

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
February 2, 2016
6:30 pm
Agenda

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Minutes of January 5, 2016
- 3. In Camera**
- 4. Unfinished Business**
- 5. Development Permit Applications**
 - a. Development Permit Application No. 2016-01
Andy and Beth Towe
Ptn. NE 32-2-20 W4M
- 6. Development Reports**
 - a. January 2016
- 7. Correspondence**
- 8. New Business**
- 9. Next Regular Meeting – March 1, 2016**
- 10. Adjournment**

**Meeting Minutes of the
Municipal Planning Commission
January 5, 2016, – 6:30 pm
Municipal District of Pincher Creek No. 9 Administration Building**

ATTENDANCE

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

Staff: 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 6:39 pm.

1. ADOPTION OF AGENDA

Councillor Fred Schoening 16/001

Moved that the January 5, 2016 Municipal Planning Commission Agenda, be amended, the amendment as follows:

Addition to New Business – 8a. Discussion on Setbacks;

And that the Agenda be approved, as amended.

Carried

2. ADOPTION OF MINUTES

Member Bev Garbutt 16/002

Moved that the Municipal Planning Commission Minutes of November 3, 2015, be approved as presented.

Carried

3. IN CAMERA

Councillor Fred Schoening 16/003

Moved that MPC and staff move In-Camera, the time being 6:40 pm.

Carried

Member Bev Garbutt

16/004

Moved that MPC and staff move out of In-Camera, the time being 6:46 pm.

Carried

4. **UNFINISHED BUSINESS**

Nil

5. **DEVELOPMENT PERMIT APPLICATIONS**

- a. **Development Permit Application No. 2015-76
Tany Warkentin (Linden Willms, Landowner)
SE 13-6-29 W4M
Replacement of Secondary Farm Residence**

Councillor Fred Schoening

16/005

Moved that report from the Director of Development and Community Services, dated December 17, 2015, regarding Development Permit Application No. 2015-76, be received;

And that Development Permit Application No. 2015-76 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

- b. **Development Permit Application No. 2015-77
Annick Preston (Fred White, Landowner)
NE 16-6-30 W4M
Animal Care – Minor – Dog Grooming**

Councillor Garry Marchuk

16/006

Moved that report from the Director of Development and Community Services, dated December 17, 2015, regarding Development Permit Application No. 2015-77, be received;

And that Development Permit Application No. 2015-67 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 REPORTS

Member Dennis Olson 16/007

Moved that the Development Reports for November and December 2015, be received as information.

Carried

7. CORRESPONDENCE

- a. Subdivision and Development Appeal Board – Minutes of November 27, 2015

Reeve Brian Hammond 16/008

Moved that the Subdivision and Development Appeal Board Minutes of November 27, 2015, be received as information.

Carried

8. NEW BUSINESS

- a. Discussion on Setback

Member Dennis Olson 16/009

Moved that the Municipal Planning Commission recommend to MD Council that the Development Officer be directed to survey several other Southern Alberta municipalities to research their setbacks for development permits, and the reasons for these specific setbacks;

And that this information be returned to the Municipal Planning Commission for future discussions regarding setbacks on rural developments.

Carried

9. **NEXT MEETING** – February 2, 2016; 6:30 pm

10. **ADJOURNMENT**

Councillor Garry Marchuk

16/010

Moved that the meeting adjourn, the time being 6:58 pm.

Carried

Chairperson Terry Yagos
Municipal Planning Commission

Director of Development and Community
Services Roland Milligan
Municipal Planning Commission

MD OF PINCHER CREEK

January 27, 2016

TO: Municipal Planning Commission
 FROM: Roland Milligan, Development Officer
 SUBJECT: Development Permit Application No. 2016-01

1. Application Information

Applicant: Andy and Beth Towe
Location NE 32-2-29 W4M
Division: 1
Size of Parcel: 9.3 ha (23.1 Acres)
Zoning: Agriculture
Development: Residential Expansion – Setback Variance Required

