

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
via Virtual Meeting
December 7, 2021
6:30 pm
Agenda

1. Adoption of Agenda

2. Minutes

- a. Meeting Minutes of October 5, 2021

3. Closed Meeting Session

4. Unfinished Business

Nil

5. Development Permit Applications

- a. Development Permit Application No. 2021-55
M.D. of Pincher Creek No. 9
Lot 4, Block 4, Plan 1911543, Hamlet of Lowland Heights
Salvage and Waste Facility and Recycling Facility (Eco-Station)

6. Development Reports

- a. Development Officer's Report
 - Report for the period of October and November 2021

7. Correspondence

Nil

8. New Business

9. Next Regular Meeting – February 1, 2022; 6:30 pm

10. Adjournment

**Meeting Minutes of the
Municipal Planning Commission
October 5, 2021 6:30 pm
Municipal District of Pincher Creek No. 9 Administration Building**

ATTENDANCE

Commission: Chairman Jim Welsch, Reeve Brian Hammond, Councillors' Terry Yagos, Bev Everts, Rick Lemire, Quentin Stevick and Member At Large Jeff Hammond

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

Planning
Advisors: ORRSC, Senior Planner Gavin Scott

Chairman Jim Welsch called the meeting to order, the time being 6:30 pm.

1. ADOPTION OF AGENDA

Councillor Quentin Stevick 21/076

Moved that the agenda be approved as presented.

Carried

2. ADOPTION OF MINUTES

Member at Large Jeff Hammond 21/077

Moved that the Municipal Planning Commission Meeting Minutes for September 7, 2021 be approved as amended.

Carried

3. CLOSED MEETING SESSION

Councillor Bev Everts 21/078

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 6:32 pm.

Carried

Reeve Brian Hammond

21/079

Moved that the Municipal Planning Commission open the meeting to the public, the time being 6:47 pm.

Carried

4. **UNFINISHED BUSINESS**

- a. **DEVELOPMENT PERMIT APPLICATION No. 2021-59**
Sherban Comanescu
Ptn. of SE 19-5-2 W5M
Single Detached Residence (Cabin), 2 Accessory Buildings (Studio and Hobby Shed, and
Temporary Relocation of Existing Cabin

Councillor Bev Everts

21/080

Moved that Development Permit No. 2021-57, for Single Detached Residence (Cabin), 2 Accessory Buildings (Studio and Hobby Shed and Temporary relocation of Existing Cabin, be approved with 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.
2. The relocated existing building is only a temporary approval, the building shall be removed from the parcel once occupancy has been issued for the new residence.

Variance(s) for Residence:

1. A 25.2 meter variance of the 30 meter setback requirement from a municipal road is granted for a municipal road setback of 4.8 meters.
2. A 6.3 meter variance of the 7.5 meter setback requirement from the rear property boundary is granted for a rear yard setback of 1.2 meters.

Variance(s) for Accessory Building No. 1:

1. A 23.9 meter variance of the 30 meter setback requirement from a municipal road is granted for a municipal road setback of 6.1 meters.
2. A 2.3 meter variance of the 7.5 meter setback requirement from the rear property boundary is granted for a rear yard setback of 5.2 meters.

Variance(s) for Accessory Building No. 2:

1. A 24.4 meter variance of the 30 meter setback requirement from a municipal road is granted for a municipal road setback of 5.6 meters.

Variance(s) for Temporary Building (relocated existing building):

2. A 15.0 meter variance of the 30 meter setback requirement from a municipal road is granted for a municipal road setback of 15.0 meters.
3. A 6.3 meter variance of the 7.5 meter setback requirement from the rear property boundary is granted for a rear yard setback of 1.2 meters.

Carried

5. DEVELOPMENT PERMIT APPLICATIONS

a. DEVELOPMENT PERMIT APPLICATION NO. 2021-62

**Jan Monnissen
Portion of NW 24-8-1 W5M
Bed and Breakfast within Existing Building**

Member at Large Jeffrey Hammond 21/081

Moved that Development Permit No. 2021-62, for a Bed and Breakfast within Existing Building, be approved, subject to the Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.
2. That the developer comply with all Alberta Health Services requirements prior to commencement of operation.

Carried

6. DEVELOPMENT REPORT

a. Development Officer's Report

Councillor Rick Lemire 21/082

Moved that the Development Officer's Report, for the period September 2021, be received as information.

