

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
February 3, 2015
6:30 pm
Agenda

1. **Call to Order**
2. **Adoption of Agenda**
3. **Adoption of MPC Minutes from December 2, 2014**..... Pkg 1
4. **In Camera**
5. **Unfinished Business**
6. **Development Permit Applications**
 - a. Development Permit Application No. 2015-02
Charles and Helen Clymer
Ptn. SW 2-6-1 W5M Pkg 2
 - b. Development Permit Application No. 2015-03
Brett Gingras
Lot 1, Block 1, Plan 9510577; NE 18-5-2 W5M..... Pkg 3
7. **Development Reports**
 - a. January 2015 Pkg 4
 - b. December 2014 Pkg 5
8. **Correspondence**
9. **New Business**
10. **Next Regular Meeting** – March 3, 2015; 6:30 pm
11. **Adjournment**

**Meeting Minutes of the
Meeting of the Municipal Planning Commission
December 2, 2014, 2014 – 6:30 pm
Municipal District of Pincher Creek No. 9 Administration Building**

ATTENDANCE

Commission: Reeve Brian Hammond, Councillors Terry Yagos, and Garry Marchuk and Members Bev Garbutt and Dennis Olson

Absent: Councillors Fred Schoening and Grant McNab

Staff: Chief Administrative Officer Wendy Kay, Director of Development and Community Services Roland Milligan, and Executive Assistant Tara Cryderman

COMMENCEMENT

Chairman Terry Yagos called the meeting to order, the time being 6:30 pm.

1. ADOPTION OF AGENDA

Member Dennis Olson 14/087

Moved that the December 2, 2014 Municipal Planning Commission Agenda, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Reeve Brian Hammond 14/088

Moved that the Municipal Planning Commission Minutes of November 4, 2014, be approved as presented.

Carried

3. IN CAMERA

Councillor Garry Marchuk 14/089

Moved that MPC and staff move In-Camera, the time 6:31pm being.

Carried

Member Bev Garbutt 14/090

Moved that MPC and staff move out of In-Camera, the time being 6:39 pm.

Carried

4. UNFINISHED BUSINESS

There was no unfinished business to discuss.

5. DEVELOPMENT PERMIT APPLICATIONS

- a) Development Permit Application No. 2014-69
Hutterian Brethren Church of Livingstone
Ptn. NW 12-7-29 W4M

Councillor Garry Marchuk

14/091

Moved that Development Permit Application No. 2014-69 be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
2. That the gravel pit operate in accordance with the best practices established in the "Code of Practice for Pits" (September 1, 2004)
3. That the applicant immediately notify the MD and secure the correct Alberta Environment registration should the gravel pit exceed the 5 ha maximum requirement.
4. That the applicant adhere to the terms and conditions of Alberta Transportation Roadside Development Permit No. 4518-14, attached to and forming part of this permit.

Carried

- b) Development Permit Application No. 2014-70
Michael Cousineau and Gloria Bond
NW 32-5-28 W4M

Reeve Brian Hammond

14/092

Moved that Development Permit Application No. 2014-70 be approved, subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.

Carried

6. **DEVELOPMENT REPORT**

Member Bev Garbutt

14/093

Moved that the Director of Development and Community Services Report for November 2014, be received as information.

Carried

7. **CORRESPONDENCE**

Nil

8. **NEW BUSINESS**

9. **NEXT MEETING** – January 6, 2015; 6:30 pm

10. **ADJOURNMENT**

Councillor Garry Marchuk

14/094

Moved that the meeting adjourn, the time being 6:45 pm.

