

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

1. Adoption of Agenda

2. Minutes

- a. Minutes of July 5, 2016

3. Unfinished Business

4. In Camera

5. Development Permit Applications

- a. Development Permit Application No. 2016-40
James Nobles
Lots 1-2, Block 10, Plan 2177S; Hamlet of Lundbreck
Singlewide Manufactured Home and Detached Garage
- b. Development Permit Application No. 2016-41
South Country Towing – Lloyd and Gerri Elder
Lots 8-10, Block 13, Plan 1993N; Hamlet of Pincher Station
Singlewide Manufactured Home as a Surveillance Suite
- c. Development Permit Application No. 2016-42
Val Dennis
SW 30-10-2 W5M
Moved In Residential Home as a Secondary Farm Residence
- d. Development Permit Application No. 2016-43
Donald McRae (1285356 Alberta Ltd)
Lot 1, Block 1, Plan 0815021; SW 15-5-1 W5M
Bring Existing Residence into Compliance
- e. Development Permit Application No. 2016-45
Dale Potter
Ptn. Block 1, Plan 1388HK; Hamlet of Pincher Station
Agricultural / Industrial machinery sales, rentals and service with Portable Sign

6. Development Reports

- a. Development Officer's Report
 - Report for the months of July and August 2016

- 7. Planning and Development Setbacks**
 - Report from Director of Development and Community Services, dated July 26, 2016
- 8. Correspondence**
- 9. New Business**
- 10. Next Regular Meeting – October 4, 2016**
- 11. Adjournment**

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

ATTENDANCE

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

Staff: Chief Administrative Officer Wendy Kay, Planning Advisor Gavin Scott, and Executive Assistant Tara Cryderman

COMMENCEMENT

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

1. **ADOPTION OF AGENDA**

Reeve Brian Hammond 16/057

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

Addition to Unfinished Business - Discussion regarding Setbacks;

And that the agenda be approved as amended.

Carried

2. **ADOPTION OF MINUTES**

Councillor Fred Schoening 16/058

Moved that the Municipal Planning Commission Minutes of June 7, 2016, be approved as presented.

Carried

3. **UNFINISHED BUSINESS**

Discussion occurred regarding setback variances with regards to development applications.

The criteria for our current setback distances was discussed.

Further discussion will occur at the September 2016, Municipal Planning Commission meeting.

4. **IN CAMERA**

Councillor Garry Marchuk 16/059

Moved that MPC and staff move In-Camera, the time being 6:45 pm.

Carried

Councillor Quentin Stevick 16/060

Moved that MPC and staff move out of In-Camera, the time being 7:23 pm.

Carried

5. **DEVELOPMENT PERMIT APPLICATIONS**

- a. Development Permit Application No. 2016-30
Charles Fullerton and Shawn Fullerton
NE 23-9-1 W5M
Moved-In Residential Building

Councillor Fred Schoening 16/061

Moved that the report from the Director of Development and Community Services, dated June 28, 2016, regarding Development Permit Application No. 2016-30, for a Moved-In Residential Building, be received;

And that Development Permit Application No. 2016-30, 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.

Waiver(s):

1. That a 6 metre Setback Variance be granted, from the minimum 50 metre setback distance from a MD Road, for a 44 metre Front Yard Setback distance from Road Plan No. 3299BM (Township Road 9-3A).

Carried

Councillor Quentin Stevick 16/062

Moved that the Municipal Planning Commission recommend to Council, that Administration be directed to initiate negotiations with the landowner of the NE 23-9-1 W5M, with regards to realigning Road Plan 3299BZ with the existing road.

Carried

- b. Development Permit Application No. 2016-32
Bernard Bonertz
Lot 3, Block 6, Plan 8010218; Hamlet of Beaver Mines
Accessory Building – Garage
Variance Required

Councillor Garry Marchuk

16/063

Moved that the report from the Director of Development and Community Services, dated June 28, 2016, regarding Development Permit Application No. 2016-32, for the construction of an Accessory Building - Garage, be received;

And that Development Permit Application No. 2016-32, 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.

Waiver(s):

1. That a 4 metre Front Yard Setback variance be granted, from the minimum 6 metre Front Yard setback distance, for a 2 metre Front Yard Setback distance from Second Avenue.
2. That a 0.43 metre Height variance be granted, from the maximum height of 4.6 metres, for a Height of 5.03 metres.

Carried

6. **DEVELOPMENT REPORTS**

- a) Development Officer's Report

Member Bev Garbutt

16/064

Moved that the Development Officer's Report, for June 2016, be received as information.

Carried

7. **CORRESPONDENCE**

Nil

8. **NEW BUSINESS**

No New Business was added to the agenda.

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

10. **ADJOURNMENT**

Councillor Garry Marchuk

16/065

Moved that the meeting adjourn, the time being 7:33 pm.

Carried

Chairperson Terry Yagos
Municipal Planning Commission

Director of Development and Community
Services Roland Milligan
Municipal Planning Commission

DRAFT

MD OF PINCHER CREEK

August 29, 2016

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2016-40

1. Application Information

Applicant: James Nobles
Location: Lots 1-2, Block 10, Plan 2177S; Hamlet of Lundbreck
Division: 5
Size of Parcel: .023 acres (10,000 ft²)
Zoning: Hamlet Residential 2 – HR2
Development: Singlewide Manufactured Home
Detached Garage

2. Background/Comment/Discussion

- On August 9, 2016, the MD received Development Permit Application No. 2016-40 for the placement of a Singlewide Manufactured Home on a lot within the Hamlet of Lundbreck.
- The applicant also wishes to construct an Accessory Building – Garage.
- This application is in front of the MPC because:
 - Within the Hamlet Residential 2 land use district of Land Use Bylaw 1140-08, Singlewide Manufactured Home is a discretionary use.
- The application was circulated to the adjacent landowners. At the time of preparing this report, one response was received from a landowner stating that they have no concerns with the proposed development.
- The Manufactured Home is a Winalta Shelters Inc home, model #834B. Pictures are included with the application.
- The garage is to be newly built from a garage package.

Recommendation No. 1:

That the report from the Director of Development and Community Services, regarding Development Permit Application No. 2016-40, for the placement of a singlewide manufactured home and the construction of an Accessory Building - Garage, be received;

And that Development Permit Application No. 2016-40, be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
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 placed on an engineer approved foundation (e.g. grade beam), basement, or other method of securing the home which satisfies the requirements of the Alberta Safety Codes.

Recommendation No. 2:

That Development Permit Application No. 2016-40 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 3:

That Development Permit Application No. 2016-40 be denied, with reasons set forth by the Municipal Planning Commission.

3. Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2016-40 and supporting documents

Respectfully Submitted,


Roland Milligan

Reviewed by: Wendy Kay, CAO

 August 31, 2016

Location of Proposed Development
303 Breckenridge Avenue; Hamlet of Lundbreck



Site Photo



From Second Street looking southwest



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

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2016-40

Date Application Received 2016/08/09

PERMIT FEE 150.00

Date Application Accepted 2016/08/09

RECEIPT NO. 28316

Tax Roll # 0225.000 303 Breckenridge Avenue

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: James A. Nobles

Address: P.O. Box 230 Cowley, AB T0K 0P0

Telephone: 403-628-3485

Email: _____

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:

Place a mobile home on site 16' x 11'

Build a garage, 26' x 28'

Legal Description: Lot(s) 1 & 2

Block 10

Plan 21775

Quarter Section _____

Estimated Commencement Date: _____

Estimated Completion Date: _____

SECTION 3: SITE REQUIREMENTS

Land Use District: Hamlet Residential 2 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 | 929m ² 10,000 sq. ft. | > 450m ² | ✓ |
| (2) Area of Building | 11232 sq. ft. | ≤ 3500ft ² | ✓ |
| (3) %Site Coverage by Building | 12% | ≤ 35% | ✓ |
| (4) Front Yard Setback Direction Facing: <u>Second Street</u> | 14m | 6m | ✓ |
| (5) Rear Yard Setback Direction Facing: <u>South</u> | 5.5m | 1.5 | ✓ |
| (6) Side Yard Setback: Direction Facing: <u>Breckenridge</u> | 7.6m | 6.0m | ✓ |
| (7) Side Yard Setback: Direction Facing: <u>East</u> | 7m | 7.5m | ✓ |
| (8) Height of Building | 3.6m | 8.5m | ✓ |
| (9) Number of Off Street Parking Spaces | 2 | 2 | ✓ |

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

| ACCESSORY BUILDING | Proposed | By Law Requirements | Conforms |
|---|-----------------------|---------------------|----------|
| (1) Area of Site | 10,000ft ² | | |
| (2) Area of Building | 728 ft ² | | |
| (3) %Site Coverage by Building | 7% | ≤ 10% | ✓ |
| (4) Front Yard Setback Direction Facing: NORTH | 4.3m | 30m SECONDARY | ✓ |
| (5) Rear Yard Setback Direction Facing: SOUTH | 11.6m | 1.5m | ✓ |
| (6) Side Yard Setback: Direction Facing: EAST | 2.1m | 1.5m | ✓ |
| (7) Side Yard Setback: Direction Facing: WEST | 28.0m | 6.0m | ✓ |
| (8) Height of Building | 3.6m | 4.6m | ✓ |
| (9) Number of Off Street Parking Spaces | | | |

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

SECTION 4: DEMOLITION

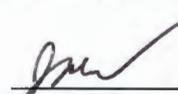
Type of building being demolished : N/A
Area of size: N/A
Type of demolition planned: N/A

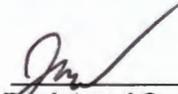
SECTION 5: SIGNATURES (both signatures required)

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: 2016/08/09


Applicant James Nobles


Registered Owner James Nobles

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

SCALE 1:200

1mm = 0.20m



SECOND STREET

Lots 1 & 2
Block 10
Plan 2177S

BRECKENRIDGE AVENUE

12.19
(40')

38.10 (125')

DRIVE WAY

14'

46'

28'

SHOP

12.18
(40')

1

38.10 (125')

25'

22'

4'

23'

12.19
(40')

25'

16'

2

Home..

16'

23'

12.19
(40')

18'

19'

38.10 (125')

12.19

12



THE
Manufactured
Homestore

WINALTA SHELTERS

Model

834B

INC

WIN 616-98-7105-834B

Lab # 31725

GARAGE PACKAGE

- WE DELIVER -

CHECK OUT THE DELUXE FEATURES IN EVERY STANDARD RONA GARAGE PACKAGE!

| 16' x 7' DOOR | | | |
|-------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| GABLE GARAGE SIZE | 2 X 4 WALLS RETAIL PRICE | 2 X 6 WALLS RETAIL PRICE | OPTIONAL VINYL SIDING PACKAGE |
| 18' x 22' | \$4661 09995714 [5111-9268] | \$4980 09995726 [5111-9280] | \$967 09995041 [5111-8856] |
| 20' x 20' | \$4733 09995369 [5111-9087] | \$4969 09995432 [5111-9131] | \$1018 09995378 [5111-9096] |
| 22' x 22' | \$5141 09995717 [5111-9271] | \$5454 09995729 [5111-9283] | \$1092 09995025 [5111-8840] |
| 24' x 24' | \$5614 09995719 [5111-9273] | \$5883 09995731 [5111-9288] | \$1167 09995027 [5111-8842] |
| 26' x 28' | \$6878 09995721 [5111-9275] | \$6574 09995749 [5111-9306] | \$1281 09995029 [5111-8844] |

- **Premium Quality, Dry Spruce Framing Lumber**
 - 16" on centre wall studs
- **Pressure Treated Bottom Plate**
 - Lumber that is preserved to last
- **Prebuilt Engineered Roof Trusses**
 - Quality approved
 - 24" on centre
- **Strong OSB Wall and Roof Sheathing**
 - Oriented strandboard
 - 3/8" on walls, 7/16" on roof
- **Insulated Sectional Overhead Garage Door**
 - High tensile steel with raised panels
- **Engineered Beam for Overhead Door**
 - One-piece header, strong and stable
- **Insulated Prehung Entry Door**
 - Primed, raised panels, with keyed alike lockset & deadbolt
- **Two Double Glazed Windows**
 - Double panes reduce heat transfer
 - Upgrade to optional sliders
- **Double 2 x 8 Lintels**
 - Add strength above entry door and windows
- **Quality Fibreglass Roof Shingles**
 - With limited lifetime warranty
- **Prefinished Aluminum Soffit and Fascia**
 - With 2 x 6 sub-fascia
- **Standard Roof Felt**
 - Used under the shingles on the entire roof
- **Two Roof Vents**
 - Plastic pitch louver roof vents
- **Primed Brick Mould Casing**
 - For around overhead door and entry door
- **Hardware Package**
 - All the nails and fasteners

Optional accessory packages available, sold separately.



