



Town of Pincher Creek

Municipal Development and Subdivision Authority

Wednesday, July 17, 2024, | 10:00 a.m.
Council Chambers
962 St. John Avenue and Virtual via Teams

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

With Regrets: W. Oliver

Staff: K. Kozak, Planning and Development Officer, 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 July 17, 2024, agenda as amended.

CARRIED MDSA 24-75

S. Nodge declared a pecuniary interest with item 4.5 – 24-D0066 and will step out of meeting when the time comes.

3. Adoption of Minutes

3.1 Minutes of the June 19, 2024 MDSA Meeting

B. Wright:

Moved to approve the Minutes of the June 19, 2024, MDSA Meeting as presented.

CARRIED MDSA 24-76

4. Applications

Joy Butler spoke on application 24-D0065

S. Nodge Declared a pecuniary interest and left meeting at 10:25 a.m.

Sahra Nodge spoke on application 24-D0066

S. Nodge Returned to meeting at 10:38 a.m.

B.McGillivray:

That the Municipal Development and Subdivision Authority agree to move into a closed session at 10:39 a.m. Administrative Assistant, Planning and Development Officer, and ORRSC Senior Planner in attendance.

CARRIED MDSA 24-77

S.Nodge Delcared a pecuniary interest and left meeting at 10:51 a.m.

B.Wright:

That the Municipal Development and Subdivision Authority agree to revert to an open session at 10:58 a.m.

CARRIED MDSA 24-78

S.Nodge returned to meeting at 10:58 a.m.

4.1 2024-D0051 – 1175 Bighorn Avenue, General Industrial and Warehousing – I1, Sign (Fascia/Wall), Construction Supply and contractors, Accessory Building (Garage), Accessory Structure (Fence Wavier), and Exterior Storage

B.McGillivray:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0051 – Dollman’s Water Well Drilling Inc; Plan 8510319 Block 3 Lot 21; 1175 Bighorn Ave.; Designated General Industrial and Warehousing – I1; Permitted Use: Sign (Fascia/Wall), and Discretionary Use: construction Supply and Contractors, Accessory Building(Garage), Accessory Structure (Fence Waiver), and Exterior Storage 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 July 17, 2024:
 - a. Fence located within front yard;
2. A valid Town of Pincher Creek business license shall be secured and held in good standing;
3. The permit approval for the Exterior Storage shall be for Company’s Vehicles and Equipment;
4. The Company Vehicles and Equipment shall be contained to the areas as shown on the approved site plan;

5. The regular maintenance on the company vehicles and Equipment may take place on the property so long as it does not affect the lands or adjacent lands negatively;
6. It shall be the applicant's responsibility to repair and / or replace any damage to the lands and / or adjacent lands due to the maintenance on the vehicles and / or equipment at their cost;
7. There shall be no outdoor storage of hazardous materials or goods on-site;
8. The business shall not create any nuisance by way of noise, odour, or smoke, or anything of an offensive or objectionable nature, in the opinion of the Development Officer;
9. The property is to be securely gated and locked when not in use;
10. The site shall be kept in a clean and tidy condition free from rubbish;
11. There shall be no more than one Sign located on the premises;
12. There shall be no Illumination Sign, without obtaining the approval through a new Development Permit Application;
13. The Fascia / Wall Sign shall not be located within 0.5m of the top of the roofline;
14. The Fascia / Wall Sign shall not exceed the lesser of 9.3 m² or 15 percent of the exterior wall unit on which it is attached;
15. The Fascia / Wall Sign shall be securely fastened to the building;
16. The Fascia / Wall Sign shall be maintained in a state of good repair;
17. Landscaping shall be provided on all street frontage shall be to satisfaction of the Designated Officer or the Municipal Development and Subdivision Authority;
18. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties and creek;
19. Ten percent of the total lot area must be landscaped;

20. Landscaping to be compliant with Land Use Bylaw 1547 Schedule 4 & 10;
21. Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent properties and roadways to the Development Authorities satisfaction;
22. Erosion shall be controlled so that soil and dust is not conveyed off site;
23. Standing water on the site shall be controlled by the applicant;
24. Any changes or additions to this permit shall require new Development Permit Application;
25. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 24-79

4.2 24-D0059 – 1179 Bighorn Avenue, General Industrial and Warehousing – I1, Construction Supply and Contractors, Exterior Storage, Accessory Building (Metal Shed), Accessory Structure (Fence with Wavier)