Carried

7. **CORRESPONDENCE**

Nil

8. **NEW BUSINESS**

None

9. **NEXT MEETING** – November 2, 2021; 6:30 pm.

10. **ADJOURNMENT**

Councillor Terry Yagos

21/083

Moved that the meeting adjourn, the time being 6:51 pm.

Carried

Chairperson Jim Welsch
Municipal Planning Commission

Director of Development and Community
Services Roland Milligan
Municipal Planning Commission

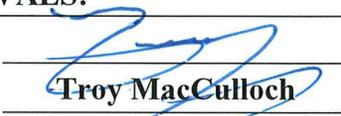
Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT NO. 2021-55 Applicant: M.D. of Pincher Creek No. 9 Location: Lot 4, Block 4, Plan 1911543, Hamlet of Lowland Heights Division: 2 Size of Parcel: 3.17 ha (7.83 Acres) Zoning: Hamlet General Industrial and Warehousing - HGIW Development: Salvage and Waste Facility and Recycling Facility (Eco-Station)	
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PREPARED BY: Roland Milligan	DATE: November 30, 2021
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DEPARTMENT: Planning and Development

Signature: _____		ATTACHMENTS: 1. Diagram of Facility 2. Diagram showing 300m setback 3. AEP Document, Requesting Consent to Vary the Setback Distance For Waste Storage Sites 4. DRAFT Letter of Request to Vary Setback the 300m Setback Requirement From a Waste Storage Site
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APPROVALS:			
 _____ Roland Milligan	2021/12/02 _____ Date	 _____ Troy MacCulloch CAO	03 Dec. 2021 _____ Date
Department Director	Date	CAO	Date

RECOMMENDATION:

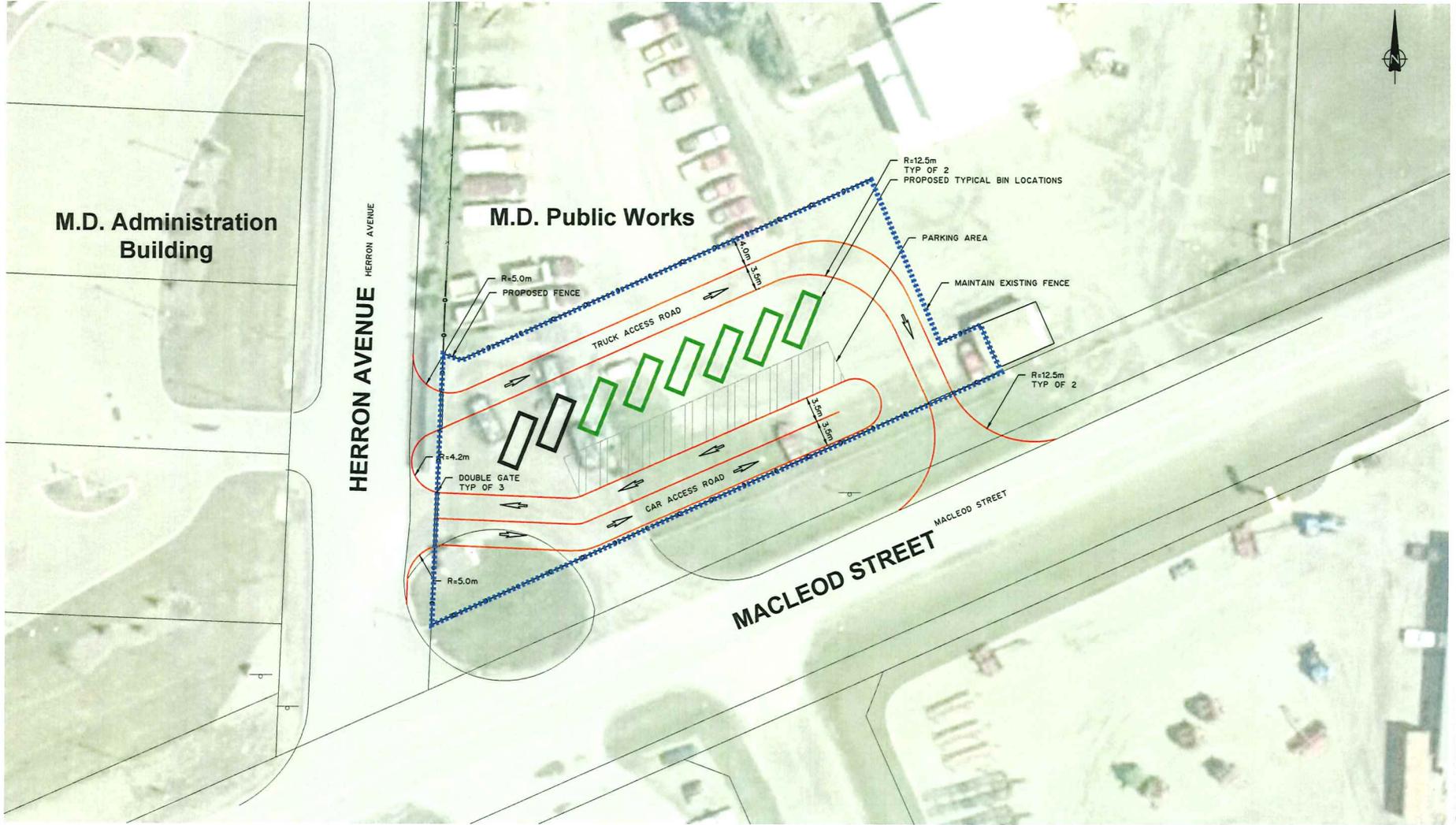
That the Municipal Planning Commission, acting in its role as the Development Authority, submit the attached letter to Alberta Environment and Parks requesting a variance of the 300 metre setback requirement from a Waste Storage Site as outlined within the *Subdivision and Development Regulation 2002-043*, for the purpose of allowing for the future development of the MD's Eco-Station site.

