



## Town of Pincher Creek

### Municipal Development and Subdivision Authority

Wednesday, March 20, 2024, | 10:00 a.m.

Council Chambers

962 St. John Avenue and Virtual via Zoom

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**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

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#### 1. Call to Order

D. Burnham called the meeting to order at 10:02 a.m.

#### 2. Agenda Approval

**B.McGillivray:**

Moved to approve the March 20, 2024, agenda as presented.

**CARRIED MDSA 24-21**

#### 3. Adoption of Minutes

**3.1 Minutes of the January 17, 2024 MDSA Meeting**

**S.Nodge:**

Moved to approve the Minutes of the February 21, 2024, MDSA Meeting as presented.

**CARRIED MDSA 24-22**

B.Wright arrived to meeting at 10:22 a.m.

#### 4. Applications

Janya Adair spoke on application 24-D0010

Eleanor Maund-Stephens spoke on application 24-D0019

Lori Van Ee spoke on application 24-D0019

**B. McGillivray:**

That the Municipal Development and Subdivision Authority agree to move into a closed session at 10:45 a.m. with the Manager of Legislative Services, Administrative Assistant, Planning and Development Officer, and ORRSC Planners in attendance.

**CARRIED MDSA 24-23**

**B. Wright:**

That the Municipal Development and Subdivision Authority agree to revert to an open session at 11:17 a.m.

**CARRIED MDSA 24-24**

**4.1 2024-0-018 – Oldman River Regional Services Commission (ORRSC) – Resolution for Subdivision of Land Lot 1, Block 5, Plan 8211483 within NE1/4 22-6-30-W4M**

**B. McGillivray:**

That the Municipal Development and Subdivision Authority agree to approve Residential Subdivision of Lot 1, Block 5, Plan 8211483 within NE1/4 22-6-30-W4M (Certificate of Title No. 231 243 412), to create five lots, four at 0.53-acres (0.22 ha) each in size and one at 0.78-acres (0.31 ha) respectively in size from a 10.57-acre (4.28 ha) parcel, for multi-unit 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, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the Town of Pincher Creek which shall be registered concurrently with the final plan against the title(s) being created. This agreement may make reference to the provision municipal servicing, road construction, lot grading, soil erosion management, shallow utilities, and terms for security, etc.
3. That a plan of survey as prepared by an Alberta Land Surveyor illustrating the size and dimensions of all lots and public roadways as approved for the subdivision, including the addition of corner cuts on the lanes and roadways, be provided for final endorsement.
4. That an Engineered Servicing detail (construction) design plan for the entire subdivision area (parent title), be provided to the satisfaction of

the Town, which may be addressed through the terms of the development agreement. This servicing design plan shall illustrate the proposed municipal servicing for the overall area (all 3 phases) and how the subdivision first phase will tie-in with the overall plan.

5. That the applicant provides an up to date Engineered Storm Water Management Plan for the entire subdivision area (parent title) to the satisfaction of the Town, which may be addressed through the terms of the development agreement.
6. That the applicant provides an Engineered Site Grading (Lot Grading) Plan to the satisfaction of the Town, to ensure that proposed grading of each lot will not adversely affect abutting lots, and that the finished building lot grades conform to the overall master drainage plan. Alternatively, this may be addressed through the terms of the development agreement.
7. That an engineered Soil Management/Erosion/Sediment Control Plan be provided by the applicant to the satisfaction of the Town, to outline the requirements for soil management for the subdivision from the initiation of earth work until the area is fully developed, revegetated and landscaped, which may be addressed through the terms of the development agreement.
8. That a utility right-of-way plan at a minimum 3.5 m width to be jointly shared by all shallow utility providers shall be registered along the lot frontages, with the easement agreement to be in the name of the municipality as the benefitting holder.
9. That the applicant is responsible at their expense for meeting the conditions of the Historical Resources Administrator of the Ministry of Arts, Culture and the Status of Women, including applying for and obtaining Historical Resource Act approval, via the Online Permitting and Clearance (OPaC) system as applicable. A copy in writing of any Historical Resources Act approval must be provided to the Subdivision Authority prior to final endorsement.
10. The names of the road to be illustrated and dedicated on the registered final subdivision plan are to be approved by the municipality