B.Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0059 – Dollman’s Water Well Drilling Inc.; Plan 8510319 Block 3 Lot 22; 1179 Bighorn Ave. Designated General Industrial and Warehousing – I1; Discretionary Use: Construction Supply and Contractors, Exterior Storage, Accessory Building (7.39 m x 3.09 m Metal Shed), and Accessory Structure (Fence 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 wavier granted by the Municipal Development and Subdivision Authority on July 7, 2024;
 - a. Fence located within front yard;
2. A Valid Town of Pincher Creek business license shall be secured and held in good standing;

3. The permit approval for the Exterior Storage shall be for Company's Vehicles, Equipment, and Piping;
4. The Company vehicles, Equipment, and Piping shall be contained to the areas as shown on the approved site plan;
5. The regular maintenance on the vehicles and / or equipment may take place on the property so long as it does not affect the lands and / or adjacent lands negatively;
6. It shall be the applicant's responsibility to repair and / or replace any damage to the lands and / or adjacent lands due to the maintenance on the vehicles and / or equipment at their cost;
7. There shall be no outdoor storage of hazardous materials or goods on-site;
8. The business shall not create any nuisance by way of noise, odour, or smoke, or anything of an offensive or objectionable nature, in the opinion of the Development Officer;
9. The property is to be securely gated and locked when not in use;
10. The site shall be kept in a clean and tidy condition free from rubbish;
11. Landscaping shall be provided on all street frontage and shall be to the satisfaction of the Designated Officer or the Municipal Development and Subdivision Authority;
12. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties and creek;
13. Ten percent of the total lot area must be landscaped;
14. Landscaping to be compliant with Land Use Bylaw 1547 Schedule 10;
15. Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent properties and roadways to the Development Authorities satisfaction;
16. Erosion shall be controlled so that soil and dust is not conveyed off site;
17. Standing water on the site shall be controlled by the applicant;

18. Any changes or additions to this permit shall require new development permit application;
19. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 24-80

4.3 24-D0064 – 955 Macleod Street, Residential – R1, Accessory Structure (Fence Waiver)

S.Nodge:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0064 – Ken & Joy Butler; Plan 3590H Block 1 Lot 9; 955 Macleod Street; Designated residential – R1; permitted Use with waiver: accessory Structure – 1.8m 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 July 17, 2023:
 - a. 1.8 m Fence Tapered to 0.9 m 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. Applicant to have service locate completed prior to construction to ensure utility locations are acceptable;
4. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;
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 remove all garbage and waste at their own expense;
7. During the construction of the fence, the site shall be kept 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;

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

CARRIED MDSA 24-81

**4.4 24-D0065 – (1038 Morden Avenue) (1044 Morden Avenue),
Residential – R1, Accessory Structure (Fence Waiver)**

B.McGillivray:

That the Municipal Development and Subdivision Authority approve the Development Permit Application No. 24-D0065 – Dan & Brenda Therriault; (Plan 1728F Lots 74 & 75) (Plan 1728F Lot 75); (1038 Morden Avenue) (1044 Morden Avenue); Designated Residential - R1; Permitted Use with Waiver: Accessory Structure – 1.8 m fence with a 6.1 m setback 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 July 17, 2024:
 - a. fence shall be no higher than 1.8 m and shall be a minimum front yard setback of 6.1 m;
2. The fence shall be constructed 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. Applicant to have service locate completed prior to construction to ensure utility locations are acceptable;
4. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;
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 remove all garbage and waste at their own expense;
7. During the construction of the fence, the site shall be kept 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;
10. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

S.Nodge Declared a pecuniary interest and left meeting at 11:04 a.m.

4.5 24-D0066 – 563 Main Street, Moved-In Building (1970 single-family Dwelling) (Front and Rear Yard Setback Wavier)

B.Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0066 – Edward & Els Van Hierden; Plan 460B Lot 123; 563 Main Street; Designated Residential – R1; Discretionary Use: Moved-In Building (single-family dwelling) with wavier to year and setbacks 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 July 17, 2024:
 - a. The maximum allowable age of the dwelling of 34 years,
 - b. A front yard setback of 1.10 m. The approved front yard setback is 5.00 m measured to the front property line, and
 - c. A rear yard setback of 2.10 m. the approved rear yard setback is 5.50 m measured to the rear property line;
2. The development is to conform to the development permit application dated June 26, 2024, and to the Approved Plans sated July 17, 2024;
3. Prior to issuance of the Development Permit, the Applicant shall submit the Occupancy Application and Deposit;
4. The Applicant shall ensure that a building approved to be relocated into the community complies with relevant federal, provincial and municipal codes, standards, regulations, bylaws and legislation (e.g. the Safety Codes Act, restrictions on ureaformaldehyde insulation, asbestos content, etc.)
5. The exterior finish of the Moved-in Building (Dwelling) is to be completed and consistent with the majority existing finish of the dwelling and any exposed walls, trim, soffit, eaves, and fascia be installed and complementary to the existing dwelling;

