

**Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION**

April 4, 2016

6:30 pm

Agenda

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Minutes of March 1, 2016
- 3. In Camera**
- 4. Unfinished Business**
- 5. Development Permit Applications**
 - a. Development Permit Application No. 2016-10
Tom Kovac and Hiroko Masuda
Ptn. NE 28-6-2 W5M
Relocation of Accessory Building – Garage and
Bring Development on Parcel into Compliance
- 6. Development Reports**
 - a. Development Officer's Report
- Report for the month of March 2016
- 7. Correspondence**
- 8. New Business**
- 9. Next Regular Meeting – May 3, 2016; 6:30 pm**
- 10. Adjournment**

**Meeting Minutes of the
Municipal Planning Commission
March 1, 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, Director of Development and Community Services Roland Milligan, 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 16/018

Moved that the March 1, 2016 Municipal Planning Commission Agenda, be approved as presented.

Carried

2. **ADOPTION OF MINUTES**

Councillor Fred Schoening 16/019

Moved that the Municipal Planning Commission Minutes of February 2, 2016, be approved as presented.

Carried

3. **IN CAMERA**

Member Bev Garbutt 16/020

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

Carried

Member Bev Garbutt

16/021

Moved that MPC and staff move out of In-Camera, the time being 6:52 pm.

Carried

4. **UNFINISHED BUSINESS**

Nil

5. **DEVELOPMENT PERMIT APPLICATIONS**

- a. **Development Permit Application No. 2016-04
Glen and Vicki Smyth
Lot 3, Block 1, Plan 8811747; SE 20-7-1 W5M
Garden Suite**

Councillor Quentin Stevick

16/022

Moved that report from the Director of Development and Community Services, dated February 24, 2016, regarding Development Permit Application No. 2016-04, be received;

And that Development Permit Application No. 2016-04, for the Secondary Farm Residence, 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. Prior to commencement of construction, the developer shall provide proof of removal of the existing unoccupied residence, located on the parcel.

Waiver(s):

1. That Section 38.3 (a) of Land Use Bylaw 1140-08 be waived.

Councillor Quentin Stevick requested a recorded vote.

Councillor Quentin Stevick – In Favour
Member Bev Garbutt – In Favour
Councillor Garry Marchuk – In Favour
Reeve Brian Hammond – Opposed
Councillor Fred Schoening – Opposed
Member Dennis Olson – Opposed
Councillor Terry Yagos – Opposed
Motion Defeated

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
March 1, 2016

Reeve Brian Hammond

16/023

Moved that report from the Director of Development and Community Services, dated February 24, 2016, regarding Development Permit Application No. 2016-04, be received;

And that Development Permit Application No. 2016-04, for the Secondary Farm Residence, 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 Section 38.3 (a) of Land Use Bylaw 1140-08 be waived.

Councillor Quentin Stevick requested a recorded vote.

Councillor Quentin Stevick – Opposed
Member Bev Garbutt – Opposed
Councillor Garry Marchuk – Opposed
Reeve Brian Hammond – In Favour
Councillor Fred Schoening – In Favour
Member Dennis Olson – In Favour
Councillor Terry Yagos – In Favour
Motion Carried

- b. **Development Permit Application No. 2016-06**
Philip Maloff
SE 22-7-1 W5M
Secondary Farm Residence

Councillor Quentin Stevick

16/024

Moved that report from the Director of Development and Community Services, dated February 24, 2016, regarding Development Permit Application No. 2016-06, for a Secondary Farm Residence, be received;

And that Development Permit Application No. 2016-06, for a Secondary Farm Residence, be approved subject to the following Condition(s):

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
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Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
2. Prior to commencement of construction, the developer shall provide proof of removal of the existing Singlewide Manufactured Home, located on the parcel.
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 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.

Councillor Fred Schoening

16/025

Moved to amend Condition Number 2 to read:

Prior to commencement of construction, the developer shall provide proof of removal, or repurpose to a use other than residential, of the existing Singlewide Manufactured Home, located on the parcel.

Councillor Quentin Stevick requested a recorded vote.

Councillor Terry Yagos – In Favour
Member Dennis Olson – In Favour
Councillor Fred Schoening – Opposed
Reeve Brian Hammond – In Favour
Councillor Garry Marchuk – Opposed
Member Bev Garbutt – Opposed
Councillor Quentin Stevick – Opposed
Amending Motion Defeated

Councillor Quentin Stevick requested a recorded vote.