- BACKGROUND:**
- The Municipal District of Pincher Creek No. 9 (the MD) and the Town of Pincher Creek (the Town) have deemed it responsible and vital to provide the joint community with an efficient and cost effective recycling and waste management service.
 - The MD has agreed to partner with the Pincher Creek/Crowsnest Landfill Association to assist with the provision of an upgraded recycling and waste management service for the community.
 - After looking into two private land locations within the Town, as well as two locations which are on Town owned land, the MD has moved ahead with developing a site within the MD itself.
 - The plan is to upgrade the existing MD waste management facility located on a portion of the current MD Public Works yard, at the corner of Herron Avenue and McLeod Street (Hwy 785).

Recommendation to Municipal Planning Commission

The site is within the MD and is adjacent to the Town boundary between the MD's Public Works yard and the MD's Administration building (*See Diagram No. 1*).

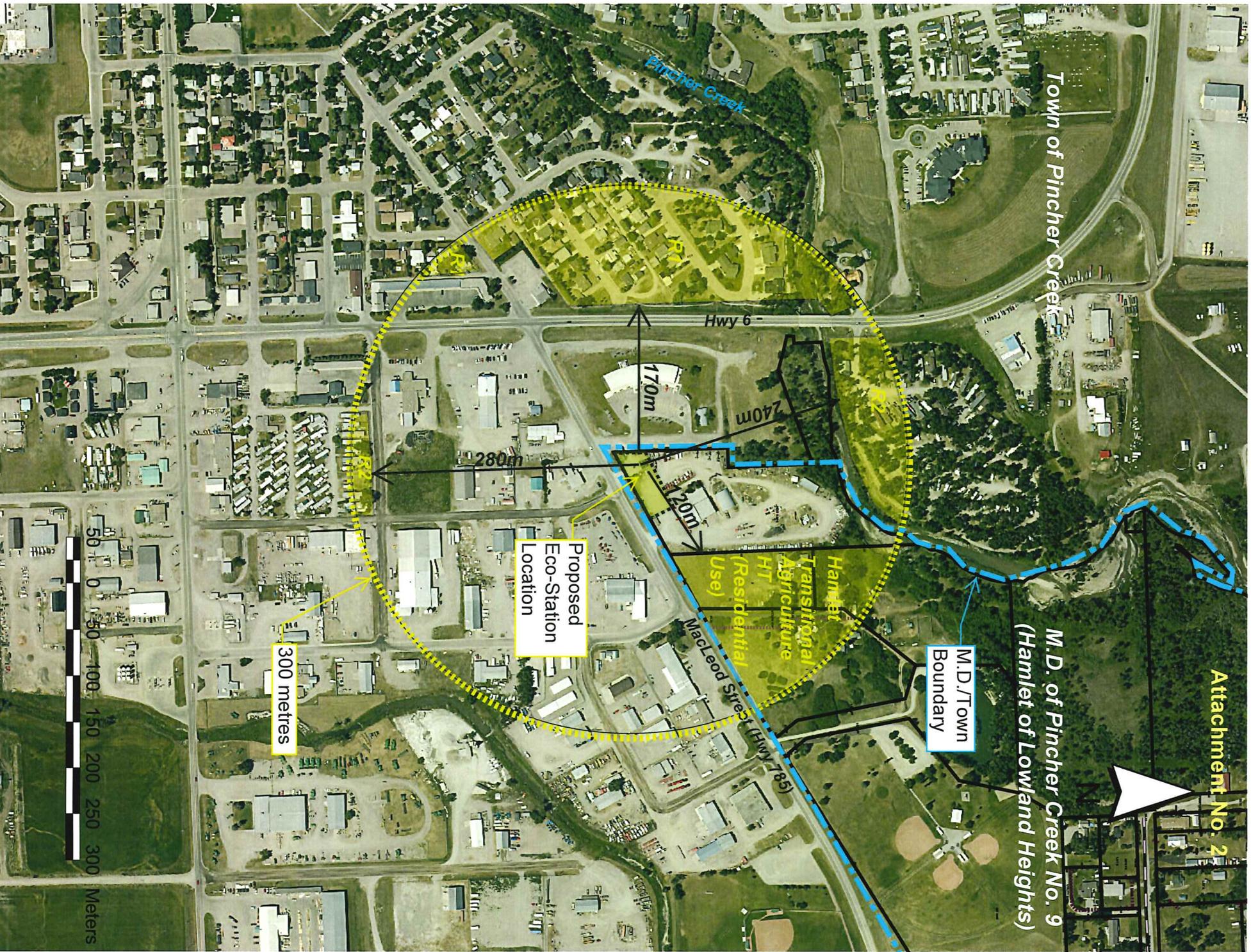
- The Eco Station development will entail an upgrade and expansion to the existing household garbage site. The site is to be manned, fenced, and gated with set operation times. This site was chosen because of the existing use, proximity to the Town, access to developed transportation routes, and existing MD infrastructure. The existing site will be expanded by adding further leak proof recycling bins stored on a concrete pad, for the additional collection and transfer of the following:
 - Large furniture bin
 - Appliance and metal bin
 - Electronics collection container
 - Household Hazardous and Paint collection container
 - Plastics and tin can collection bin
 - Newspaper and office paper collection bin
 - Herbicide jug collection bin.
 - Cardboard collection bin
- The attached area plan (*Attachment No. 2*) shows the distances from the existing/expanded site to the nearest parcels containing a residential use. The distances from the Town residential lands and the MD residential lands are shown on the diagram.
