

**Municipal District of Pincher Creek No. 9  
MUNICIPAL PLANNING COMMISSION  
February 2, 2021, via virtual meeting  
6:30 pm  
Agenda**

**1. Adoption of Agenda**

**2. Minutes**

- a. Meeting Minutes of October 6, 2020

**3. Closed Meeting Session**

**4. Unfinished Business**

Nil

**5. Development Permit Applications**

- a. Development Permit Application No. 2021-01  
David George Welsh & Eva Anne Welsh  
Lot 9, Block 3, Plan 8910853  
Accessory Building

**6. Development Reports**

- a. Development Officer's Report
  - Report for the months of October 2020 to January 2021

**7. Correspondence**

Nil

**8. New Business**

**9. Next Regular Meeting – March 2, 2021; 6:30 pm**

**10. Adjournment**

**Meeting Minutes of the  
Municipal Planning Commission  
October 6, 2020 6:30 pm  
Municipal District of Pincher Creek No. 9 Administration Building**

**ATTENDANCE**

Commission: Chairman Jim Welsch, Reeve Brian Hammond, Terry Yagos, Bev Everts, Rick Lemire, and Member at Large Michael Gerrand

Staff: Director of Development and Community Services Roland Milligan, Financial Services and Planning Clerk Joyce Mackenzie-Grieve

Planning  
Advisors: ORRSC, Senior Planner Gavin Scott

Absent: CAO Troy MacCulloch and Councillor Quentin Stevick

Chairman Jim Welsch called the meeting to order, the time being 6:35 pm.

**1. ADOPTION OF AGENDA**

Reeve Brian Hammond 20/036

Moved that the agenda be approved as amended, with New Business (Update on Hearing No. DP2020-35B) being added to the agenda.

Carried

**2. ADOPTION OF MINUTES**

Member at Large Michael Gerrand 20/037

Moved that the Municipal Planning Commission Meeting Minutes for June 2nd, 2020 be approved as amended.

Carried

**3. CLOSED MEETING SESSION**

Councillor Rick Lemire 20/038

Moved that the Municipal Planning Commission close the meeting to the public, under the authority of the *Municipal Government Act*, Section 197(2.1), the time being 6:35 pm.

Carried

Reeve Brian Hammond

20/039

Moved that the Municipal Planning Commission open the meeting to the public, the time being 6:55 pm.

Carried

4. **UNFINISHED BUSINESS**

There was no unfinished business to discuss.

5. **DEVELOPMENT PERMIT APPLICATIONS**

- a. Development Permit Application No. 2020-47**  
**John Lawson**  
**NW 7-5-29 W4M**  
**Moved-In Residential Building**

Councillor Bev Everts

20/040

Moved that Development Permit No. 2020-40, for a Moved-In Residential Building be approved as presented:

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.

Carried

- b. Development Permit Application No. 2020-49**  
**Richard Ettenhofer**  
**Lot 3, Block 1, Plan 0510429 Ptn. NE 16-6-30 W4M**  
**6228 Rge. Rd. 30-3**  
**Two Shipping Containers**

Councillor Terry Yagos

20/041

Moved that Development Permit No. 2020-49, for the placement of two Shipping Containers, be approved as presented:

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.
2. That pursuant to Section 58.7 of the LUB, shipping containers shall be painted the color(s) of the principal building or to the satisfaction of the Development Authority.

Carried

**c. Development Permit Application No. 2020-51B  
Andrew & Betty Stone  
Lot 1, Block 1, Plan 8110749  
2003 Twp. Rd. 602  
Duplex, Commercial Accommodation**

Reeve Brian Hammond

20/042

Moved that Development Permit No. 2020-51B, for a Duplex Cabin with Bed and Breakfast Facility, be approved as presented:

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.
2. That the applicant adheres to conditions and requirements of the Alberta Food Regulations, inspection report to be attached to and forming part of this permit.