Councillor Quentin Stevick – In Favour
Member Bev Garbutt – In Favour
Councillor Garry Marchuk – In Favour
Reeve Brian Hammond – Opposed
Councillor Fred Schoening – In Favour
Member Dennis Olson – Opposed
Councillor Terry Yagos – Opposed
Main Motion Carried

6. **DEVELOPMENT REPORTS**

a) Developer Questions Regarding Changes to DPs No. 2010-41 through 2010-53

Member Dennis Olson

16/026

Moved that the report from the Director of Development and Community Services, dated February 24, 2016, regarding Developer Questions Regarding Changes to DPs No. 2010-41 through 2010-53, be received;

And that after review of the information provided, Municipal Planning Commission determines that the configuration described as Option B, reduces the impact of the project in such a manner that the MPC deems the proposal to have minimal impact and therefore does not require the developer to go through a new permit application process.

And further that any permits associated with the turbines removed from the project be amended to reflect the said removal of those turbines from the project.

Councillor Quentin Stevick requested a recorded vote.

Reeve Brian Hammond – Opposed
Councillor Garry Marchuk – Opposed
Member Bev Garbutt – Opposed
Councillor Quentin Stevick – Opposed
Councillor Terry Yagos – In Favour
Member Dennis Olson – In Favour
Councillor Fred Schoening – In Favour
Motion Defeated

Councillor Garry Marchuk

16/027

Moved that the report from the Director of Development and Community Services, dated February 24, 2016, regarding Developer Questions Regarding Changes to DPs No. 2010-41 through 2010-53, be received;

And that after review of the information provided, Municipal Planning Commission determines that the configuration described as Option A, reduces the impact of the project in such a manner that the MPC deems the proposal to have minimal impact and therefore does not require the developer to go through a new permit application process;

MINUTES
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March 1, 2016

And further that any permits associated with the turbines removed from the project be amended to reflect the said removal of those turbines from the project.

Councillor Fred Schoening requested a recorded vote.

Member Dennis Olson – In Favour
Councillor Fred Schoening- Opposed
Reeve Brian Hammond – Opposed
Member Bev Garbutt – In Favour
Councillor Quentin Stevick – Opposed
Councillor Garry Marchuk – In Favour
Councillor Terry Yagos – In Favour
Motion Carried

b) Activities Report

Councillor Fred Schoening

16/028

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

Carried

7. **CORRESPONDENCE**

Nil

8. **NEW BUSINESS**

No New Business was added to the agenda.

9. **NEXT MEETING** – April 5, 2016; 6:30 pm

10. **ADJOURNMENT**

Councillor Garry Marchuk

16/029

Moved that the meeting adjourn, the time being 7:48 pm.

Carried

Chairperson Terry Yagos
Municipal Planning Commission

Director of Development and Community
Services Roland Milligan
Municipal Planning Commission

MD OF PINCHER CREEK

March 18, 2016

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2016-10

1. Application Information

Applicant: Tom Kovac and Hiroko Masuda
Location: Ptn. NE 28-6-2 W5M
Division: 3
Size of Parcel: 1.275 ha (3.15 Acres)
Zoning: Grouped Country Residential
Development: Relocation of Accessory Building – Garage
Bring Development on Parcel into Compliance

2. Background/Comment/Discussion

- On March 7, 2016, the MD received an application to relocate an existing Accessory Building – Garage within the parcel and to bring the parcel into compliance with the provisions as Land Use Bylaw 1140-08. (Enclosure No. 1).
- The application is in front of the MPC because:
 - Within the Grouped Country Residential Land Use District, the Rear Yard Setback distance is 15 m. The current Residence does not meet this setback. A setback variance is required to bring it into compliance.
 - Once moved, the Accessory Building – Garage will not meet the required 15 m Rear Yard Setback distance. A setback variance is required.
 - A Rear Yard Setback variance of must be approved by the Municipal Planning Commission.
- The application was circulated to the adjacent landowners, with no responses being received at the time of preparing this report.
- History of this parcel is as follows:
 - The subdivision of the Ptn. NE 28-6-2 W5M into two parcels, 3.34 acres and 3.18 acres respectively, was approved on September 13, 1994.
 - Development Permit No 1999-29, issued May 20, 1999, for the construction of a Single Detached Residence. The Rear Yard Setback distance was stated as 75 feet (22.86 m).
 - Development Permit No 2004-62, issued September 14, 2004, for the enclosure of an existing deck and the construction of a garage. The Rear Yard Setback distance was stated as 47 feet (14.9 m).

