

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
Council Chambers
July 4th, 2023
6:30 pm
Agenda

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Meeting Minutes of June 6th, 2023
- 3. Closed Meeting Session**
- 4. Unfinished Business**
- 5. Development Permit Applications**
 - a. Development Permit Application No. 2023-32
Bobby & Kaycee Peters
NW 12-5-30 W4
Specialty Manufacturing/Cottage Industry
 - b. Development Permit Application No. 2023-33
Donny & Tammy Lorenzen
NE 13-6-1 W5
Garden Suite
 - c. Development Permit Application No. 2023-34
Danny Roberts
Lot 53 Lee Lake – SE 7-7-2 W5
Accessory Building
- 6. Development Reports**
 - a. Development Officer's Report
- Report for June 2023
- 7. Correspondence**
 - a. ORRSC Periodical Summer 2023
- 8. New Business**
 - a. Cancellation of August Meeting
- 9. Next Regular Meeting – September 5th 2023**
- 10. Adjournment**

**Meeting Minutes of the
Municipal Planning Commission
June 6th, 2023 6:30 pm
Council Chambers**

ATTENDANCE

Commission: Chairman Jim Welsch, Member at Large Jeff Hammond, Reeve Rick Lemire, Councillors Harold Hollingshead and John MacGarva, and Tony Bruder

Staff: CAO Roland Milligan and Development Officer Laura McKinnon

Planning
Advisor: ORRSC, Senior Planner Gavin Scott and ORRSC, Planning Intern Tristan Scholten

Absent: Councillor Dave Cox

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

1. ADOPTION OF AGENDA

Councillor Harold Hollingshead 23/031

Moved that the agenda for June 7th, 2023, be approved as presented.

Carried

2. NEW BUSINESS

3. ADOPTION OF MINUTES

Member at Large Jeff Hammond 23/032

Moved that the Municipal Planning Commission Meeting Minutes for May 2nd, 2023 be approved as presented.

Carried

4. CLOSED MEETING SESSION

Reeve Rick Lemire 23/033

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

Councillor John MacGarva 23/034

Moved that the Municipal Planning Commission open the meeting to the public, the time being 6:42 pm.

Carried

5. **UNFINISHED BUSINESS**

6. **DEVELOPMENT PERMIT APPLICATIONS**

- a. **Development Permit Application No. 2022-28**
Guido Guerra
Lot 1, Block 1, Plan 9310136 within SE 30-5-2 W5
Accessory Building

Councillor Harold Hollingshead

23/035

Moved that Development Permit No. 2023-28, for an Accessory Building, be approved as presented.

Condition(s):

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

Waivers(s):

1. That a 26.48m (86.87 ft) Variance be granted from the Minimum Setback from Public Roadways of 30m (98.42ft) for a setback of 3.52m (12.1ft) to the East for the accessory building.
2. That a 9.41m (30.87 ft) Variance be granted from the Minimum Setback from Public Roadways of 30m (98.42ft) for a setback of 20.59m (67.55ft) to the North for the accessory building.

Carried

- b. **Development Permit Application No. 2023-29**
Michael Gerrand & Michelle Spencer
3,6; 24-5-1 W5
Garden Suite

Councillor Tony Bruder

23/036

Moved that Development Permit No. 2023-29, for a Garden Suite, be approved as presented.

Condition(s):

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

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
June 7, 2023

Waiver(s):

1. That a variance be granted from Section 49.4 “The structure being proposed shall be shown to be readily moveable upon expiry of the approval period” and be constructed in an existing permanent structure.
2. That a 5.54m (18.17ft) Variance be granted from the Minimum Setback from Public Roadways of 30m (98.4ft) for a setback of 24.46m (80.24 ft) to the South for the Garden Suite.

Informative(s):

1. That this structure not be used for a secondary suite unless applied for in a separate development permit.

Carried

7. **DEVELOPMENT REPORT**

- a. Development Officer’s Report

Reeve Rick Lemire 23/037

Moved that the Development Officer’s Report, for the period May 2023, be received as information.

Carried

8. **CORRESPONDENCE**

9. **NEW BUSINESS**

None

10. **NEXT MEETING** – July 4th, 2023; 6:30 pm.

11. **ADJOURNMENT**

Member at Large Jeff Hammond 23/038

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

Carried

Chairperson Jim Welsch
Municipal Planning Commission

Development Officer
Laura McKinnon
Municipal Planning Commission

Recommendation to Municipal Planning Commission

TITLE:	DEVELOPMENT PERMIT No. 2023-32	
Applicant:	Bobby and Kaycee Peters	
Location	NW 12-5-30 W4	
Division:	1	
Size of Parcel:	61.11 ha (151.01 Acres)	
Zoning:	Agriculture - A	
Development:	Specialty Manufacturing/Cottage Industry	
PREPARED BY: Laura McKinnon		DATE: June 27, 2023
DEPARTMENT: Planning and Development		
Signature:		ATTACHMENTS:
		<ol style="list-style-type: none"> 1. Development Permit Application 2023-32 2. Farm to Market Proposal 3. GIS Site Plan 4. Adjacent Landowner Response
APPROVALS:		
	 _____ Roland Milligan	_____ 2023/06/28
Department Director	Date	CAO
		Date

RECOMMENDATION:

That Development Permit Application No. 2023-32, for Specialty Manufacturing/Cottage Industry – Including an accessory building, be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.
2. That if required, dust suppression be supplied by the applicant on Twp Rd 5-2 from Hwy 6.
3. That all garbage be contained in bear proof containers.

BACKGROUND:

- On May 30 2023, the MD accepted the Development Permit Application No. 2023-32 from applicants Bobby and Kaycee Peters (*Attachment No. 1*).
- The application is to allow for a Specialty Manufacturing/Cottage Industry use on an Agriculture parcel, including an accessory building.
- It was determined that the applicants venture fits into this definition. They are proposing to use the accessory building as a retail site for their already established Cowboy Meats Company, which produces local meat products (*Attachment No. 2*).
- This application is being placed in front of the MPC because:
 - Within the Agriculture – A Land Use District, Specialty Manufacturing/Cottage Industry is a Discretionary Use.