2. Background/Comment/Discussion

- On January 13, 2016, the MD received an application requesting the development of residential expansion on the above parcel. (Enclosure No. 1).
- The proposal is to expand the north side of the existing residence by 4.9m (16'), by encompassing the existing porch. This footprint expansion will include a second storey on this portion of the building.
- The application is in front of the MPC because:
 - Within the Agriculture Land Use District of Land Use Bylaw 1140-08, the setback distance requirement from a Secondary Frontage to a MD Road is 25m. The proposed location of the expansion is approximately 17.4m, therefore, requiring a setback variance. This variance must be provided by the MPC.
- The application was circulated to the adjacent landowners with no response being received at the time of preparing this report.
- Section 16.19 of the Land Use Bylaw establishes the limitations and guidelines on variance provision available to the Development Authority.
- In approving an application for a development permit the Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:
 - (a) a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district;
 - (b) where a variance is considered that will reduce the setback from any road as defined in the Act, the Development Authority shall consider all future road

construction needs of the municipality as well as the transportation requirements of the parcel(s) or lot(s) affected.

- As the proposed development is within 300m of a Highway, a Roadside Development application has been submitted to Alberta Transportation.
- The parcel is a very unique shape with roads on three sides.
- The applicants have received proper approval for the existing buildings; receiving waivers from MPC in the past.
- The Public Works Superintendent has no concerns with this proposed development.

Recommendation No. 1:

That Development Permit Application No. 2016-01 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.
2. That the applicant adhere to any conditions as outlined in the required Roadside Development Permit issued by Alberta Transportation, a copy of which to be supplied and form part of this permit.

Waiver(s):

1. That an 7.6 metre Secondary Side Yard Setback Variance be issued, from the minimum 25 metre Setback from an Developed Road Allowance requirement, for a Secondary Side Yard Setback of 17.4 metres

Recommendation No. 2:

That Development Permit Application No. 2016-01 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 3:

That Development Permit Application No. 2016-01 be denied as it does not comply with the provisions of the Land Use Bylaw, given:

1. The proposed setback from the MD Road is stated at 17.4 metres and does not comply with the required 25 metre setback distance.

3. Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2016-01 and supporting documents

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



January 26, 2016

PHOTOS (Photo Location Map Following Photos)



PHOTO No. 1 – Looking west from east boundary to rear of residence

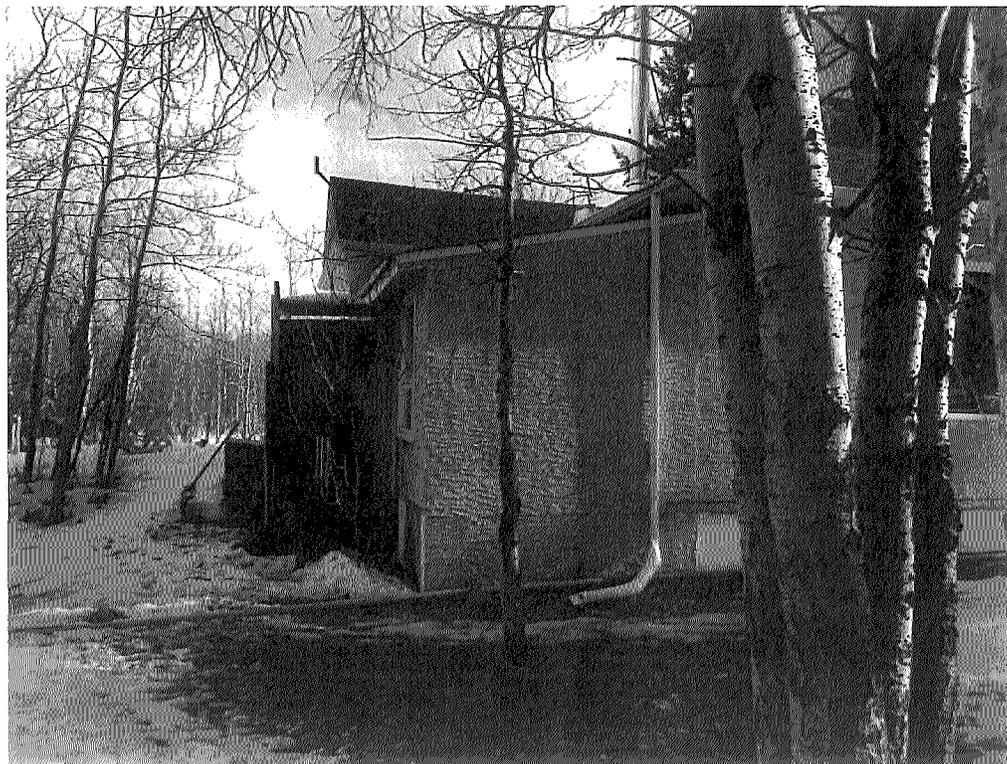


PHOTO No. 2 – Looking east at west rear of residence



PHOTO No. 3 – Northwest towards east side of residence



PHOTO No. 4 – South along east boundary



PHOTO No. 5 - North along east boundary



PHOTO No. 6 – South from Twp. Rd. 3-0

S.W. 1/4

Sec. 3 - 3 - 29 - 4

GOVERNMENT
(CORRECTION)