- Upon the completion of a Real Property Report, in July 2015, it was determined that the actual location of both the Residence and the Garage are not located as the permit applications stated.
- All developments/developers to this point, seem to have assumed that the fence line to the west was the property boundary. The fence is 15m to 16m west of the actual property boundary of the parcel.
- The applicant is wanting to relocate his garage to align with his residence, however, this still does not meet the minimum Rear Yard Setback distance of 15 m as set out in the Grouped Country Residential Land Use District.
- The well that was up until recently servicing the residence, is located within the adjacent parcel.
- A new well has been drilled on the parcel and is indicated on the site plan.

Recommendation No. 1:

That Development Permit Application No. 2016-10, for the relocation of the Existing Garage, and to bring the parcel into compliance with Land Use Bylaw 1140-08, 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 10.1 m Setback Variance be granted, from the minimum 15 m Rear Yard Setback Distance, for a 4.96 m Rear Yard Setback distance for the existing Single Detached Residence.
2. That a 10 m Setback Variance be granted, from the minimum 15 m Rear Yard Setback Distance, for a 5 m Rear Yard Setback distance for the relocated Accessory Building – Garage.

Recommendation No. 2:

That Development Permit Application No. 2016-10 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 3:

That Development Permit Application No. 2016-10 be denied as it does not comply with the provisions of the Land Use Bylaw.

3. Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2016-10 and supporting documents