Carried

**6. DEVELOPMENT REPORT**

**a. Development Officer's Report**

Reeve Brian Hammond

20/043

Moved that the Development Officer's Report, for the period July to September 2020, be received as information.

Carried

**7. CORRESPONDENCE**

Nil

**8. NEW BUSINESS**

Senior Planner, Gavin Scott, provided an update on Hearing No. DP2020-35B.

**9. NEXT MEETING – November 3, 2020; 6:30 pm.**

10. **ADJOURNMENT**

Councillor Terry Yagos

20/044

Moved that the meeting adjourn, the time being 7:11 pm.

Carried

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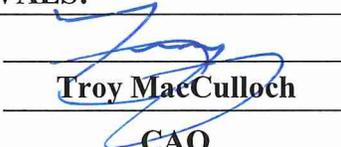
Chairperson Jim Welsch  
Municipal Planning Commission

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Director of Development and Community  
Services Roland Milligan  
Municipal Planning Commission

DRAFT

## Recommendation to Municipal Planning Commission

<b>TITLE:</b> DEVELOPMENT PERMIT NO. 2021-01 <b>Applicant:</b> David and Eva Welsh <b>Location:</b> Lot 9, Block 3, Plan No. 891 0853 <b>Division:</b> 5 <b>Size of Parcel:</b> 3.51 ha (8.68 Acres) <b>Zoning:</b> Grouped Country Residential - GCR <b>Development:</b> Compliance for Existing Shed			
<b>PREPARED BY:</b> Roland Milligan	<b>DATE:</b> January 27, 2021		
<b>DEPARTMENT:</b> Planning and Development			
<b>Signature:</b>  _____	<b>ATTACHMENTS:</b> 1. DP Application No. 2021-01 2. Real Property Report 3. Site Plan (GIS Aerial) 4. Photo of Shed		
<b>APPROVALS:</b>			
 _____ Roland Milligan	2021/01/28 _____ Date	 _____ Troy MacCulloch CAO	28 Jan, 2021 _____ Date
<b>Department Director</b>	<b>Date</b>	<b>CAO</b>	<b>Date</b>

**RECOMMENDATION:**

That Development Permit No. 2021-01, to bring into compliance an existing accessory building, be approved, subject to the following Condition(s) and Variance(s):

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.

**Variance(s):**

1. An 11.37 meter variance of the 30 meter setback requirement from a municipal road is granted for a municipal road setback of 18.63 meters.

**BACKGROUND:**

- Initiated by a Compliance Certificate request, the applicants are applying for a development permit to bring into compliance an existing pole shed used for agricultural purposes on the parcel.
- The MD asked if the shed could simply be relocated in order to comply with the bylaw. However, the applicant has stated that the shed is a pole building and would be difficult to relocate without it receiving a significant amount of damage.
- The applicant is requesting the the MPC consider the development request.
- This application is being placed in front of the MPC because:
  - Pursuant to Section 18.17 the Development Officer cannot issue a permit for a variance greater than 10 percent on setback distances pertaining to public roadways, and further; the Municipal

## Recommendation to Municipal Planning Commission

Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to Section 643(5)(c) of the MGA.

- The applicant has submitted a development permit application for a pole shed that requires an 11.73 metre variance of the required 30 metre setback from a municipal road, in order to allow the shed's location (*Attachment No. 1 and Attachment No. 2*).
- An aerial of the location is included as *Attachment No. 3*, with a photo of the shed as *Attachment No. 4*.
- The application was forwarded to the adjacent landowners for comment, no responses were received prior to preparing this report.
- As the application is for a variance from a municipal road, the application was forwarded to Public Works for comment also. Upon review and a site inspection, Public Works states "*there is no problem allowing the shed to remain, its not affecting the road in any way.*"





