



Town of Pincher Creek

Municipal Development and Subdivision Authority

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

Council Chambers

962 St. John Avenue and Virtual via Teams

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

With Regrets: S. Nodge

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

Chairman D. Burnham called the meeting to order at 10:01 a.m.

2. Agenda Approval

B. McGillivray:

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

CARRIED MDSA 24-117

3. Adoption of Minutes

3.1 Minutes of the October 16, 2024 MDSA Meeting

W. Oliver:

Moved to approve the Minutes of the October 16, 2024, MDSA Meeting as presented.

CARRIED MDSA 24-118

4. Applications

W. Oliver:

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

CARRIED MDSA 24-119

B. Wright:

That the Municipal Development and Subdivision Authority agree to revert to an open session at 10:25 a.m.

CARRIED MDSA 24-120

4.1 2024-D0092 – 1376 McEachern Street – Business Park – I3 – Discretionary Use: Moved-in Building and Industrial Operation Use (Move a 260.13 m2 (2800 ft2) metal building built in 2019 onto the property to be use for recycling, disassembling, and processing) Responsible for compliance with the Alberta Water Act and Wetland Policy

B. McGillivray:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0092 – 1438954 Alberta Ltd.; Plan 0611417 Block 4 Lot 24; 1376 McEachern Street; Designated Business Park – I3; Discretionary Use: Moved-in 260.13 m2 (2800 ft2) Building and the Industrial Operation Use, Responsible for compliance with the Alberta Water Act and Wetland Policy. 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 development permit application dated August 30, 2024, and the approved plans attached;
3. The contactor commissioned for the development must have a valid Business License for the Town of Pincher Creek;
4. The finished lot grade should allow for positive drainage away from the foundation;
5. 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;
6. 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;

7. 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;
8. Landscaping is to be compliant with Land Use Bylaw 1547 Schedules 2,4, and 10;
9. The Applicant shall provide detailed landscaping plans specifying what plants/trees/shrubs will be used to effectively screen outdoor storage areas to the satisfaction of the Designated Officer;
10. No outdoor storage will be permitted within 7.6 m (25ft.) of the front property line and 4.6m (15ft.) of the side property lines;
11. Outdoor storage, including but not limited to equipment, vehicles, raw materials or finished products shall be stored in an orderly and attractive fashion. All scrap material shall either be removed from the site or screened;
12. The Applicant is responsible to obtain an oversize vehicle permit prior to moving the building within the municipal limits of the Town of Pincher Creek. Dependent on route of building move, additional permits may be required from Alberta Transportation and the MD of Pincher Creek;
13. The Landowner is responsible for all costs related to installation and /or upsizing of water/sewer service connections;
14. If the water service curbstop location is within a 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;
15. The Landowner is responsible for all costs to repair municipal infrastructure damaged or modified during the building move;
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. 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. Work completed by the Applicant 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 work is to be suitable to the CAO. The Development Agreement shall include warranty and securities as outlined by the Engineering Standards;
19. All work and repairs on municipal infrastructure shall be completed to the satisfaction of the CAO or designate;
20. Cost for infrastructure upgrades/improvements to be completed by the municipality shall be paid by the Landowner. Contact the Operations Manager to determine an estimate and schedule for the upgrades/improvements;
21. The Landowner is responsible for all costs related to cleaning of debris and/or mud tracking on municipal roads during construction activities;
22. Rates for municipal equipment shall be based on the latest version of the Alberta Roadbuilders Equipment Rental Rates Guide;
23. Rates for municipally contracted work shall be based on tendered rates;
24. A separate sign permit will be required prior to placement of a sign in accordance with Sign Bylaw No. 1536 and Land Use Bylaw 1547;
25. 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 or replaced at the Applicant's expense;
26. Erosion shall be controlled so that soil and dust is not conveyed off site;

27. Standing water on the site shall be controlled by the applicant;
28. Any intensification of Use or addition of Use (s) shall require further approval;
29. Failure to comply with this permit may result in the permit being cancelled, suspended, or modified.

Informative Note:

The owner/developer is advised that they are responsible for compliance with the Alberta Water Act and Alberta Wetland Policy and any other provincial and federal legislation pertaining to wasteland and must obtain any required authorizations or approvals of Alberta Environment address compensation requirements for removal or disturbance of wetland areas claimed by the province that are affected by the development of the subject property.

CARRIED MDSA 24-121

4.2 24-D0104 – 1059 Elk Avenue – General Industrial & Warehousing – I1 – Discretionary Use: Specialty Manufacturing / Cottage Industries.

W. Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0104 – Morgan Brady Enterprises / Seven Point Log & Timber Homes; Plan 0212777, Block 5 Lot 11; 1059 Elk Avenue; Designated General Industrial & Warehousing – I1; Discretionary Use: Specialty Manufacturing / Cottage Industries pertaining to manufacture and storage of specialty wood products and components 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 November 20, 2024;
3. A valid Town of Pincher Creek business license shall be secured and held in good standing;
4. No outdoor storage shall be permitted in the required front yard setback of 7.6 m (25 ft.). All other storage must meet the side and rear yard setbacks of the LUB No. 1547, with the exception of portable, moveable, or non-permanent storage items (trailers, skied

steers, vehicles) that may sited within the required setback if kept in a neat and orderly manner to the satisfaction of the Development Officer;

5. Landscaping is to be compliant with Land Use Bylaw 1547 Schedules 2, 4, and 10;
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 obtain any and all Federal and Provincial permits and Provincial permits and / or licenses that may be required;
8. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garage Utility Bylaw, Noise Bylaw, Nuisance and Untidy Premises Bylaw, the Wastewater Utility Bylaw, etc.;
9. 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;
10. A separate sign permit will be required prior to placement of a sign in accordance with Land Use Bylaw No. 1547 and Sign Bylaw No. 1536;
11. Any intensification of use shall require a new development permit;
12. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

Informative Note:

1. Outdoor storage, including but not limited to equipment, vehicles, raw materials or finished products shall be store in an orderly and attractive fashion. All scrap material shall either be removed from the site or screened to the satisfaction of the Municipal Development and Subdivision Authority. Preference shall be given to the use of hedges and trees for screening outdoor storage areas.
2. The storage of bulk hazardous chemicals, as defined in the appropriate provincial legislation, shall not be permitted within the town.

3. Any stains, paints, chemicals, or environmentally harmful materials shall be safely stored in accordance with provincial regulations and shall be disposed of in an appropriate manner as per Labeling, Material Safety Data Sheet (MSDS) and Alberta Environmental Standards, the Environmental Protection and Enhancement Act and the Waste Control Regulation.

CARRIED MDSA 24-122

4.3 24-D0109 – 1129 Table Mountain Street – General Industrial and Warehousing – I1, Shipping Containers – Leave as sited (located on the North portion of the property)

B. Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0109 – Mitchell Welding Corp.; Plan 2411901 Block 16 Lot 7; 1129 Table Mountain Street; Designated General Industrial and Warehousing – I1; Discretionary Use: Shipping 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 November 20, 2024:
 - a. The required setbacks: Rear yard 6.1 m (20 ft) and side yard 3 m (10 ft) have been waived to Rear yard 1.8 m (6ft) and Side 2 m (6.5 ft);
2. The development is to conform to the Approved Plans dated November 20, 2024;
3. The Shipping Container must be kept clean and a state of good condition including paint;
4. The Shipping Containers shall be painted in one of the Heritage Colours;
5. A new development permit application approval is required prior to the placement of any additional Shipping Container/s, or the replacement of the existing Shipping Container/s located on the property;
6. 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;

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. The Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspection, and final reports within 24 months.

CARRIED MDSA 24-123

5. Permitted/Approved Applications

24-D0096 – 803 Main Street – Downtown / Retail Commercial – C1 – Permitted Use: Sign (Fascia / Wall)

24-D0102 – 840 Main Street – Downtown / Retail Commercial – C1 – Permitted Use: Retail Store (Grocery) with parking waiver of 1 space

24-D0103 – 1124 Table Mountain Street – Business Park – I3 – Permitted Use: Demolition / Removal (Removal of Metal Building)

24-D0105/24-D0106 – Unit H – 1102 Chief Mountain Ave. – Highway / Drive-in Commercial – C2 – Permitted Use: Convert existing vacant bay to create a Restaurant Drive-in & Seating

24-D0108 – 744 Edna Street – Residential – R1 – Permitted Use: Accessory Uses (10 Roof Mounted Solar Array)

24-D0110 – 1300 Hewetson Avenue – Comprehensive / Shopping Mall Commercial – C3 – Permitted Use: Primary Sign – (Replacement of two exterior Signs located of the East and West Elevation of the building)

B. McGillivray:

Moved acceptance of the approved applications as presented.

CARRIED MDSA 24-124

7. Adjournment

W. Oliver:

That this meeting of the Municipal Development and Subdivision Authority be adjourned at 10:25 a.m.

CARRIED MDSA 24-125

Next Meeting Date: Wednesday, December 18, 2024



D. Burnham, Chairperson



Konrad Dunbar, CAO
Town of Pincher Creek