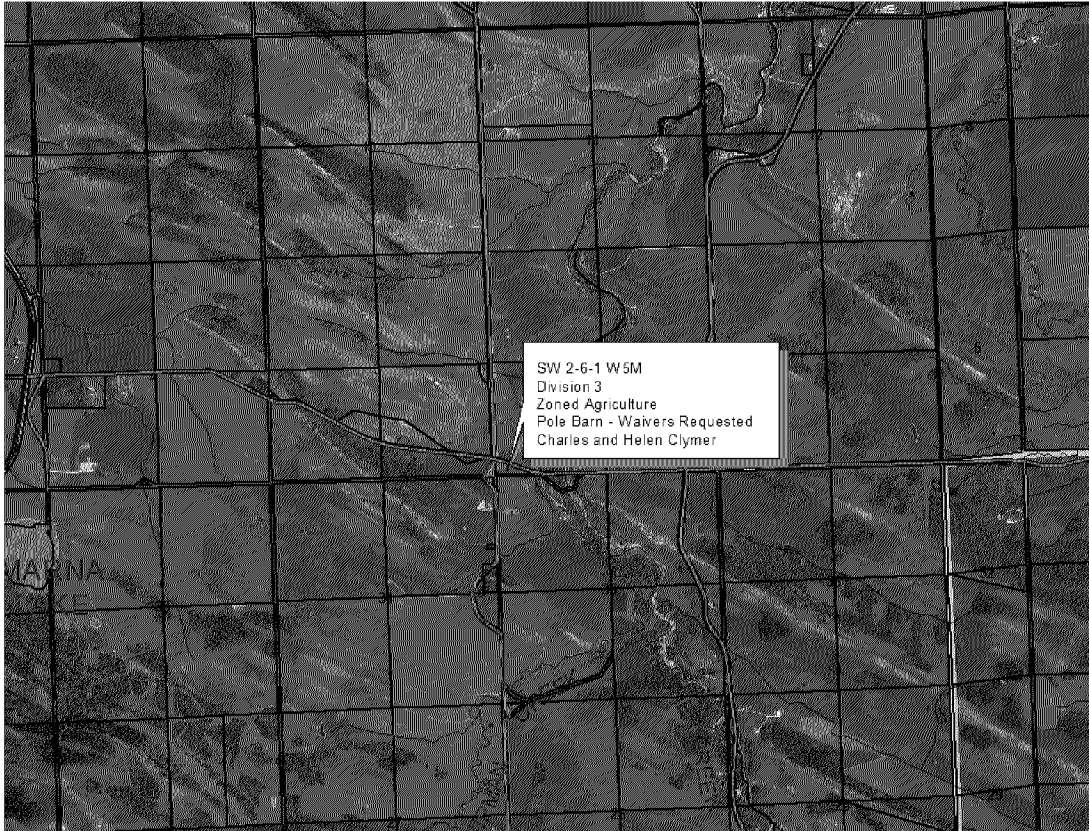
Carried

Chairperson Terry Yagos
Municipal Planning Commission

Director of Development and Community
Services Roland Milligan
Municipal Planning Commission

Development Permit Application No. 2015-02

Charles and Helen Clymer
Ptn. SW 2-6-1 W5M
Accessory Building- Pole Barn



MD OF PINCHER CREEK

January 28, 2015

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2015-02

1. Application Information

Applicant: Charles and Helen Clymer (the applicants)
Location Ptn. SW 2-6-1 WSM
Division: 3
Size of Parcel: 3.42 Acres
Zoning: Agriculture
Development: Accessory Building – Pole Barn/Shop
Setback Variance Required

2. Background/Comment

- The applicants are proposing to construct an Accessory Building – Pole Barn/Shop.
 - This application (Enclosure No. 1) is deemed a discretionary use for the following reason(s):
 1. Within the Agricultural Land Use District, the Secondary Front Yard Setback Distance from an Undeveloped Road Allowance is 25 m. The proposed Setback Distances for the Pole Barn will not meet this requirement; therefore Setback Distance Variances are requested. This request must be approved by MPC.

3. Discussion

- The application was circulated to the adjacent landowners for comment as required.
- At the time of preparing this report, no further comments were received.
- The applicant is aware of the constraints of the parcel and the current setback issues that are encountered if planning to develop the parcel further.
- To that end, the applicant proposed to Council at the January 13, 2015 Council meeting, that he would like to purchase portions of the statutory road allowance and an unused portion of Road Plan No. 841 0423, and consolidate them with the parcel (See Enclosure No. 2).
- Council approved the proposal and the MD is waiting for a response from the applicant.
- When the portions of closed road are consolidated with the existing parcel, there would be no requirement for any setback waivers as the proposed location of the shop would meet the setbacks of the land use district.

Recommendation No. 1:

That Development Permit Application No. 2015-02 be approved subject to the following Condition(s) and Waiver(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.

Waivers(s):

1. That a 17.5 Secondary Front Yard Setback Variance be issued, from the minimum 25 m Secondary Setback requirement, for a Secondary Front Yard Setback of 7.5 m.
2. That a 39 m Side Yard Setback Variance be issued, from the minimum 50 m Setback from an Developed Road Allowance requirement, for a Side Yard Setback of 11 m.

Recommendation No. 2:

That Development Permit Application No. 2015-02 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 3:

That Development Permit Application No. 2015-02 be denied because in the opinion of the Municipal Planning Commission, the proposed development does not meet the requirements of the Land Use Bylaw.

4. Enclosures

Supporting Documents:

- Enclosure No. 1 Development Permit Application No. 2015-02 and supporting documents
- Enclosure No. 2 Map Showing Proposed Additions to Parcel

Respectfully Submitted,

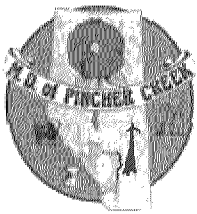


Roland Milligan

Reviewed by: Wendy Kay, CAO



January 28, 2015



DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2015-02

Date Application Received 2014-12-11

PERMIT FEE 150.00

Date Application Accepted 2015-01-06

RECEIPT NO. 19912

Tax Roll # 3191.200 5401 Rge Rd 1-2

IMPORTANT: This information may also be shared with appropriate government / other agencies and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact the Municipal District of Pincher Creek No. 9

SECTION 1: GENERAL INFORMATION

Applicant: CHARLES & HELEN CLYMER.

