

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

- 1. Call to Order**
- 2. Adoption of Agenda**
- 3. Adoption of MPC Minutes from February 3, 2015 Pkg 1**
- 4. In Camera**
- 5. Unfinished Business**
 - a. Development Permit Application No. 2014-59
Misty and Brent Afdahl
Ptn. SW 18-7-28 W4M Pkg 2
 - b. Development Permit Application No. 2015-02
Charles and Helen Clymer
Ptn. SW 2-6-1 W5M Pkg 3
- 6. Development Permit Applications**
- 7. Development Report**
 - a. February 2015 Pkg 4
- 8. Correspondence**
- 9. New Business**
- 10. Next Regular Meeting – April 7, 2015; 6:30 pm**
- 11. Adjournment**

**Meeting Minutes of the
Meeting of the Municipal Planning Commission
February 3, 2015 – 6:30 pm
Municipal District of Pincher Creek No. 9 Administration Building**

ATTENDANCE

Commission: Reeve Brian Hammond, Councillors Terry Yagos, Fred Schoening, Grant McNab, Garry Marchuk, and Member Dennis Olson

Absent: Member Bev Garbutt

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

COMMENCEMENT

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

1. ADOPTION OF AGENDA

Councillor Fred Schoening 15/001

Moved that the February 3, 2015 Municipal Planning Commission Agenda, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Member Dennis Olson 15/002

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

Carried

3. IN CAMERA

Reeve Brian Hammond 15/003

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

Carried

Councillor Garry Marchuk 15/004

Moved that MPC and staff move out of In-Camera, the time being 6:49 pm.

Carried

4. UNFINISHED BUSINESS

There was no unfinished business to discuss.

5. DEVELOPMENT PERMIT APPLICATIONS

- a) Development Permit Application No. 2015-02
Charles and Helen Clymer
Ptn. SW 2-6-1 W5M

Reeve Brian Hammond

15/005

Moved that Development Permit Application No. 2015-02 be tabled pending the receipt of further information regarding the Road Closure and Consolidation process initiated by the applicant.

Carried

- b) Development Permit Application No. 2015-03
Brett Gingras
Lot 1, Block 1, Plan 9510577; NE 18-5-2 W5M

Councillor Garry Marchuk

15/006

Moved that Development Permit Application No. 2015-03 be approved subject to the following Condition(s) and Waiver(s):

Conditions:

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

Waivers:

1. That Section 38.3(a) of Land Use Bylaw 1140-08, which states that all secondary farm residences be located on a parcel that has an area greater than 32.4 ha (80 acres) be waived, thereby allowing this development on a parcel of 13.85 ha (34.2 acres).

Carried

6. DEVELOPMENT REPORTS

Councillor Garry Marchuk

15/007

Moved that the Development Reports for December 2014 and January 2015 be received as information.

Carried

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
February 3, 2015

7. CORRESPONDENCE

Nil

8. NEW BUSINESS

9. NEXT MEETING – March 3, 2015; 6:30 pm

10. ADJOURNMENT

Reeve Brian Hammond

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

15/008

Carried

Chairperson Terry Yagos
Municipal Planning Commission

Director of Development and Community
Services Roland Milligan
Municipal Planning Commission

MD OF PINCHER CREEK

February 26, 2015

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2014-59

1. Application Information

Applicant: Misty and Brent Afdahl
Location: Ptn. SW 18-7-28 W4M
Division: 4
Size of Parcel: 80 acres (32.37 hectares)
Zoning: Agriculture
Development: Placement of Manufactured Home

2. Background

- Development Permit Application No. 2014-59 was presented at the October 7, 2014 Municipal Planning Commission meeting (Enclosure No. 1).
- At that meeting the MPC tabled the application pending the *receipt of a certificate containing the seal and signature of a Professional Engineer of The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA) or Architect indicating that the mitigation requirements as outlined within the LUB have been met and that the proposed residential building is adequately protected against flood damage to the 1:100 year flood elevation.*
- On February 19, 2015, the applicant supplied a site survey stamped by an APEGGA accredited Professional Engineer showing elevations and making recommendations to ensure that the proposed residence is above the 1:100 year flood level (Enclosure No. 2).