Recommendation to Municipal Planning Commission

- The proposed location of the accessory building meets all required setbacks (*Attachment No. 3*).
- The definition of Specialty Manufacturing/Cottage Industry from Land Use Bylaw 1289-18 is as follows;
 - Development used for small-scale, on-site production of goods in a building not exceeding a gross floor area of 510 m² (5,490 ft²), including areas devoted to retail sales, display and storage. This use includes bakeries and specialty food production facilities, pottery and sculpture studios, taxidermists, greenhouses and specialty furniture makers
- This application was forwarded to the adjacent landowners for comment. At the time of preparing this report one response had been received (*Attachment No. 4*).



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. 2023-32

Date Application Received May 9 2023

PERMIT FEE ^{\$100 Permitted} \$150 Discretionary

Date Application Accepted May 30 2023

RECEIPT NO. _____

Tax Roll # _____

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: Bobby & Kaycee Peters

Address: 30021 Township Road 5-2

Telephone: [REDACTED] Email: [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:

Farm to Market Store, small scale store that provides consumers with local products

(Specialty manufacturing / Cottage Industry)

Legal Description: Lot(s) _____

Block _____

Plan _____

Quarter Section NW-12-5-30-W4

Estimated Commencement Date: July 1, 2023

Estimated Completion Date: May 1, 2024

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - A Division: 1

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	10000 sq ft		
(2) Area of Building	384 sq ft		
(3) %Site Coverage by Building (within Hamets)			
(4) Front Yard Setback Direction Facing: <u>E</u>	<u>304M</u>	<u>7.5M (24.6ft)</u>	<u>Yes</u>
(5) Rear Yard Setback Direction Facing: <u>W</u>	<u>470M</u>	<u>30M (98.4ft)</u>	<u>Yes</u>
(6) Side Yard Setback: Direction Facing: <u>N</u>	<u>30M</u>	<u>30M (98.4ft)</u>	<u>Yes</u>
(7) Side Yard Setback: Direction Facing: <u>S</u>	<u>763M</u>	<u>7.5M (24.6ft)</u>	<u>Yes</u>
(8) Height of Building	8 ft		
(9) Number of Off Street Parking Spaces	4-6		

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

Portable building from Premier Buildings situated on a gravel pad

Last page

<u>ACCESSORY BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) % Site Coverage by Building (within Hamlets)			
(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: May 4, 2023



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.

Peters Ranch – Cowboy Meats

Farm to Market (F2M) Proposal

May 2023



This is not our exact Cabin – but the same model. Ours will be 12x32 and 8ft high with cream-colored walls and a dark brown roof

The area will be fenced off from the rest of the field - Signage asking for customers to keep their pets in the car will be up and to stay with in the perimeter of the store. Garbage and recycling bins will be provided along with 3-4 parking spots within the gravel pad.

We plan to get set up in 2023 and open May 2024, with the idea of only being open May – October annually.

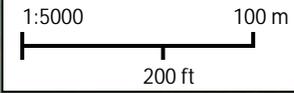
This store is an extension of our current agriculture business – Cowboy Meats. Our goal is to provide the community and tourists with a convenient shop to purchase local goods. It will be set up as an honor system for payment on a trial basis and we will adjust if that doesn't work. Payments accepted will be cash/etransfer/paypal and credit/debit. Goods offered will depend on what's available from us and other local producers. The dream being a variety of meat, eggs, occasional baked goods, coffee, flowers, vegetables etc. Again, this mix depending on what vendors accept my business proposal. I am open to having anything available that would fit the bill of local, homegrown, and legal for sale in Alberta.

We plan on having one large three door freezer and one two door refrigerator with a few tables. Power will be the only utility (no running water).

2023-32 - Setbacks Map



All information depicted is subject to change, therefore the Municipal District Of Pincher Creek assumes no responsibility for discrepancies at time of use. Please note, average accuracy of the displayed data is: +/- 10m.



