



Town of Pincher Creek

Municipal Development and Subdivision Authority

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

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

With Regrets: N/A

Staff: L. Goss, Legislative Manager, 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 10:00 a.m.

2. Agenda Approval

B.McGillivray:

Moved to approve the August 21, 2024, agenda as amended.

CARRIED MDSA 24-86

3. Adoption of Minutes

3.1 Minutes of the July 17, 2024 MDSA Meeting

B.Wright:

Moved to approve the Minutes of the July 17, 2024, MDSA Meeting as amended.

CARRIED MDSA 24-87

4. Applications

Tara Cameron spoke on application 24-D0071

Norma Reynolds spoke on application 24-D0071

W.Oliver:

That the Municipal Development and Subdivision Authority agree to move into a closed session at 10:27 a.m. Legislative Manager, Administrative Assistant, Planning and Development Officer, and ORRSC Senior Planner in attendance.

CARRIED MDSA 24-88

B.McGillivray:

That the Municipal Development and Subdivision Authority agree to revert to an open session at 10:43 a.m.

CARRIED MDSA 24-89

4.1 2024-D0069 – 800 Isabel Crescent, Residential – R1, Accessory Building)Detached Garage) with wavier to the maximum Lot coverage of 10% to 17.27%

B.McGillivray:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0069 – Bruce Gregory; Plan 8613HT Block 1 Lot 6; 800 Isabel Crescent; Designated Residential – R1; Permitted Use with Wavier: Accessory Building (Detached Garage) with wavier to the Maximum Lot Coverage of 10% to 17.27% 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 August 21, 2024:
 - a. The maximum lot coverage is 10%. The approved lot coverage is 17.27%;
2. The development is to conform to the development permit application dated July 4, 2024, and the approved plans attached;
3. The approved area for the detached garaged is 7.32 m (24 ft) x 7.92 m (26 ft) = 57.97 m² (624 ft²);
4. Utility Safety Partners (formerly Alberta One Call) must be contacted 1-800-242-3447 to locate and mark any buried utilities prior to breaking ground;
5. The exterior finish of the detached garage shall be complimentary to the finishing of the neighboring properties and subject dwelling;
6. The Accessory Building is not intended to be used as part of a Home Occupation Business without the approval through a separate Development Permit;

7. 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 Safety Code Permits;
8. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;
9. 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.;
10. 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;
11. The Applicant will need to ensure that the water service curb stop is not buried in concrete and remains accessible for future maintenance and service. If placed in a concrete driveway/apron a PVC sleeve will need to be placed around the curb stop prior to pouring concrete. If elevations on the approach apron are changed the curb stop may require adjustment and all costs for adjustment/repair shall be the responsibility of the property owner;
12. All work shall be performed in compliance with the current Town of Pincher Creek engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
13. 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 included 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 at the Applicant's expense;
14. Erosion shall be controlled so that soil and dust is not conveyed off site;
15. Standing water on the site shall be controlled by the Applicant;

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

CARRIED MDSA 24-90

4.2 24-D0070 – 17 Pineridge Crescent, Residential – R1, (Sunroom) with wavier to west side yard setback for the minimum setback of 1.5 m (5ft.) to 1.2 m (4ft.).

B.Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0070 – The Deck Centre and Alta Aluminum; Plan 8810262 Block 14 Lot 17; 17 Pineridge Crescent; Designated Residential – R1; Discretionary Use: Residential Additions (Sunroom) with wavier to west side yard setback for the minimum setback of 1.5 m (5 ft.) to 1.2 m (4ft.) 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 August 21, 2024;
 - a. The west side yard setback of the minimum setback is 1.5 m (5ft.). The approved west side yard setback is 1.2 m (4ft.);
2. The development is to conform to the development permit application received on July 11, 2024, and the approved plans attached;
3. The approved area for the addition is 12.08 m² (130ft²), projecting 3.0 m (10ft.) from the dwelling;
4. Utility Safety Partners (formerly Alberta One Call) must be contacted 1-800-242-3447 to locate and mark any buried utilities prior to breaking ground;
5. The exterior materials are to be compatible with the existing dwelling and development in the surrounding area;
6. The Applicant shall obtain a Building Permit to ensure the development complies with the 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;