3. Discussion

- The plan shows the location on the proposed residence and recommends that the applicant raise the existing ground elevation by 1.5m.
- In discussions with the engineer, it was stated that the 1:100 flood level was determined by conducting interviews with three residents of the area and determining the elevation of the inundation of the flood waters in 1995.
- The engineer stated that the 1995 flood event was greater than a 1:100 year event. Using the historic flood elevation and establishing it as the new high is a standard practice.
- The proposed residence is a new Manufactured Home with a covered deck. Based on the site plan provided, the development will require a setback waiver of 7.7m from the 50m front yard setback requirement, for a front yard setback of 42.3m from the undeveloped road allowance to the south.

Recommendation No. 1

That Development Permit Application No. 2014-59 be approved subject to the following Condition(s) and Waiver(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
2. That the manufactured 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.
3. That the manufactured home be secured to the ground in compliance with the requirements of Alberta Safety Codes.
4. That the applicant adhere to the House Development Plan prepared by Cicon Engineering, attached to and forming part of this permit.

Waiver(s):

1. That a 7.7m (25.3 ft.) Setback Waiver be granted from the minimum Front Yard Setback of 50.0m (164 ft.) for a Setback of 42.3m (138.8 ft.).

Recommendation No. 2:

That Development Permit Application No. 2014-59 be denied as it does not comply with the Land Use Bylaw.

4. Enclosures

Supporting Documents:

- Enclosure 1 Development Permit Application No. 2014-59 with supporting documents
- Enclosure 2 House Development Plan prepared by Cicon Engineering

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO

W. Kay February 26, 2015

ENCLOSURE 1

- NOTE: DIMENSIONS AND ELEVATIONS ARE IN METRES.
- EXISTENCE AND LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXISTENCE AND LOCATION OF UTILITIES FROM RECORD DRAWINGS AND TO GROUND DISTURBANCE.
 - ORIGINAL GROUND CONTOURS AND ELEVATIONS ARE FROM SURVEY DATA COLLECTED JANUARY 18 & 20, 2015.
 - ELEVATIONS GEODETIC.

TITLE NUMBER
071 460 824

TITLE NUMBER
011 075 797

TITLE NUMBER
831 195 550

TITLE NUMBER
931 256 008



SITE PLAN EXTENTS
SEE SHEET 2 OF 2

PROPOSED HOUSE FOOTPRINT
+1034.27
+1034.35
+1034.41

EXISTING DRAINAGE COURSE
+1034.00
+1034.04
+1034.08

EXISTING BARBED WIRE FENCE
+1034.12
+1034.16
+1034.20

GOVERNMENT ROAD ALLOWANCE
+1034.24
+1034.28
+1034.32

PIIKANI RESERVE
+1034.36
+1034.40
+1034.44

TO OLDMAN RIVER

SW18 7-28-4
SW12 7-28-4
NE12 7-28-4

NW7 7-28-4

GOVERNMENT ROAD ALLOWANCE
+1034.48
+1034.52
+1034.56

PIIKANI RESERVE
+1034.60
+1034.64
+1034.68

14m 900mm STM
CAMP @ 2.72%
+1034.72
+1034.76

1985 FLOOD HWL 1034.74
(6" ABOVE ROAD SURFACE OVER
CULVERT, ACCORDING TO JACK)
+1034.80
+1034.84

GOVERNMENT ROAD ALLOWANCE
+1034.88
+1034.92
+1034.96

PIIKANI RESERVE
+1035.00
+1035.04
+1035.08

PLAN 091 3072

1985 FLOOD ALONG
DITCH, FENCE LINE
+1035.12
+1035.16
+1035.20

HWY 3
+1035.24
+1035.28
+1035.32

GOVERNMENT ROAD ALLOWANCE
+1035.36
+1035.40
+1035.44

PIIKANI RESERVE
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GOVERNMENT ROAD ALLOWANCE
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PIIKANI RESERVE
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GOVERNMENT ROAD ALLOWANCE
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PIIKANI RESERVE
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GOVERNMENT ROAD ALLOWANCE
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GOVERNMENT ROAD ALLOWANCE
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+1036.84
+1036.88

