



Town of Pincher Creek

Municipal Development and Subdivision Authority

Wednesday, September 18, 2024, | 10:00 a.m.
Council Chambers
962 St. John Avenue and Virtual via Teams

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

With Regrets: D. Burnham

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

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

1. Call to Order

Vice Chairman B. McGillivray called the meeting to order at 10:04 a.m.

2. Agenda Approval

W. Oliver:

Moved to approve the September 18, 2024, agenda as presented.

CARRIED MDSA 24-97

3. Adoption of Minutes

3.1 Minutes of the August 21, 2024 MDSA Meeting

B.Wright:

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

CARRIED MDSA 24-98

4. Applications

Brian Baker spoke on application 24-D0076

Angela Pernal spoke on application 24-D0077

Cathy Yost spoke on application 24-D0091

B.Wright:

That the Municipal Development and Subdivision Authority agree to move into a closed session at 10:20 a.m. Legislative Services Manager, Administrative Assistant, Planning and Development Officer, and ORRSC Senior Planner in attendance.

W. Oliver:

That the Municipal Development and Subdivision Authority agree to revert to an open session at 10:53 a.m.

4.1 2024-D0076 – 1137 Albert Avenue – Residential – R1 – Discretionary Use: Residential Addition with Front Yard Setback Wavier from 6.1 m to 4.57 m.

B. Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0076 – Brian Baker; Plan 2617S, Lot 237; 1137 Albert Avenue; Designated Residential – R1; Discretionary Use: Residential Addition of a Hobby/Workshop, Storage Room, and Laundry on the Main Floor, and a Loft/Art Studio on the Second Floor with a Front Yard Setback Wavier from 6.1 m (20ft) to 4.57 m (15ft) 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 September 18, 2024:
 - a. A front yard setback wavier from 6.1 m (20ft) to 4.57 m (15ft);
2. The development is to conform to the approved attached plans;
3. The approval for each floor area of the addition is 53.51 m² (576 ft²);
4. The maximum driveway width shall not exceed 6.1 m (20ft);
5. The finished lot grade should allow for positive drainage away from the foundation and not drain onto or impact adjacent properties;
6. The Applicant must contact Utility Safety Partners (formerly Alberta One Call) 1-800-242-3447 to locate and mark any buried utilities prior to breaking ground;
7. The exterior materials are to be compatible with the existing dwelling and development in the surrounding area;

8. The Applicant shall obtain a Building Permit to ensure the development complies with the current 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;
9. 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;
10. The Applicant is responsible for all costs related to curb and gutter modifications for driveway installation or removal;
11. The Applicant is responsible for all costs to repair municipal infrastructure damage during construction of building, driveway and landscaping;
12. 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;
13. The Applicant is responsible for insulation and other safeguarding of water / sewer services if they are installed shallower than identified by municipal engineering standards;
14. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
15. Work completed on municipal infrastructure (water service, sewer Service, roadway gutter, curb, sidewalk, etc.) requires the Applicant 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;
16. All work and repairs on municipal infrastructure shall be completed to the satisfaction of the CAO or designate;
17. The Applicant 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. 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 or replaced at the Applicants costs;
21. Landscaping to be compliant with Land Use Bylaw 1547 Schedule 4 & 10;
22. Standing water on the site shall be controlled by the Applicant;
23. Any changes or additions to this permit shall require new development permit application;
24. Failure to comply with the conditions of this permit may result in the permit being cancelled;

CARRIED MDSA 24-101

4.2 24-D0077 – 504 Schofield Street, Residential – R1, Second Dwelling Unit within a Semi-detached Dwelling with a wavier to the minimum floor area of 92.9 m² (1000 ft²) to 79.25 m² (856 ft²), and a Short-Term Rental – Type 2.

W. Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0077A – Angela Pernal; Plan 7711493 Block 8 Lot 25; 504 Schofield Street; Designated Residential – R1; Discretionary Use: Second Dwelling Unit within a Semi-detached Dwelling with a wavier to the minimum floor area of 92.9 m² (1000 ft²) to 79.25 m² (853 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 September 18, 2024;

- (a) to the minimum floor area is 92.9 m² (1000 ft²). The approved Floor area is 79.25 m² (853 ft²);
2. The Applicant shall obtain a Building Permit to ensure the development complies with the current National Fire Code (AE) and the National Building Code (AE)
3. The Second dwelling Unit shall be addressed as Unit B – 504 Schofield Street and registered with Emergency Services;
4. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, Noise Bylaw, Nuisance and Untidy Premises Bylaw;
5. The Owner 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 provide, identify, and maintain four parking spaces on site;
7. Each parking space shall be a minimum of 3 m wide and 6.1 m long;
8. The parking spaces must be of gravel or paved to the satisfaction of the designated officer;
9. Any changes or additions to this permit shall require 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 24-102