- Pursuant to the *Subdivision and Development Regulation 2002-043*, a development authority shall not issue a permit, for the purposes of developing a storage site unless, the working area of a storage site is situated at least 300m from a residential use property. In order to further develop this site, a variance of the 300m setback will be required.
- The *Regulation* allows the development authority to vary the setback distance upon receiving written consent from Alberta Environment and Parks (AEP).
- AEP provides a 2012 document on how the approval process for a variance is to be done, *Requesting Consent to Vary the Setback Distance for Waste Storage Sites (Attachment No. 3)*. The first thing required is a covering letter from the Development Authority requesting a variance.
- This item is being placed in front of the MPC because:
 - A covering letter from the development authority requesting a variance is required for a complete submission to AEP.
 - Both the Salvage and Waste Facility use and the Recycling Facility use, are discretionary uses within the Hamlet General Industrial and Warehousing – HGIW land use district, therefore being discretionary uses, the Municipal Planning Commission is the Development Authority.
- The development permit application will be on the agenda for a MPC meeting in the early 2022. AEP states in the approval document that consent to lessen the setback distance will not be considered after a development permit has been issued by the local authority.
- As the proposed development is within the MD and Town's Intermunicipal Development Plan referral area, Bylaw No. 1200-10, the development permit application was considered by the IMDP Committee at a committee meeting on August 27, 2021. At that meeting, the committee stated that they had no concerns with the application and recommended approval.