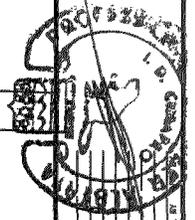
PIIKANI RESERVE
+1036.92
+1036.96
+1037.00

GOVERNMENT ROAD ALLOWANCE
+1037.04
+1037.08
+1037.12

PIIKANI RESERVE
+1037.16
+1037.20
+1037.24

GOVERNMENT ROAD ALLOWANCE
+1037.28
+1037.32
+1037.36

PERMIT TO PRACTICE
CICON ENGINEERING
Signature: _____
Date: 28.11.2015
PERMIT NUMBER: P 2174
The Association of Professional Engineers
Geotechnical and Geophysicists of Alberta

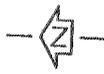


CICON ENGINEERING
The Association of Professional Engineers
Geotechnical and Geophysicists of Alberta

MISTY AFDAHL
HOUSE DEVELOPMENT
KEY PLAN

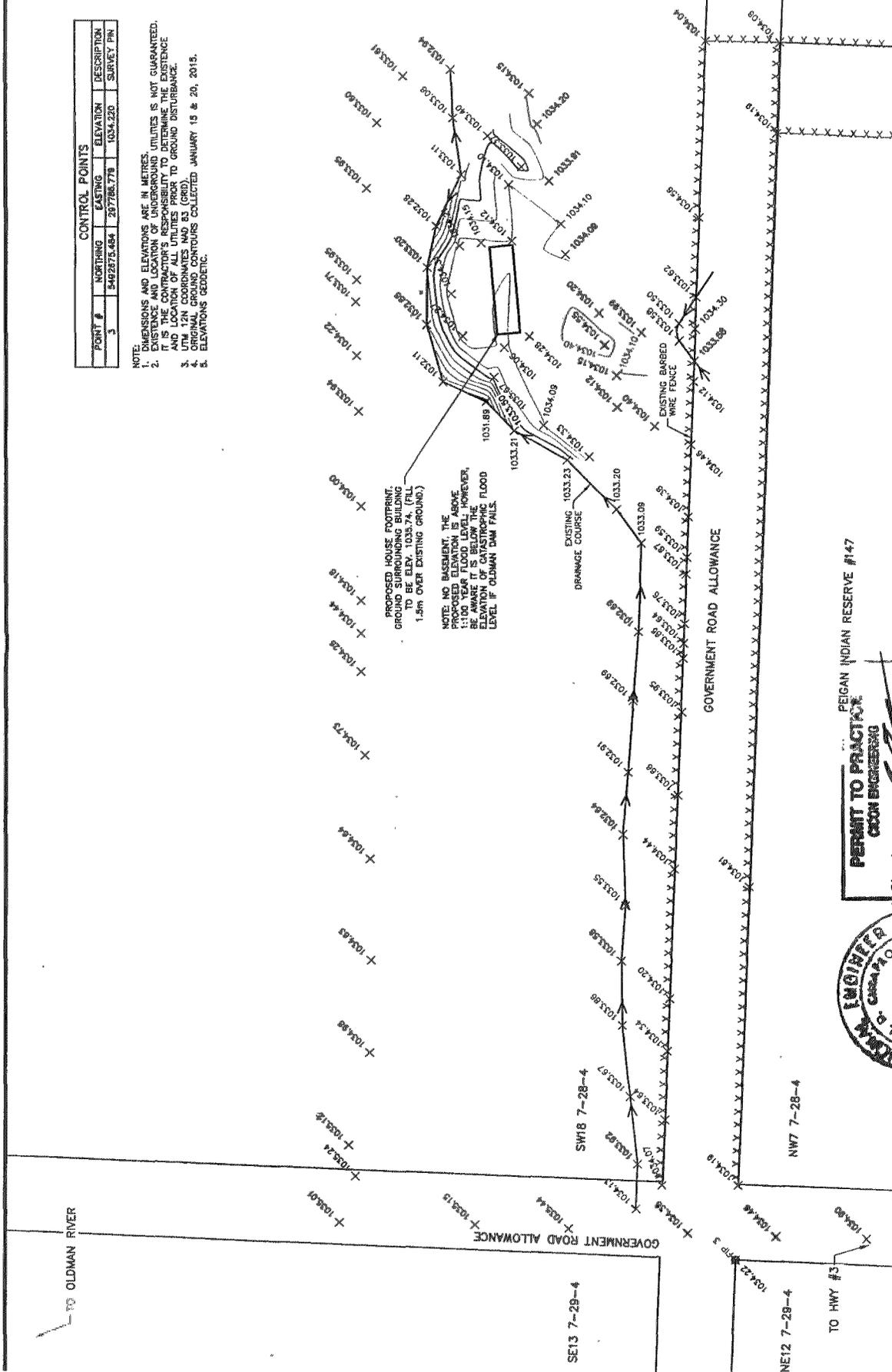
DATE	01/18/19
PROJECT NO.	931139
DRAWING NO.	01
SHEET	1 OF 2