ROAD
LINE

ALLOWANCE

N.E. Sec. 32-2-29-4
Fd. Iron Post
Marker Post

ROAD PLAN 3792 H.X.
45.72m

N.E. 1/4 Sec. 32 - 2 - 29 - 4

812.08
7'40'35"
ASSUMED

C/L of APPROACH
7'40'35"
6'18.49"

89°57'00"
84.40

46.13
89°57'00"

OVERHEAD POWER LINE

OVERLINE POWER LINE

ALLOWANCE

ROAD

GOVERNMENT

20.12m

N.W. 1/4 Sec. 33 - 2 - 29 - 4

POWER POLE

POWER POLE

Fd. Iron Post R-29

Fd. no mark R-1

POWER POLE

POWER POLE

TRANSFORMER POLE

LIGHT POLE

GAS METER

DWELLING

WELL ACCESS COVER

STEEL CLAD BUILDING

3.13 X 3.70 GREENHOUSE (moveable)

STEEL CLAD BUILDING

ATTACHMENT on Building

AREA = 9.616 ha.
(23.76 ac.)

SUBJECT PROPERTY

(Portion of N.E. 1/4 Sec. 32-2-29-4)

PHOTO LOCATIONS

POWER POLE

803.99
179°50'45"

143.78
143.85

85.56

88.89

62.8

130.66

135.64

35.8

69.30

65.33

46.8

39.9

49.05

45.16

18.28

22.94

37.42

35.14

10.07

10.14

17.90

2.15 X 2.46 ATTACHMENT on Building

7.46

1.6

1.6

2.75

14.99

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6

1.6



Municipal District of Pincher Creek
 P.O. Box 279
 Pincher Creek, AB T0K 1W0
 Phone: 403.627.3130 • Fax: 403.627.5070

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2016-01

Date Application Received 2016-01-13

PERMIT FEE 150

Date Application Accepted 2016-01-13

RECEIPT NO. 24971

Tax Roll # 1153.000 2229 Highway 6

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: Andy & Beth Towe

Address: Box 142, WATERTON Park, AB T0K 2M0 - 2229 Highway 6

Telephone: 403-627-1662 Email: tgbear@telus.net

Owner of Land (if different from above): /

Address: _____ Telephone: _____

Interest of Applicant (if not the owner): _____

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:

ADD 8 feet at back of existing building (house)
tear-down existing 8 foot porch - build 16x26, 1 1/2
story addition.

Legal Description: Lot(s) _____

Block _____

Plan _____

Quarter Section Portion NE 32-2-28 W4

Estimated Commencement Date: July August 2016 July

Estimated Completion Date: November 2016

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - A Division: 1

Permitted Use Discretionary Use Setback Variance

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> <u>EXISTING RESIDENCE</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site <u>9.5/ha (23.5A)</u>			
(2) Area of Building <u>ADDITION</u>	<u>38.6m²</u>		
(3) %Site Coverage by Building	<u>N/A</u>		
(4) Front Yard Setback <u>EXISTING</u> Direction Facing: <u>WEST (HWY 6)</u>	<u>69.3m</u>	<u>50m</u>	<u>YES</u>
(5) Rear Yard Setback Direction Facing: <u>EAST</u>	<u>17.4m</u>	<u>50m</u>	<u>W/ADJACENT REQ'D</u>
(6) Side Yard Setback: Direction Facing: <u>NORTH</u>	<u>83.4m</u>	<u>50m</u>	<u>YES</u>
(7) Side Yard Setback: <u>EXISTING</u> Direction Facing: <u>SOUTH</u>	<u>≈ 700m</u>	<u>7.5m</u>	<u>YES</u>
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

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

real property map - highlighted in yellow
sketch - side view

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: _____

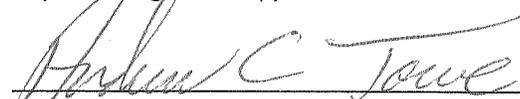
Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