JUNE 23 TO JULY 13

GET **300** AIR MILES® BONUS MILES

with the purchase of a garage package of your choice

Min. purchase: \$3,000 and more before taxes

Details on page 4

Bonus Code: 0339











MD OF PINCHER CREEKAugust 29, 2016

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2016-41

1. Application Information

Applicant: South Country Towing – Lloyd and Gerri Elder
Location Lots 8-10, Block 13, Plan 1993N; Hamlet of Pincher Station
Division: 4
Size of Parcel: 0.51 acres (22,500 ft²)
Zoning: Hamlet Commercial
Development: Singlewide Manufactured Home as a Surveillance Suite

2. Background/Comment/Discussion

- On August 14, 2016, the MD received Development Permit Application No. 2016-41 for the placement of a Singlewide Manufactured Home on a lot within the Hamlet of Pincher Station. The manufactured home is to be used as a surveillance suite for security for the existing company on site.
- The applicants operate South Country Towing that operates out of the site.
- Due to ongoing losses due to criminal activity, the applicants made application to redesignate a portion of their property to Hamlet Commercial to be able to make application for a surveillance suite.
- Bylaw No. 1239-13 received third and final reading on November 27, 2013. This designated the northerly 20m of Lots 9 and 10 to Hamlet Commercial.
- This application is in front of the MPC because:
 - Within the Hamlet Commercial land use district of Land Use Bylaw 1140-08, Surveillance Suite is a discretionary use.
- The application was circulated to the adjacent landowners. At the time of preparing this report, no responses were received.
- The Manufactured Home is a 1974 Glendale model, CSA No. 2538310.

Recommendation No. 1:

That the report from the Director of Development and Community Services, regarding Development Permit Application No. 2016-41, for the placement of a singlewide manufactured home to be used as a surveillance suite, be received;

And that Development Permit Application No. 2016-41, be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
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 placed on an engineer approved foundation (e.g. grade beam), basement, or other method of securing the home which satisfies the requirements of the Alberta Safety Codes.

Recommendation No. 2:

That Development Permit Application No. 2016-41 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 3:

That Development Permit Application No. 2016-41 be denied, with reasons set forth by the Municipal Planning Commission.

3. Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2016-41 and supporting documents

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO

W. Kay August 31, 2016

Location of Proposed Development

425 Queen Street; Hamlet of Pincher Station



Site Photo



Photo taken looking to the west from 4th Avenue



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

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2016-41

Date Application Received 2016/08/11

PERMIT FEE 150

Date Application Accepted 2016/08/11

RECEIPT NO. 28333

Tax Roll # 0124000 425 Queen Street

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: South Country Towing - Lloyd & Gerri Elder

Address: Box 857 Coleman, Ab. TOKOMO

Telephone: 403-627-9679 Email: gerri.elder@yahoo.com

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:

Want to have a surveillance suite located on our compound for South Country Towing

Legal Description: Lot(s) 8, 9, 10

Block 13

Plan 199 3 N

Quarter Section _____

Estimated Commencement Date: As soon as possible

Estimated Completion Date: Fall of 2016

SECTION 3: SITE REQUIREMENTS

Land Use District: Hamlet Commercial 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 | 22500 ^{sq. feet} | N/A | YES |
| (2) Area of Building | 88.4m ² 14 X 68 feet 952 sq. feet | MIN 50m ² MAX 102m ² | YES |
| (3) % Site Coverage by Building | 4.25% | N/A | YES |
| (4) Front Yard Setback Direction Facing: | 36.3m 119 feet South | 0m | YES |
| (5) Rear Yard Setback Direction Facing: | 5.2m 17 feet North | 0m | YES |
| (6) Side Yard Setback: Direction Facing: | 9.14m 30 feet East | 0m | YES |
| (7) Side Yard Setback: Direction Facing: | 15.8m 52 feet West | 0m | YES |
| (8) Height of Building | with blocking 11 feet 8 inches 3.5m | ≤ 8.5m | YES |
| (9) Number of Off Street Parking Spaces | 6 + | 1 | YES |

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

drawing included.

| 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.

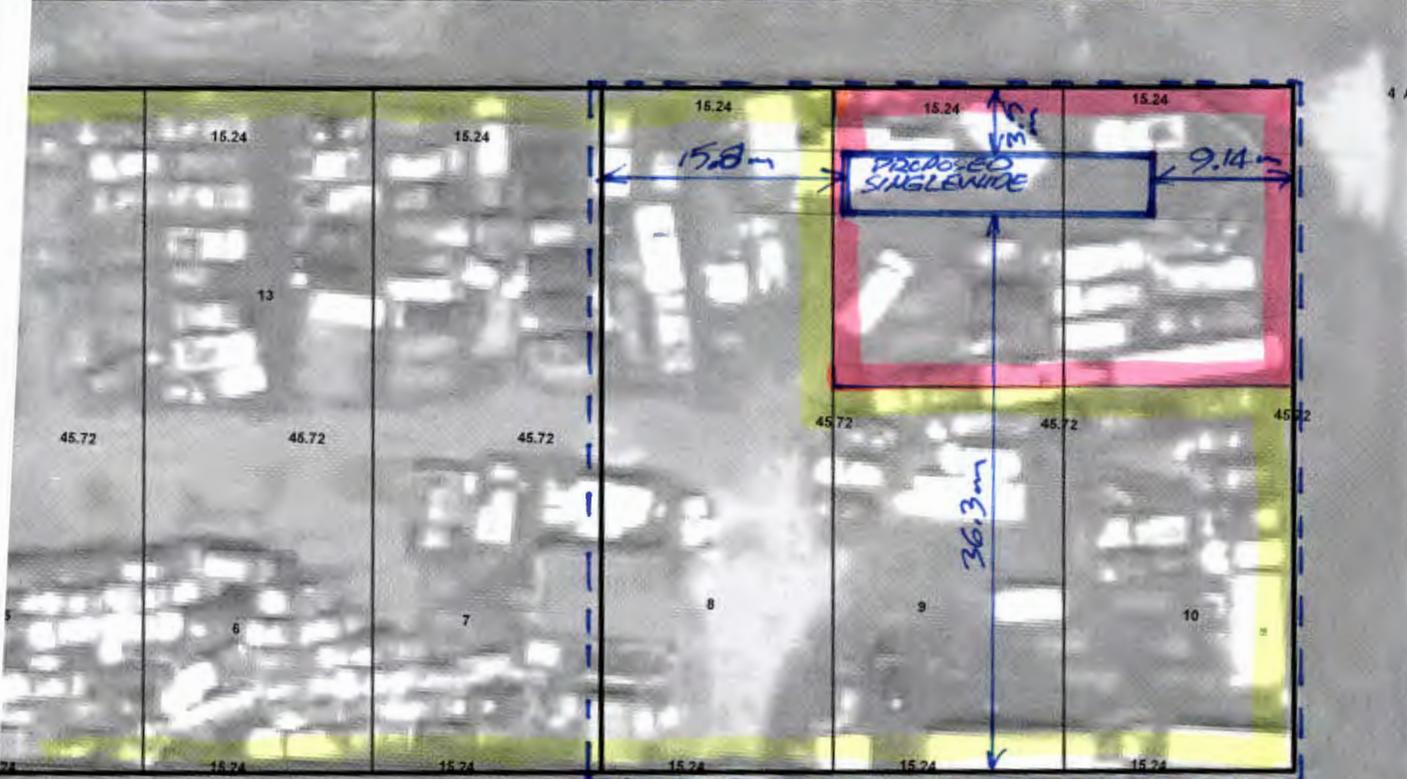
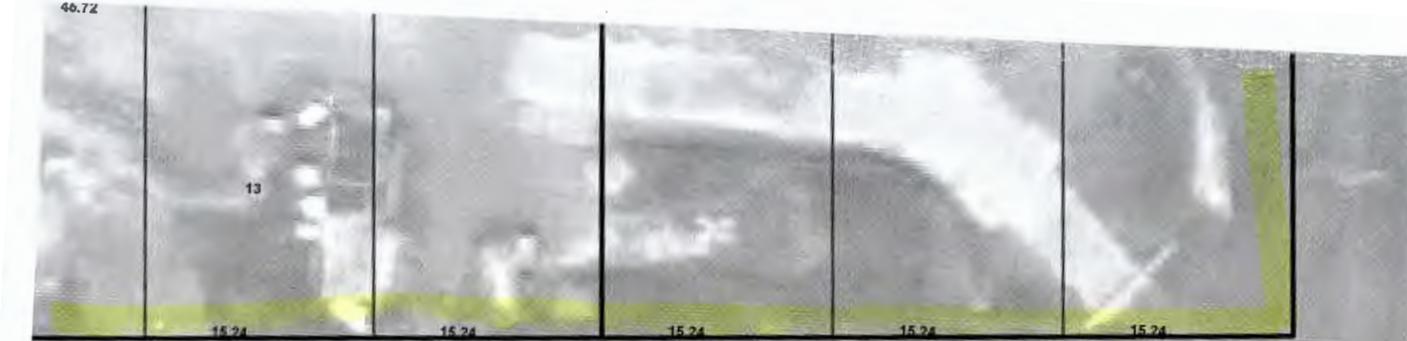
I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: Aug. 11/16

Gerri Elder Stepp Elder
Applicant

Steph Elder Gerri Elder
Registered Owner

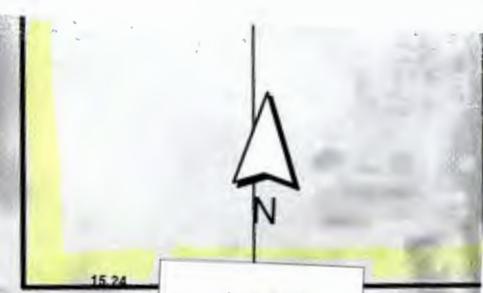
Information on this application form will become part of a file which may be considered at a public meeting.