W.Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0077B – Angela Pernal; Plan 7711493 Block 8 Lot 25; 504 Schofield Street; Designated Residential – R1; Discretionary Use: Short-term Rental – Type 2 subject to the following conditions:

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

2. This permit shall be on a temporary basis of one year, after the one year the permit is no longer valid;
3. To continue the business a new development permit application shall be applied for prior to the one year permit expiry. The Municipal Development and Subdivision Authority has determined that the whole application fee be waived;
4. The Applicant shall provide the name and phone number of the person who resides in the Town of Pincher Creek who will be managing the Short-term Rental while in use to the Designated Officer prior to the business operating. The contact information will be kept on file and used for compliance reasons; the Town is to be made aware of any changes related to the contact person;
5. The Applicant must apply for and maintain a current yearly municipal Business License from the municipality related to the Short-term Rental;
6. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, Noise Bylaw, Nuisance and Untidy Premises Bylaw;
7. The Owner shall obtain any and all necessary permit and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;
8. The yard of the property shall be enclosed and fenced to keep pets contained on-site;
9. The maximum nightly occupancy related to the Short-term Rental shall be no more than four people;
10. The sleeping areas shall be limited to the one bedroom and living room;
11. The Applicant shall provide, identify, and maintain four parking spaces on site;
12. Each parking space shall be a minimum of 3 m wide and 6.1 m long;
13. The parking spaces must be of gravel or paved to the satisfaction of the designated officer;

14. The Applicant shall disclose their license number in all online postings and advertisements. The business license must also be posted and visible inside the dwelling to rental guests;
15. The Applicant must post in an area that visible to the eye, inside the dwelling, the name and phone number of the person managing the Short-term Rental while in use;
16. The Applicant shall keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer;
17. The advertising related to the Short-term rental shall not display until after a development permit is issued;
18. The Signage of the name of the Short-term Rental shall only be displayed as allowed for in this bylaw and includes:
 - (i) one window signage, no larger than 0.4 m² (4 ft²), or
 - (ii) up to one freestanding sign no more than 1.5 m² (5 ft²) above ground or sidewalk grade and shall not be more than 0.4 m² (4 ft²) in area,
 - (iii) any signage associated with a Short-term Rental, must be made of a material that is complementary to the principal dwelling, and
 - (iv) not be directly illuminated in any way;
19. The Applicant shall be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on accommodation. The owner/operator will be required to show verification of compliance to the designated officer or the Municipal Development and Subdivision Authority when requested;
20. The Applicant shall be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The owner/operator will be required to show verification of such when requested by the designated officer or the Municipal Development and Subdivision Authority;
21. The Applicant shall comply with any requirements and obligations relating to the Public Health Act, Housing Regulation as applicable;
22. The exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or

identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw;

23. Short-term Rentals shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Pincher Creek Nuisance Bylaw;
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 24-103

4.3 24-D0084 – 1022 Main Street, Highway/Drive-in Commercial – C2, Specialty Manufacturing / Cottage Industry (Taxidermy).

S. Nodge:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0084 – Burnt Timber Taxidermy; Plan 452JK Block 6 Lot 3; 1022 Main Street; Designated Highway/Drive-in Commercial – C2; Discretionary Use: Specialty Manufacturing / Cottage Industry (Taxidermy) 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 September 18, 2024;
3. A valid Town of Pincher Creek business license shall be secured and held in good standing;
4. Any chemicals or environmentally harmful materials shall be disposed of in an appropriate manner as per Labeling, Material Safety Data Sheet (MSDS) and Alberta Environmental Standards;
5. All carcasses or animal by-products shall be disposed of in an appropriate manner, and in accordance with the standard practices of taxidermy and any regulation;
6. There shall be no offensive noise, vibration, electrical, dust, odours, heat, glare or other nuisance produced shall be contained within the building to the satisfaction of the designated officer;
7. There shall be no sales of products / materials / etc. without first obtaining a separate Development Permit Approval for the Retail Store Use;

8. No outdoor storage of goods, materials, commodities, or fished products shall be Permitted;
9. Two client parking spaces must be reserved within the front of the building;
10. 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;
11. The Applicant shall obtain any and all Federal and Provincial permits and / or licenses that may be required;
12. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, Nuisance and Untidy Premises Bylaw, and Waste Water Utility Bylaw;
13. Should any renovations be required, the Applicant shall secure all required Alberta Building, Safety

CARRIED MDSA 24-104

4.4 24-D0090 – 569 Schofield Street, Residential – R1, Home Occupation – Class 2, with wavier to the floorspace and number of business – related visit (Day Home – Maximum six children).

