



Town of Pincher Creek

Municipal Development and Subdivision Authority

Wednesday, May 15, 2024, | 10:00 a.m.
Council Chambers
962 St. John Avenue and Virtual via Teams

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

With Regrets: N/A

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

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

1. Call to Order

D. Burnham called the meeting to order at 10:03 a.m.

2. Agenda Approval

B.McGillivray:

Moved to approve the May 15, 2024, agenda as presented.

CARRIED MDSA 24-48

3. Adoption of Minutes

3.1 Minutes of the April 17, 2024 MDSA Meeting

W.Oliver:

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

CARRIED MDSA 24-49

4. Applications

Applicant spoke on application 24-D0029

Applicant spoke on application 24-D0031

Applicant spoke on application 24-D0032

Applicant spoke on application 24-D0034

Applicant spoke on application 24-D0035

W.Oliver:

That the Municipal Development and Subdivision Authority agree to move into

a closed session at 10:21 a.m. with the Manager of Legislative Services, Chief Administrative Officer, Administrative Assistant, Planning and Development Officer, and ORRSC Senior Planner in attendance.

CARRIED MDSA 24-50

B.McGillivray:

That the Municipal Development and Subdivision Authority agree to revert to an open session at 10:34 a.m.

CARRIED MDSA 24-51

4.1 2024-D0029 – 1100 Church Avenue, Residential – R1, Accessory Buildings and Uses (Fence) with waiver to height and location

B.McGillivray:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0029 – Sun Kyung Kim & Kang ho Bae; Plan 9111546 Block 5 Lot 6; 1100 Church Ave.; Designated Residential – R1; Permitted Use: Accessory Buildings and Uses (Fence) with waiver to height and location 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 May 15, 2024: a. Six-foot fence located within front yard;
2. The fence shall be sited, oriented and conform to the approved Site Plan and must be installed entirely within the confines of the legal property lines, and shall not be moved or enlarged except where authorized or directed through this permit approval;
3. The existing fence that encroaches into Church Avenue at both the north and south corner of the property shall be removed and landscaped to the Development Officer's satisfaction, so there is no encroachment into the Town's road R/W;
4. Applicant to have service locate completed prior to construction to ensure utility locations are acceptable;
5. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;

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. The applicant shall remove all garbage and waste at their own expense;
8. The site shall be kept in a neat and orderly manner;
9. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
10. Any changes or additions to this permit shall require a new development permit application.

CARRIED MDSA 24-52

4.2 24-D0031 – 963 Maple Street, Residential – R1, Accessory Structure (10-DC:5.4Kw Roof Mounted Solar Pannels)

S.Nodge:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0031 – James & Lynette Bruder; Plan 3880BD Lots 117-119; 963 Maple Street; Designated Residential – R1; Discretionary Use: Accessory Structure (10 -DC:5.4kw Roof Mounted Solar Collectors) 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 10 solar collectors roof mount panels shall in no instance project more than 0.6 m (2 ft.) 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, to address any necessary fastening, weight load bearing structural aspects and electrical components related to the solar array development;

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 24-53

4.3 24-D0032 – 916 Main Street, Transitional Commercial – C4, Accessory Building (Carport) Accessory (Deck-Fence) Accessory Use (Driveway)

B.Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0032 – Art Willard; Plan 3880BD Lots 245-246; 916 Main Street; Designated – Transitional Commercial – C4; Permitted Use of an Accessory Building (Carport), the Accessory Structures (Deck and Fence) and the Permitted Use with Waiver of an Accessory Use (Driveway) 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(s): (a) A driveway width waiver. The approved width of the driveway shall be 7.31 m;
2. The development is to conform to the Approved Plans dated May 15, 2024;
3. The exterior finish of the 15.51 m² Detached Carport shall be complimentary to the finishing of the neighboring properties and subject dwelling;
4. The approved dimensions of the 72.46 m² Detached Carport are 4.25 m x 3.65 m;
5. The Applicant should confirm the location of their water and sewer line as not to obstruct it by the carport, deck, fence, and driveway;
6. Applicant to have service locate completed prior to construction to ensure utility locations are acceptable;