TR52

TR52

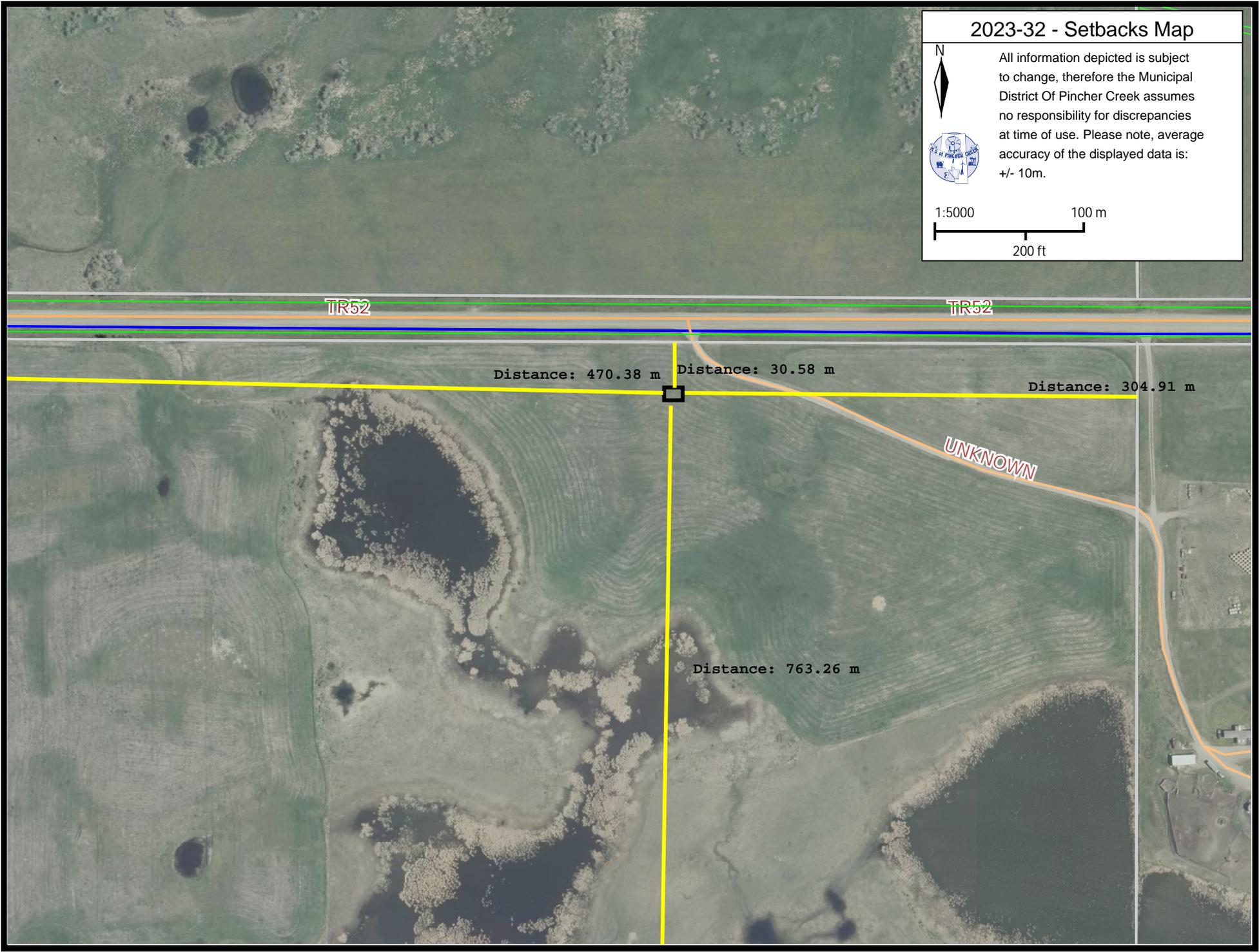
Distance: 470.38 m

Distance: 30.58 m

Distance: 304.91 m

UNKNOWN

Distance: 763.26 m





TR52

TR52

Distance: 470.38 m

Distance: 30.58 m

Access to Development

UNKNOWN

Distance

FW: Peter's Development

MDInfo <MDInfo@mdpincercreek.ab.ca>

Tue 2023-06-27 8:31 PM

To:Laura McKinnon <AdminDevOfr@mdpincercreek.ab.ca>

-----Original Message-----

From: Deirdre Schoening <deirdreschoening@hotmail.com>

Sent: June 27, 2023 6:14 PM

To: MDInfo <MDInfo@mdpincercreek.ab.ca>

Subject: Peter's Development

Hello,

I have given considerable thought to the proposed development on the land adjoining the Kerr Road. While I believe landowners have the right to develop their own land, I believe this is a poorly thought out commercial enterprise planned for agricultural land. I believe many items were barely touched on. Traffic which may encroach on the Kerr Road, extra signage, interference with wildlife and domestic animals, problems with pets wandering, garbage and litter and strangers in the area.

I am therefore speaking against this development and any commercial development on agricultural land. I think possibly some areas could be set aside in the MD for future commercial development.

Thank you, Deirdre Schoening

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2023-33 Applicant: Donny & Tammy Lorenzen Location: NE 13-6-1 W5 Division: 3 Size of Parcel: 39.65 ha (97.98 Acres) Zoning: Agriculture - A Development: Garden Suite	
PREPARED BY: Laura McKinnon	DATE: June 27, 2023
DEPARTMENT: Planning and Development	
Signature: 	ATTACHMENTS: 1. Development Permit Application 2023-33 2. Garden Suite Photos 3. GIS Site Plan
APPROVALS:	
	 Roland Milligan
	 2023/06/28
Department Director	Date
CAO	Date

RECOMMENDATION:

That Development Permit Application No. 2023-29, for a Garden Suite, be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.
2. That this development permit is re-evaluated after five years.
3. That the home be finished from the floor level to the ground within 90 days of placement. All finish material shall either be factory fabricated or of equivalent quality, so that the design and construction complements the dwelling to the satisfaction of the development authority

BACKGROUND:

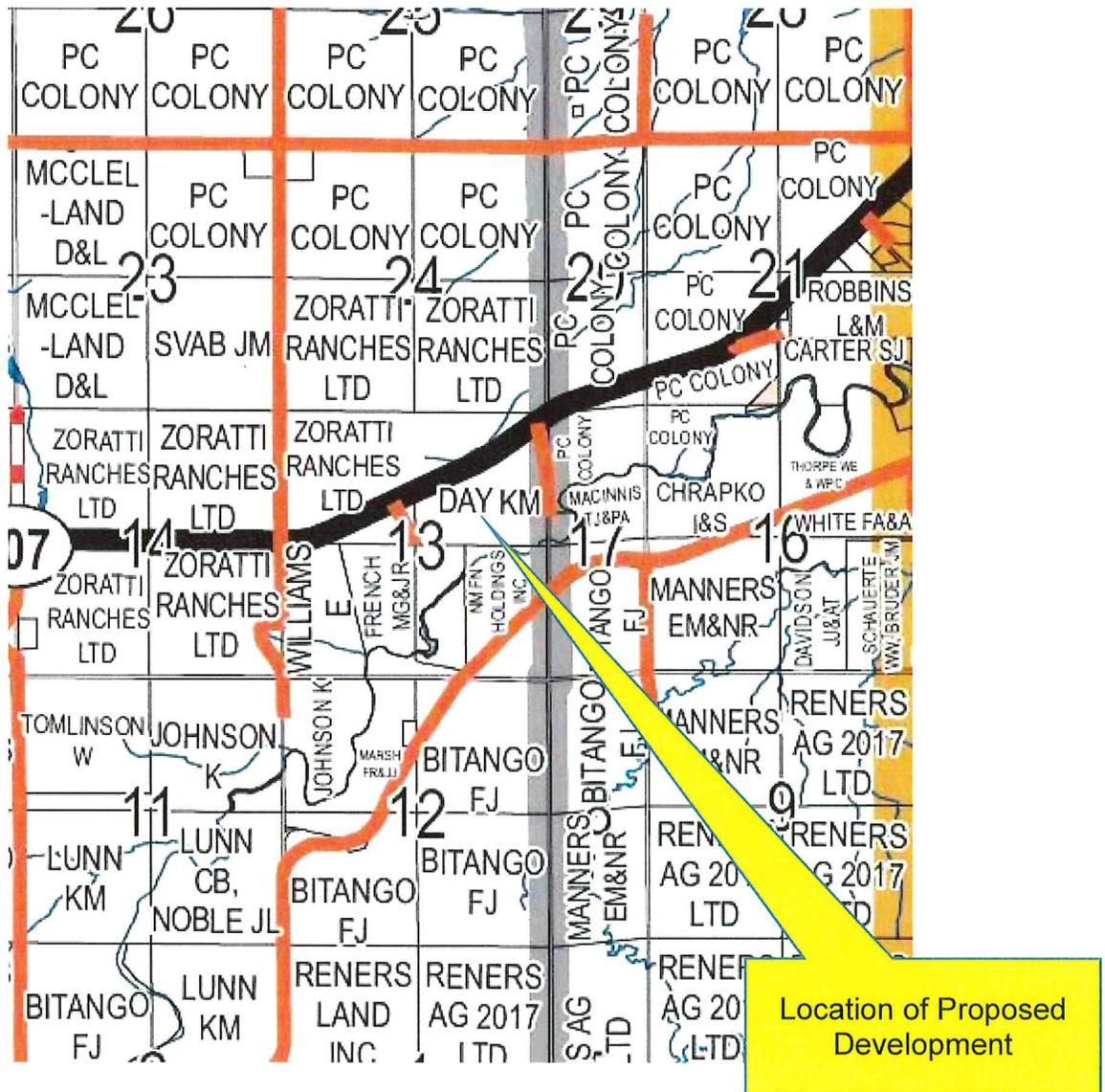
- On May 30 2023, the MD accepted the Development Permit Application No. 2023-33 from applicants Donny & Tammy Lorenzen (*Attachment No. 1*).
- The application is to allow for a Garden Suite on an Agriculture parcel (*Attachment No. 2*).
- This application is being placed in front of the MPC because:
 - Within the Agriculture – A Land Use District, Garden Suite is a Discretionary Use.
- The proposed location of the garden suite meets all required setbacks (*Attachment No. 3*).
- The applicants father would be residing in the garden suite.