Address: P.O. Box 1477, PINCHER CREEK, AB T0K 1W0

Telephone: 403-627-4977 Email: ccllymer@me.com.

Owner of Land (if different from above): N/A

Address: _____ Telephone: _____

Interest of Applicant (if not the owner): _____

SECTION 2: PROPOSED DEVELOPMENT

We hereby make application for a Development Permit under the provisions of Land Use Bylaw No. in accordance with the plans and supporting information submitted herewith and which forms part of this application.

A brief description of the proposed development is as follows:

POLE BARN

Legal Description: Lot(s) _____

Block _____

Plan _____

Quarter Section PORTION OF SW2-6-1-5

Estimated Commencement Date: AS SOON AS POSSIBLE.

Estimated Completion Date: JULY, 2015

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture Division: 3

Permitted Use Discretionary Use

Is the proposed development site within 100 metres of a swamp, gully, ravine, coulee, natural drainage course or floodplain?

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

If yes, approximately how many degrees of slope? _____ degrees

Has the applicant or a previous registered owner undertaken a slope stability study or geotechnical evaluation of the proposed development site?

Yes No Don't know Not required

Could the proposed development be impacted by a geographic feature or a waterbody?

Yes No Don't think so

PRINCIPAL BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) %Site Coverage by Building			
(4) Front Yard Setback Direction Facing:			
(5) Rear Yard Setback Direction Facing:			
(6) Side Yard Setback: Direction Facing:			
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

Other Supporting Material Attached (e.g. site plan, architectural drawing)

ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site	4.12 ACRES		
(2) Area of Building	1216 sq. ft.		
(3) %Site Coverage by Building	5%		
(4) Front Yard Setback Direction Facing: SOUTH	7.5 m	25 m	NO 17.5 m W/DRIVE
(5) Rear Yard Setback Direction Facing: NORTH	75 m	50 m	YES
(6) Side Yard Setback: Direction Facing: WEST	11.0 m	50 m	NO 39 m W/DRIVE
(7) Side Yard Setback: Direction Facing: EAST	235 m	50 m	YES
(8) Height of Building	18 FEET		
(9) Number of Off Street Parking Spaces	n/a.		

Other Supporting Material Attached (e.g. site plan, architectural drawing)