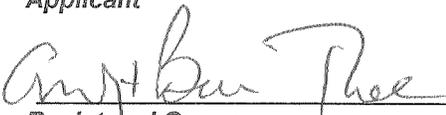
The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

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: Jan 13, 2016



 Applicant



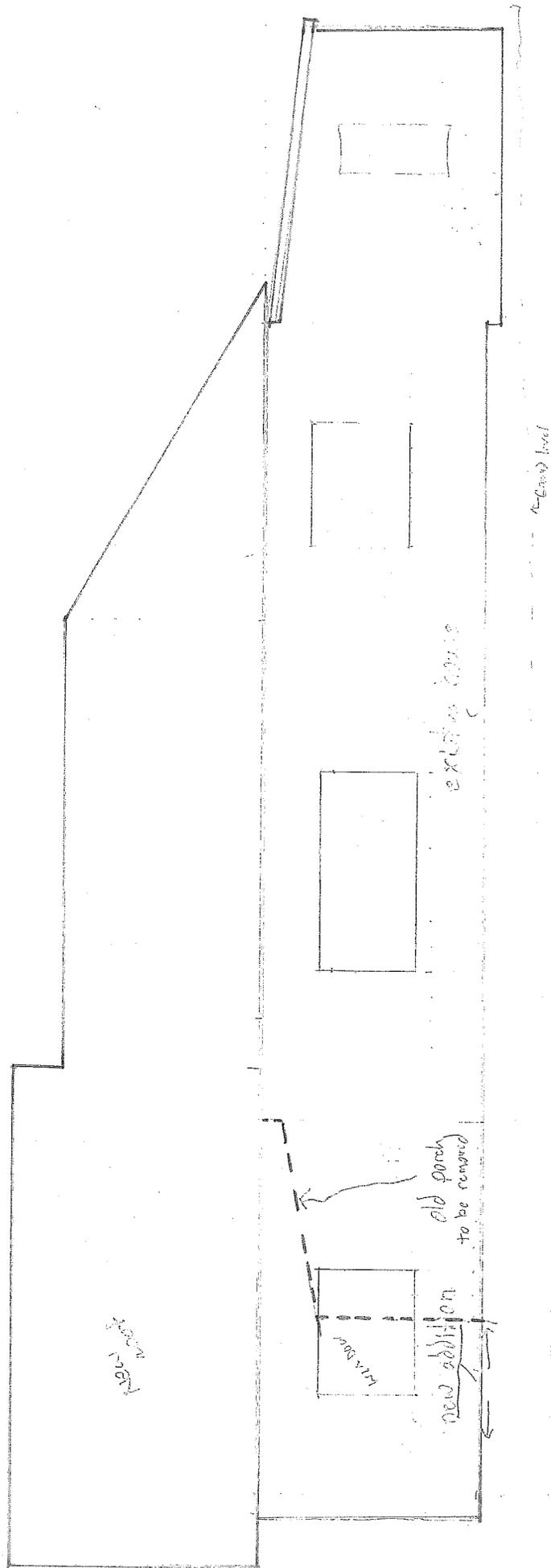
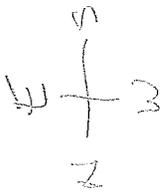
 Registered Owner

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.



West elevation

1/4

Sec. 3 - 3 - 29 - 4

MENT
SECTION

ROAD
LINE)