Recommendation to Municipal Planning Commission

- The application was forwarded to the adjacent landowners for comment. At the time of preparing this report no responses had been received.

Recommendation to Municipal Planning Commission

Location of Proposed Development





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. 2023-33

Date Application Received May 30/23

PERMIT FEE \$100 Permitted
\$150 Discretionary

Date Application Accepted May 30/23

RECEIPT NO. 58168

Tax Roll # _____

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: DONALD & TAMMY LORENZEN

Address: 302 2099, PINCHER CREEK, AB, T0K 1W0

Telephone: [REDACTED] Email: [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:

MOVE IN A SECOND RESIDENCE FOR MY WIFE'S
FATHER 30x34 ft I.D. # 23-049

Legal Description: Lot(s) _____

Block _____

Plan _____

Quarter Section NE-13-6-1-W5

Estimated Commencement Date: EARLY JULY

Estimated Completion Date: SEPTEMBER?

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - A 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			
(2) Area of Building	1090sq/ft	—	
(3) %Site Coverage by Building (within Hamets)		—	
(4) Front Yard Setback Direction Facing: <u>S</u>	118M	7.5M (24.6ft)	Yes
(5) Rear Yard Setback Direction Facing: <u>N</u>	437M	30M (98.4ft)	Yes
(6) Side Yard Setback: Direction Facing: <u>E</u>	263M	30M (98.4ft)	Yes
(7) Side Yard Setback: Direction Facing: <u>W</u>	521M	7.5M (24.6ft)	Yes
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

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

<u>ACCESSORY BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) % Site Coverage by Building (within Hamlets)			
(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: 30/04/2023

[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:

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.





Existing House

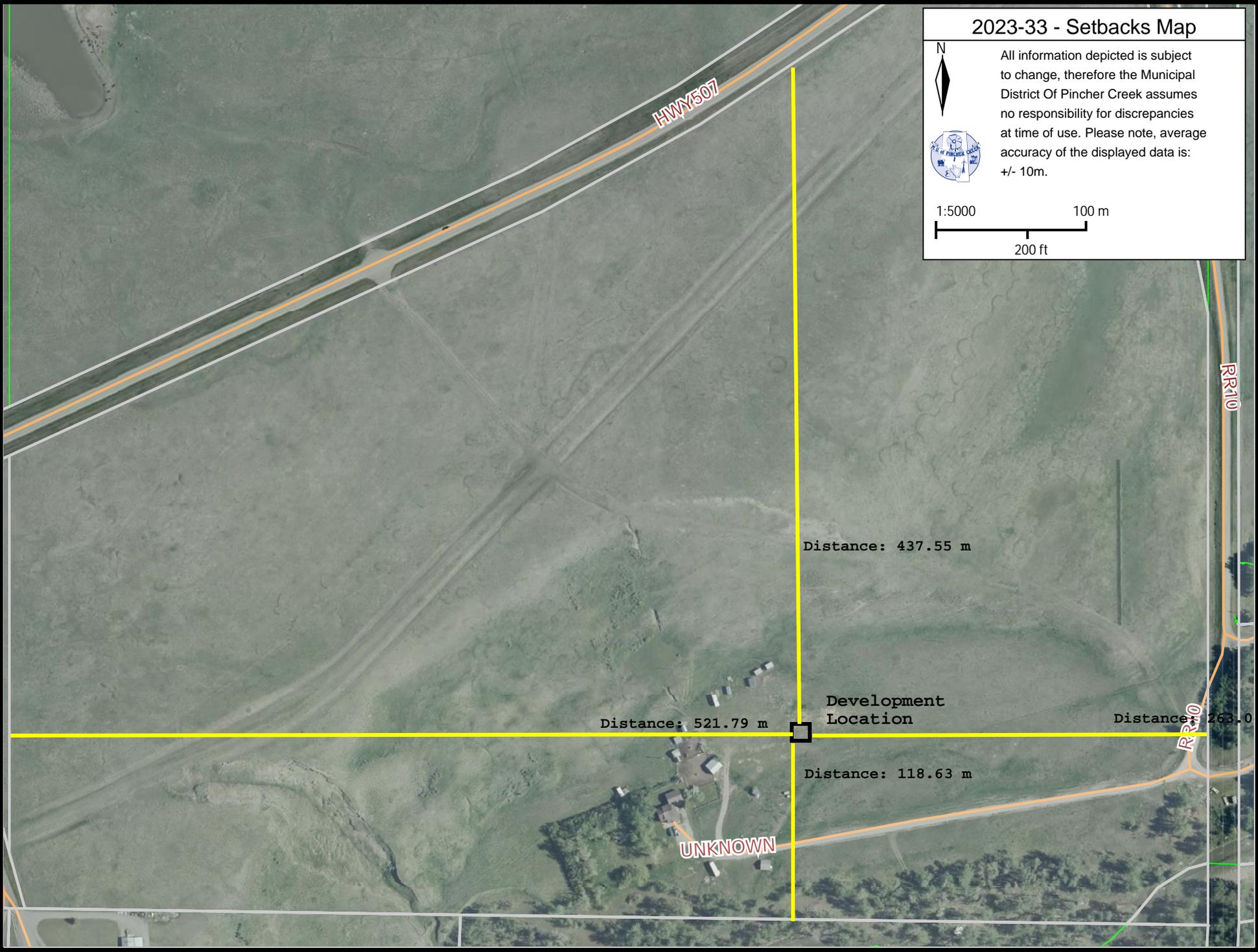
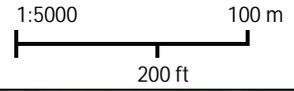
Development Location