DESIGN BY	LDG
DRAWN BY	JGA
CHECKED BY	LDG
APPROVED BY	LDG
SCALE	1:2000



CONTROL POINTS			
POINT #	NORTHING	EASTING	DESCRIPTION
3	5492875.484	287788.778	1034.220 SURVEY PIN

- NOTE: DIMENSIONS AND ELEVATIONS ARE IN METRES.
 1. EXISTENCE AND LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED.
 2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO GROUND DISTURBANCE.
 3. UTM 12L COORDINATES AND E. (GSD).
 4. ORIGINAL GROUND CONTOURS COLLECTED JANUARY 15 & 20, 2015.
 5. ELEVATIONS GEODETIC.



DATE: 01/18/18
 PROJECT NO: 800138
 SHEET NO: 01
 SHEET 2 OF 2

MISTY AFDAHL
 HOUSE DEVELOPMENT
 SITE PLAN

DESIGN BY: L.S.C.
 DRAWN BY: J.C.L.
 CHECKED BY: J.O.G.
 APPROVED BY: L.S.C.
 SEAL: 111000

CICON ENGINEERING
 The Association of Professional Engineers, Geologists and Geophysicists of Alberta
 Permit to Practice
 PERMIT NUMBER: P 21
 Date: 2011/2015
 PEIGAN INDIAN RESERVE #147

DATE: _____
 REV. BY: _____
 DATE: _____

MD OF PINCHER CREEK

September 26, 2014

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2014-59

1. Application Information

Applicant: Misty and Brent Afdahl
Location: Ptn. SW 18-7-28 W4M
Division: 4
Size of Parcel: 80 acres (32.37 hectares)
Zoning: Agriculture
Development: Placement of Manufactured Home

2. Background

- The applicant wishes to place a singlewide manufactured home onto a lot located at lands described as Ptn. SW 18-7-28 W4M

3. Discussion

- This application is in front of the MPC for the following reason:
 - Pursuant to Section 31.7 of Land Use Bylaw 1104-08, a permitted use for a site adjacent to an area deemed to be within the 1:100 flood risk area shall be deemed a discretionary use.
- The home is a new Manufactured Home with a covered deck. The covered deck will require a setback waiver of 3.6m from the 50m front yard setback requirement, for a front yard setback of 46.4m from the undeveloped road allowance to the south.
- The applicants are aware of the flood history within the area and have stated that this is the location where the livestock congregated and were safe during the 1995 flood event.
- Notification letters were sent to landowners adjacent to this proposed project. At the time of preparing this report no enquiries were received.
- The application was also circulated to Alberta Environment and Sustainable Resource Development (ESRD) and both the MD's Director of Operations and the Public Works Superintendent.
- ASRD stated that they have no issues with the proposed development.
- The MD's PWS stated that he had no issues and the Director of Operation stated the following:

Having reviewed the application, location and conditions of the river valley adjacent to the property I recommend not approving the application for the following reasons:

- *The Municipality has not completed a floodplain survey of the area including the property in question;*
 - *The parcel in question is within 200 meters of and 2 meters elevation of a secondary channel of the Old Man River; and*
 - *Section 31.8 of the Municipality's Land Use Bylaw 1140-08 indicates that the only development within a flood risk area be non-residential.*
- Sections 31.8 through 31.15 of the LUB deal with the development on or near a flood plain.
- As the MD has no specific information on defined flood plains in the area, Section 31.14 of the LUB states:
- Where flood plain/slope information is not available but the Development Authority believes that lands may be subject to flooding, the Authority may require that development requiring a development permit be set back such distance as the Authority considers reasonable and appropriate to minimize the risk of flooding.*

Recommendation No. 1

That Development Permit Application No. 2014-59 be approved subject to the following Condition(s) and Waiver(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
2. That the manufactured 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.
3. That the manufactured home be secured to the ground in compliance with the requirements of Alberta Safety Codes.

Waiver(s):

1. That a 3.6m (12 ft.) Setback Waiver be granted from the minimum Front Yard Setback of 50.0m (164 ft.) for a Setback of 46.4m (152.2 ft.).

Recommendation No. 2

That Development Permit Application No. 2014-59 be approved subject to the following Condition(s) and Waiver(s):

Condition(s):

1. That pursuant to Section 31.11 of Land Use Bylaw 1140-08, prior to commencement of the development, the applicant shall supply a certificate containing the seal and signature of a Professional Engineer of The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA) or Architect indicating that the mitigation

requirements as outlined within the LUB have been met and that the building or structure is adequately protected against flood damage to the 1:100 year flood elevation.

2. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
3. That the manufactured 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.
4. That the manufactured home be secured to the ground in compliance with the requirements of Alberta Safety Codes.

Waiver(s):

2. That a 3.6m (12 ft.) Setback Waiver be granted from the minimum Front Yard Setback of 50.0m (164 ft.) for a Setback of 46.4m (152.2 ft.).

Recommendation No. 3:

That Development Permit Application No. 2014-59 be tabled pending the receipt of a certificate containing the seal and signature of a Professional Engineer of The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA) or Architect indicating that the mitigation requirements as outlined within the LUB have been met and that the proposed residential building is adequately protected against flood damage to the 1:100 year flood elevation.

4. Enclosures

Supporting Documents:

Enclosure 1 Development Permit Application No. 2014-59 with supporting documents

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



October 2, 2014



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. 2014-59

Date Application Received 2014-09-02

PERMIT FEE 150

Date Application Accepted 2014-09-02

RECEIPT NO. 18647

Tax Roll # 1042.000

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: Brent & Misty Afdahl

Address: Box 2875

Telephone: 403-632-9410 Email: misty.afdahl@gmail.com

Owner of Land (if different from above): Jack Afdahl

Address: Box 634 Telephone: 403-627-2448

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:

Placement of a manufactured home & required utilities with a deck

Legal Description: Lot(s) _____

Block _____

Plan _____

Quarter Section SW 18-7-28 W4

Estimated Commencement Date: Fall 2014

Estimated Completion Date: Fall 2015

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture Division: 4

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	2000 sq ft.		
(3) %Site Coverage by Building			
(4) Front Yard Setback Direction Facing: SOUTH	46.4m	50m	3.6m width req'd. (7.2%)
(5) Rear Yard Setback Direction Facing: NORTH	350in.	7.5m	YES
(6) Side Yard Setback: Direction Facing: WEST	22.4m	50m	YES
(7) Side Yard Setback: Direction Facing: EAST	555in	7.5m	YES
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