7. 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. If the Developer pours concrete over the water service curbstop the Developer / Owner shall be responsible for all future costs related to removal and replacement of any affected portion of the driveway;
8. Developer is responsible for all costs related to curb, gutter and sidewalk modifications for driveway installation or removal. Contact the Director of Operations to obtain a quote and enter into a Service Agreement. Removal and replacement shall be completed within the Town's annual concrete and asphalt program;
9. Developer is responsible for all costs to repair municipal infrastructure damaged during construction of building, driveway and landscaping;
10. 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;
11. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;
12. Applicant is responsible to ensure the connection between the proposed development and adjacent lands (both public and private) is acceptable regarding infrastructure, grading, landscaping, etc.;
13. 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;
14. The Applicant shall obtain a Building Permit to ensure the development complies with the National Fire Code and the National Building Code. It shall be the responsibility of the applicant to obtain the necessary Building, Plumbing, Electrical, and Gas permits;
15. The carport roof should slightly slope to one side to allow for positive drainage and eaves and downspouts shall be attached to capture run-off from the carport roof, and all drainage suitably directed onto the property;

16. In the event of damage to Public lands, the Applicant is required to repair all damages at their sole expense to the satisfaction of the Director of Operations. If damages to Public lands 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;
17. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
18. 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;
19. Any damage to neighbours' property, including fences, driveways, or landscaping that occurs due to this construction shall be repaired at the Applicant's expense;
20. Erosion shall be controlled so that soil and dust is not conveyed off site;
21. Standing water on the site shall be controlled by the Applicant;
22. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
23. Any changes or additions to this permit shall require a new development permit application

CARRIED MDSA 24-54

4.4 24-D0034 – 460 Charlotte Street, Residential – R1, Accessory Use – Second Access (Driveway)

W.Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0034 – Steve Stewart; Plan 2752HR Block 1 Lot 12; 460 Charlotte Street; Designated Residential – R1; Permitted Use with Waiver: Accessory Use (Second Driveway) 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 May 15, 2024:

- a. A driveway waiver of 1. The approved number of driveways on the lot is 2, with the maximum width of the second driveway as approved is to be 3.66 m;
2. The development is to conform to the Approved Plans dated May 15, 2024, and as it presently exists;
3. The Applicant to have all necessary service locates completed prior to any construction to ensure utility locations are acceptable. Refer to "Click Before You Dig";
4. 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;
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 Applicant will be required to enter into a Utility Service agreement with the Town Of Pincher Creek to identify the responsibilities and costs to the TOPC and applicant for concrete curb replacement and asphalt disturbance;
7. In the event of damage to Public lands, the Applicant is required to repair all damages at their sole expense to the satisfaction of the Director of Operations. If damages to Public lands 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;
8. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;
9. Any damage to neighbours' property, including fences, driveways, or landscaping that occurs due to this construction shall be repaired at the expense of the Applicant;

10. Erosion shall be controlled so that soil and dust is not conveyed off site;
11. Standing water on the site shall be controlled by the Applicant.

CARRIED MDSA 24-55

4.5 24-D0035 – 696 Kettles Street, Public & Institutional – PI, Accessory Structure (Seven-foot Six-inch fence)

B.McGillivray:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0035 – Oldman Rose Society of Southern Alberta; Plan 460B Lots 231-238; 696 Kettles Street; Designated Public & Institutional – P1; Permitted Use with Waiver: Accessory Buildings and Uses (Seven foot Six inch fence 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 May 15, 2024: a. Seven-foot Six-inch fence;
2. The fence shall be sited, oriented and conform to the approved Plans dated May 15, 2024, and shall not be moved or enlarged except where authorized or directed through this permit approval;
3. The fencing material shall be of black iron, any other type of fencing material or colour shall require approval from the Municipal Development and Subdivision Authority through a separate development permit;
4. The Applicant shall be responsible for the lawn maintenance of the inside and 6" of the outside area around the fence;
5. The Applicant is to have service locate completed through Click Before You Dig, prior to construction to ensure utility locations are acceptable;
6. Landscaping to be compliant with Land Use Bylaw 1547;
7. 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;

8. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;
9. The Applicant shall remove all garbage and waster at their own expense and keep the site in a neat and orderly manner;
10. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
11. Any changes or additions to this permit shall require a new development permit application.