Respectfully Submitted,

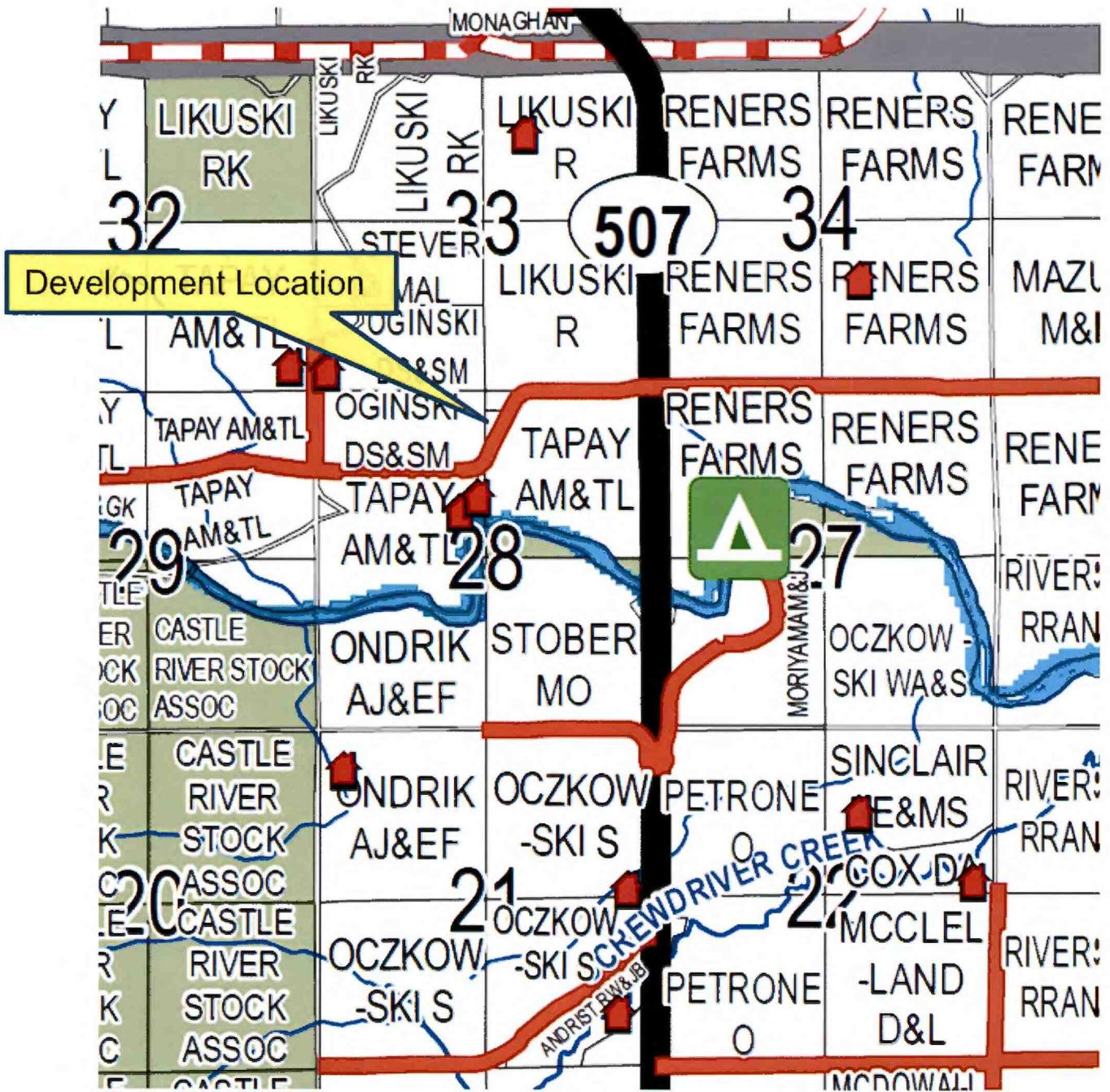
Roland Milligan

Reviewed by: Wendy Kay, CAO

W. Kay

March 22, 2016

Location of Proposed Development Within Portion of NE 28-6-2 W5M



Site Photos



Photo 1 - Due West from Approach



Photo 2 - Looking North from MD Road



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. 2016-10

Date Application Received 2016/03/07

PERMIT FEE 150

Date Application Accepted 2016/03/07

RECEIPT NO. 25380

Tax Roll # 4348.000

2316 Twp Rd 6-5

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: TOM KOVAL ; HIROKO MASUDA

Address: Box 609, BLAIRMORE, AB T0K 0E0

Telephone: 403-562-2347 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:

AS PER RPR FOR 2316 TWP RD 6-5 WE REQUEST A PERMIT FOR THE EXISTING IMPROVEMENTS WITH PERMISSION TO HAVE THE HOUSE AND THE (TO BE RELOCATED) GARAGE 4.96 METERS FROM THE WEST BOUNDARY OF OUR ACRES

Legal Description: Lot(s) _____

Block _____

Plan LINC: 0026311514

Quarter Section NE28-6-2-W5M

Estimated Commencement Date: MAY 1, 2016

Estimated Completion Date: MAY 31, 2016

SECTION 3: SITE REQUIREMENTS

Land Use District: Grouped Country Residential Division: 3

Permitted Use Discretionary Use

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

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

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

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

Yes No Don't know Not required

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

Yes No Don't think so

<u>PRINCIPAL BUILDING</u> <u>HOUSE</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	3.15 ac		
(2) Area of Building	1036 FT ²		
(3) %Site Coverage by Building	.75%		
(4) Front Yard Setback Direction Facing: <u>E</u>	65.71 meters	50m	YES
(5) Rear Yard Setback Direction Facing: <u>W</u>	496 meters	15m	NO WAS UNDER REVIEW
(6) Side Yard Setback: Direction Facing: <u>N</u>	28.5 meters	7.5m	YES
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

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

RPR DATED JULY 30, 2015

<u>ACCESSORY BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	3.15 AC		
(2) Area of Building 24'x30'	720 FT ²		
(3) %Site Coverage by Building	0.52%		
(4) Front Yard Setback Direction Facing: E	79.5m	50m	YES
(5) Rear Yard Setback Direction Facing: W	496 meters	15m	NO WAIVER REQ'D.
(6) Side Yard Setback: Direction Facing: N	19.2m	7.5m	YES
(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)

PPR DATED JULY 30, 2015

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: MARCH 4, 2016

Applicant


Registered Owner

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

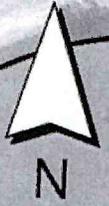
IMPORTANT NOTES:

1. In addition to completing this application form in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provision for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances;
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-refundable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. **THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.**
5. All development permits shall contain the following informative:

"ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER."
6. In accordance with the Municipal Government Act, a decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 14 days of the expiry of the decision date.
7. Every approach to a residence is entitled to an approach number sign supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.