UNKNOWN

2023-33 - Setbacks Map



All information depicted is subject to change, therefore the Municipal District Of Pincher Creek assumes no responsibility for discrepancies at time of use. Please note, average accuracy of the displayed data is: +/- 10m.



HWY 507

RR10

RR10

Distance: 437.55 m

Distance: 521.79 m

Distance: 263.0

Distance: 118.63 m

Development Location

UNKNOWN

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2023-34 Applicant: Danny Roberts Location SE 7-7-2 W5 (Lot 53 Lee Lake) Division: 5 Size of Parcel: 52.42 ha (129.55 Acres) Zoning: Rural Recreation 1 – RR-1 Development: Accessory Building			
PREPARED BY: Laura McKinnon	DATE: June 27, 2023		
DEPARTMENT: Planning and Development			
Signature: 	ATTACHMENTS: 1. Development Permit Application 2023-34 2. Accessory Building 3. GIS Site Plan		
APPROVALS:			
	 Roland Milligan	 2023/06/28	
Department Director	Date	CAO	Date

RECOMMENDATION:

That Development Permit Application No. 2023-34, for an Accessory Building, be approved subject to the following Condition(s):

Condition(s):

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

BACKGROUND:

- On June 2 2023, the MD accepted the Development Permit Application No. 2023-34 from applicant Danny Roberts (*Attachment No. 1*).
- The application is to allow for an Accessory Building on a Rural Recreational 1 parcel (*Attachment No. 2*).
- This application is being placed in front of the MPC because:
 - Within the Rural Recreational 1 – RR-1 Land Use District, Accessory Building is a Discretionary Use.
- The proposed location of the accessory building meets all required setbacks (*Attachment No. 3*).
- The application was forwarded to the adjacent landowners for comment. At the time of preparing this report no responses had been received and the landowner signed off consent.



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. 2023-34

Date Application Received June 2/23

PERMIT FEE ^{\$100 Permitted} \$150 Discretionary

Date Application Accepted June 5/23

RECEIPT NO. 58247

Tax Roll # _____

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: Danny Roberts

Address: 1131-17A STREET SOUTH, LETHBRIDGE AB T1K1Z7

Telephone: [REDACTED] Email: d [REDACTED]

Owner of Land (if different from above): Terry Yagos

Address: Box 10 Bellevue T0K0C0 Telephone: [REDACTED]

Interest of Applicant (if not the owner): Lessee

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:

Storage Shed.

Legal Description: Lot(s) Lot 53 Lee Lake

Block _____

Plan _____

Quarter Section 567-7-2-5

Estimated Commencement Date: _____

Estimated Completion Date: _____

SECTION 3: SITE REQUIREMENTS

Land Use District: Rural Recreation-1 RR1 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

<u>PRINCIPAL BUILDING</u>	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)

on Terry's quarter.

<u>ACCESSORY BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	/		
(2) Area of Building	160 ft ²		
(3) % Site Coverage by Building (within Hamlets)	/		
(4) Front Yard Setback Direction Facing: W (56M in lot)	55M	7.5M (24.6ft)	Yes
(5) Rear Yard Setback Direction Facing: S (48M in lot)	176M	7.5M (24.6ft)	Yes
(6) Side Yard Setback: Direction Facing: E (12.4M in lot)	91.8M	30M (98.4ft)	Yes
(7) Side Yard Setback: Direction Facing: W (24M in lot)	709M	37.5M (124.6)	Yes.
(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: June 01/2023

[Signature]
 Applicant
 x [Signature]
 Registered Owner

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

IMPORTANT NOTES:

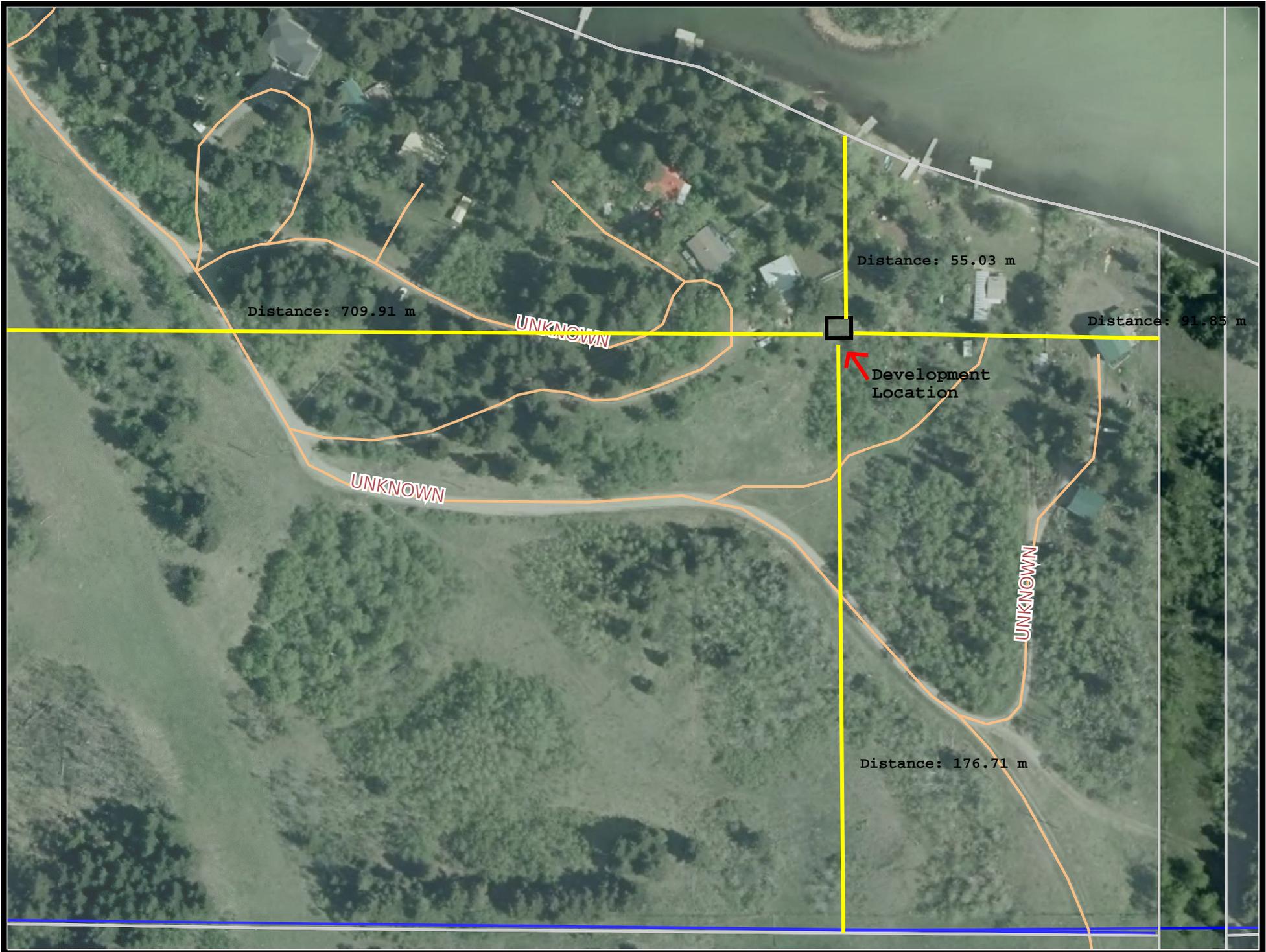
THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.

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.





Distance: 709.91 m

UNKNOWN

Distance: 55.03 m

Distance: 91.85 m

Development
Location

UNKNOWN

UNKNOWN

Distance: 176.71 m



DEVELOPMENT OFFICER REPORT

June 2023

Development / Community Services Activities includes:

- June 6 Planning Session
- June 6 Municipal Planning Commission Meeting
- June 6 Subdivision Authority Meeting
- June 7/8 Landowner Meetings
- June 13 Council & Committee Meeting
- June 20 Travel Alberta Meeting
- June 27 Bylaw Inspection - Lundbreck
- June 27 Council & Committee Meeting
- June 29-30 Vacation

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Development Officer for June 2023

No.	Applicant	Division	Legal Address	Development
2023-35	David McCaslin	1	Lot 1, Block 1, Plan 1710150	Accessory Building
2023-36	David & Noelle Baker	3	SW 15-5-1 W5	Single Detached Residence

Development Permits Issued by Municipal Planning Commission June 2023

2023-28	Guido Guerra	3	Lot 1, Block 1, Plan 9310136 within SE 30-5-2 W4	Accessory Building - Variance
2023-29	Michael Gerrand & Michelle Spencer	3	3,6; 24-5-1 W5	Garden Suite

Development Statistics to Date

DESCRIPTION		2023 To date (July)	2022	2021	2020
Dev Permits Issued	4 - June	30 18 -DO 12 -MPC	48 29 – DO 19 - MPC	68 46-DO 19-MPC	67 57–DO 10–MPC
Dev Applications Accepted	4 – June	37	49	70	67
	2 – June	18	12	31	27

Utility Permits Issued					
Subdivision Applications Approved	1 - June	4	8	20	18
Rezoning		0	5	0	0
DESCRIPTION		2023 to Date (July)	2022	2021	2020
Compliance Cert	5 - June	12	32	41	24

RECOMMENDATION:

That the report for the period ending June 30, 2023, be received as information.

Prepared by: Laura McKinnon, Development Officer

Date: June 28, 2023

Respectfully Submitted to: Municipal Planning Commission

Temporary uses

A look into uses of a non-permanent nature, temporary approvals, and the associated municipal decision making framework.

Municipalities acknowledge that the notion of use exists on a continuum of time, with some uses that will remain indefinitely and others that come and (usually) go. Permanent uses like houses and businesses exist alongside passing uses like vendors and work camps. In the pursuit of orderly development, most municipalities will choose to develop a comprehensive planning approach directing how temporary uses are to be managed. Embodying such an approach helps facilitate land use compatibility amongst the permanent and temporal elements of the built environment while recognizing that temporary use is a natural part of the cycle of municipal development.



Introduction

In land use planning, most of the focus is on the permanent fabric (built form) of community created through the development permit process. But there is a segment of planning that allows for uses that come and go in varying short periods of time. These are generally referred to as temporary uses. This periodical will explore the nuance of temporary use in planning practice and provide ideas for municipal approaches to addressing these uses through the Land Use Bylaw (LUB), or in some cases another mechanism for approval.

Temporary use typically encompasses things like garage sales, special events, food vendors, and pop-up uses, and often plays an important role in urban revitalization. The difficulty in discerning what temporary uses are is expressed in the questions: Is this a land use or is it something else? What is the context in which the use is being proposed and is the context such that there is insulation from traditional impacts associated with permanent uses? Defining context: where and what is it?; time frame: how long?; size and intensity: how much?; impact: who is affected? These are all important considerations when evaluating whether a temporary use is appropriate, and devising the framework that is best suited to regulate it.

Conversely, temporary approvals for permanent uses are authorized in some land use bylaws (LUB) and can be a helpful tool for a Development Authority in navigating its role. Whether it's a provisional approval for a desired permanent use, or a temporary approval for a naturally interim use, a spectrum of options exist for municipalities to manage the matter.

What is temporary?

Conventional (i.e. permanent) land uses are issued development permits, normally for an indefinite duration, and remain operative as long as the authorized development remains in effect. Temporary uses can be defined as "a use established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed."