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

architectural drawing, (floor plan with dimensions)

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

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

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

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

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

DATE: August 17, 2014

M. Haddad RET owner
Applicant

Jack [Signature]
Registered Owner

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



Scale 1:2000

PTN. SW 18-7-28 W4M



UNDEVELOPED ROAD ALLIANCE

RGE. RD 20-0

PTN. NW 7-7-28 W4M

Tara Cryderman

From: Robert Plante <Robert.Plante@gov.ab.ca>
Sent: Monday, September 15, 2014 9:16 AM
To: Tara Cryderman
Subject: RE: Request for Comments - Afdahl - Ptn. SW 18-7-28 W4M

Hi Tara:

We have no issues

Robert

Robert Plante CET
Operation & Maintenance Supervisor
Oldman River Dam
Operations Infrastructure
Environment and Sustainable Resource Development
Box 1540 Pincher Creek, Alberta. T0K1W0
Office (403) 627-5544
cell (403) 627 7520

From: Tara Cryderman [mailto:AdminExecAsst@mdpincercreek.ab.ca]
Sent: Monday, September 15, 2014 9:04 AM
To: Robert Plante
Cc: Roland Milligan
Subject: Request for Comments - Afdahl - Ptn. SW 18-7-28 W4M

Good morning Robert,

I understand Pieter is away on an extended holiday so it was suggested that I forward this to you.

Should further information or clarification be required, please do not hesitate to contact us.

Take care,

Tara

Tara L.R. Cryderman
Executive Assistant
Municipal District of Pincher Creek No. 9
Phone: 403.627.3130
Fax: 403.627.5070
Email: tcryderman@mdpincercreek.ab.ca

"At the center of your being you have the answer, you know who you are and you know what you want."
— Lao Tzu

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Roland Milligan

From: Leo Reedyk
Sent: September-16-14 2:22 PM
To: Tara Cryderman
Cc: Roland Milligan
Subject: Development Permit Application No. 2014-59

Having reviewed the application, location and conditions of the river valley adjacent to the property I recommend not approving the application for the following reasons:

- The Municipality has not completed a floodplain survey of the area including the property in question;
- The parcel in question is within 200 meters of and 2 meters elevation of a secondary channel of the Old Man River; and
- Section 31.8 of the Municipality's Land Use Bylaw 1140-08 indicates that the only development within a flood risk area be non-residential.

If you have any questions on the comments provided, please contact me at your earliest convenience.

Sincerely,

L.J. (Leo) Reedyk, A.A.E.
Director of Operations
MD of Pincher Creek No. 9

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MD OF PINCHER CREEK

February 26, 2015

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

1. Application Information

Applicant: Charles and Helen Clymer (the applicants)
Location: Ptn. SW 2-6-1 W5M
Division: 3
Size of Parcel: 3.42 Acres
Zoning: Agriculture
Development: Accessory Building – Pole Barn/Shop
Setback Variance Required

2. Background/Comment

- Development Permit Application No. 2015-02 for a pole shed, that would require two setback waivers, was presented at the February 3, 2015 Municipal Planning Commission meeting.
- At that meeting the MPC tabled the application pending the receipt of further information.
- The MPC was looking for a commitment from the applicant that the steps to close and purchase the unused portions of roads adjacent to the parcel were going to be undertaken.
- On February 9, 2015 the applicant supplied the required road closure fee to initiate the process of closing, purchasing, and consolidating the portions of road with the parcel.
- Council approved the closing and sale of the portions of road at the January 13, 2015 Council meeting.
- When the portions of closed road are consolidated with the existing parcel, there would be no requirement for any setback waivers as the proposed location of the shop would meet the setbacks of the land use district.