 HGIW
 HC - BYLAW 1239-13

QUEEN ST

4 AVE



Lot 8-10
 Block 13
 Plan 1993N



SCALE
 1:500
 1mm = 0.5m

Surveillance Suit

North

150 feet

17 feet

52 feet

14 feet

68 feet

30 feet

119 feet

150 feet

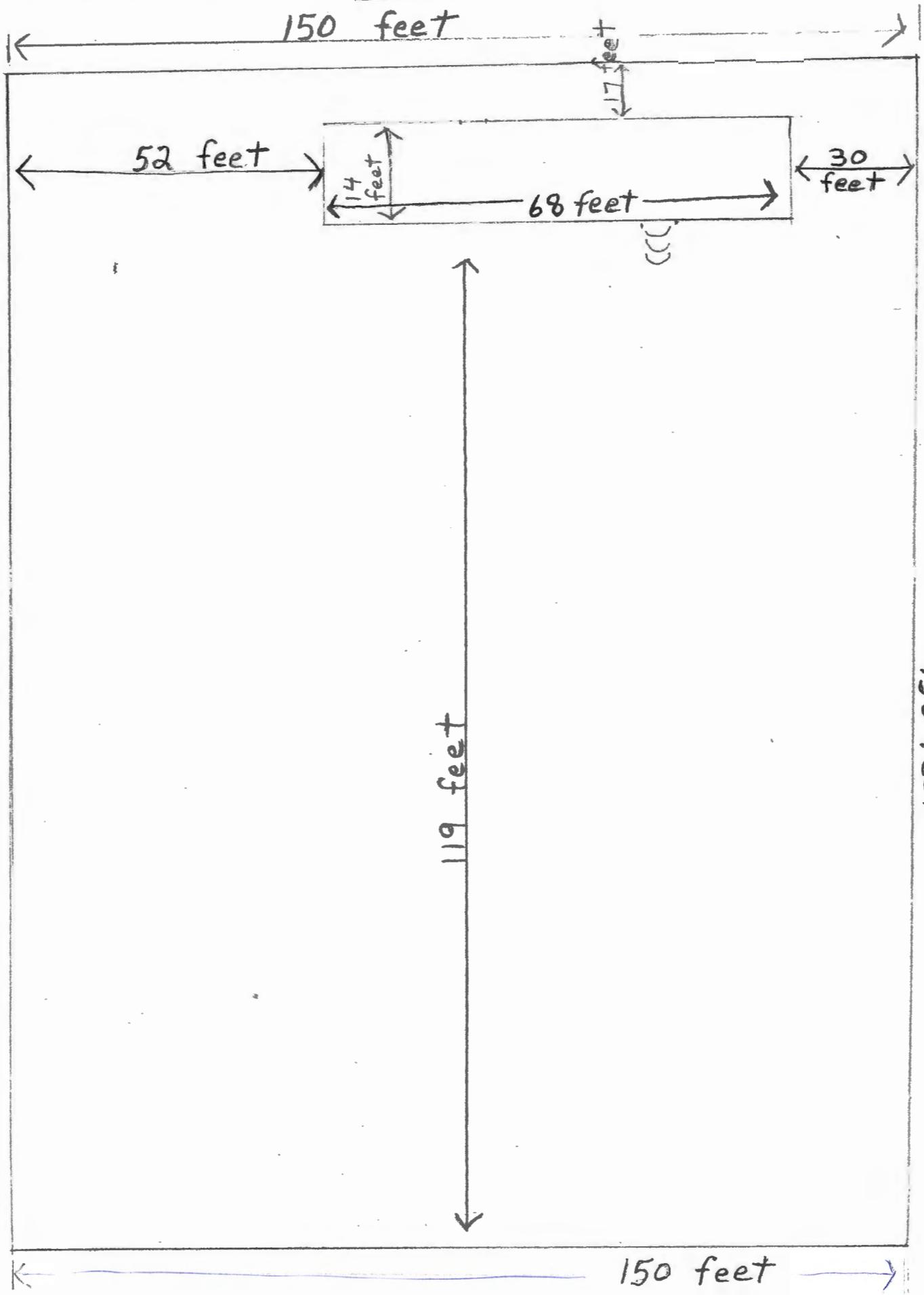
East

150 feet

150 feet

South

West

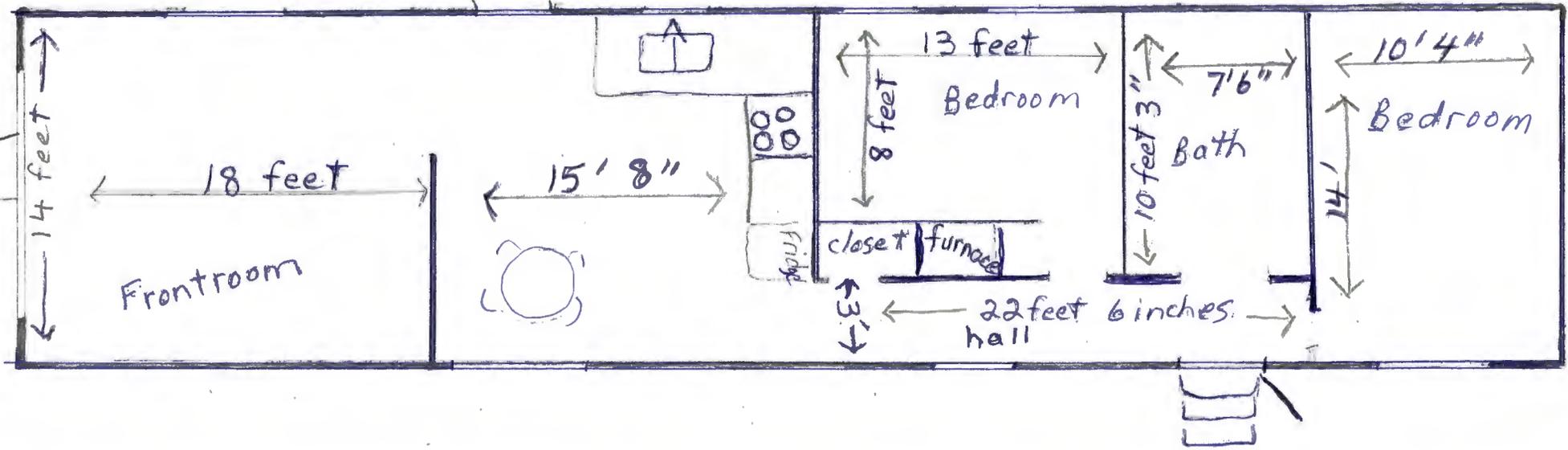


Surveillance Suite

North

East

West



South

MD OF PINCHER CREEKAugust 29, 2016

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2016-42

1. Application Information

Applicant: Val Dennis
Location: SW 30-10-2 W5M
Division: 5
Size of Parcel: 154.27 acres (62.44 ha)
Zoning: Agricultural
Development: Moved In Residential Building as a Secondary Farm Residence

2. Background/Comment/Discussion

- On August 12, 2016, the MD received Development Permit Application No. 2016-42 for a moved in residential building as a Secondary Farm Residence.
- This application is in front of the MPC because:
 - Within the Agricultural land use district of Land Use Bylaw 1140-08, Moved-in Residential Building is a discretionary use.
 - Within the Agricultural land use district of Land Use Bylaw 1140-08, Secondary Farm Residence is a discretionary use.
- The application was circulated to the adjacent landowners. At the time of preparing this report, no responses were received.
- The location of the proposed development meets all setback requirements of the LUB.

Recommendation No. 1:

That the report from the Director of Development and Community Services, regarding Development Permit Application No. 2016-42, for a moved in residential building as a secondary farm residence, be received;

And that Development Permit Application No. 2016-42, be approved subject to the following Condition(s):

Condition(s):

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

Recommendation No. 2:

That Development Permit Application No. 2016-42 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 3:

That Development Permit Application No. 2016-42 be denied, with reasons set forth by the Municipal Planning Commission.

3. Enclosures

Supporting Documents:

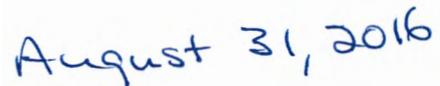
Enclosure No. 1 Development Permit Application No. 2016-42 and supporting documents

Respectfully Submitted,



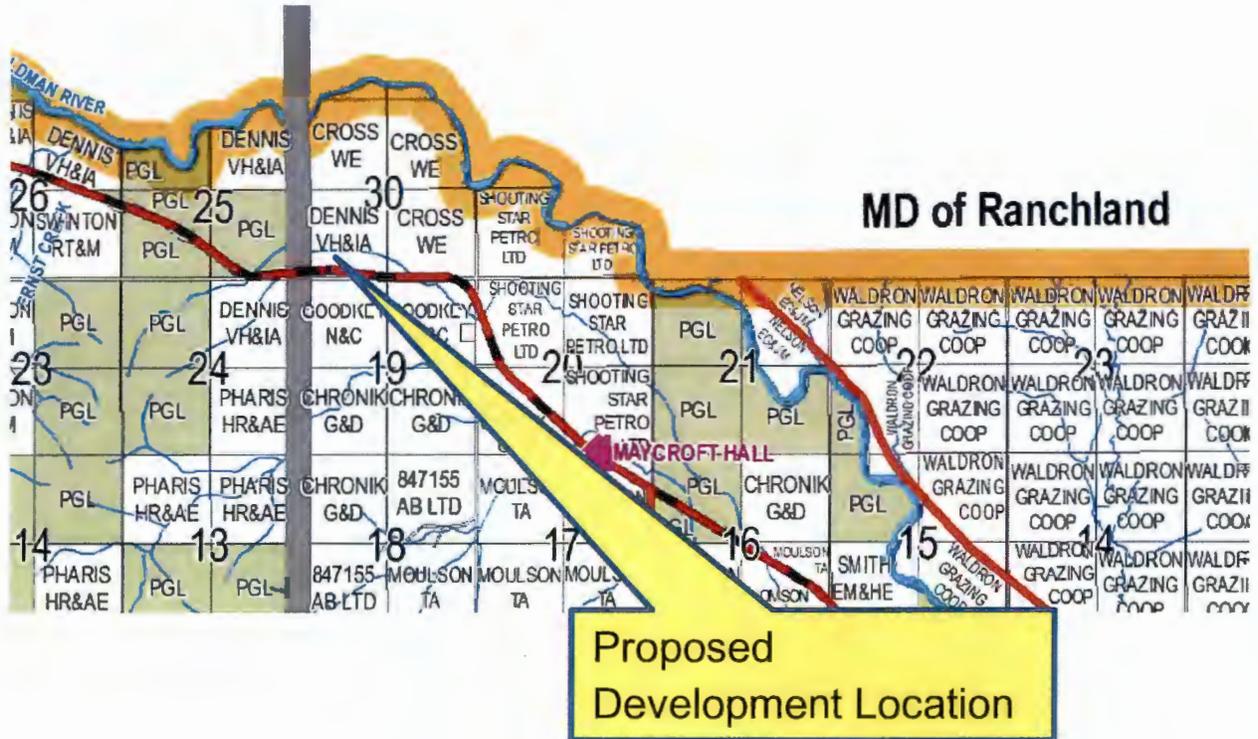
Roland Milligan

Reviewed by: Wendy Kay, CAO



Location of Proposed Development

2526 Township Road 10-0A



Photos of the moved in residence





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

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2016-42

Date Application Received 2016/08/12

PERMIT FEE 150

Date Application Accepted 2016/08/12

RECEIPT NO. 28348

Tax Roll # 5055.000

2526 Twp Rd 10-0A

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: Val Dennis

Address: Box 147 Lundbreck, AB T0K1H0

Telephone: 403-638-1587 Email: v.2.dennis@gmail.com

Owner of Land (if different from above): Ida Dennis

Address: Box 147 Lundbreck, AB T0K1H0 Telephone: 403-628-2002

Interest of Applicant (if not the owner): Ida A Dennis

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:

moved in residential building as a
secondary farm residence.