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. 2021-01**

**Date Application Received : January 4, 2021**

**PERMIT FEE** \$100 Permitted  
\$150 Discretionary

**Date Application Accepted : January 4, 2021**

**RECEIPT NO. 47673**

**Tax Roll # 0313.060**

*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:** David George Welsh & Eva Anne Welsh

**Address:** [Redacted]  
**Telephone:** [Redacted]

**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:**

The shed 3.67m X 6.21m shall remain in place with the distance of 18.63 meters to the boundary of the MD road allowance as per the attached RPR

**Legal Description:** Lot(s) 9

Block 3

Plan 8910853

Quarter Section S13-7-3-W5M

**Estimated Commencement Date:** Shed remains in place

**Estimated Completion Date:** Shed remains in place

**SECTION 3: SITE REQUIREMENTS**

Land Use District: GCR Division: 5

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

<b>PRINCIPAL BUILDING</b>	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) %Site Coverage by Building (within Hamets)			
(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)

RPR dated June 23, 2020

<u>ACCESSORY BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building	22.79 M2		
(3) % Site Coverage by Building (within Hamlets)			
(4) Front Yard Setback Direction Facing:	Per RPR <sup>18.63</sup>	30m	NO
(5) Rear Yard Setback Direction Facing:	Per RPR	15m	YES
(6) Side Yard Setback: Direction Facing: EAST	Per RPR		YES
(7) Side Yard Setback: Direction Facing: WEST	Per RPR <sup>29.08m</sup>	7.5m	YES
(8) Height of Building	3m		
(9) Number of Off Street Parking Spaces			

VARIANCE  
11.37 m

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

RPR dated June 23, 2020

**SECTION 4: DEMOLITION**

Type of building being demolished : \_\_\_\_\_

Area of size: \_\_\_\_\_

Type of demolition planned: \_\_\_\_\_

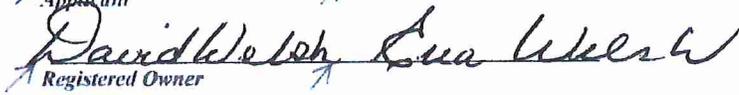
**SECTION 5: SIGNATURES (both signatures required)**

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 4, 2021

  
 Applicant

  
 Registered Owner

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

**IMPORTANT NOTES:**

**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.**

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. 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."*
5. In accordance with the *Municipal Government Act*, a development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

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 21 days of the expiry of the decision date.
6. Every approach to a residence is entitled to a civic address 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.

**Alberta Land Surveyor's  
Real Property Report**

To: Rural View Real Estate  
Box 39  
Bellevue, AB  
TDK DCO

**PROPERTY DESCRIPTION ("THE PROPERTY")**

PLAN 891 0853, BLOCK 3, LOT 9

**CERTIFICATION**

I hereby certify that this report, which includes the attached plan and related surveying and related information, was prepared under my personal supervision and in accordance with the Alberta Land Surveyors' Association Manual of Standard Practices and supplements thereto. Accordingly, within those standards as of the date of this report, I am of the opinion that:

1. the Plan illustrates the boundaries of the Property, the Improvements as defined in Part O, Section 8.3 of the Alberta Land Surveyors' Association's Manual of Standard Practices and registered easements and rights-of-way affecting the extent of the title to the Property.
2. the Improvements are entirely within the boundaries of the Property.
3. no visible encroachments exist on the Property from any improvements situated on an adjoining property.
4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of Property.