7. Any 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;
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. 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. The 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. 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;
10. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
11. Landscaping to be compliant with Land Use Bylaw 1547 Schedule 4 & 10;
12. Standing water on the site shall be controlled by the Applicant;
13. Any changes or additions to this permit shall require new development permit application;
14. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified;

CARRIED MDSA 24-91

4.3 24-D0071 – 995A Dupuy Street, Residential – R1, Home Occupation – Class 2 (Massage Therapist) with wavier to Parking (Client parking on public roadway)

B.Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0071 – Tara Cameron; Plan 1912406 Block 2 Lot 1; 995A Dupuy Street; Designated Residential – R1; Discretionary Use: Home Occupation – Class 2 (Massage Therapist) with wavier to Parking (Client parking on public roadway) 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 August 21, 2024:
 - a. No on-site clientele parking stalls;
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 business must not exceed more than four business related visits from Tuesday through Thursday per day, and no more than one related visit on Saturday;
5. The maximum of no more than 20 percent or 30m², whichever is less, of floorspace can be used for the business;
6. 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;
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. 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 24-92

- 4.4 24-D0073 – Plan 4175JK Block OT, Public & Institutional – PI, Accessory Building / Uses Replace with wavier to the minimum floor area (minimum floor area from 69.98 m2 (750 ft2) to (Lease Area) 7.43 m2 (80 ft2)**
S.Nodge:

That the Municipal Development and Subdivision Authority approve the Development Permit Application No. 24-D0073 – CBC / radio Canada; Plan 4175JK Block OT; Designated Public Institutional - PI; Discretionary Use: Replacement of an Accessory Building (Shelter) with wavier to the minimum floor area of 69.98 m² (750 ft²) to (Lease Area) 7.43 m² 80 ft²) 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 August 21, 2024:
 - a. The minimum floor area is 69.98 m² (750 ft²). The approved floor area is 7.43 m² (80ft²);
2. The development is to conform to the development permit received on July 22, 2024, and the approved plans attached;
3. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
4. The approved area for the building is 7.43 m² (80 ft²);
5. The existing building shall be removed from the property within 48 hours of the placement of the new building;
6. The building shall be compatible with surrounding development;
7. All development shall be landscaped in a manner to prevent any surface run-off onto adjacent properties;
8. 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;
9. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
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 at the Applicant's expense;
11. Any intensification of use shall require a new development permit;

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

CARRIED MDSA 24-93

4.5 24-D0075 – 762 Main Street, Accessory Building/Use (35 Roof Mounted Solar Array 19.08kW DC).

W.Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0075 – 762 Main Street; Plan 1743C, Lot 8; Designated Downtown / retail Commercial – C1; Permitted Use: Accessory Building/Use (35 Roof Mounted Solar Array 19.08kW DC) subject to the following conditions:

1. The Development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments hereto;
2. The development is to conform to the development permit application dated July 24, 2024, and to the approved plans attached;
3. The 35-Roof solar array roof mounted panels shall in no instance project more than 0.6 m (2ft.) from the surface of the roof and must not extend beyond the outermost edge of the roof;
4. The panels and rack mount hardware must be securely anchored and fastened to the roof structure in accordance with best engineering practices and the Building Code requirements;
5. The Applicant must obtain all necessary building (for fastening and weight load bearing structural aspects) and electrical Safety Code permits.
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. 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 contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;

9. Any intensification of use shall require a new development permit.

CARRIED MDSA 24-94

5. Permitted/Approved Applications

24-D0068 – 839 Foothills Avenue – Residential – R1 – Permitted Use:
Accessory Use (Covered Deck)

24-D0072 – 849 Schofield Street – Residential – R1 – Permitted Use:
Accessory Structure (12 Roof Mounted Solar Array 6.000kW DC)

24-D0074 – 644 Adelaide Street – Residential – R1 – Permitted Use:
Demolition (Demolish remainder of dwelling standing due to fire)

B.McGillivray:

Moved acceptance of the approved applications as presented.

CARRIED MDSA 24-95

7. Adjournment

S.Nodge:

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

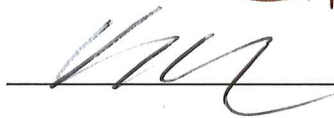
CARRIED MDSA 24-96

Next Meeting Date: Wednesday, September 18, 2024



~~D. Burnham, Chairperson~~

**B. MCGILLIVRAY
VICE-CHAIR**



Konrad Dunbar, CAO
Town of Pincher Creek