Legal Description: Lot(s) _____

Block _____

Plan _____

Quarter Section SW 1/4 Sec 30 T10 R2 W5

Estimated Commencement Date: October 15/2016

Estimated Completion Date: October 15/2017

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture 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? 45 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 | 10 | | ✓ |
| (2) Area of Building | 1200 ^{m²} | | ✓ |
| (3) %Site Coverage by Building | n/a | | |
| (4) Front Yard Setback Direction Facing: <u>SOUTH</u> | 60m | 50m | YES |
| (5) Rear Yard Setback Direction Facing: <u>NORTH</u> | 660m | 7.5m | YES |
| (6) Side Yard Setback: Direction Facing: <u>WEST</u> | 145m | 50m | YES |
| (7) Side Yard Setback: Direction Facing: <u>EAST</u> | 650m | 7.5m | YES |
| (8) Height of Building | 20' | N/A | |
| (9) Number of Off Street Parking Spaces | 0 | | |

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

emailed.

- 2 coloured photos, front + Back.
- floor plan

| ACCESSORY BUILDING | Proposed | By Law Requirements | Conforms |
|---|----------|---------------------|----------|
| (1) Area of Site | n/a | | |
| (2) Area of Building | n/a | | |
| (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 | n/a | | |

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

n/a

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

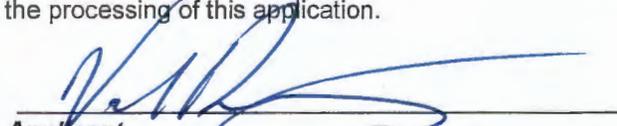
Type of demolition planned: _____

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 11/2016


Applicant


Registered Owner

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



50 0 50 100 150 Meters

1:5000

30

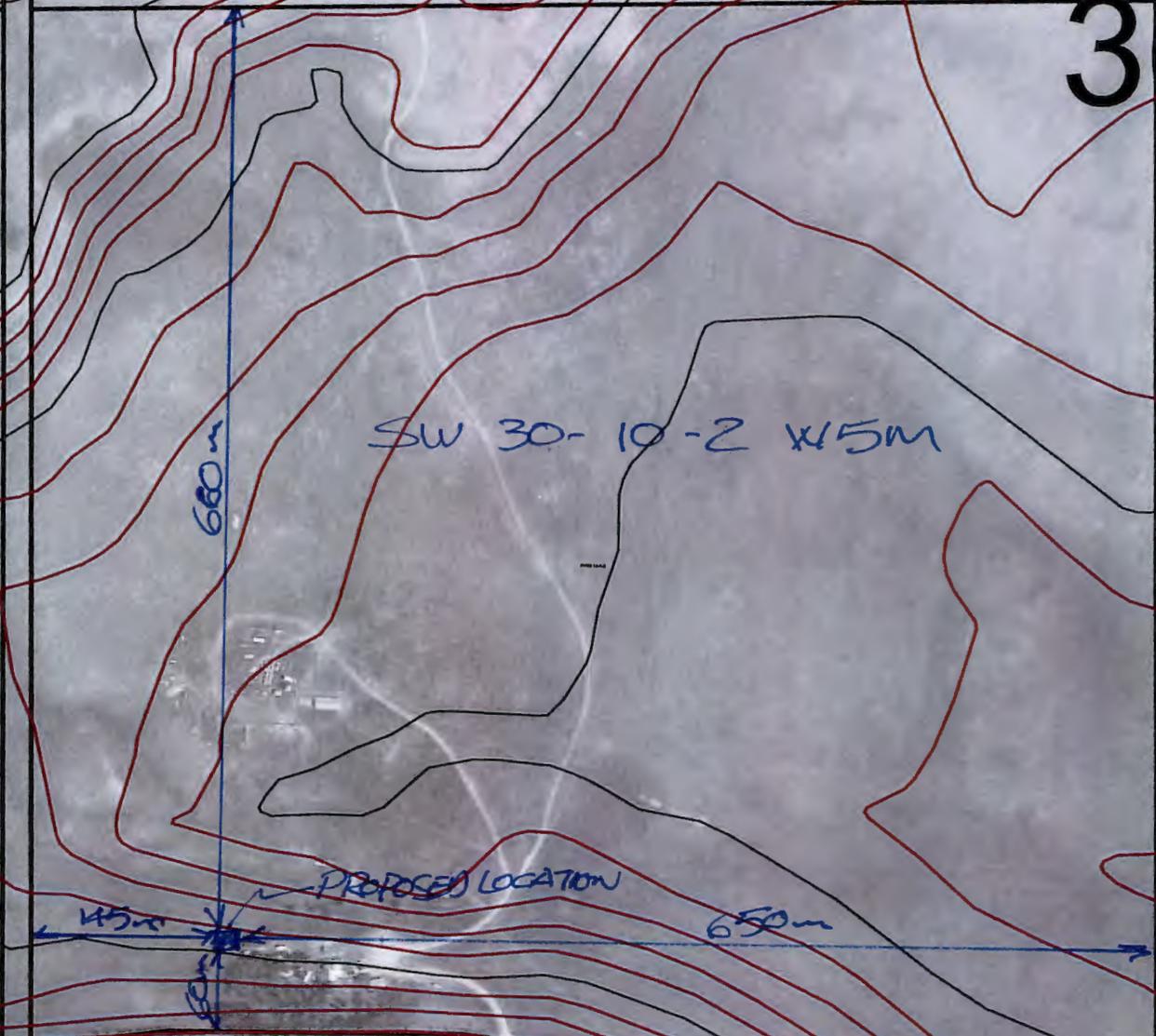
SW 30-10-2 415M

680m

415m

PROPOSED LOCATION

650m





N



1:2000

SW 30-10-2 1/2 5M

PROPOSED LOCATION

EXISTING RESIDENCE

145m

60m

MAYCROFT ROAD

26.16

SW 30-10-2 1/2

20.12

20.12

MD OF PINCHER CREEK

August 29, 2016

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2016-43

1. Application Information

Applicant: Donald McRae (1285356 Alberta Ltd.)
Location: Lot 1, Block 1, Plan 0815021; SW 15-5-1 W5M
Division: 3
Size of Parcel: 7.02 acres (2.84 ha)
Zoning: Agricultural
Development: Bring Existing Residence into Compliance

2. Background/Comment/Discussion

- On August 15, 2016, the MD received Development Permit Application No. 2016-43 to bring the existing residence into compliance with the Land Use Bylaw.
- The cabin was approved under Development Permit No 2008-93, issued in January 2009, with a 10 m South Side Yard Setback Waiver granted, for a Side Yard Setback Distance of 15 m. Upon a survey of the parcel, the actual location of the cabin is 10.89 m from the South boundary, requiring a further variance.
- The applicant stated that he had placed the building in accordance to the existing fence lines.
- Upon completion of a Real Property Report for the parcel, it was discovered that the property line was not where it was assumed but approximately 4.1 metres further north.
- This application is in front of the MPC because:
 - The required additional variance for the South boundary for the cabin must be provided by the MPC.
- The application was circulated to the adjacent landowners. At the time of preparing this report, no responses were received.

Recommendation No. 1:

That the report from the Director of Development and Community Services, regarding Development Permit Application No. 2016-43, for a moved in residential building as a secondary farm residence, be received;

And that Development Permit Application No. 2016-43, 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.

Waiver(s):

1. That a 14.11 metre south property boundary setback waiver be granted from the 25 metre secondary front yard setback, for a south property boundary setback distance of 10.89 metres.

Recommendation No. 2:

That Development Permit Application No. 2016-43 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 3:

That Development Permit Application No. 2016-43 be denied, as it does not comply with Land Use Bylaw 1140-08.

3. Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2016-43 and supporting documents

Respectfully Submitted,



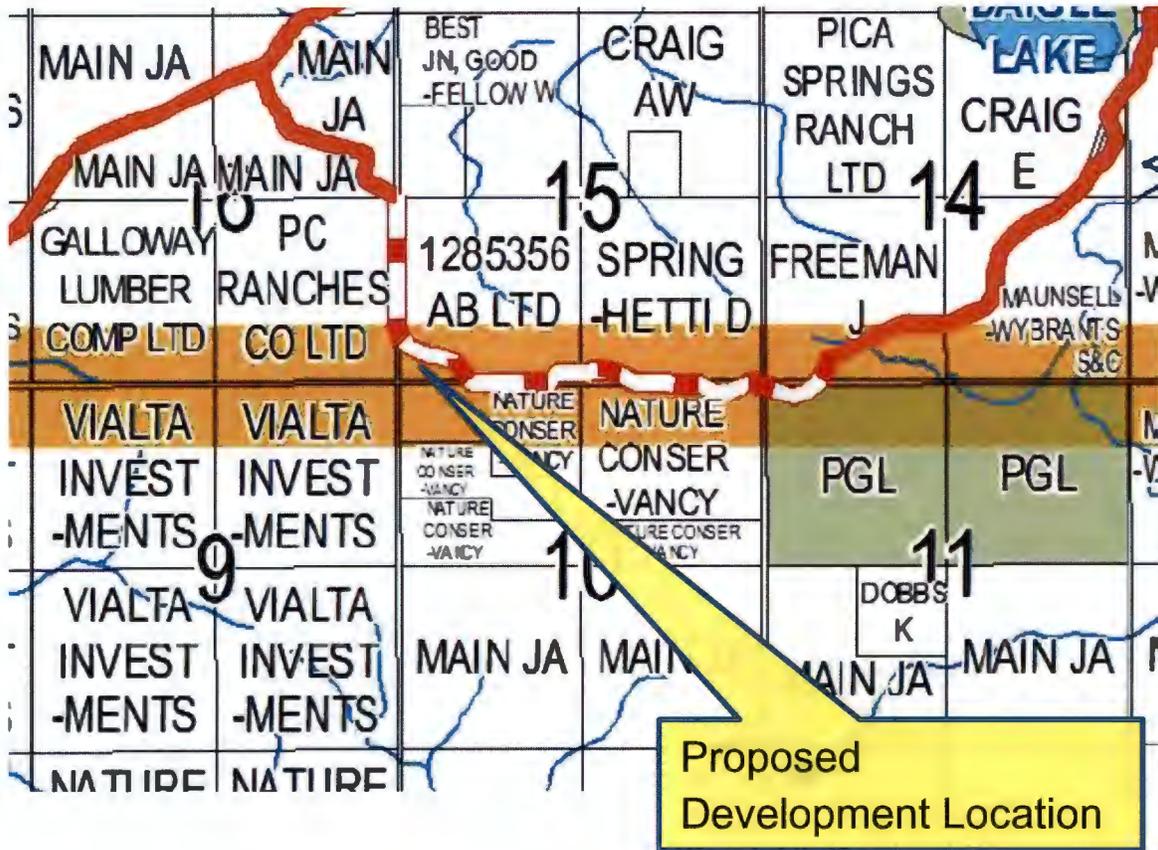
Roland Milligan

Reviewed by: Wendy Kay, CAO

W. Kay August 31, 2016

Location of Proposed Development

2526 Township Road 10-0A





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

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2016-43

Date Application Received 2016/08/15

PERMIT FEE \$150.00

Date Application Accepted 2016/08/15

RECEIPT NO. 28359

Tax Roll # 3071.010 5202 Rg Rd 1-3A

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 J McRAE (1285356 ALBERTA LTD)