**PURPOSE**

This Report and the related plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purposes of (a land conveyance, support of a subdivision application, mortgage application, a submitted to the Municipality for a compliance certificate, etc.) Copying is permitted only for the benefit of those parties, and only if the plan remains attached. Where applicable, registered easements and utility rights-of-way affecting the extent of the Property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this report. The attached plan should not be used to establish property boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of the Property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

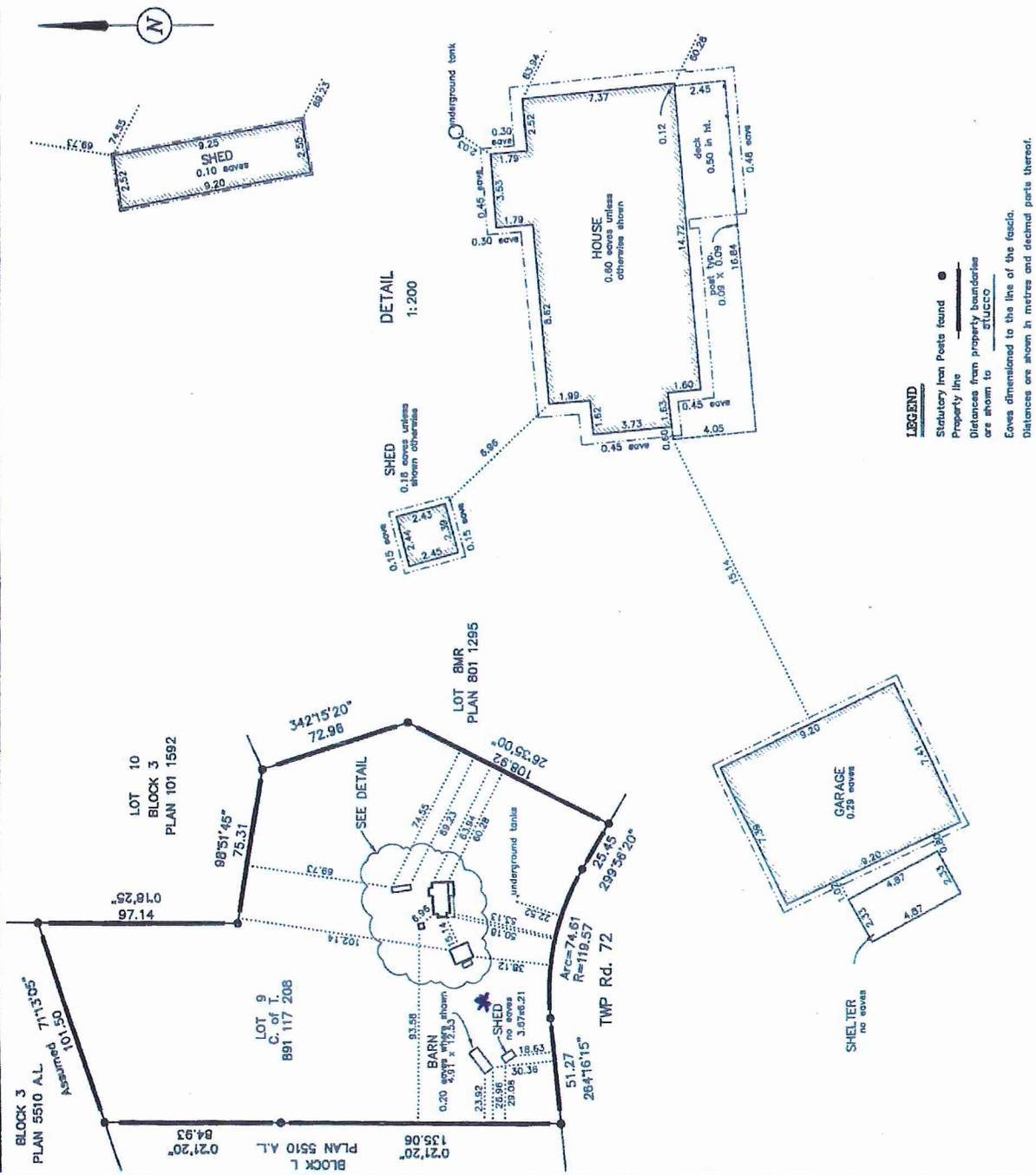
Dated at Lethbridge, Alberta  
This 23rd Day of June, 2020