Recommendation No. 1:

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

Condition(s):

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

Waivers(s):

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

Recommendation No. 2:

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

Recommendation No. 3:

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

3. Enclosures

Supporting Documents:

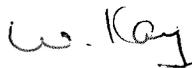
- Enclosure No. 1 Development Permit Application No. 2015-02 and supporting documents
- Enclosure No. 2 Map Showing Proposed Additions to Parcel

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



February 26, 2015

MD OF PINCHER CREEK

January 28, 2015

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

1. Application Information

Applicant: Charles and Helen Clymer (the applicants)
Location: Ptn. SW 2-6-1 W5M
Division: 3
Size of Parcel: 3.42 Acres
Zoning: Agriculture
Development: Accessory Building – Pole Barn/Shop
Setback Variance Required

2. Background/Comment

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

3. Discussion

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

Recommendation No. 1:

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

Condition(s):

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

Waivers(s):

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

Recommendation No. 2:

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

Recommendation No. 3:

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

4. Enclosures

Supporting Documents:

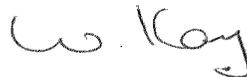
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Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



January 28, 2015

TABLED PENDING RECEIPT OF ADDITIONAL INFORMATION



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. 2015-02

Date Application Received 2014-12-11

PERMIT FEE 150.00

Date Application Accepted 2015-01-06

RECEIPT NO. 19912

Tax Roll # 3191.200 5401 Rge Rd 1-2

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

SECTION 1: GENERAL INFORMATION

Applicant: CHARLES & HELEN CLYMER

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

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

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

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:

POLE BARN

Legal Description: Lot(s)