Address: Box 2886 PINCHER CREEK, AB

Telephone: 403-627-7555 Email: drameg@toughcountry.net

Owner of Land (if different from above): SAME

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:

ADDITION TO EXISTING CABIN - 17'x10' ADDITION
TO MOVED IN DWELLING 17x20'

Legal Description: Lot(s) 1

Block 1

Plan 0815021

Quarter Section SW 15-5-1 W5M

Estimated Commencement Date: _____

Estimated Completion Date: _____

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? 7 degrees

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

Yes No Don't know Not required

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

Yes No Don't think so

| <u>PRINCIPAL BUILDING</u> <u>EXISTING</u> | Proposed | By Law Requirements | Conforms |
|---|---------------------------|---|------------|
| (1) Area of Site <u>2.83 ha (7A)</u> | | <u>7.3A</u> | <u>YES</u> |
| (2) Area of Building <u>545 ft²</u> | <u>50.7 m²</u> | <u>N/A</u> | |
| (3) %Site Coverage by Building | | <u>N/A</u> | |
| (4) Front Yard Setback <u>ROAD</u> Direction Facing: <u>NORTH EAST</u> | <u>56.46 m</u> | <u>50m</u> | <u>YES</u> |
| (5) Rear Yard Setback Direction Facing: <u>SOUTH</u> | <u>10.89m</u> | <u>25m SET BACK</u> <u>15m ALLOWED</u> | <u>No</u> |
| (6) Side Yard Setback: Direction Facing: <u>WEST</u> | <u>197.2m</u> | <u>50m</u> | <u>YES</u> |
| (7) Side Yard Setback: Direction Facing: | | | |
| (8) Height of Building | | <u>N/A</u> | |
| (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 | | | |
| (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: _____

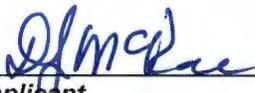
Type of demolition planned: _____

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: Aug 15/16


Applicant

Registered Owner

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



*Alberta Land Survey
Real Property Re*

NOTE:
This plan is Page 2 of a Real Property Description and is ineffective if it is detached from the first page.

PROPERTY DESCRIPTION

| | |
|-------|----------|
| PLAN | 081 5021 |
| BLOCK | 1 |
| LOT | 1 |

- Property is subject to :
 Caveat; Instrument No. 811 045
 Utility Right-of-Way; Instrument No. 811 045
 Caveat re. Lease; Instrument No. 811 045
 Caveat Re: Development Agreement; Government Act; Instrument No. 811 045
 Caveat Re: Development Agreement; Government Act; Instrument No. 811 045

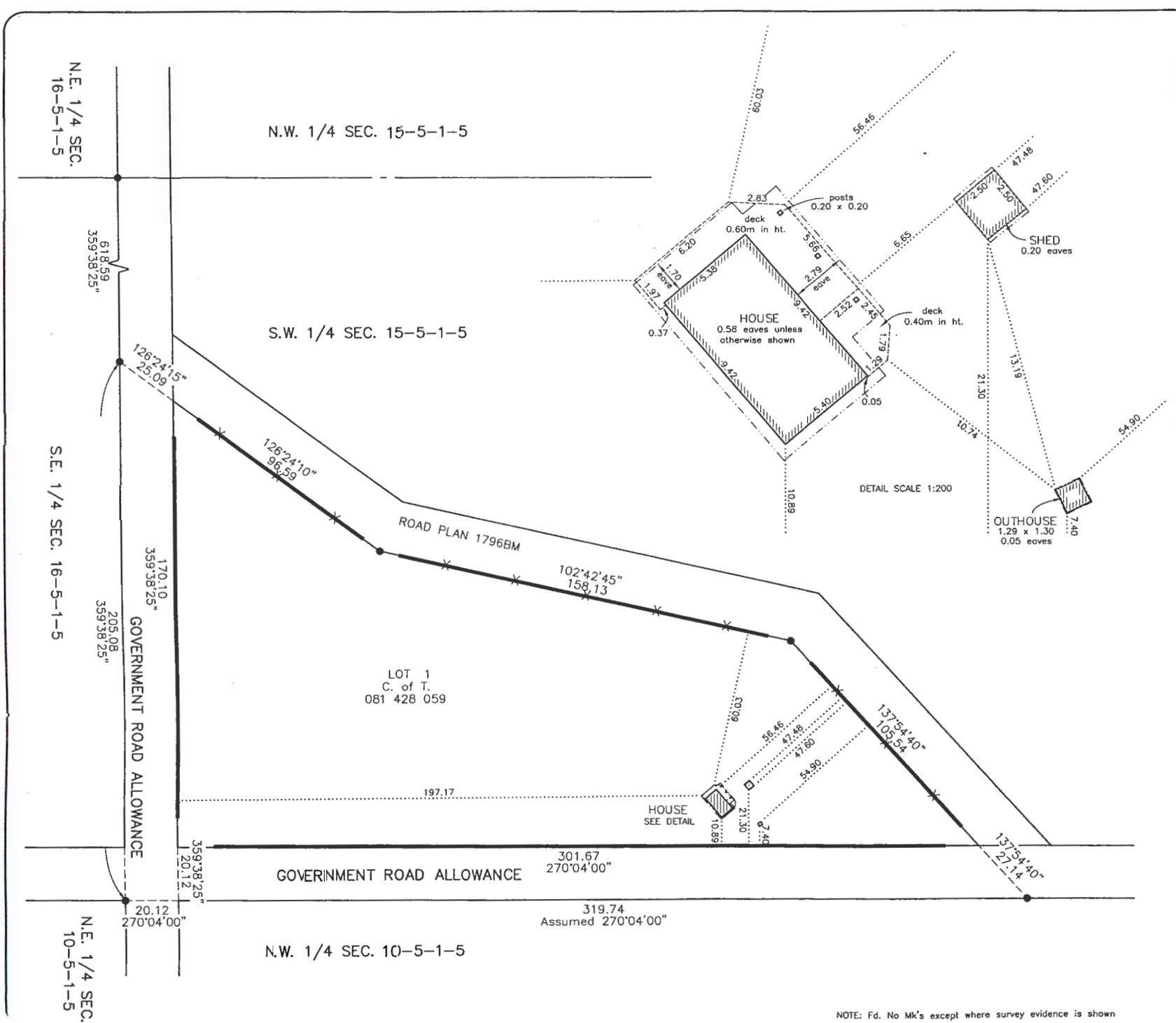
LEGEND
 Property boundaries shown thus
 Distances from property boundaries to
 are shown to
 Eaves dimensioned to the line of
 Statutory Iron Posts shown thus: X

D. J. Amantea, Alberta

boa brown okamura & associates

P.O. BOX 655 - 514 Stafford Drive N., Lethbridge, Alberta
 © copyright brown, okamura & associates

| | | |
|--------|---------------|-------|
| Scale: | 1:1500 | (met) |
| File: | 378-79 | |
| Drawn: | cs | |
| Date: | June 21, 2016 | |



NOTE: Fd. No Mk's except where survey evidence is shown

301752



50 0 50 100 150 200 250 Meters



20 12

1285356
AB LTD

SW15 5.1-5

[081 4444]

20 12

ROADWAY

081 5021

1796 BM

20 12

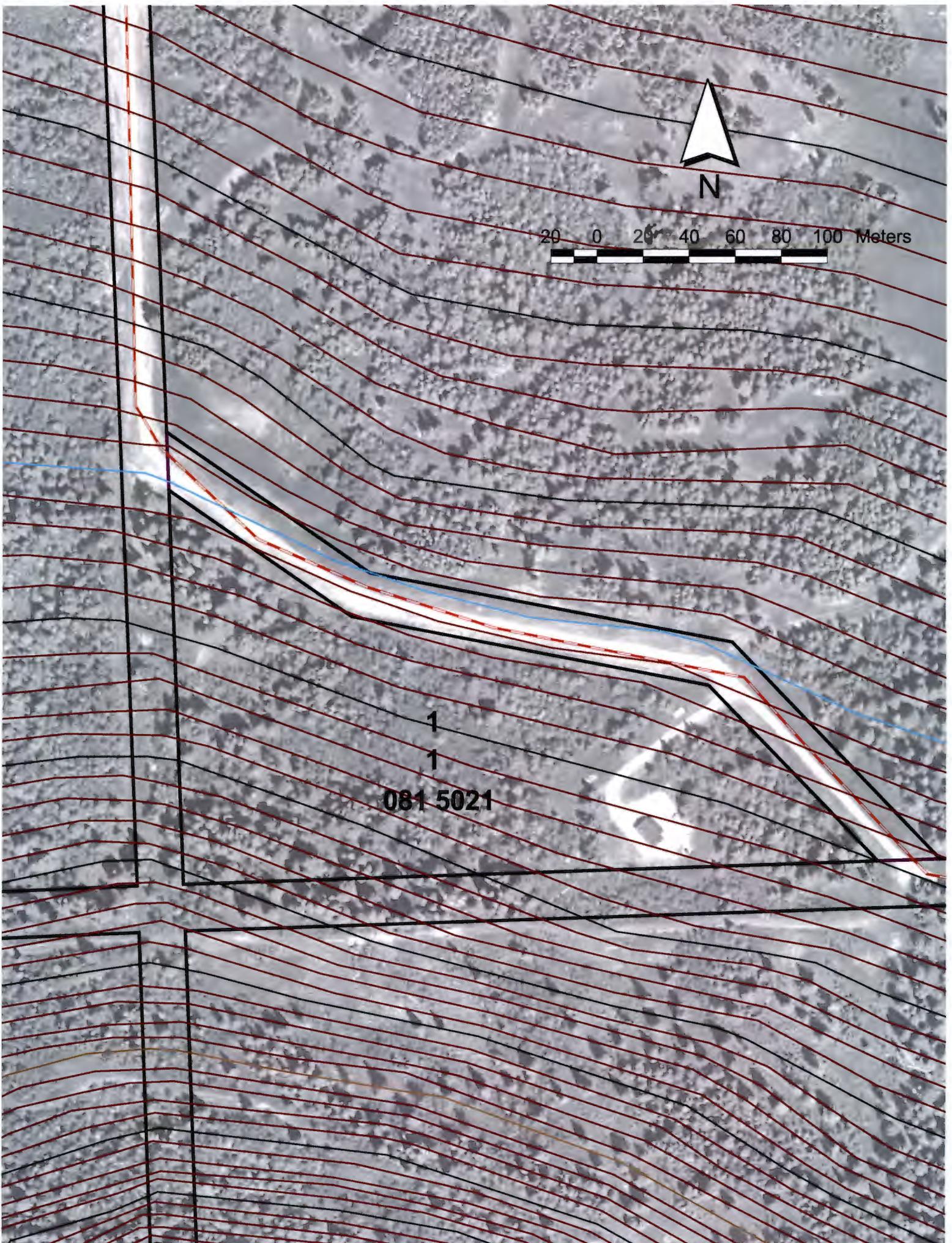
1796 BM

20 12

SW15

20 12

NATURE
CONSER-
VANCY



20 0 20 40 60 80 100 Meters

1
1
081 5021

MD OF PINCHER CREEK

August 29, 2016

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2016-45

1. Application Information

Applicant: Dale Potter
Location: Ptn. Block A, Plan 1388HK; Hamlet of Pincher Station
Division: 2
Size of Parcel: 0.66 ha (1.64 acres)
Zoning: Hamlet Highway Commercial
Development: Agricultural / Industrial machinery sales, rentals and service
With Portable 3m² (32ft²) Sign

2. Background/Comment/Discussion

- On August 23, 2016, the MD received Development Permit Application No. 2016-45 for agricultural / industrial machinery sales, rentals and service.
- This application is in front of the MPC because:
 - Hamlet Highway Commercial Land Use District, Agricultural / Industrial machinery sales, rental and service is a discretionary use.
- The application was circulated to the adjacent landowners. At the time of preparing this report, no responses were received.
- The applicant is also including a 3m² (32ft²) portable sign to be included with the development.
- As this proposed development is within 300m of a Provincial Highway, and within 800m of the intersection of two Provincial Highways, referral to Alberta Transportation is required.
- A Roadside Development Permit Application has been submitted to Alberta Transportation.
- An Application for a sign installation near a Provincial Highway has also been submitted.