Z.J. Prosper  
Alberta Land Surveyor, 2020



**boobrown** Okamura & Associates Ltd.  
2830 - 12 Avenue North, Lethbridge, Alberta T1H 5J9  
© copyright boobrown, Okamura & Associates Ltd. 2020

Scale: 1:2000 (metric) | Drawn: MJ  
Job: 9940 | Ref. file:  
Date of Title Search: FEBRUARY 22, 2020  
Date of Survey: JUNE 2, 2020



BLOCK 3  
PLAN 5510 A.L.  
711305  
Assumed  
101.50

LOT 10  
BLOCK 3  
PLAN 101 1592

LOT 9  
C. of T.  
891 117 208

BLOCK 1  
PLAN 5510 A.L.  
02120  
135.06

LOT 8  
PLAN 801 1295

TWP Rd. 72

TWP 1615

2641615

51.27

2641615

2993920

25.45

2641615

108.92

2633500

3421520

72.96

9853145

75.31

01810

07.25

02120

84.93

102.14

68.73

71.55

69.23

61.4

60.28

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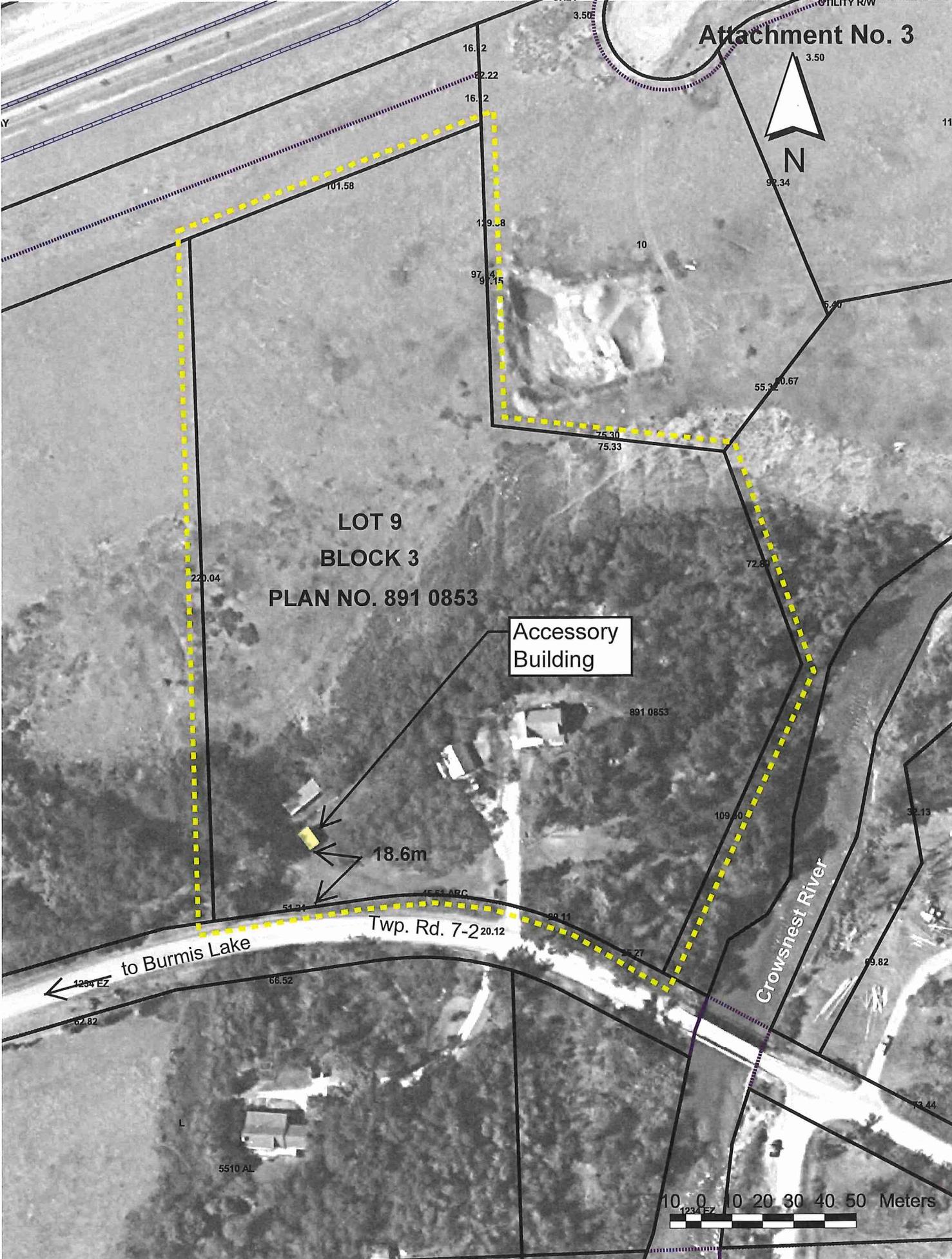
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LOT 9  
BLOCK 3  
PLAN NO. 891 0853