SITE PLAN

BUILDINGS DRAWING

SECTION 4: DEMOLITION

Type of building being demolished : NONE

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: Dec 8th 2014

[Signature]
Applicant

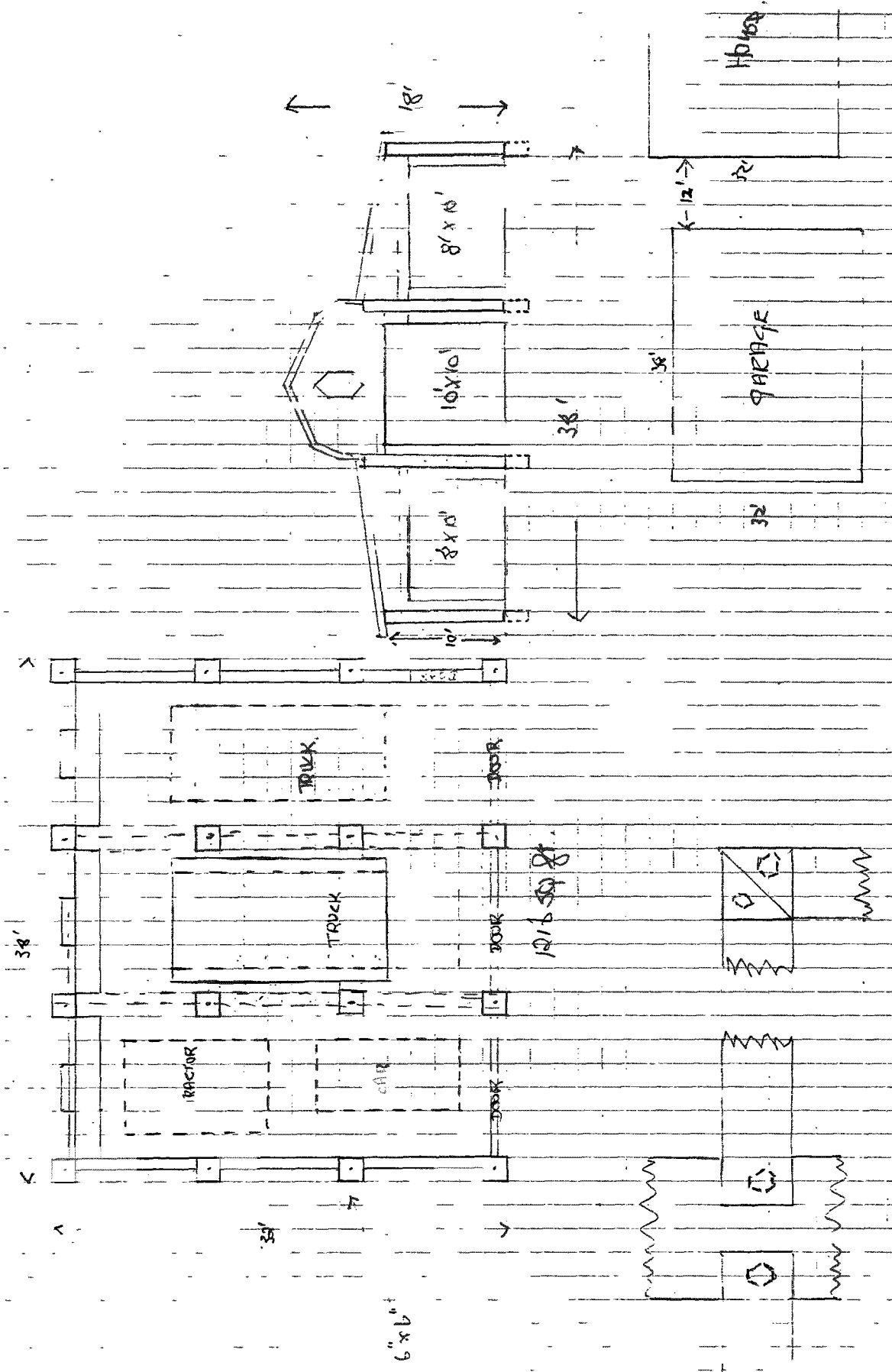
[Signature]
Registered Owner

Information on this application form will become part of a file which may be considered at a public meeting.

IMPORTANT NOTES:

1. In addition to completing this application form in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provision for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances;
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-refundable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. **THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.**
5. All development permits shall contain the following informative:

"ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER."
6. In accordance with the Municipal Government Act, a decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 14 days of the expiry of the decision date.
7. Every approach to a residence is entitled to an approach number sign supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.