Recommendation No. 1:

That the report from the Director of Development and Community Services, regarding Development Permit Application No. 2016-45, agricultural / industrial sales, rentals and service, and the associated sign be received;

And that Development Permit Application No. 2016-45, be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
2. That the applicant adhere to any conditions as outlined in the required Roadside Development Permit issued by Alberta Transportation, a copy of which to be supplied and form part of this permit.
3. That the applicant adhere to any conditions as outlined in the required Roadside Sign Permit issued by Alberta Transportation, a copy of which to be supplied and form part of this permit.

Recommendation No. 2:

That Development Permit Application No. 2016-45 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 3:

That Development Permit Application No. 2016-45 be denied, as it does not comply with Land Use Bylaw 1140-08.

3. Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2016-45 and supporting documents

Respectfully Submitted,

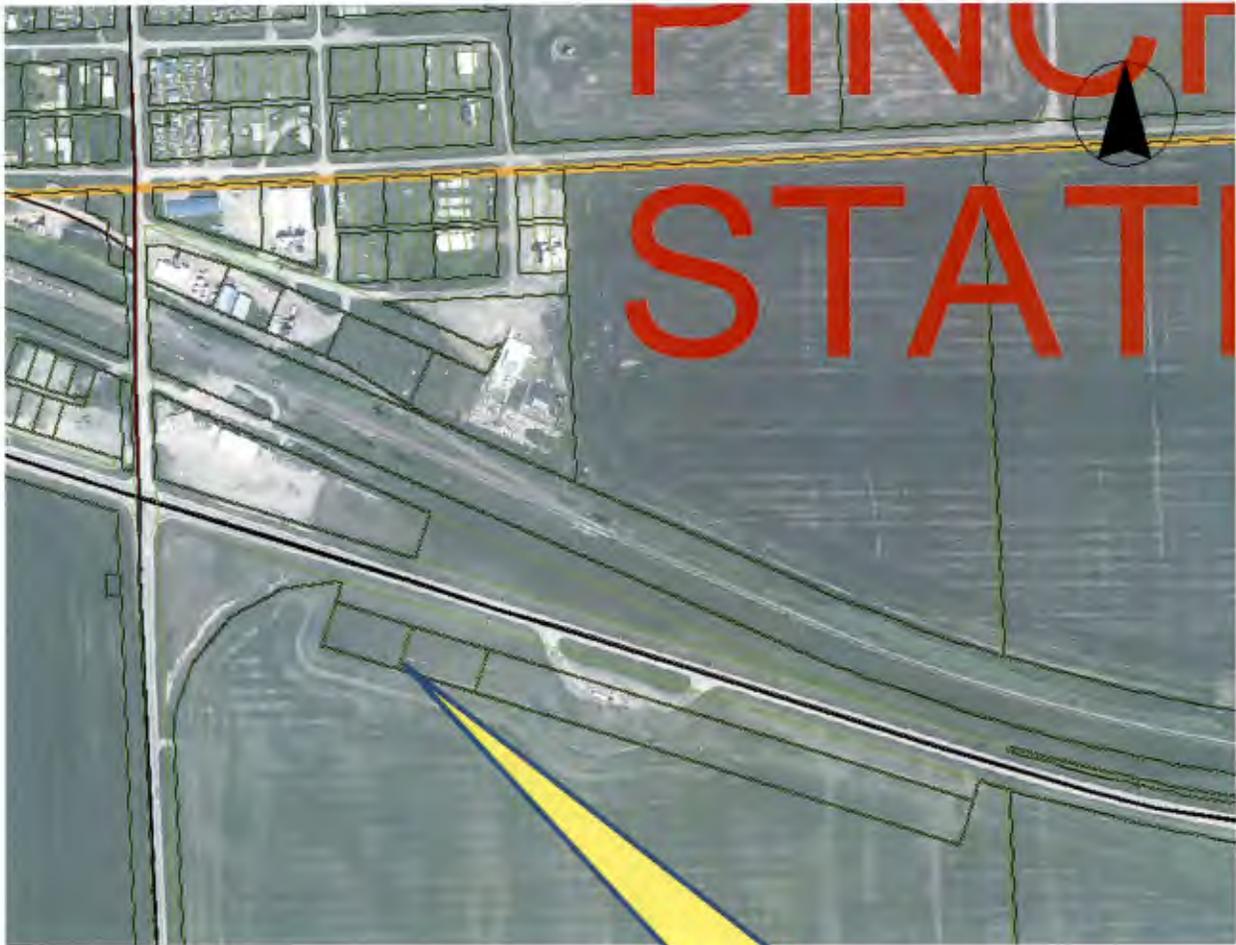


Roland Milligan

Reviewed by: Wendy Kay, CAO

W. Kay August 31, 2016

Location of Proposed Development



Proposed
Development Location



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. 2010 - 45
 PERMIT FEE \$150.00
 RECEIPT NO. 28454

Date Application Received 2010/08/23
 Date Application Accepted 2010/08/23
 Tax Roll # 2729.010 ; 2729.020

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: DALE POTTER
 Address: Box 1183 Pincher Creek, AB T0K 1W0
 Telephone: 403-382-7442 Email: weldthing@hotmail.com
 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:
Temporary sign mounted on rubber wheeled trailer.
Display of farm equipment for sale.

Legal Description: Lot(s) westerly 250' and easterly 250' of westerly 500'
 Block D A
 Plan 133HK 1388HK
 Quarter Section NW 35-6-30 W4
 Estimated Commencement Date: ASAP
 Estimated Completion Date: CONTINUOUS

SECTION 3: SITE REQUIREMENTS

Land Use District: Hamlet Highway Commercial Division: 2

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 <u>NONE</u> | Proposed | By Law Requirements | Conforms |
|---|----------|---------------------|----------|
| (1) Area of Site <u>0.66 ha</u> | . | | |
| (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 | | | |
| (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.

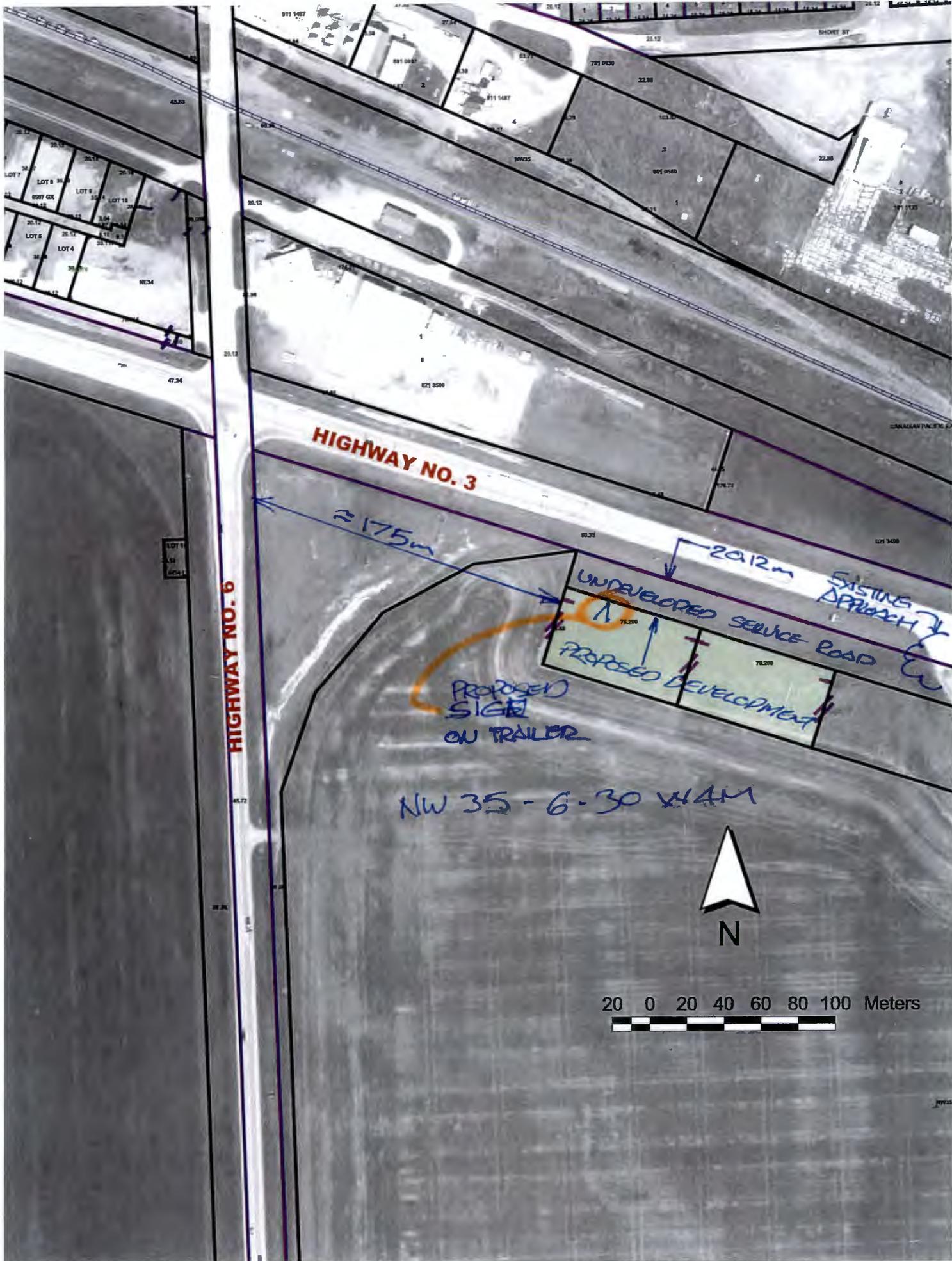
I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: 5 AUG 16


Applicant


Registered Owner

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



HIGHWAY NO. 3

HIGHWAY NO. 6

≈ 175m

2012m
EXISTING APPROACH

UNDEVELOPED SERVICE ROAD
PROPOSED DEVELOPMENT

PROPOSED SIGN ON TRAILER

NW 35 - 6 - 30 WAM



20 0 20 40 60 80 100 Meters

**DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES REPORT
July and August 2016**

6a

Development / Community Services Activities includes:

- July 1-18 Vacation
- July 21 Emergency Services Commission Meeting
- July 25 South Saskatchewan River Biodiversity Meeting
- July 28 Budget Meeting
- August 2 Budget Meeting
- August 10 Joint Health and Safety Meeting
- August 23 Policy and Plans Meeting
- August 23 Council Meeting
- August 24 Interviews
- August 25 Interviews
- August 25 Wind Review Meeting with Gavin

