unless otherwise authorized by the Director of Operations;
25. Water service shall be minimum 50mm. Developer to confirm existing size. Developer responsible for all costs to upgrade water service, unless otherwise authorized by the Director of Operations;
26. Garbage pickup on Kettles Street.
27. 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;
28. The Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspection, and final reports, with a copy of all submitted to the Town of Pincher Creek in a timely manner consistent with their undertaking

CARRIED MDSA 24-18

5. Permitted/Approved Applications

S. Nodge:

Moved acceptance of the approved applications as presented.

24-D0003 – 719 – 721 Main Street, Downtown / Retail Commercial – C1,
Fascia / Wall Sign

24-D0008 – 934 Davidson Avenue, Residential – R1, Home Occupation –
Class 1 (Operation of Website – Designing & creation of colouring books for
adults)

CARRIED MDSA 24-19

6. Adjournment

B. McGillivray:

That this meeting of the Municipal Development and Subdivision Authority be
adjourned at 12:27 pm.

CARRIED MDSA 24-20

Next Meeting Date: Wednesday, March 20, 2024



D. Burnham, Chairperson



Doug Henderson, CAO
Town of Pincher Creek