SW 26-1 W5M

TONEY DRIVE

PROPOSED STOP

11m

71.5m

11m

NW 35-5-1 W5M

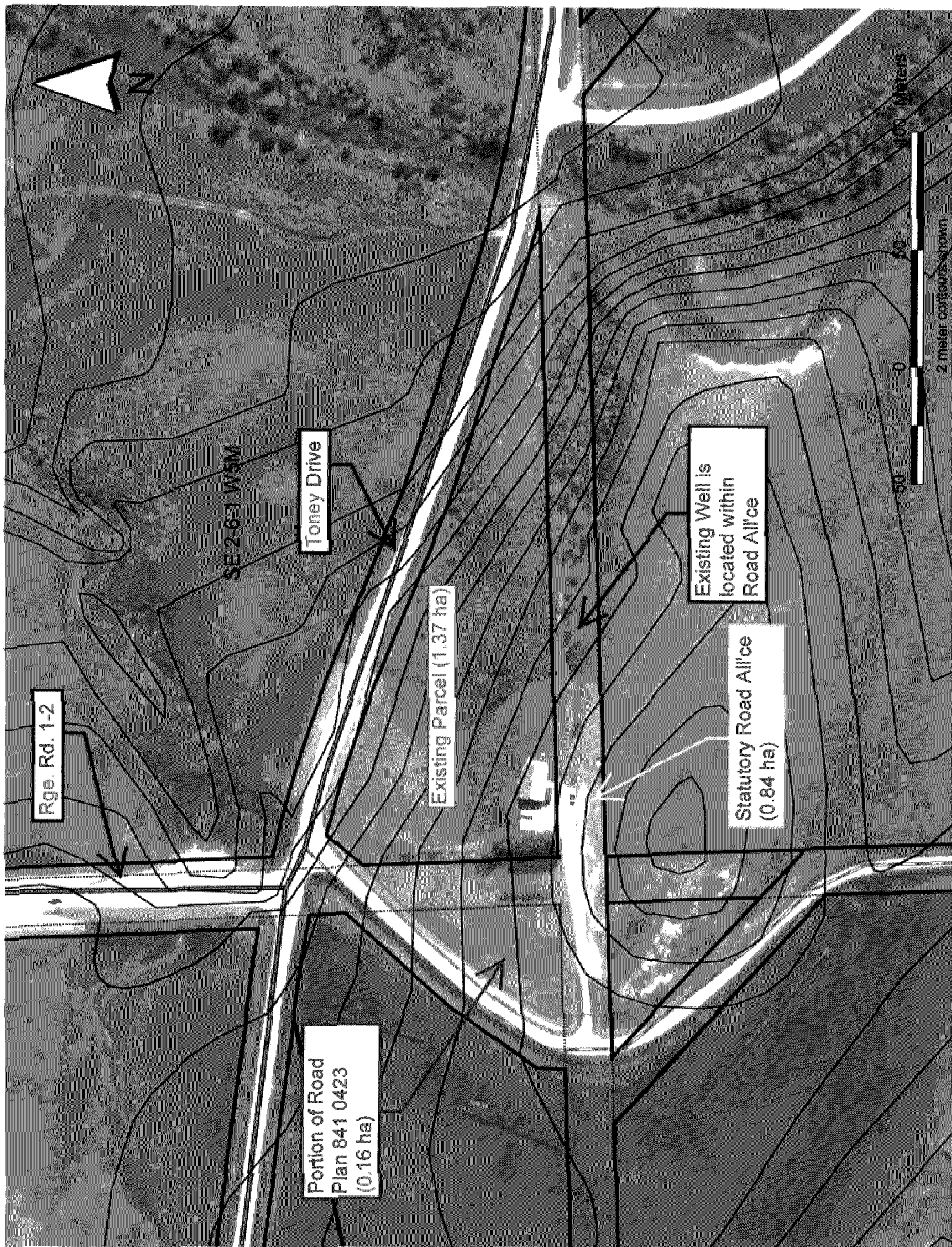
100 Meters

50

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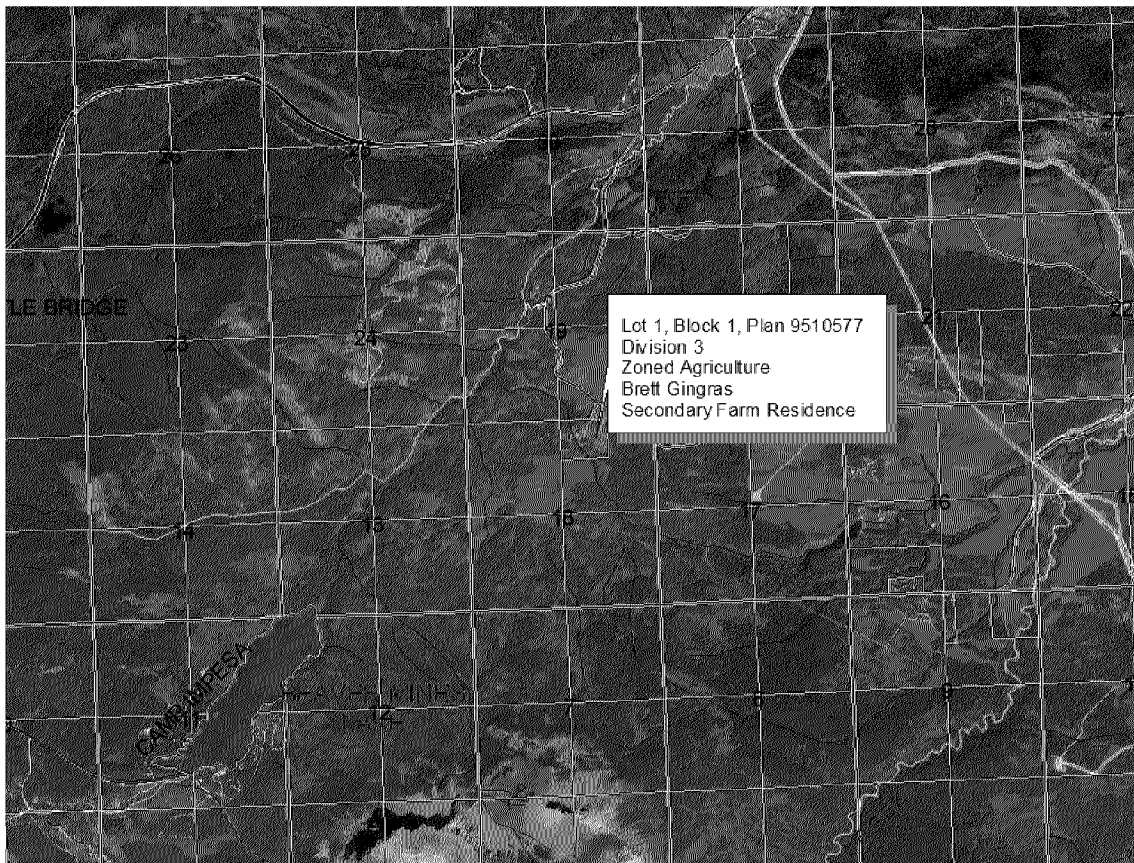


Development Permit Application No. 2015-03

Brett Gingras

Lot 1, Block 1, Plan 9510577; NE 18-5-2 W5M

Secondary Farm Residence



MD OF PINCHER CREEK

January 28, 2015

TO: Municipal Planning Commission
FROM: Roland Milligan, Director of Development and Community Services
SUBJECT: Development Permit Application No. 2015-03

1. Applicant

Applicant(s): Brett Gingras
Location Lot 1, Block 1, Plan 9510577; NE 18-5-2 W5M
Division: 3
Size of Parcel: 13.9 ha (34.35 Acres)
Zoning: Agriculture
Development: Secondary Farm Residence

2. Background/Comment

- On January 7, 2015, the MD received the complete application for the request for a secondary farm residence. (Enclosure No. 1).
- The application is in front of the MPC because:
 1. Within the Agriculture Land Use District, Secondary Farm Residence is a discretionary use.
- From Land Use Bylaw No. 1140-08 (the LUB):
 - Secondary Farm Residence
An additional residence, other than a primary farm residence, that is occupied by a person who is engaged for at least six months each year personally in an agricultural pursuit on the same parcel as the secondary farm residence.
“Secondary farm residence” includes a conventional “Single-detached residence”, a “Doublewide or Singlewide manufactured home” “Modular home