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Director for July and August 2016

| No. | Applicant | Division | Legal Address | Development |
|---------|----------------------------------|----------|---|------------------------------------|
| 2016-34 | Keith Duncan | 4 | Lot 1, Block 5, Plan 0815791: NE 17-7-29 W4M | Residential Addition |
| 2016-35 | Brian Yagos | 3 | NE 30-6-1 W5M | Single Detached Residence |
| 2016-36 | Walter Schauerte and Jane Bruder | 3 | Ptn. SE 16-6-30 W4M | Single Detached Residence |
| 2016-37 | Clayton Davis | 4 | SE 6-8-1 W5M | Modular Home |
| 2016-38 | Allan and Bev Garbutt | 4 | NW 27-8-1 W5M | Residential Addition |
| 2016-39 | Livingstone Colony | 5 | NE 14-8-2 W5M | Four (4) Unit Residential Building |
| 2016-44 | Chantel Jensen | 3 | SE 31-6-2 W5M | Single Detached Residence - Cabin |

Development Permits Issued by Municipal Planning Commission for July 2016 (MPC did not meet in August)

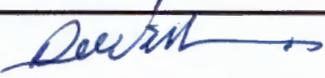
| No. | Applicant | Division | Legal Address | Development |
|---------|---------------------------------------|----------|---|-------------------------------|
| 2016-30 | Charles Fullerton and Shawn Fullerton | 4 | NE 23-9-1 W5M | Moved In Residential Building |
| 2016-32 | Bernard Bonertz | 3 | Lot 3, Block 6, Plan 8010218; Hamlet of Beaver Mines | Accessory Building - Garage |

Development Statistics to Date

| DESCRIPTION | July 2016 | August 2016 | 2016 to Date | 2015 | 2014 |
|-----------------------------------|-------------------|--------------------|----------------------|----------------------|-------------------------|
| Dev Permits Issued | 7 5-DO / 2-MPC | 2 2-DO / 0-MPC | 41 28-DO / 13-MPC | 70 54-DO / 16-MPC | 68 47 - DO / 21- MPC |
| Dev Applications Accepted | 5 | 8 | 46 | 78 | 73 |
| Utility Permits Issued | 6 | 1 | 15 | 31 | 23 |
| Subdivision Applications Approved | 1 | 0 | 7 | 12 | 8 |
| Rezoning Applications Approved | 0 | 0 | 0 | 1 | 2 |
| Seismic / Oil / Gas | 0 | 0 | 7 | 19 | 0 |
| Compliance Cert | 2 | 3 | 15 | 21 | 28 |

RECOMMENDATION:

That the report for the period ending August 31, 2016, be received as information.

| | | | |
|---------------|--|--|-------------------------|
| Prepared by: | Roland Milligan, Director of Development and Community Services |  | Date: August 31, 2016 |
| Reviewed by: | Wendy Kay, CAO |  | Date: September 1, 2016 |
| Submitted to: | Municipal Planning Commission | | Date: September 6, 2016 |

MD OF PINCHER CREEK

July 26, 2016

TO: Municipal Planning Commission
FROM: Roland Milligan, Director of Development and Community Services
SUBJECT: **Planning and Development Setbacks**

At the regularly scheduled meeting of the Municipal Planning Commission (MPC), held on January 5, 2016, the following resolution was passed:

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

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

WHAT IS A SETBACK?

In land use, a setback is the distance which a building or other structure is set back from a street or road, a river or other stream, a shore or flood plain, or any other place which is deemed to need protection. Depending on the jurisdiction, other things like fences, landscaping, septic tanks, and various potential hazards or nuisances might be regulated. Setbacks are generally set in municipal bylaws and zoning. Setbacks along provincial, or federal highways may also be set in the laws of the province, or the federal government.

Homes usually have a setback from the property boundary, so that they cannot be placed close together. Setbacks may also allow for public utilities to access the buildings, and for access to utility meters. In some municipalities, setbacks are based on street right-of-ways, and not the front property line.

HISTORY OF SETBACKS

Many of the world's cities, such as those built in the US before 1916 and the beginning of zoning in the United States, do not employ setbacks. Older houses have smaller setbacks between properties, as walking was a primary mode of transportation and the distance people walked to actual destinations and, eventually, streetcar stops had to be kept short out of necessity. Distances of one to five feet at most are common in neighborhoods built in the United States before 1890, when the electric streetcar first became popular. Most suburbs laid out before 1920 have narrow lots and setbacks of five to fifteen feet between houses. As automobile ownership became common, setbacks increased further because zoning laws required developers to leave large spaces between the house and street.

Zoning –and laws pertaining to site development, such as setbacks for front lawns– has been criticized recently by urban planners for the role that these laws have played in producing urban sprawl and automobile-dependent, low-density cities.

Recently, in some areas of the United States, setback requirements have been lowered so as to permit new homes and other structures to be closer to the street, one facet of the low impact development urban design movement. This permits a more usable rear yard and limits new impervious surface areas for the purposes of storm water infiltration.

Included in this report is an interesting discussion on setbacks that was posted on *The Old Urbanist* website in 2011 regarding the history of setbacks (See Enclosure No. 1).

HISTORY OF MD OF PINCHER CREEK SETBACKS

The following is information regarding the history of the use of setbacks within our MD and other rural municipalities within our region.

The first rural setback requirements were not for ‘no development zones’. Development permits were not required for most developments, especially farm and farmstead developments. If development was proposed within the established setback then a permit would be required. This may have been a check to make ensure that a proposed development would receive more scrutiny with regards to location and the effects resulting from that proposal.

It seems that back in time the MD had the 150’ from centerline of the road (bylaw 425) which was common among all rural municipalities. This was most likely the result of the single provincial planning authority within the entire southern region of the province, The Oldman River Planning Commission. These were carried forward for many municipalities up until the current editions of rural bylaws. A lot of the setbacks within the region remain similar. Again, a common planning consultant assisting in the preparation of planning documents.

Then there was a movement to 150m (bylaw 794) which was half of the 300m required by Alberta Transportation. Again this was not a ‘no development zone’ but a permit required zone. In 1989, the MD setback moved to 45m (bylaw 845) then was reset in 1998 to 50m (bylaw 1003) which is the current number. At this time, the setback became a required distance.

As a rural municipality, the main setback waiver that we discuss, and seems to be the cause of most variance requests, is the setback from a municipal road within the Agriculture land use district. Table No. 1 is a comparison of other rural municipalities setback requirements to the MD of Pincher Creek requirements.

Table No. 1 – Rural Road Setback Comparison

| Municipality | Ag District (or similar) Setback from Municipal Road | Location of Setback |
|---------------------|--|---------------------|
| MD of Pincher Creek | 50 m (164') | Edge of ROW |
| MD of Willow Creek | 22.9 m (75') | Edge of ROW |
| MD of Ranchlands | 40 m (134') | Edge of ROW |
| Lethbridge County | 38.1 m (125') | Centerline of Road |
| Cardston County | 40 m (134') | Centerline of Road |
| MD of Foothills | 48m (157.5') | Centerline of Road |
| Municipality of CNP | 15.2 m (50') | Edge of ROW |

Planners for the communities in our region have little knowledge of where the numbers came from for their respective communities. Few, if any, municipal development guidelines address the reason of why the setback is required.

The MD of Pincher Creek has the largest setback requirement from a rural road than any other municipality looked at.

ALBERTA TRANSPORTATION SETBACKS

SETBACK – Every proposal will be assessed on an individual basis and the setbacks determined after reviewing the specifics of the proposal and future highway improvement plans. The general minimum setback for all development is 70 metres from the highway centre-line and no closer than 40 metres from the highway right-of-way boundary except where these distances must be increased to allow for highway widening.

VEGETATION – Placement of any trees, hedges or shrubs within 30 metres from the highway right-of-way or 60 metres from the centre-line of the highway, whichever distance is greater, is prohibited without a permit.

ROADSIDE SHELTERBELTS (Gov't. of Canada, Agriculture and Agri-Food Canada)



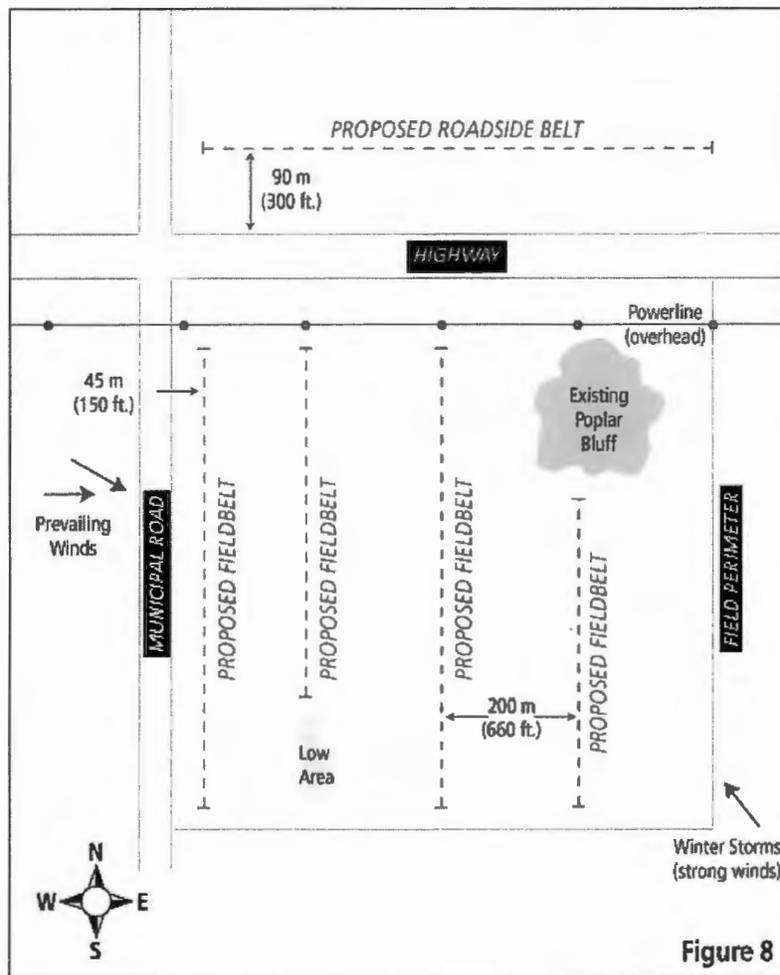
Description - Shelterbelts

A narrow paved rural road flanked by shelterbelts on both sides. Setback from road centre is approximately 30 m.

Roadside shelterbelts trap blowing snow and reduce the possibility of blizzard-like conditions. This makes for safer winter driving and significantly reduces the burden of road maintenance. They also create some privacy in your yard and reduce dust from traffic on nearby roadways.

The amount of snow to be trapped will affect the required number of rows. If the fetch distance is short or if only moderate amounts of blowing snow occur, dense evergreens or one row of shrubs may be enough. But if more snow storage capacity is required, multiple rows of shrubs and/or conifers may be needed. Two rows planted close together store practically no more snow than one row. Therefore, plant your rows at least 15 metres (m) apart to maximize snow trapping.

Place roadside shelterbelts as close to the road as possible, yet far enough away so that snow drift edges do not touch the road. Also, shelterbelts planted too close may affect road conditions: trees planted too close may affect road-surface temperatures, resulting in icy patches. The length of the snow bank depends on the height and density of the shelterbelt. Therefore the shelterbelt should be placed parallel to the road at a distance no closer than 30 m.