Accessory Building

18.6m

to Burnis Lake

Twp. Rd. 7-2

Crowsnest River

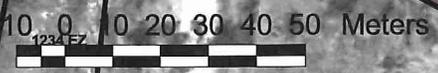
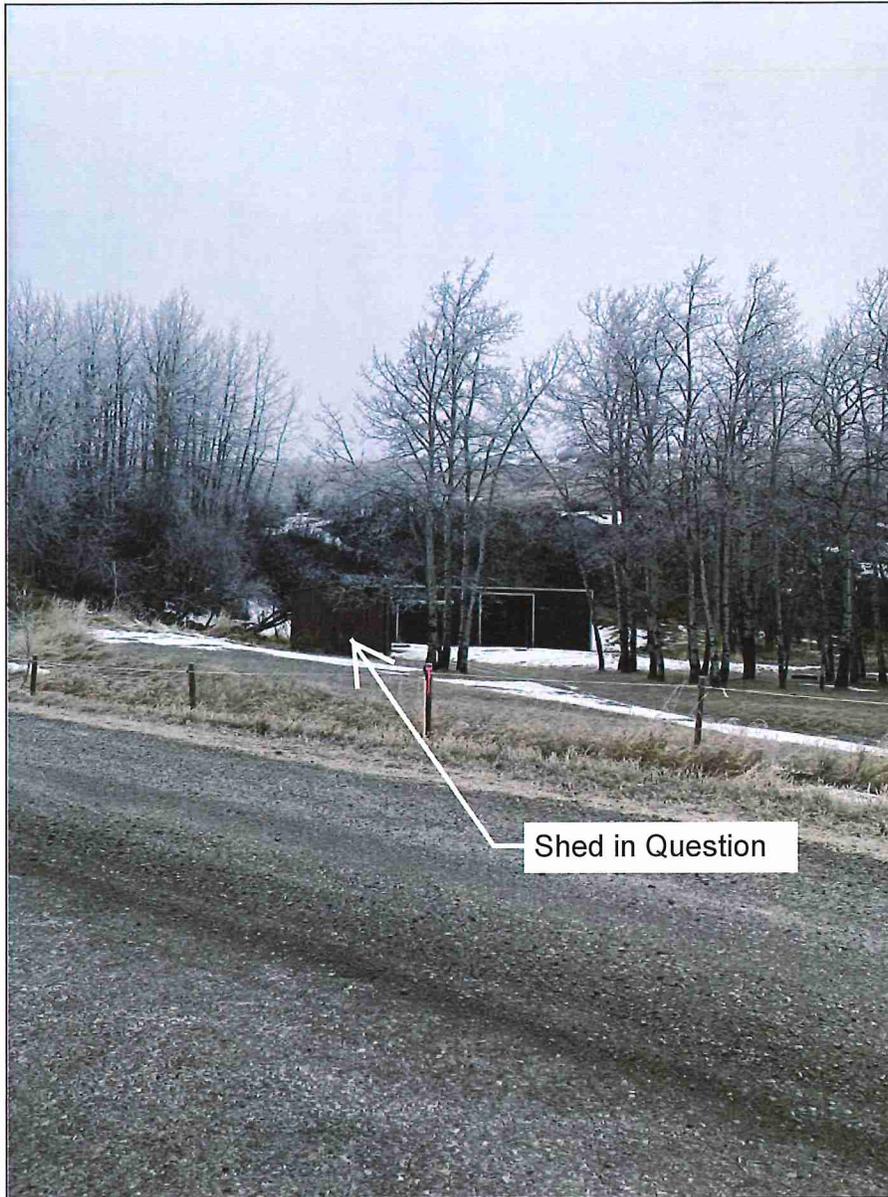