Block

Plan

Quarter Section PORTION OF SW2-6-1-5

Estimated Commencement Date: AS SOON AS POSSIBLE

Estimated Completion Date: JULY, 2015

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture Division: 3

Permitted Use Discretionary Use

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

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

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

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

Yes No Don't know Not required

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

Yes No Don't think so

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

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

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

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

SITE PLAN

BUILDING DRAWING

SECTION 4: DEMOLITION

Type of building being demolished: NONE

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

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

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

DATE: Dec 8th 2014

[Signature]
Applicant

[Signature]
Registered Owner

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



SW 26 1 W5M

TONVEY DRIVE

PROPOSED STOP

7.5m

7.5m

11m

NW 35-5-1 W5M

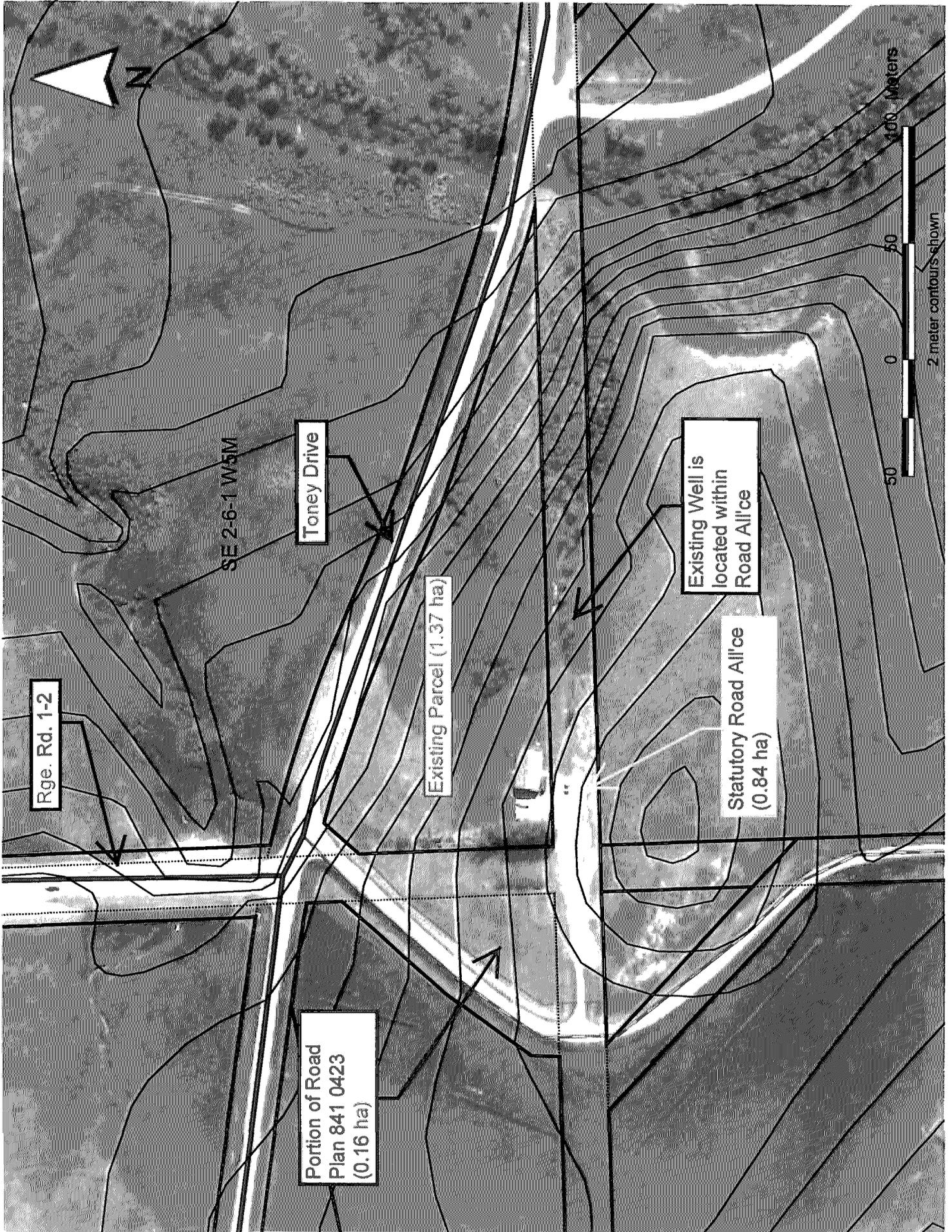
100 meters

50

0

50





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

Development / Community Services Activities includes:

- February 3 Municipal Planning Commission
- February 10 Policy and Plans
- February 10 Council Meeting
- February 11 Joint Health and Safety
- February 12 Staff Meeting
- February 17 Emergency Services Meeting
- February 24 Policy and Plans
- February 24 Council Meeting
- February 24 Public Meeting for Unsightly Premises Bylaw

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by Director for February 2015

No.	Applicant	Division	Legal Address	Development
2015-07	Burt Reimer	3	Ptn. NW 16-6-30 W4M	Modular Home
2015-08	Hawkin Everts (Grumpy's Landscaping)	3	Ptn. NW 35-5-2 W5M	Accessory Building
2015-09	Judy Bonertz	3	Lot 1, Block 1, Plan 1410334; SW 22-5-1 W5M	Accessory Building - Shop
2015-10	Ray and Annie Starzynski	5	Lot 7, Block 9111895; SW 7-7-2 W5M	Accessory Building - Garage

Development Permits Issued by Municipal Planning Commission for February 2015

No.	Applicant	Division	Legal Address	Development
2015-03	Brett Gingras	3	Lot 1, Block 1, Plan 9510577; NE 18-7-2 W5M	Secondary Farm Residence

Development Statistics to Date

DESCRIPTION	February 2015	2015 to Date	February 2014	2014	2013
Dev Permits Issued	5 4-DO / 1-MPC	9 8-DO / 1-MPC	4 3-DO / 1-MPC	68 47-DO / 21-MPC	67 42-DO / 25-MPC
Dev Applications Accepted	6	12	4	73	66
Utility Permits Issued	4	5	2	23	32
Subdivision Applications Approved	0	1	0	8	9
Rezoning Applications Approved	0	0	0	2	2
Seismic / Oil / Gas	4	4	0	0	3
Compliance Cert	5	6	1	28	19

RECOMMENDATION:

That the Development Officer's Report for the period ending February 26, 2015, be received as information.

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

Reviewed by: Wendy Kay, CAO *W Kay*
Submitted to: Municipal Planning Commission

Date: February 26, 2015

Date: *February 26, 2015*

Date: March 3, 2015