Description - Roadside belts can help reduce snow accumulations on roadways.

The above Figure 8 shows a sketch of a farm field. Adjacent to the field is a highway running east-west and a municipal road running north-south. Prevailing winds are indicated from the northwest. Features on the sketch include an overhead powerline. Proposed roadside shelterbelts are drawn onto the sketch running north-south on the upwind side of the municipal road starting 45 m from the centre road and a second roadside belt running east-west 90 m to the north of the highway.

In open areas with large fetch distances, you may have to increase this distance. Do not plant roadside shelterbelts where they will create visibility hazards at road intersections now or as they mature. Check with your municipal, county or district office or with the Provincial Highways Department on setback distance regulations. These specify the minimum distance between a shelterbelt and the main road or highway.

In most municipalities, setbacks range from 40-45 m from the centre of the main road and 90 m from the highway right of way.

VARIANCE

For all municipalities, there is a variance provision within the planning documents. The following is Sections 16.16 through 16.19 of the MD's Land Use Bylaw.

VARIANCE PROVISIONS

- 16.16 *Notwithstanding Sections 16.1 through 16.4 the Development Officer may, in deciding upon an application for a permitted use, allow a minor variance:*
- a. *up to 10 percent, on setback distances pertaining to yards or public roadways provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels;*
 - b. *up to 20 percent on parking provisions;*
 - c. *up to 10 percent, on the height of a building provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels.*
- 16.17 *Notwithstanding Sections 16.1 through 16.12 the Municipal Planning Commission may approve or conditionally approve a permitted use referred to the Municipal Planning Commission pursuant to Sections 16.1 through 16.4 or, a discretionary use that does not comply with this bylaw if, in the opinion of the Municipal Planning Commission, the use complies with the following tests:*
- a. *the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels; and*
 - b. *the proposed development conforms to the use intended for that land or building as described in the district within this bylaw.*

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

LIMITATIONS ON VARIANCE PROVISIONS

- 16.19 *In approving an application for a development permit under Section 16.4 the Development Officer or Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:*
- a. *a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district;*
 - b. *where a variance is considered that will reduce the setback from any road as defined in the Act, the Development Authority shall consider all future road construction needs of the municipality as well as the transportation requirements of the parcel(s) or lot(s) affected.*

Within other municipalities the variance must be based on hardship. You must be able to demonstrate that strict adherence to a regulation would cause hardship. Section 16.19 (a) above states that *a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district.* Variance requests are not uncommon in all municipalities.

The MD of Pincher Creek had five applications for waivers in 2015 also. Four of which were on smaller subdivided parcels, with the fifth being on a parcel that had a constrained building site because of a creek location. Lethbridge County Senior Planner/Development Officer, Hilary Janzen, states that they had six applications in 2015 for waivers to a county road. She then stated that the waivers were granted each on their own merits using the following criteria:

- what is the waiver being requested (generally accepted that within 10% is okay)
- constraints on an existing yard (is there another building area available on the parcel, if not more consideration for approval).
- does it impact the possible expansion of the road in the future
- does it impact the maintenance of the road (i.e. will the development cause drifting in winter)
- does it impact the safety of the road for the travelling public (would the development affect any sightlines)

When considering a variance request, the MD of Pincher Creek's Municipal Planning Commission has consistently used similar criteria to evaluate such requests.

SUMMARY

Setbacks are always going to be a planning and development guideline to be utilized for the orderly development of this or any other municipality. Although it could not be determined conclusively, there is evidence to show that the MD road setback requirement of 50m was most likely determined to be an adequate distance to mitigate the effects of drifting on municipal roads. However, should this be a blanket distance from all MD rural roads and in all directions? The predominant wind direction is 95% from the west. Should developments on the east side of roads have different setback requirements? Should developments within forested and mountainous areas be treated differently?

Both Provincial and Federal setback requirements are less stringent than those of the MD's. Alberta Transportation's minimum is 40m. Agri-Food Canada establishes a shelterbelt setback of 30 m from a municipal road. Granted, the effects of wind within this municipality may be quite a bit different than the average Canadian community.

The MD will continue to receive applications for developments that require waivers. Due to the topography, this municipality has cut-off parcels due to roads and railways cutting through the Dominion Land Survey as it enters the foothills and mountains. Some of these parcels will have hardships and practical difficulties in developing.

To help decision makers in the future, the MD should review the existing setback requirements within the various land use districts, determine if there are amendments required, and state the reason for the setback requirements within the planning documents. This will give future decision makers the background information they require to make the informed decision that will affect the orderly development of the community.

1. Enclosures

Enclosure No. 1: The Old Urbanist posting

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



The Old Urbanist
Wednesday, May 11, 2011
Posted by Charlie Gardner

Laneways and Setbacks

Stephen Smith at Market Urbanism has been following Vancouver's experiment with the legalization of so-called "laneway houses," accessory dwelling units constructed along the lanes (or alleys, or narrow streets, depending upon one's viewpoint) frequently found running through the grid blocks of 19th and early 20th century single-family residential areas.

The potent combination of 1) minimum lot sizes and 2) mandatory front, side and rear setbacks has, in nearly all other North American cities, effectively forbidden this common sense adaptation and repurposing of neglected public ways in residential areas. In their absence, many owners would no doubt have long ago sold off the portions of their parcels fronting on the lane, or have constructed the main dwelling closer to the street line so as to allow a larger accessory building to the rear.

The laneway law, for all its benefits, addresses neither of these fundamental constraints on the free use and alienation of land. The laneway house that may be built cannot be deeded to a new owner and must therefore remain a rental unit (purportedly to limit increases in property values). Further, the laneway law comes with its own new setback requirements which have caused unintended consequences in certain zoning districts.

Although the history, purpose and impact of minimum lot sizes has been covered by various writers and researchers, histories of setbacks are extremely rare. I find this a bit surprising since of all land use regulations, setbacks are arguably closest to a pure "taking" of land, in that the municipality deprives a landowner of all, or virtually all development rights to a substantial proportion of his property, with no compensation and often to no clear purpose. If modest side and rear setbacks might be given some vaguely plausible health and safety justification, large front setbacks, in residential areas with very wide streets, are more difficult to rationalize.

Urban Review STL, which has put together the only history of setbacks that I could find, contains a link which suggests that some setbacks, in residential areas at least, originated in a William Penn-like overreaction to disease and fire-prone conditions in the early 19th century city (although these early setbacks, implemented by restrictive covenant, generally had sunset provisions). Today, typical zoning codes offer the following justifications:

"In general, the purpose of setbacks is to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees, for light and sunshine in the home, for space for recreation outside the home, and to serve as filtration areas for storm water run-off." Calvert County, MD.

Specifically addressing front setbacks:

"[The setback regulations] require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards." Portland, OR.

Is it possible, then, that this complete deprivation of an owner's right to build upon the front of his lot reflects a purely aesthetic judgment? That judgment being, impliedly, that a patch of Kentucky bluegrass, to be forever mowed and fertilized, is more "visually pleasing" than the house that would otherwise be located there, and furthermore that his aesthetic concern overrides all competing concerns, including those of land values, efficient use of land, property rights and alternative notions of good urban design. Vancouver architect Graham Barron, whose blog Stephen links, concludes that the setback requirements of the laneway law were similarly motivated by aesthetics, or more accurately, one particular aesthetic viewpoint.

If anyone knows of a study which has looked at the economic implications of setback laws on development patterns and/or land values I'd be very curious to read it. Certainly it's an area which could use more discussion.

Posted by Nathan Lewis

May 12, 2011

Setbacks have two main functions today:

The first is purely aesthetic: it maintains the "farmhouse surrounded by grass" format which has been the preferred residential format in the United States since at least 1780 or so.

The second is primarily as a buffer between the building and the automobile traffic.

There is a lot of talk about "access to light and air" and "green space" and so forth, but oddly nobody considers building parks or courtyards, the traditional means of providing these things.

People are for the most part unaware of these reasons, so they tend to make up reasons. While a firebreak is actually nice to have, this is best accomplished by the occasional "arterial" street of 30+ feet wide. The idea that a setback prevents disease is, of course, stupid, except to the extent that lowering density is one way to reduce the effects of poor plumbing and trash collection. "The solution to pollution is dilution."

Much of the problem stemmed from the introduction of the automobile into 19th Century Hypertrophic (excessive growth or accumulation of any kind) cities, mostly in the 1920s when autos became cheap. Before the automobile, the super-wide Hypertrophic streets were rather empty and quiet. However, once the automobile arrived, they were full of automobile traffic. When people talk about "congested" urban areas, they mean, without exception, excessive automobile traffic. However, the automobile also provided the solution -- it was no longer necessary to live within walking distance of work, shopping, schools and the train station. You could live twenty miles away, in the suburbs surrounded by your grassy "setback," and drive to wherever you needed to go.

I would say that the urge for "setbacks" represents the engrossing American urge (even, I would say especially, among the misnamed "New Urbanists") for the "Small Town America" format of a freestanding farmhouse on a quarter acre. This has been the American ideal since basically 1780.

This urge for the suburban farmhouse, over 230 years, was not only "carrot" driven, but also "stick" driven -- for many people, the 19th Century Hypertrophic City was unacceptably unpleasant, not only because of its inherent design which is not human-friendly at all (immense roadway and a tendency toward very large buildings), all of which became even more unpleasant with the advent of automobiles creating "congestion," but also due to historical factors such as exploding population growth and the waves of new immigrants into large 19th century cities. To this we could add some other factors, such as, potentially, poor sanitation and sewage, crime and so forth, none of which is necessarily characteristic of the 19th Century Hypertrophic City but was in fact a common problem.

To make a long story short, urbanism was a failure in the U.S., and they wanted to go back to their Small Town America suburban farmhouse fantasy ideals. They also wanted to make sure that their suburban ideal neighborhood wouldn't change in the future. So, they made it impossible, via regulation, to build anything but a suburban farmhouse, with minimum lot sizes and setback requirements on all four sides.

As for "light and air," remember what a 19th Century Hypertrophic City (let's say Chicago, Buffalo, etc.) was like in 1900 or 1925. A thick black coal soot hung over everything. Factories were clanking away, "dark Satanic mills" in the words of observers of the time, and everyone worked ten hours a day, six days a week. Perhaps, in the case of Chicago for example, the factory buildings housed huge slaughterhouses, which probably didn't smell too good either. Sanitation (trash removal) and sewage were likely a problem. Then, in the 1920s, came the automobiles, putting this clanking and deadly machinery not only behind factory walls but right outside your front door all day. Automobiles stank too, as there was little in the way of emissions controls in those days.

Thus you could see the urge for the small town America suburban farmhouse fantasy, and how this could represent "light and air" for those people. Very dense and compact Traditional Cities, like Florence, parts of Paris, Venice etc. you would think might have a problem with "light and air," but in fact none of the millions of tourists who visit these places every year seem to have any complaints. This despite the fact that, often, the lack of public parks is a real deficiency (most classic Italian cities have almost nothing by way of parks).

So, I would say that the urge for "light and air" is not a characteristic of even the most dense and compact cities, but rather a characteristic when the stuff outside your front door is inherently unpleasant. Even today, people living in suburban places on perhaps a quarter of an acre feel an urge to move to even more ruralized, whether an exurban neighborhood or into real rural areas. When the city is an unpleasant place, you can't get far enough from it, and no buffer-lawn is so big that you wouldn't prefer an even bigger one.