Discussion

- The application was circulated to the adjacent landowners for comment as required.
- At the time of preparing this report no comments were received.
- The proposed secondary farm residence is to be a new modular home.
- The owner of the parcel are the parents of the applicant and have signed the application.
- The proposed location meets the setback requirements of the land use district.
- Section 38 of the LUB outlines what the MD allows for the Number of Dwelling Units on a Parcel.
- As proposed, the development of this as a Secondary Farm Residence, will require that the Development Authority waive Section 38.3 (a), which states that all such dwelling

units are secondary farm residences on a parcel that has an area greater than 32.4 ha (80 acres) and this use is a permitted or discretionary use in the applicable district, as this parcel is 13.85 ha (34.2 acres).

Recommendation No. 1:

That Development Permit Application No. 2015-03 be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.

Waiver(s):

1. That Section 38.3 (a), which states that all secondary farm residences be located on a parcel that has an area greater than 32.4 ha (80 acres) be waived, thereby allowing this development on a parcel of 13.85 ha (34.2 acres).

Recommendation No. 2:

That Development Permit Application No. 2015-03 be denied as it does not comply with the requirements of Land Use Bylaw 1140-08.

Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2015-03

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



January 28, 2015



DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2015-03

Date Application Received 2015-01-07

PERMIT FEE 150.00

Date Application Accepted 2015-01-07

RECEIPT NO. 20144

Tax Roll # 4111.030

5302 Range Road 2-5

IMPORTANT: This information may also be shared with appropriate government / other agencies and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact the Municipal District of Pincher Creek No. 9

SECTION 1: GENERAL INFORMATION

Applicant: Brett Gingras

Address: Box 1334 Pincher Creek Alberta T0K1W0

Telephone: 403-627-2676 Email: gingras_b@hotmail.com

Owner of Land (if different from above): Frank Gingras and Patti Gingras

Address: Box 1334 Pincher Creek AB Telephone: 403-627-2676

Interest of Applicant (if not the owner): owners son

SECTION 2: PROPOSED DEVELOPMENT

I/We hereby make application for a Development Permit under the provisions of Land Use Bylaw No. in accordance with the plans and supporting information submitted herewith and which forms part of this application.

A brief description of the proposed development is as follows:

We would like to put a modular home with basement on property as per attached sheets.

Legal Description: Lot(s) 1

Block 1

Plan 9510577

Quarter Section N.E. 1/4 Sec. 18 TWP. 5 Rg. 2 W5

Estimated Commencement Date: April 2015

Estimated Completion Date: AUGUST 2015

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture Division: 3

Permitted Use Discretionary Use

Is the proposed development site within 100 metres of a swamp, gully, ravine, coulee, natural drainage course or floodplain?

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

If yes, approximately how many degrees of slope? _____ degrees

Has the applicant or a previous registered owner undertaken a slope stability study or geotechnical evaluation of the proposed development site?

Yes No Don't know Not required

Could the proposed development be impacted by a geographic feature or a waterbody?

Yes No Don't think so

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site (34.2 ac)	13.85 ha		
(2) Area of Building (2295 ft ²)	213.2 m ²		
(3) %Site Coverage by Building	N/A		
(4) Front Yard Setback Direction Facing: NORTH	180m	50m	YES
(5) Rear Yard Setback Direction Facing: SOUTH	140m	7.5m	YES
(6) Side Yard Setback: Direction Facing: EAST	60m	7.5m	YES
(7) Side Yard Setback: Direction Facing: WEST	70m	7.5m	YES
(8) Height of Building	N/A		
(9) Number of Off Street Parking Spaces	N/A		

Other Supporting Material Attached (e.g. site plan, architectural drawing)

proposed house & location attached

ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) %Site Coverage by Building			
(4) Front Yard Setback Direction Facing:			
(5) Rear Yard Setback Direction Facing:			
(6) Side Yard Setback: Direction Facing:			
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

Other Supporting Material Attached (e.g. site plan, architectural drawing)