Photo of Shed



Shed is located on the east side of a hill.  
Trees shelter the shed from the road.

# DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES REPORT

October 1, 2020 to January 28, 2021

## Development / Community Services Activities includes:

- October 1 PCREMO meeting
- October 5 Regional Agricultural Program Meeting
- October 6 Subdivision Authority Meeting
- October 7 ASB Meeting
- October 9 Senior Management Team Meeting
- October 9 BM Community Association Question Review
- October 9 Airport Committee Meeting
- October 19 Senior Management Team Meeting
- October 19 SDAB Appeal Hearing, Yagos-Salmond
- October 19 Recycle Meeting
- October 22 Planning Bylaw – Operating Budget 2021
- October 22 AES Operating Budget
- October 26 Senior Management Team Meeting
- October 26 NGTL West Path Delivery 2022/23 Accommodation Meeting
- October 27 Council Committee & Council Meetings
- October 28 EAC Meeting
- October 29 Airport Meeting
- November 3 Waste Management Meeting
- November 3 TC Energy Meeting
- November 3 Subdivision Authority Meeting
- November 5 PCREMO Meeting
- November 5 ASB Meeting
- November 10 Council Committee & Council Meetings
- November 16 MD fire response process review
- November 16 Senior Management Team Meeting
- November 17 Ag Services 2021 Planning & Operating Budget
- November 18 Police Advisory Committee Meeting
- November 19 Pincher Creek Committee Meeting
- November 23 2021 Capital / Cashflow
- November 24 Council Committee & Council Meeting
- November 25 Senior Management Team Meeting
- November 25 EAC Meeting
- November 25 PCREMO – Contact Tracing
- November 26 Town NE ASP Public Open House
- December 2 ASB Meeting
- December 3 Service Award Presentations
- December 8 Council Committee Meeting & Council Meeting
- December 9 Plains Midstream Meeting
- December 10 Workplace Investigations Training
- December 11 BFCHD Meeting re: Marna Lake Property

**Development / Community Services Activities continued:**

- December 11 Airport Meeting
- December 14 Senior Management Team Meeting
- December 15 Police Act Review
- December 16 EAC Meeting
- December 16 Water Allocation Order – Post MLS Meeting of Ranchland & MD of PC
- December 17 Workplace Investigations Training – Day 2
- December 18 Senior Management Team Meeting
- December 18 PCREMO EMA Planning Meeting
- December 22 PCREMO Wind Event Contingency Planning
- January 5 Subdivision Authority Meeting
- January 6 ASB Meeting
- January 7 Airport Meeting
- January 12 Council Committee Meeting & Council Meeting
- January 13 EAC Meeting
- January 13 PCREMO AEMA Field Officer Visit
- January 19 Transition Meeting PCREMO to PCEMSC
- January 26 Council Committee Meeting & Council Meeting