CARRIED MDSA 24-56

4.6 24-D0036 – 932 Maple Street, Residential – R1, Accessory Structure (16-Dc:8.0Kw Roof Mounted Solar)

B.Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0036 – Kuby Renewable Energy Ltd.; Plan 3880BD Lots 136 -137; 932 Maple Street; Designated Residential – R1; Discretionary Use: Accessory Structure (16 – DC:8.0kw Roof Mounted Collectors) 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 16 solar collectors roof mount panels shall in no instance project more than 0.6 m (2 ft.) 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, to address any necessary fastening, weight load bearing structural aspects and electrical components related to the solar array development;
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 24-57

4.7 24-D0037 – 569 Broadview Street, Residential – R1, Accessory Structure (11-DC:5.50Kw Roof Mounted Solar)

W.Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0037 – Kuby Renewable Energy Ltd.; Plan 7510110 Block 12 Lot 11; 569 Broadview Street; Designated Residential – R1; Discretionary Use: Accessory Structure (11 – DC:5.50kw Roof Mounted Collectors) 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 collectors roof mount panels shall in no instance project more than 0.6 m (2 ft.) 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, to address any necessary fastening, weight load bearing structural aspects and electrical components related to the solar array development;
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 24-58

4.8 24-D0038 – 703 Broadview Street, Residential – R1, Accessory Structure (11 – DC:5.50Kw Roof Mounted Solar)

S.Nodge:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0038 – Kuby Renewable Energy Ltd.; Plan 1046AE Lots 433 - 434; 703 Broadview Street; Designated Residential – R1; Discretionary Use: Accessory Structure (11 – DC:5.50kw Roof Mounted Collectors) 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 collectors roof mount panels shall in no instance project more than 0.6 m (2 ft.) 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, to address any necessary fastening, weight load bearing structural aspects and electrical components related to the solar array development;
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 24-59

4.9 24-D0039 – 757 Mitchell Street, Residential – R1, Accessory Structure (30 – DC:15.0Kw Roof Mounted Solar

B.McGillivray:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0039 – Kuby Renewable Energy Ltd.; Plan 2524H Lot 53; 757 Mitchell Street; Designated Residential – R1; Discretionary Use: Accessory Structure (30 – DC:15.0kw Roof Mounted Collectors) 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 30 solar collectors roof mount panels shall in no instance project more than 0.6 m (2 ft.) 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, to address any necessary fastening, weight load bearing structural aspects and electrical components related to the solar array development;
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 24-60

4.10 24-D0040 – 1296 Thistle Crescent, Residential – R1, Accessory Structure (16 – DC:8.0Kw Roof Mounted Solar)

W.Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0040 – Kuby Renewable Energy Ltd.; Plan 8110267 Block 1 Lots 15 – 16; 1296 Thistle Crescent; Designated Residential – R1; Discretionary Use: Accessory Structure (16 – DC:8.0kw Roof Mounted Collectors) 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 16 solar collectors roof mount panels shall in no instance project more than 0.6 m (2 ft.) 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, to address any necessary fastening, weight load bearing structural aspects and electrical components related to the solar array development;
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 24-61

5. Permitted/Approved Applications

24-D0028 – 1038 Macleod Street, Highway/Drive-in Commercial – C2 District, Automotive repair and Services

24-D0033 – 569 Broadview Street, Residential – R1, Accessory Building (Attached Unenclosed Improvement – carport)

W.Oliver:

Moved acceptance of the approved applications as presented.

CARRIED MDSA 24-62

6. Solar Panels Use

B.McGillivray:

That the Municipal Development and Subdivision Authority direct the Designated Officer to consider Roof/wall Mounted Solar **Not ground** panels as permitted uses, and the Designated Officer to determine the decision on the application.

CARRIED MDSA 24-63

7. Adjournment

B.Wright:

That this meeting of the Municipal Development and Subdivision Authority be adjourned at 10:48 am.

CARRIED MDSA 24-64

Next Meeting Date: Wednesday, June 19, 2024



D. Burnham, Chairperson



Konrad Dunbar, CAO
Town of Pincher Creek