MUNICIPAL DISTRICT OF PINCHER CREEK
 PINCHER CREEK ECO STATION
 CONCEPTUAL FIGURE

SCALE: 1:500	DATE: JULY 2021	JOB: 1770-021-00	FIGURE: 1
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Attachment No. 1



Requesting Consent to Vary the Setback Distance For Waste Storage Sites

INFORMATION REQUIREMENT

November 2012

Setback distance from a residence school, hospital, or food establishment to an operating landfill is 450m.

Only the subdivision or development authority may submit a request for variance.

Copies of Alberta's Acts, Regulations and Codes of Practice are available from the Queen's Printer at <http://www.qp.alberta.ca>

Introduction:

Section 13 of the *Subdivision and Development Regulation* defines the setback required from a subdivision development for a residence, school, hospital, or food establishment to a waste storage site. The Regulation allows the subdivision or development authority to vary of the setback distance upon receiving written consent from Alberta Environment and Water.

Which type of storage site requires consent to reduce setback distances?

A storage site which is associated with a fixed, permanent facility used for waste management, such as a transfer station, requires consent from Alberta Environment and Water to lessen the setback.

A storage site that includes individual dumpsters or any other portable bins or containers used for collecting waste where regular pick-up occurs, or facilities used for the storage and processing of recyclables does not require consent from Alberta Environment and Water to lessen the setback.

Considerations for granting consent:

If a storage site is used for burning or composting activity the decision for consenting to lessen the setback distance will be based on whether adequate contingency plans are in place to mitigate potential nuisance such as smoke, odour, and vectors (birds and other wildlife).

Consent after development

Consent to lessen the setback distance will not be considered after a development permit or subdivision approval has been issued by the local authority.

Development near a waste storage site:

The following information must be provided to Alberta Environment and Water by the subdivision or development authority before Alberta Environment will consider consenting to a variance request for a development near a waste storage site:

1. A covering letter from the subdivision or development authority requesting a variance;
2. A letter from the waste storage site owner consenting to the encroachment;
3. A letter from the proponent stating the reasons the site must encroach within the setback and the alternatives if the variance is not granted;

For more information call the Information Centre at 780-427-2700 (outside Edmonton dial 310-0000)


Government

Requesting Consent to Vary the Setback Distance For Waste Storage Sites

INFORMATION REQUIREMENT

November 2012

Consent is not provided for developments that have already occurred.

4. Details of the type of development within the setback;
5. The notification number (i.e. to ensure the department has the site and operations plan for the facility for risk evaluation) of the waste storage site being encroached;
6. The recommended setback distance for encroachment;
7. Documentation on how the subdivision or development authority will deal with potential complaints from the residents within the setback; and
8. A letter from the Alberta Health Services confirming that they have no concerns with the proposed development.

Development of a new or expanding waste storage site near existing development:

Copies of Alberta's Acts, Regulations and Codes of Practice are available from the Queen's Printer at <http://www.qp.alberta.ca>

The following information is required to be provided to Alberta Environment and Water by the subdivision or development authority before Alberta Environment and Water will consider consenting to a variance request for a new or expanding waste storage site near a school, hospital, food establishment or residence:

1. A covering letter from the subdivision or development authority requesting a variance.
2. Written consent for the encroachment from persons who own land within the setback distance including information that they understand the implications of the development to future use of their property.
3. A letter from the proponent stating the reasons why the site must encroach within the setback and the alternatives if the variance is not granted.
4. Details of the type of development within the setback.
5. The notification number (i.e. to ensure the department has the site and operations plan for the facility for risk evaluation) of the waste storage site involved.
6. The recommended setback distance for encroachment.
7. Documentation on how the subdivision or development authority will deal with potential complaints from the residents within the setback.
8. A letter from the Alberta Health Services confirming that they have no concerns with the proposed encroachment.

For more information on setback variances please contact your Alberta Environment regional office. <http://environment.alberta.ca/contact.html>

Attachment No. 4



1037 Herron Ave.
PO Box 279
Pincher Creek, AB
T0K 1W0
p. 403.627.3130
f. 403.627.5070

info@mdpincercreek.ab.ca
www.mdpincercreek.ab.ca

December 8, 2021

Sent Via Email: ping.zhao@gov.ab.ca

Ping Zhao, P. Eng. M.A.Sc, Industrial Approvals Engineer
Alberta Environment and Parks
2nd Floor Provincial Building
200 - 5 Avenue South
Lethbridge, AB T1J 4L1

Attention Ping:

Re: Request for Variance
AEP Notification No. 478211-00-00
M.D of Pincher Creek No. 9 Municipal Eco-Station Site Development

The Municipal District of Pincher Creek No. 9 (the MD) and the Town of Pincher Creek (the Town) deem it responsible and vital to provide the joint community with an efficient and cost effective recycling and waste management service.