B. Wright:

That the Municipal Development and Subdivision Authority approve the Development Permit Application No. 24-D0090 – Christine DuPlessis; Plan 7710513 Block 5 Lot 3; Designated Residential – R1; Discretionary Use: Home Occupation – Class 2 (Day Home) with wavier to the floorspace and number of business related visits 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 waivers granted by the Municipal Development and Subdivision Authority on September 18, 2024:
 - a. The maximum floorspace utilized for the business may exceed 20% or 30m² (323 ft²),;
 - b. The number of business-related visits per day is increased from two per day and ten per week to six children per day;
2. The proposed development shall conform to the stamped, approved plan;
3. The Landowner shall enter into an Encroachment Agreement with the Town of Pincher Creek, related to the rear fence encroaching 3.19 m onto Town Property;

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;
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. 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;
8. Any intensification of use shall require a new development permit; and
9. Failure to comply with this permit may result in the permit being cancelled, suspended, or modified;

CARRIED MDSA 24-105

4.5 24-D0091 – 855 Mountain Street, Short-term Rental – Type 2 (Six guests with up to three parking spaces on site).

W.Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0091 – Cathy Yost; Plan 7756AL, Lot 71; 855 Mountain Street; Designated Residential – R1; Discretionary Use: Short-term Rental – Type 2 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 Applicant shall contact Park Enterprise (1-800-621-5440) to ensure the dwelling unit complies with the applicable requirements of the National Building Code – Alberta Edition, particularly regarding fire safety;
3. The Applicant shall provide the name and phone number of the person who resides in the Town of Pincher Creek who will be managing the Short-term Rental while in use to the Designated Officer prior to the business operating. The contact information will be kept on file and used for compliance reasons; the Town is to be made aware of any changes related to the contact person;

4. The Applicant must apply for and maintain a current yearly municipal Business License from the municipality related to the Short-term Rental;
5. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility, Noise Bylaw, Nuisance and Untidy Premises Bylaw.
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 yard of the property shall be enclosed and fenced to keep pets contained on-site;
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.
10. The Applicant shall provide, identify, and maintain three parking spaces on site;
11. The Applicant shall disclose their license number in all online postings and advertisements. The business license must also be posted and visible inside the dwelling to rental guests;
12. The Applicant must post in an area that visible to the eye, inside the dwelling, the name and phone number of the person managing the Short-term Rental while in use;
13. The Applicant shall keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer;
14. The advertising related to the Short-term Rental shall not displayed until after a development permit is issued;
15. The Signage of the name of the Short-term Rental shall only be displayed as allowed for in this bylaw and includes;
 - (i) one window signage, no larger than 0.4 m² (4 sq. ft.), or

- (ii) up to one freestanding sign no more than 1.5 m (5ft) above ground or sidewalk grade and shall not be more than 0.4 m² (4 ft.²) in area,
 - (iii) any signage associated with a Short-term Rental, must be made of a material that is complementary to the principal dwelling, and
 - (iv) not be directly illuminated in any way;
16. The Applicant shall be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on Accommodation. The Applicant will be required to show verification of Compliance to the designated officer or the Municipal Development and Subdivision Authority when requested;
 17. The Applicant shall be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The Applicant will be required to show verification of such when requested by the designated officer or the Municipal Development and Subdivision Authority;
 18. The Applicant shall comply with any requirements and obligations relating to the Public Health Act, Housing Regulation as applicable;
 19. The exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw;
 20. Short-term Rentals shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Pincher Creek Nuisance Bylaw;
 21. Any changes or additions to this permit shall require new development permit application;
 22. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 24-106

5. Permitted/Approved Applications

24-D0079 – 726 Main Street – Downtown / Retail Commercial – C1
Permitted Use: Retail Store (Liquidation & Wholesale)

24-D0080 – 696 Kettles Street – Public and Institutional – P1 – Permitted
Use: Accessory Uses (Wall Mounted Solar Panels)

24-D0082 – 1014 Hewetson Avenue – Downtown / Retail Commercial – C1 –
Permitted Use: Retail Stores (Liquor) with wavier to one parking space from
3 m to 2.6 m

24-D0083 – 659 Main Street – Direct Control DC – Bylaw 1547-AS –
Discretionary Use: Multi-unit Residential Dwellings (Apartment – nine Units)

24-D0086 – 516 Schofield Street – Residential – R1 – Permitted Use:
Accessory Uses (11 Roof Mounted Solar Array)

24-D0087 – 783 Mountain Street – Residential – R1 – Permitted Use:
Accessory Uses (8 Roof Mounted Solar Array)

24-D0088 – 634 Crocus Street – Residential – R1 – Permitted Use: Accessory
Uses (23 Roof Mounted Solar Array)

B. Wright:

Moved acceptance of the approved applications as presented.

CARRIED MDSA 24-107


7. Adjournment

W. Oliver:

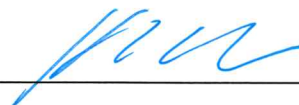
That this meeting of the Municipal Development and Subdivision Authority be
adjourned at 11:03 am.

CARRIED MDSA 24-108

Next Meeting Date: Wednesday, October 16, 2024



D. Burnham, Chairperson



Konrad Dunbar, CAO
Town of Pincher Creek