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: Dec 21/2014

Brett [Signature]
Applicant

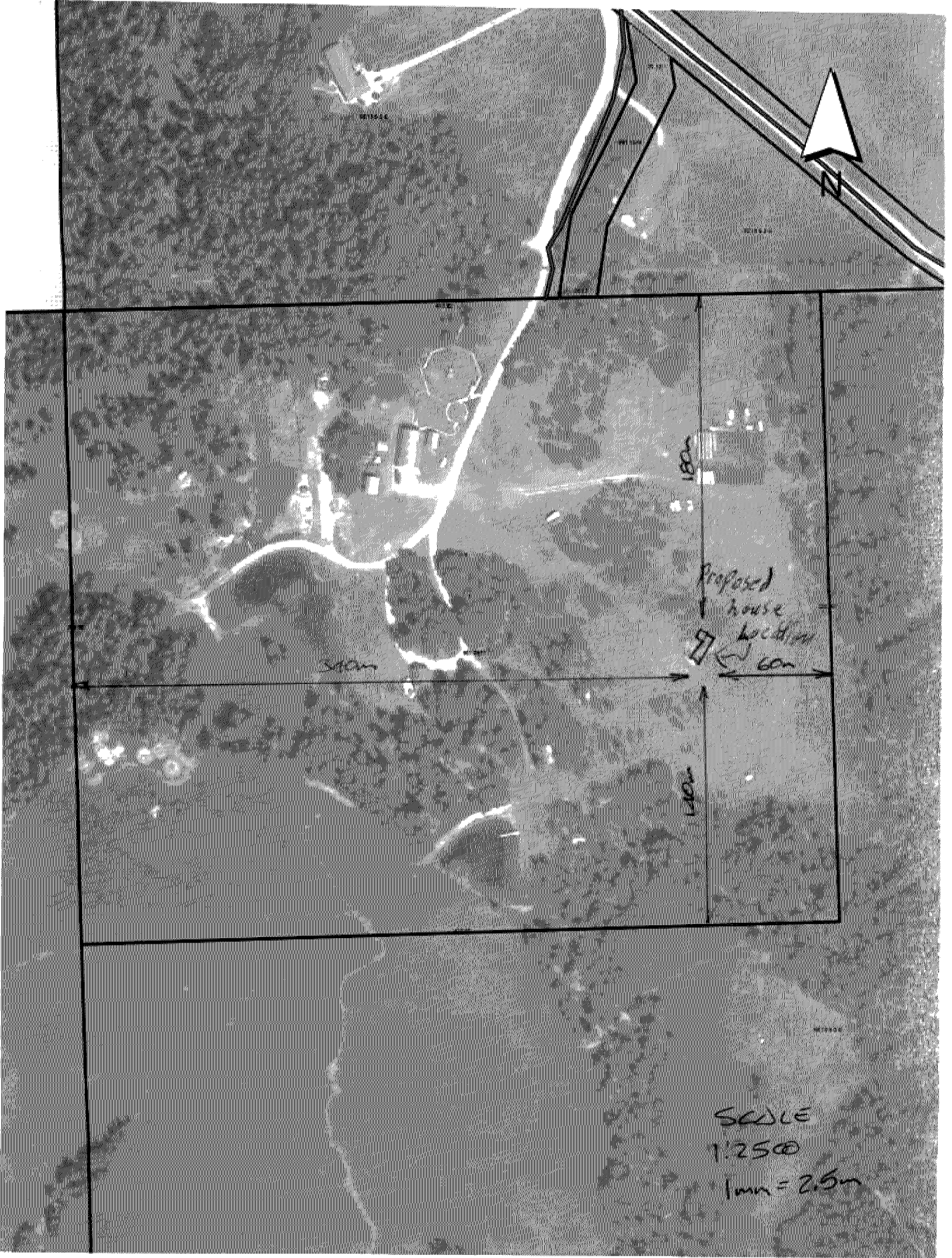
Frank Lingross / Patte [Signature]
Registered Owner

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180m
Proposed house location
60m

540m

120m

SCALE
1:2500
1mm = 2.5m

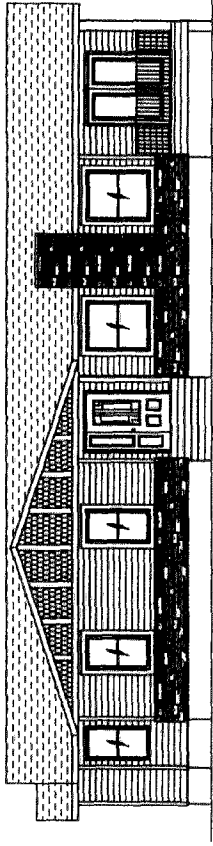
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OAK6445-B