Temporary use in planning is also thought of as a means to placemaking and community vibrancy. Neighbourhood planners will encourage temporary use to create energy in a neighbourhood like a downtown. Public interaction with pop-up vendors can create spin-off social and economic benefits from a pedestrian-oriented culture of congestion. Similarly, a neighbourhood block party can reinforce neighbour relations and help with a sense of pride in property.

Despite these associated benefits to the community, the pop-up phenomenon can at times be somewhat of a double-edged sword. For instance, the City of Brooks has faced opposition to the temporary use of a



Okanagan fresh fruit, Lethbridge.



Ruben's Veggies, Lethbridge.

Underutilized land in commercial parking lots can be a popular venue for the sale of fruits and vegetables. While fruit is usually sold out of a truck that occupies the site no longer than June–September, vegetable sales are often housed within small buildings that facilitate an extended operating season. For instance, Ruben's Veggies remains open 9 months of the year.

Enhancing access to fresh produce, these temporary uses are valuable amenities for residential areas in the vicinity. It is nonetheless important that they are sited with regard for the circulation and parking configurations that were approved for the conventional commercial development occurring on the parcel.

pop-up car dealer who utilizes an underused vacant property for seasonal sales. The 'brick and mortar' car dealer businesses in Brooks saw this as unfair competition. Whereas they have invested in the community and sell the same product, the temporary vendor benefits from the consumer base without a corresponding investment in the community. In a competitive industry, temporary car sales may not be a good fit for the local economy, but is that a valid consideration for an approval authority?

By nature, temporary uses arise quickly but often extend past their expected tenure. This owes to the human activity that moulds, activates and attaches meaning to a space—an effect that can turn an interim land use into a permanent one through the intervention of community groups.

Policy context

In most municipalities, the context of temporary use sometimes lacks an overall strategy or an understanding of options for regulation. The following list of possible temporary uses captures the breadth of this subject matter:

- Seasonal sales: Christmas Trees, garden center
- Garage sales
- Special events: car shows, concerts, weddings, parades
- Farmers' markets
- Home Occupations
- Temporary camp/staging site
- Sidewalk busking, sales, or dining
- Land Use bylaw defined temporary use:
(signage, meteorological towers for wind turbine analysis)
- Mobile food trucks and carts
- Road side sales: fruit and vegetable
- Pop-up Retail sales: may be internal to an existing business
- Peddler: Flag sales, crafts, artisan works
- TV and movie filming
- Parks and passive recreational uses

Within the list above, time frames may be implied, and are a large component in an approach to regulation. Ultimately, in order to facilitate regulatory oversight, these fixed periods of time must be quantified.

Reasonableness should be exercised when specifying these fixed time frames. Municipalities would be well served to define periods of short-term use as 24 hours or a weekend, medium-term as seasonal (May-September), and long-term as a year or more. The 24-hour or weekend category, like garage sales, is often of such a short duration that a development permit exemption in a LUB is appropriate as there is insufficient time to process a development permit. With the seasonal category, there is time to process a permit, so the decision to regulate through the LUB often falls on the other qualifying questions. For the long-term category, a development permit will more likely be required based on the semi-permanent nature of the use.



image source: [bbc.com](https://www.bbc.com)

Tempelhofer Feld in Berlin exemplifies how the persistence and evolution of temporary use can transform an underutilized urban space into a destination. Occupying the site of a former military airport, today this internationally renowned public space supports numerous pop-up cultural activities and community-led initiatives including kiting, skating, gardening and barbecuing.

Development permit requirements and exemptions should be read together with local business licence rules to give an overall understanding of the process and fees applicable to temporary uses.

Temporary approvals for conventional land uses

Where provided for in a LUB, a Development Authority may limit the duration of a development permit. Temporary permits should be limited to scenarios where a permitted use is requesting a variance or for discretionary uses. Permitted uses that conform with the LUB should not be subject to a duration clause unless the application itself discloses that the timeline of the use is limited. The power of the Development Authority to refuse a discretionary use on its merits alone implies the right to limit the duration of an approval.

A time-limited permit often results where a Development Authority is of the opinion that a proposed use is suitable, but nonetheless should be monitored over a certain time period owing to circumstances specific to the proposal. It's important that the Development Authority does not rely on a temporary approval in lieu of answering the question it is obligated to positively confirm—being that the use is substantially suitable having regard for sound planning principles. It is not appropriate for a Development Authority to effectively defer this question to a later date. Where the test for suitability is met, a temporary permit can be viewed as a trial approval, whereby at the end of the timeline the applicant is expected to reapply and demonstrate that any remaining uncertainty can be dismissed through evidence of land use compatibility and accurate execution of the original permit. Still, temporary permits should be used judiciously and only where conditions attached to a conventional development permit would not be sufficient to ensure the approval is in the public interest.

Land use considerations and impacts

Most municipalities will be familiar with land use approvals for Home Occupations. Differing intensity of use can garner that no permit is required for a home office, but where a hairdresser, contractor, or landscape company will generate traffic and have parking needs a permit is more likely necessary. Decision makers must understand that the use of a temporary approval creates a level of uncertainty for the business owner, which can affect a willingness to carry forward. Clear reasoning to the applicant as to why a temporary approval was utilized needs to be conveyed along with a very clear timeframe.

Another example of location and timeframe is that of the food truck (or mobile food cart). Here the distinguishing factor is a question of location. Is the food truck utilizing a public street to sell their product or are they

Business licences (for the communities that have them) are often utilized as the starting point of municipal requirements, but business licences alone don't ask the questions that planning staff would want to understand before the use is established. Where the municipal planning process is not engaged, information gaps are more likely to exist. For instance, planners tend to be knowledgeable about the provincial and federal statutes that will apply in the context of a specific use.

Uses involving the handling of food illustrate how rules prescribed from higher levels of government can come into play. The Government of Alberta provides fact sheets on low-risk foods which states, "Alberta's Food Regulation sets the rules for the safe handling of food that is available to the public. As of June 1, 2020, the Food Regulation allows Albertans to make low-risk foods in their home kitchen for sale to the public, subject to certain restrictions and safe food handling. Low-risk home-prepared foods can be sold from home (including online or mail-order sales) and special events, as well as from farmers' markets, where they were sold previously. Special events are temporary events, such as craft fairs and festivals, and have their own set of rules in the regulation."