**CARRIED MDSA 24-25**

**4.2 24-D0010 – 714/716 Main Street, Downtown / Retail Commercial – C1, Retail Store / Personal Services / Sign**

**W.Oliver:**

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0010 – Jayna Adair; Plan 460B, Lots 215 - 216; 714 - 716 Main Street; Designated Downton / Retail Commercial – C1; Permitted Use: Retail Store / Personal Services / Sign subject to the following conditions: Retail Store / Personal Services (Yoga Studio):

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 approved plans dated March 20, 2024;
3. A valid Town of Pincher Creek business license shall be secured and held in good standing;
4. 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;
5. Should any renovations be required, the Owner/Applicant shall secure and comply with 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. Any intensification of use shall be reported to the Town of Pincher Creek and may require a new development permit;
7. If service (Water and or sewer) requires upgrading:
  - a. The Applicant is responsible to ensure the connection between the proposed development and adjacent lands is acceptable regarding 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 may complete the repairs and recover the costs by any means necessary,

- b. The Applicant to have service locate completed prior to any construction to ensure utility locations are acceptable,
  - c. The Installation, repair and/or replacement of the water and sewer utility lines, including surface remediation, from the property to the Town of Pincher Creek main line be at the permit holder's expense,
  - d. The Applicant to ensure that water and sewer services are of sufficient depth and sizing for the development,
  - e. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
8. The Applicant shall provide the location of the garbage collection related to the business to the Operations Manager at operationsmgr@pinchercreek.ca, no later than April 17, 2023.

**CARRIED MDSA 24-26**

**4.3 24-D0011 – 847 Mountain Street, Residential – R1, Home Occupation – Class 2 (Eyelash Extensions)**

**B.Wright:**

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0011 – Morgan Filipuzzi; Plan 7756AL, Lot 72; 847 Mountain Street; Designated Residential - R1; Discretionary Use: Home Occupation – Class 2 Personal Services (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. That the Home-based Occupation be compliant with the Town of Pincher Creek Land Use Bylaw No. 1547 Home Occupations Schedule 5 attached hereto forming part of the Notice of Decision and application;
3. A valid Town of Pincher Creek business license shall be secured and held in good standing;
4. The Applicant shall register the personal service business with Alberta Health Services at the following link: <https://ephisahs.microsoftcrmportals.com/create-case-psn/>;

5. One (1) parking stall shall be provided and maintained on site for use by the home occupation's clientele;
6. The business must not require more than two business related visits to the home per day or ten visits per week;
7. The maximum of no more than 20 percent or 30m<sup>2</sup>, whichever is less, of floorspace can be used for the business;
8. 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;
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. 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 24-27**

**4.4 24-D0013 – 1086 Kettles Street, General Industrial and Warehousing – I1, Shipping Containers with waiver from three to four containers**

**S.Nodge:**

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0013 – Town of Pincher Creek – Operations Department; Plan 8310308, Block 7, Lot 4; 1086 Kettles Street; Designated General Industrial and Warehousing – I1; Discretionary Use: Shipping Containers with Waiver from three to four containers 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 March 20, 2024: a. For the placement of four Shipping Containers;
2. The Shipping Containers 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 Containers are 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 24-28**

**4.5 24-D0016 – 1129 Table Mountain Street, General Industrial and Warehousing – I1, Accessory Uses – Leave two accesses located on west of the lands as sited**

**B.McGillivray:**

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0016 – Mitchell Welding Corp.; Plan 0613747 Block 7 Lot 5; 1129 Table Mountain Street; Designated General Industrial and Warehousing – I1; Discretionary Use: Accessory Uses – Leave two accesses located on west of the lands as sited 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 development is to conform to the approved plans dated March 20, 2024;
3. The Applicant shall have all work performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/developmet.php>;
4. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;

5. Installation, repair, and/or replacement of the water and sewer utility lines, including surface remediation, from the property of the Town of Pincher Creek main line be at the permit holder's expense;
6. 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. 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

**CARRIED MDSA 24-29**

**4.6 24-D0018 – 933 Dupuy Street, Residential – R1, Accessory Structure (Roof Mounted Solar)**

**W.Oliver:**

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0018 – Kuby Renewable Energy Ltd; Plan 9111546 Block 1 Lot 97; 933 Dupuy Street; Designated Residential – R1; Discretionary Use: Accessory Structure (Roof Mounted Solar) 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 11 solar panels shall project no more than 1.2m from the surface of the roof and must not extend beyond the outermost edge of the roof;
3. 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;
4. The Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspection and final reports, and provide a copy of all building internal drawings and plans required by the Safety Codes Officers, with a copy of all approved permits and inspections to be submitted to the Town of Pincher Creek in a timely manner consistent with their undertaking;



5. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
6. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
7. Any intensification of use shall require a new development permit.