6. The Applicant must have an Alberta Land Surveyor survey the lot and note any structure or fence locations in relation to the property lines;
7. The lot and approved dwelling location must be staked-out by an Alberta Land Surveyor prior to commencement. The Applicant is required to site the dwelling as per the Development Permit approval and the corresponding staked location;
8. The Applicant must bring the lot into compliance and any encroachments into neighbouring properties or municipal right-of-ways as identified on the survey must be removed or relocated entirely onto the lot in accordance with the Land Use Bylaw;
9. The Applicant must create a second west driveway to Engineering Standards for accommodating the parking area;
10. The Applicant shall be responsible to obtain Oversize Vehicle Permit for transport of Moved-in Building on Town roadways as per the Town's Traffic Bylaw;
11. The side yard setback shall be from the side property line to the nearest projection of any portion of the dwelling;
12. The parking stalls shall not exceed 6.1 m in width, and be a minimum of 6.1 m in length;
13. The contractor commissioned to complete the development shall have a valid Business License for the Town of Pincher Creek;
14. The Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspection, final, and permit service reports related to the placement and hookups of the dwelling unit;
15. No attached, unenclosed improvement (deck/carport/etc.) has been proposed by the Applicant. A separate development permit may be required prior to the development or an attached, unenclosed improvement;
16. The Applicant 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;

17. The Applicant is responsible for insulation and other safeguarding of water / sewer services if they are installed shallower than identified by municipal engineering standards;
18. The Applicant is responsible for all costs to repair municipal infrastructure damaged during construction of building, driveway and landscaping;
19. The Applicant is responsible for all costs related to installation and/or upsizing of water / sewer service connections;
20. If the water service curbstop location is within the driveway apron the Applicant 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 Applicant/Contractor pours concrete over the water service curbstop the Applicant / landowner shall be responsible for all future costs related to removal and replacement of any affected portion of the driveway;
21. The Applicant is responsible for all costs related to curb, gutter and sidewalk modifications for driveway installation or removal. Contact the Operations Manager 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;
22. Costs for infrastructure upgrades/improvements to be completed by the municipality shall be paid by the Applicant / Landowner. Contact the Operations Manager for an estimate and schedule for the upgrades/improvements;
23. The Applicant is responsible for all costs related to cleaning of debris and/or mud tracking on municipal roads during construction activities;
24. The Applicant shall ensure the drainage is properly directed onto the subject property and shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;
25. Landscaping to be compliant with Land Use Bylaw 1547 Schedule 4 & 10;

26. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
27. All work and repairs on municipal infrastructure shall be completed to the satisfaction of the CAO or designate;
28. During the development, 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 and / or replaced at the Applicant's costs;
29. Erosion shall be controlled so that soil and dust is not conveyed off site;
30. Standing water on the site shall be controlled by the Applicant;
31. Any changes or additions to this permit shall require new development permit application;
32. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 24-83

5. Permitted/Approved Applications

24-D0056 – 439 Pineridge Bay – Residential – R1 – Permitted Use: Accessory Structure (13 Roof Mounted Solar Array 6.5kW DC)

24-D0057 – 371 Canyon Crescent – Residential – R1 – Permitted Use: Accessory Structure (10 Roof Mounted Solar Array 6.5kW DC)

24-D0058 – 1283 Tumbleweed Avenue – Residential – R1 – Permitted Use: Accessory Structure (Playhouse)

24-D0060 – 533 Broadview Street – Residential – R1 – Permitted Use: Accessory Structure (Deck)

24-D0061 – 1232 Stewart Crescent – Residential – R1 – Permitted Use: Sunroom Addition to Dwelling

24-D0062 – 732 Kettles Street – Residential – R1 – Permitted Use:
Demolition

24-D0063 – 1129 John Avenue – Residential – R1 – Permitted use:
Accessory Structure (14 Roof Mounted Solar Array 7.70kW DC)

24-D0067 – 418 Charlotte Street – Residential – R1 – Permitted use: Home
Occupation Class 1 – Accounting/Bookeeping/Taxes

B.McGillivray:

Moved acceptance of the approved applications as amended.

CARRIED MDSA 24-84

S.Nodge Returned to meeting at 11:07 a.m.

7. Adjournment

B.Wright:

That this meeting of the Municipal Development and Subdivision Authority be
adjourned at 11:07 am.

CARRIED MDSA 24-85

Next Meeting Date: Wednesday, August 21, 2024



D. Burnham, Chairperson



Konrad Dunbar, CAO
Town of Pincher Creek