**PLANNING DEPARTMENT STATISTICS**

**Development Permits Issued by the Director for October 2020 to January 2021**

No.	Applicant	Division	Legal Address	Development
2020-59	Simpson	5	SE 27-7-2 W5M Lots 1&2 Block 10 Plan 2177S	Garage 24x24
2020-60	CMR	1	NE 24-4-4 W5M Lot 1 Block 3 Plan 9911497	Temporary Accessory Buildings (2)_
2020-61	McGaughey	5	NE 25-7-2 W5M Lot 1 Block 1 Plan 814776	Single Detached Residence
2020-62	CMR Ski Lodge Ltd.	1	Lot 1, Block 3, Plan 9911497	Temporary Accessory Building (Food outlet, pickup & go)
2020-63	Hyde/Mercik	5	NE 12-7-3 W5M Lot 9 Block 1 Plan 9712391	Addition to existing residence
2020-64	Weatherbee	3	SW 27-6-2 W5M	Addition to existing residence
2020-65	Mundell	1	SW 35-5-2 W5M	Storage building w/covered area
2020-66	Jamieson/Boyer	4	SW 34-7-30 W4M Parcel K Plan 8710572	Addition to existing residence
2021-02	Mathieson	5	NW 18-7-2 W5M 2513 Hwy 3	Temporary ATCO Trailer (due to house fire)
2021-03	Wrigglesworth	3	Lot 1 Block 1 Plan 0810004 5520 Hwy 775	Single Detached Residence w/attached garage

**Development Permits Issued by Municipal Planning Commission October 2020 to January 2021**

None			
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**Development Statistics to Date**

<b>DESCRIPTION</b>		<b>2021 To date (January)</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Dev Permits Issued	5 – Jan 3 – Feb 2 - April 12 – May 8- June 10 – July 7 – Aug 7 – Sept 9 – Oct 4 – Dec 2 – Jan 2021	2 2-DO 0-MPC	67 57 – DO 10 - MPC	54 45-DO 9-MPC	22 17-DO 5-MPC
Dev Applications Accepted	6 – Jan 3 – Feb 1 – March 3 – April 10 – May 13 – June 4 – July 9 – Aug 7 – Sept 5 – October 4 – December 3 – Jan 2021	3	67	57	24
Utility Permits Issued	5 – Feb 2 – March 3 – April 1 – May 1 – June 3 – July 5 – August 1 – Sept 2 – Oct 2 – Nov 2 - Dec 2 – Jan 2021	2	27	33	14

DESCRIPTION		2021 To date (January)	2020	2019	2018
Subdivision Applications Approved	1 – May 5 – June 2 – July 6 – Sept 4 – November 1 – Jan 2021	1	18	12	4
Rezoning Applications Approved		0	0	1	0
Compliance Cert	1 - Jan 1 – Feb 1 – March 1 – April 4 – May 1 – June 4 – July 3 – September 3 – October 3 – November 2 – December 1 – January 2021	1	24	22	5

**RECOMMENDATION:**

That the report for the period ending January 28, 2021, be received as information.

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

Date: January 28, 2021

Reviewed by: Troy MacCulloch, CAO

Date: January 28, 2021

Submitted to: Municipal Planning Commission

Date: February 2, 2021

DESCRIPTION		2021 To date (January)	2020	2019	2018
Subdivision Applications Approved	1 – May 5 – June 2 – July 6 – Sept 4 – November 1 – Jan 2021	1	18	12	4
Rezoning Applications Approved		0	0	1	0
Compliance Cert	1 - Jan 1 – Feb 1 – March 1 – April 4 – May 1 – June 4 – July 3 – September 3 – October 3 – November 2 – December 1 – January 2021	1	24	22	5

**RECOMMENDATION:**

That the report for the period ending January 28, 2021, be received as information.

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

Date: January 28, 2021

Reviewed by: Troy MacCulloch, CAO

Date: January 28, 2021

Submitted to: Municipal Planning Commission

Date: February 2, 2021