**CARRIED MDSA 24-30**

**4.7 24-D0019 – 978 Kettles Street, Public and Institutional – PI, Medical and Health Offices / Signs**

**B.Wright:**

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0019 – Eleanor Maund-Stephens; Plan 7501HW Block 1 Lots 10 & 11; 978 Kettles Street; Designated Public and Institutional - PI; Discretionary Use: Medical and Health Offices / Signs 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 development is to conform to the approved plans dated March 20, 2024;
3. 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;
4. A valid Town of Pincher Creek business license shall be secured and held in good standing;
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 contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
7. Applicant to ensure that water and sewer services are of sufficient depth and sizing for the development;

8. Applicant to have service locate completed prior to any construction to ensure utility locations are acceptable;
9. Installation, repair and/or replacement of the water and sewer utility lines, including surface remediation, from the property to the Town of Pincher Creek main line be at the permit holder's expense;
10. Applicant is responsible to ensure the connection between the proposed development and adjacent lands is acceptable regarding 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 may complete the repairs and recover the costs by any means necessary;
11. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
12. Landscaping to be compliant with Land Use Bylaw 1547;
13. The Applicant shall provide the location of the garbage collection related to the business to the Operations Manager at operationsmgr@pinchercreek.ca, no later than April 17, 2023;
14. Any intensification of use shall require a new development permit;
15. The sign shall be installed in accordance with any specifications and standards provided by the sign manufacturer. The applicant is responsible to ensure the sign is securely anchored and fastened to the building facade to account for sign weight and wind shear and in respect of standard engineering practices;
16. The sign shall be maintained in a state of good repair;
17. The sign attached to the building wall must meet all Safety Code requirements. The applicant must contact the accredited Safety Codes Officer regarding the applicability of Safety Codes and building permits required pursuant to the Safety Codes Act.

**CARRIED MDSA 24-31**

**4.8 24-D0020 – 976 Macleod Street, Residential – R1, Six-foot fence located within front yard**

**B.McGillivray:**

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0020 – Scott Toews; Plan 5501FV Lot 15; 976 Macleod Street; Designated Residential – R1; Discretionary Use: Accessory Buildings and Uses (Fence) with waiver to height and location (Six foot fence located within front yard) 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 March 20, 2024: a. Six-foot fence located within front yard;
2. The fence shall be sited, oriented and conform to the approved Site Plan dated March 20, 2024, and shall not be moved or enlarged except where authorized or directed through this permit approval;
3. Applicant to have service locate completed prior to construction to ensure utility locations are acceptable;
4. Landscaping to be compliant with Land Use Bylaw 1547;
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. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;
7. The applicant shall remove all garbage and waster at their own expense and keep the site in a neat and orderly manner;
8. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
9. Any changes or additions to this permit shall require a new development permit application

**CARRIED MDSA 24-32**

**5. Permitted/Approved Applications**

**W. Oliver:**

Moved acceptance of the approved applications as presented.

24-D0012 – 818 Foothills Avenue, Residential – R1, Home Occupation – Class 1 (Home Office – Personal Contract Services)

24-D0015 – 467 Main Street, Residential – R1, Home Occupation - Class 1 (Home Office – videography)

24-D0017 – 36 Schofield Place, Residential – R1, Home Occupation – Class 1 (Home Office – Summer Sports Camp)

**CARRIED MDSA 24-33**

**6. Adjournment**

**W. Oliver:**

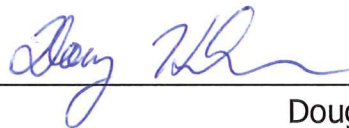
That this meeting of the Municipal Development and Subdivision Authority be adjourned at 11:24 am.

**CARRIED MDSA 24-34**

**Next Meeting Date: Wednesday, April 17, 2024**



D. Burnham, Chairperson



Doug Henderson, CAO  
Town of Pincher Creek