The proposed location will entail an upgrade and expansion to the existing household garbage site. The MD is proposing to supply upgraded recycling services to the entire community. The site will be expanded to add leak proof recycling bins stored on a concrete pad, for the collection and transfer of bagged household waste, large furniture, appliances and metal, electronics, household hazardous materials, cardboard, paper, plastics, tin cans, and herbicide jugs.

Pursuant to the Subdivision and Development Regulation 2002-043, a development authority shall not issue a permit, for the purposes of developing a storage site unless, the working area of a storage site is situated at least 300 metres from the property residential use.

The attached area plan (*Diagram 1*) shows the distances from the existing/expanded site to the nearest parcels containing a residential use. The distances from the Town residential lands and the MD residential lands are shown on the diagram. As indicated on the area map, the location of the facility will require a variance for every direction. The facility has operated for fifteen years without a complaint from either municipality.

The MD is requesting a variance from Alberta Environment and Parks of the 300 metre setback requirement as indicated within the attached diagram (*Diagram 1*).

Feel free to contact us with any questions or concerns. We look forward to your reply.

Regards,

Jim Welsch, Chairman of the Municipal Planning Commission, MD of Pincher Creek No. 9

Enclosure(s): 1. Area Map 2. Site Plan for Expanded Facility



Town of Pincher Creek

M.D. of Pincher Creek No. 9
(Hamlet of Lowland Heights)

M.D./Town
Boundary

Hamlet
Transitional
Agriculture
HT
(Residential
Use)

MacLeod Street (Hwy 785)