ALLOWANCE TWP. RD. 3-0
89°57'00"
84.40

N.E. Sec. 32-2-29-4
Fd. Iron Post
Marker Post

NORTH
1:1000

49 - 4

Fd. no mark
R-1

ROAD PLAN
3792 H.X.
Hwy. No. 6
45.72m

812.08
7'40'35"
A S S U M E D

C/L of APPROACH
7'40'35"
618.49

OVERHEAD POWER LINE

OVERLINE POWER LINE

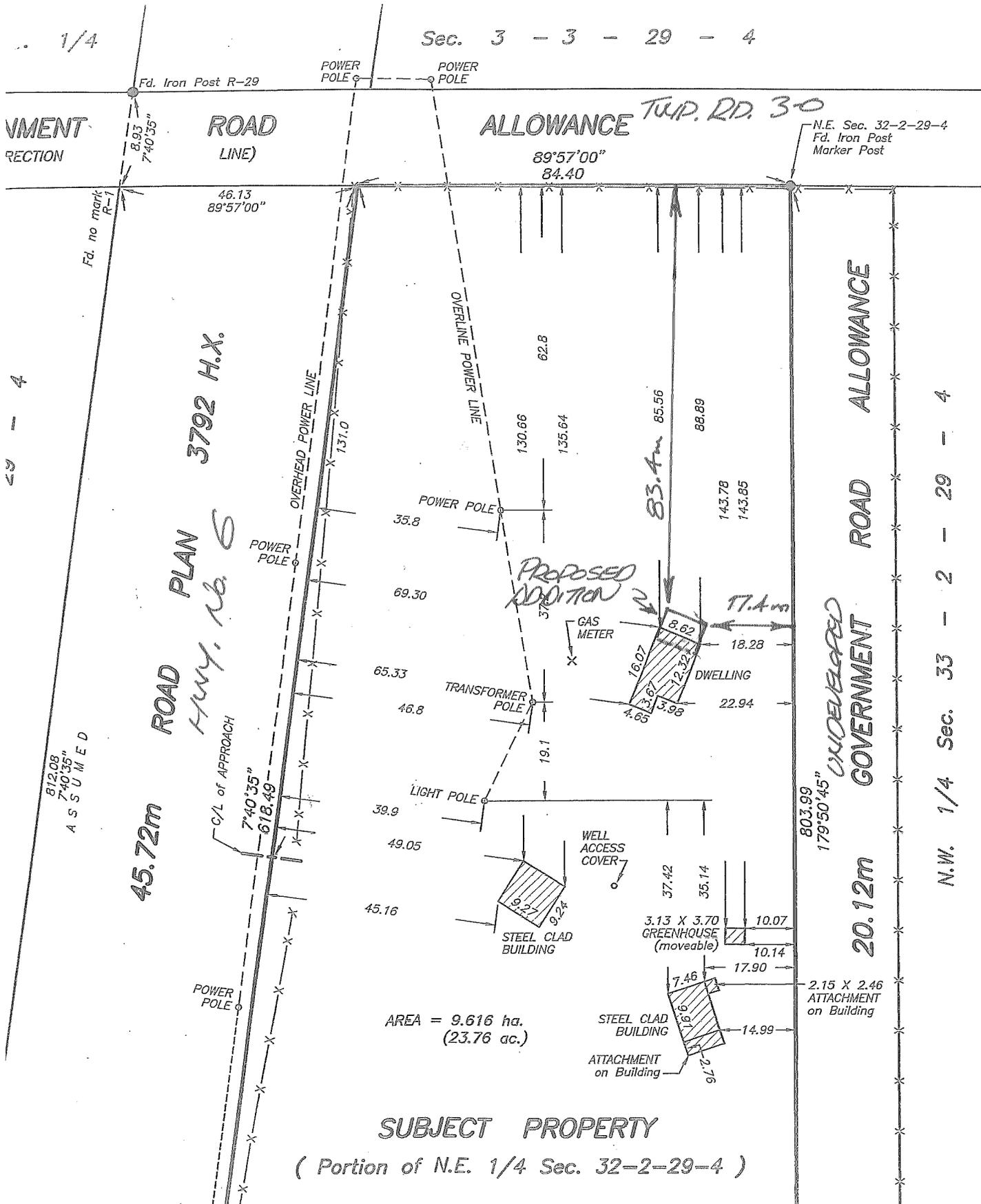
ROAD ALLOWANCE

ROAD ALLOWANCE

UNDEVELOPED
GOVERNMENT

20.12m

N.W. 1/4 Sec. 33 - 2 - 29 - 4



SUBJECT PROPERTY

(Portion of N.E. 1/4 Sec. 32-2-29-4)

DETAIL A

SCALE = 1 : 1000

Fd. Iron F
Ma

RC
91

ROADSIDE DEVELOPMENT APPLICATION FOR DEVELOPMENT NEAR A PROVINCIAL HIGHWAY

(print please)

Alberta Transportation Permit # _____

Applicant's Name Municipal District of Pincher Creek

Mailing Address P.O. Box 279

City/Town/Village Pincher Creek **Province** Alberta **Postal Code** TOK 1W0

Phone # 403-627-3130 **Fax #** 403-627-5070 **e-mail** rmilligan@mdpincercreek.ab.ca

Landowner's Name Andy and Beth Towe
(if different from above)

Mailing Address P.O. Box 142

City/Town/Village Waterton Park **Province** Alberta **Postal Code** TOK 2M0

Phone # 403-627-1662 **Fax #** _____ **e-mail** tgbear@telus.net

APPLICATION IS HEREBY MADE TO: (Please provide a description of the proposed development including all proposed above and below ground installations. Attach a detailed report if necessary.)
addition to existing residence (38.6 square meters - 416 square feet)

Also attach a plan showing in detail the location of all existing and proposed development and access.