Big D's Burger Shack, Nanton.

Development permit exemptions are found in most LUBs.

For temporary uses, it may be necessary to address the frequency of the use in order to preclude repeat overuse (i.e. no permit is required for a seasonal sales/garage sales event not exceeding 48 hrs on a site and not more than twice in a calendar year).

Municipal authority for specifying the duration of a development permit is derived from Section 640(2)(c)(v) of the Municipal Government Act (MGA).

For temporary permits, a municipality may also wish to provide for the ability to require security to ensure that the use is removed on time and to the satisfaction of the municipality.

The Town of Claresholm's system requires a yearly review of home occupations to ensure the original intent is working for the neighbourhood and that the use is being carried out in accordance with the approval. Whereas other communities allow the home occupation permit to run with the tenancy of the landowner, Claresholm treats it more like a temporary use.

locating on private land? Whereas the first location might be governed exclusively via a traffic policy in conjunction with a business licence and is not necessarily a land use bylaw concern, the second location creates a more nuanced scenario that may require the benefit of a development permit, depending on the duration of stay. Even where the private land is vacant, the food truck will be occupying a parking space that is intended to be allocated to a brick and mortar business.

In the case of "Big D's Burger Shack" in the Town of Nanton, the use began as a temporary use on a parcel of land owned by the vendor. The applicant had outlined that the truck would be mainly fixed at the location, but during certain periods would become mobile and attend special events. The applicant also indicated that the intent was not to use municipal services for water and sewer. After the temporary permit expired, the vendor found that enough business was attainable without moving and transitioned to a permanent use without water and sewer hook ups (which according to the water and sewer bylaw had to be approved by Council). With minimal improvement on site, a parcel of land can often be quickly transitioned to a brick and mortar development, so in a sense the business is temporary, but the approval is permanent as long as food is being provided on site. Municipal servicing authorization is thus an important consideration for municipalities in determining permanency. Land use bylaws and local water and sewer bylaws should be reviewed to understand servicing requirements, and temporary use policy should be clear on whether the requirement for servicing triggers the need for a permanent development permit.

The 'special event' category presents another nuance of temporary use. A municipality may develop a separate policy that empowers Council or the CAO to issue approvals (with or without conditions) for special events. Special events can vary from triathlon races to weddings, concerts, outdoor church events, or 'Big Tent' sales. Within a special event policy, the need for signage, temporary road closures, temporary structures, and other requirements to mitigate impacts can all be prescribed through the policy, thereby precluding the need for a development permit. In contrast, full time special event locations, which specialize in weddings and provide lodging, catering and other amenities are more likely to require development permits.

Implementation

Relatively predictable, innocuous developments that are well understood are typically considered for exemption from the requirement to obtain a development permit. However, the proponents of temporary development permits often don't have an interest in land, and therefore look to establish quick, affordable agreements with private landowners, or to utilize public lands. Careful consideration should be given to what type of temporary development gets a free pass from the requirement to obtain a development permit. Where a permit is required, clear conditions establishing the timeline for which the permit is operative should be attached, along with expectations for follow-up permitting (if applicable) and requirements

for the provision of security to ensure timely cessation of the use to the satisfaction of the municipality. The benefits of subjecting a temporary use to the development permit process must be balanced against the benefits of reducing red tape for interim land uses that contribute to the fabric of the community. Committing to expedited timelines for pop-up uses within a day or so preceding the request can be an effective way of doing so.

Temporary uses on public property which are mobile like food vendors or weekend farmers' markets are often kept out of the development permitting realm and are accepted through a business licence management policy, whereas farmers' markets on private property have generally been processed as a temporary use through the LUB. The difference may be found in the general understanding that on public property a policy adoption process garnered public input for appropriate locations (perhaps through a municipal development process or a separate Council policy development process). Alternatively, the private property scenario is not debated until it comes forward. The discussion forum is thus best found within the LUB processes. On the other hand, bringing temporary uses into the LUB introduces an appeal mechanism, which has the effect of elongating timelines for uses that are typically very time sensitive. This is where a Council will have to determine if a policy-based approach would suffice.

Lastly, the quantification of impact may create a point of contention in Council deliberations as to the need for a development permit versus just a business licence. Where the public shows opposition or questions the location of a proposed temporary use, planning staff should be prepared to provide development options for Council. These may include separation buffers from residential parcels, limitations on duration and size, or in the case of large events on public property consideration for adding liability insurance, security deposits and contractual agreements that outline the right to revoke the approval. Although business competition is not a valid consideration for a Development Authority, it is open to a Council to establish business licence fees that may have the effect of levelling the playing field.

Concluding remarks

Although not all temporary uses occur within a given municipality, the policy discussion regarding them should not be overlooked. Because of their minimal impact and short duration, many temporary uses do not rise to the requirement of regulation through the LUB. Planners would rather see business licence policy developed that guides the public on the 'How To' without overwhelming the applicant's desire to operate a simple, self-contained business or to activate a derelict space. The variety of different activities that can manifest under the umbrella of temporary use implies that context is everything. Temporary use sets the stage for municipal decision makers to implement unique solutions that work within an individual municipality.

An example of policy-based approvals can be found in the Sidewalk Patio policy for the City of Lethbridge. The following background statement from the policy states the intent and perhaps the imperfection of the initial attempt.

In order to "encourage the development of an atmosphere of dynamism and vitality in the downtown" the Downtown Area Redevelopment Plan (1988, Bylaw 4183, Sec4.2.2(i)) states that "The City will encourage park and street activities such as vendors, street festivals, sidewalk cafes and outdoor sidewalk merchandise displays." For 16 years the City received no enquiries from private business owners about the possibility of creating sidewalk cafes or patios. Then, upon a request in 2004, City departments found they had no processes to regulate how such a patio should be developed or operated or insured. Moreover, the cross-departmental concerns complicated what would appear to be a very simple development. This policy and attendant procedure was created to reconcile those interests and enable a "one-stop" application process for downtown businesses qualified to operate a sidewalk patio. Subsequent revisions to the policy were aimed at making the application process easier for applicants."

For more information on this topic contact admin@orrsc.com or visit our website at orrsc.com.

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