Hwy 6

Pincher Creek

140m

170m

20m

280m

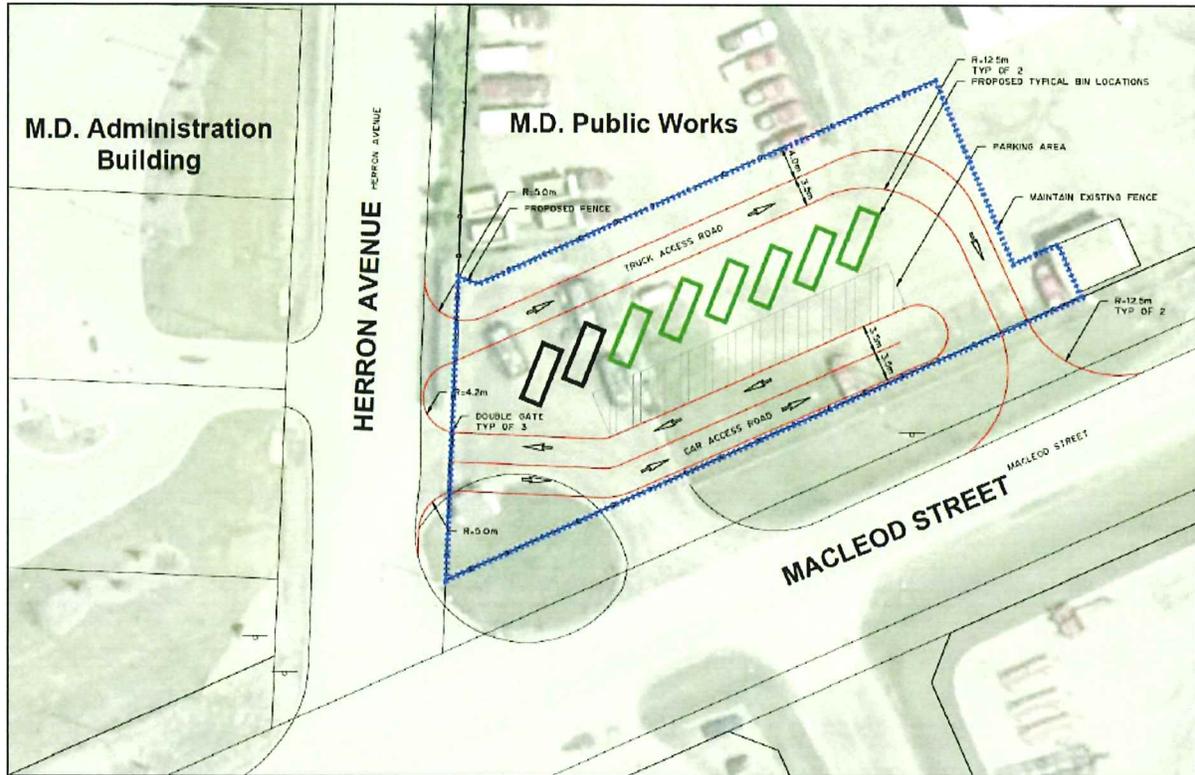
Proposed
Eco-Station
Location

300 metres

50 0 50 100 150 200 250 300 Meters



Site Plan for Expanded Facility



DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES REPORT

OCTOBER AND NOVEMBER 2021

Development / Community Services Activities includes:

- October 5 Planning Session/Subdivision Meeting/MPC Meeting
- October 7 Ag Service Board (ASB) Meeting
- October 12 Council Committee and Council Meetings
- October 14 Patton Park Meeting
- October 25 DEM DDEMs Meeting
- November 2 Planning Session and SA Meeting
- November 3 ASB Meeting
- November 8 Patton Park Meeting
- November 9 Council Meeting
- November 10 Joint Health & Safety Committee (JHSC) Meeting
- November 16 Council Committee Meeting
- November 22 Council Meeting
- November 23 to 25 RMA Conference

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Director for September to November, 2021

No.	Applicant	Division	Legal Address	Development
2021-65	Bennink, Christine	2	NW 32-5-29 W4	Addition to SDR (mud room)
2021-66	Castle Mountain Resort	1	Lot 1, Block 2, Plan 9911497	Accessory Building
2021-67	Davis, Tony & Janice	5	Lot 2, Block 1, Plan 1111171 SE 20-7-2 W5	Personal Use Barn
2021-68	1077841 Alberta Ltd.	5	SE 12-7-3 W5	Replace Manufactured Home
2021-69	Ferris, Claire	2	NW 19-5-28 W4	SDR
2021-70	Castle Mountain Resort	1	Lot 1, Block 3, Plan 9911497	Concession Stand

Development Permits Issued by Municipal Planning Commission Sept to Nov, 2021

2021-59	Comanescu, Sherban	3	Ptn. SE 19-5-2 W5	SDR & Accessory Buildings
2021-62	Monnissen, Jan & Amanda	4	NW 24-8-1 W5	Bed & Breakfast within existing building

Development Statistics to Date

DESCRIPTION		2021 To date (November)	2020	2019	2018
Dev Permits Issued	3 – Jan 5 – Feb 7 – Mar 9 - April 12 – May 9 - June 6 – July 3 – August 6 – September 8 – Oct & Nov	68 46 -DO 19 -MPC	67 57 – DO 10 - MPC	54 45-DO 9-MPC	22 17-DO 5-MPC
Dev Applications Accepted	3 – Jan 9 – Feb 7 – Mar 8 - April 8 – May 14- June 2 – July 10 – August 3 – September 6 – Oct & Nov	70	67	57	24
Utility Permits Issued	2 – Jan 1 – Feb 8 – Mar 1 – April 1 – May 4 – June 2 – July 4- August 0 – September 8 – Oct & Nov	31	27	33	14
Subdivision Applications Approved	1 – Jan 2021 1 – Feb 2021 2 – April 2021 2 – May 2021 3 – June 2021 2 – July 2021 4 - August 2 – September 6 – Oct & Nov	20	18	12	4
Rezoning		0	0	1	0

DESCRIPTION		2021 to Date (November)	2020	2019	2018
Compliance Cert	5 - Jan 3 - Feb 5 - Mar 1 - Apr 2 - May 3 - June 4 - July 4 - August 14 - Sept to Nov	41	24	22	5

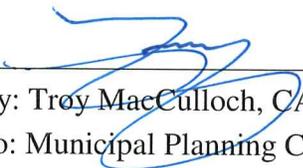
RECOMMENDATION:

That the report for the period ending November 30, 2021, be received as information.



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

Date: December 3, 2021



Reviewed by: Troy MacCulloch, CAO
Submitted to: Municipal Planning Commission

Date:
Date: December 3, 2021