Property Information

NE 32 02 29 W4
(NE, NW, SE, SW) ¼ Section Township Range West of Meridian
9.58 hectares

Lot **Block** **Plan Number** **Parcel size (acres or hectares)**

Highway No. 6 approx 12 kilometres South of Hamlet of Twin Butte
(north, south, etc.) (City, Town or Village)

Distance of the proposed development to the highway right-of-way boundary 69.3 metres

MD of Pincher Creek Agriculture - Agriculture

Name of Municipality **Existing / Proposed Land Use** **Estimated cost of proposed development**

It is understood that all works will be constructed, altered, maintained or operated at the sole expense of the undersigned, and that any work must not begin before a permit has been issued by Alberta Transportation.

In consideration of any permit issued in respect to this application, the Applicant shall indemnify and hold harmless Alberta Transportation, its employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly from anything done or omitted to be done in the construction, maintenance, alteration or operation of the works authorized. The Applicant also consents to a person designated by Alberta Transportation to enter upon land for the purpose of inspection during the processing of this application.

The issuance of a permit by Alberta Transportation does not relieve the holder of the responsibility of complying with relevant municipal bylaws and this permit once issued does not excuse violation of any regulation, bylaw or act which may affect this project.

I _____ hereby certify that I am the registered owner
(print full name) Signature

I Roland Milligan hereby certify that I am authorized to act on
(print full name) the owner's behalf Signature

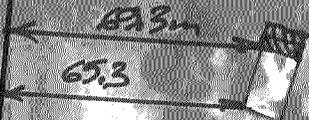
and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of facts relating to this application for roadside development.

(Date) January 25, 2016



SCALE
1:2000

TOWNSHIP ROAD 3-0



PROPOSED
ADDITION
TO EXISTING
RESIDENCE
38.6m²
(416ft²)

Highway No. 6
of Hwy R/W

PORTION OF
NE 32-2-29 WAM

100

0

100

200 Meters

DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES REPORT
January 2016

Development / Community Services Activities includes:

- January 5 Subdivision Authority Meeting
- January 5 Municipal Planning Commission Meeting
- January 6 Town of Pincher Creek Committee of the Whole Meeting
- January 7 Emergency Services Commission Meeting
- January 11 Special Emergency Services Commission Meeting
- January 12 Policy and Plans Meeting
- January 12 Council Meeting
- January 13 Joint Health and Safety Meeting
- January 14 Staff Meeting
- January 26 Policy and Plans Meeting
- January 26 Council Meeting

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Director for January 2016

There were no permits issued by the Director in January 2016.

Development Permits Issued by Municipal Planning Commission for January 2016

No.	Applicant	Division	Legal Address	Development
2015-76	Tany Warkentin	2	SE 13-6-29 W4M	Replace existing Secondary Farm Residence
2015-77	Annick Preston (Fred White)	3	NE 16-6-30 W4M	Animal Care - Minor - Dog Grooming

Development Statistics to Date

DESCRIPTION	January 2016	2016 to Date	January 2015	2015	2014
Dev Permits Issued	2 0-DO /2-MPC	2 0-DO /2-MPC	4 4-DO / 0-MPC	70 54-DO /16-MPC	68 47 - DO /21- MPC
Dev Applications Accepted	2	2	6	78	73
Utility Permits Issued	0	0	1	31	23
Subdivision Applications Approved	2	2	1	12	8
Rezoning Applications Approved	0	0	0	1	2
Seismic / Oil / Gas	0	0	0	19	0
Compliance Cert	1	1	1	21	28

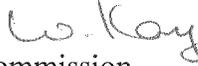
RECOMMENDATION:

That the report for the period ending January 26, 2016, be received as information.

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



Date: January 26, 2016

Reviewed by: Wendy Kay, CAO 

Date: January 26, 2016

Submitted to: Municipal Planning Commission

Date: February 2, 2016