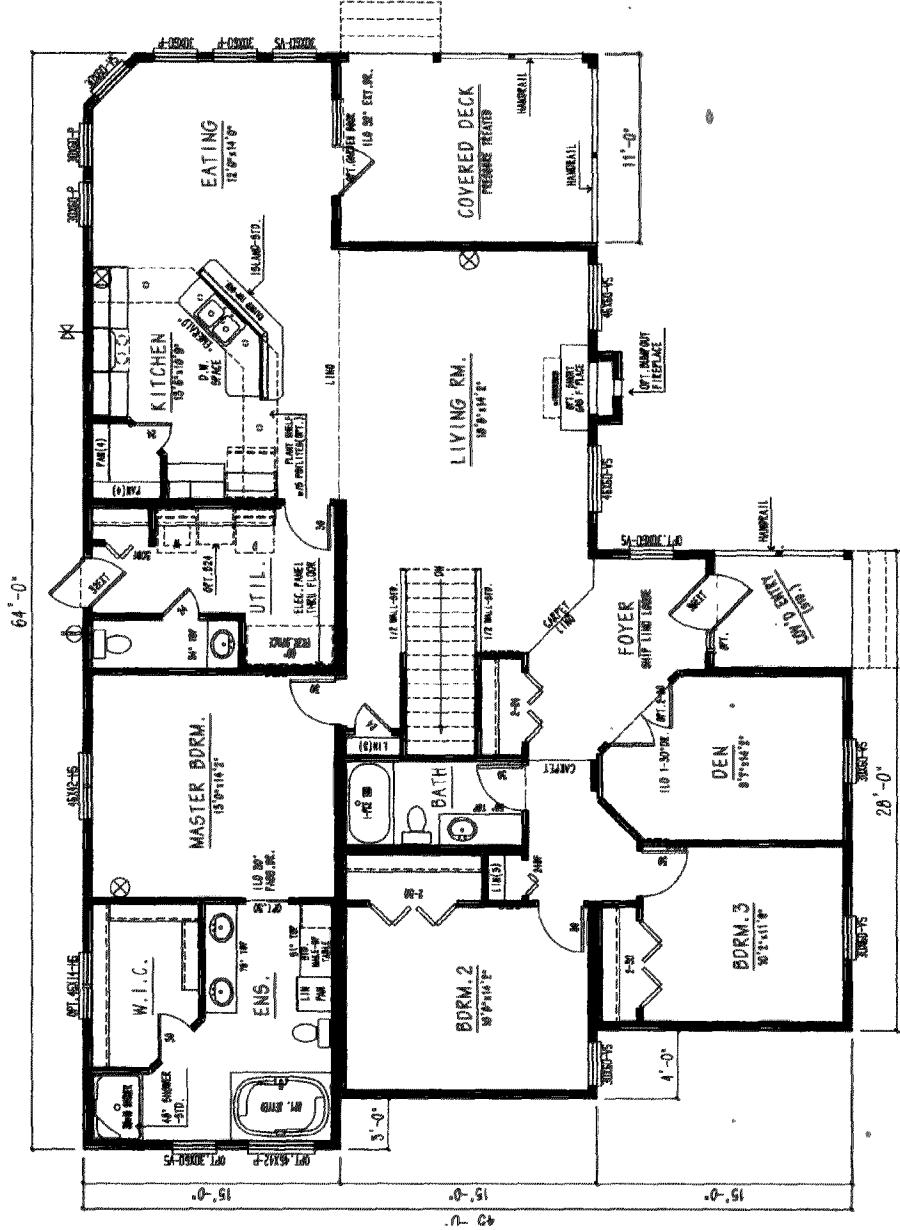
- 2295 sqft.

- 3 Bedroom

- 2.5 Bathroom



SAMPLE FRONT ELEVATION



Triple M Housing
www.triplehousing.com

3501 Giffen Road North,
Lethbridge, Alberta T1H 0E8
Tel: 403.320.8588 Fax: 403.320.9004

**DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES REPORT
January 2015**

Development / Community Services Activities includes:

- January 6 Subdivision Authority Meeting
- January 13 Policy and Plans
- January 13 Council Meeting
- January 15 Staff Meeting
- January 27 Policy and Plans
- January 27 Council Meeting
- January 28 Tour of MD with Cst. LeGrow
- January 29 Staff Meeting
- January 31 Castle Mountain Area Structure Plan Public Consultation

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by Development Officer for January 2015

No.	Applicant	Division	Legal Address	Development
2015-01	Ed Wallace	5	Lot 16, Block 17, Plan 7610822; Hamlet of Lundbreck	Manufactured Home
2015-04	Mark and Rachel Nelson	3	Lot 3, Block 1, Plan 1313435; NE 22-5-1 W5	Single Detached Residence
2015-05	Richard Quinlan	5	SE 7-7-2 W5M; Cabin 39, Lee Lake	Single Detached Residence
2015-06	Dave and Renae Kapala	4	Lot 1, Block 1, Plan 0715910; NW 24-8-1 W5M	Manufactured Home

Development Permits Issued by Municipal Planning Commission for January 2015

Nil

Development Statistics to Date

DESCRIPTION	January 2015	2015 to Date	January 2014	2014	2013
Dev Permits Issued	4 4-DO / 0-MPC	4 4-DO / 0-MPC	1 1- DO /0 - MPC	68 47 - DO /21- MPC	67 42 - DO / 25- MPC
Dev Applications Accepted	6	6	2	73	66
Utility Permits Issued	1	1	3	23	32
Subdivision Applications Approved	1	1	0	8	9
Rezoning Applications Approved	0	0	0	2	2
Seismic / Oil / Gas	0	0	0	0	3
Compliance Cert	1	1	1	28	19

RECOMMENDATION:

That the Development Officer's Report for the period ending January 29, 2015, be received as information.

Prepared by: Roland Milligan, Director of Development and
Community Services

Date: January 29, 2015

Reviewed by: Wendy Kay, CAO *Wendy Kay*

Date: *January 29, 2015*

Submitted to: Municipal Planning Commission

Date: February 3, 2015