NE28 6-2-5

94000

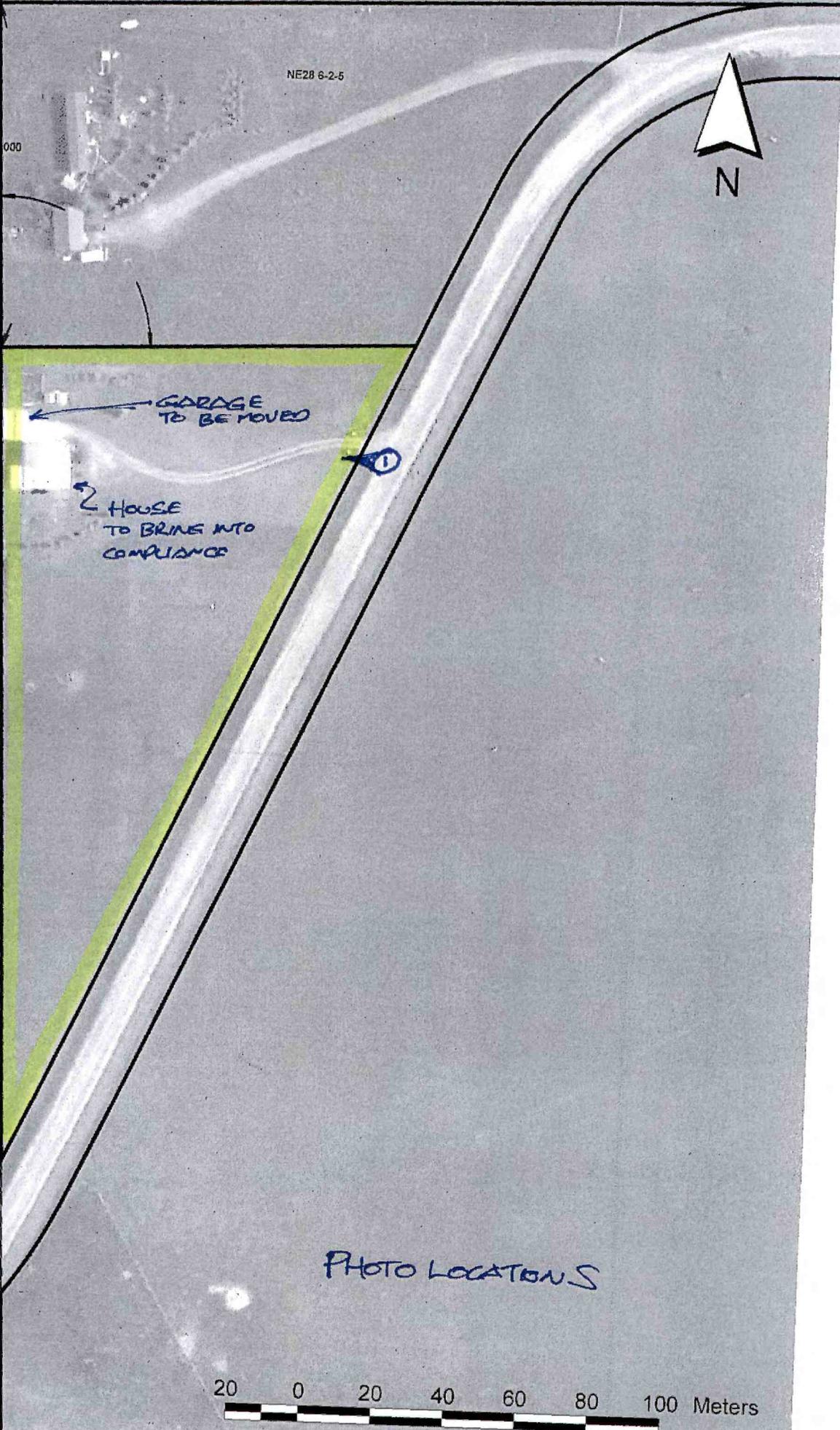
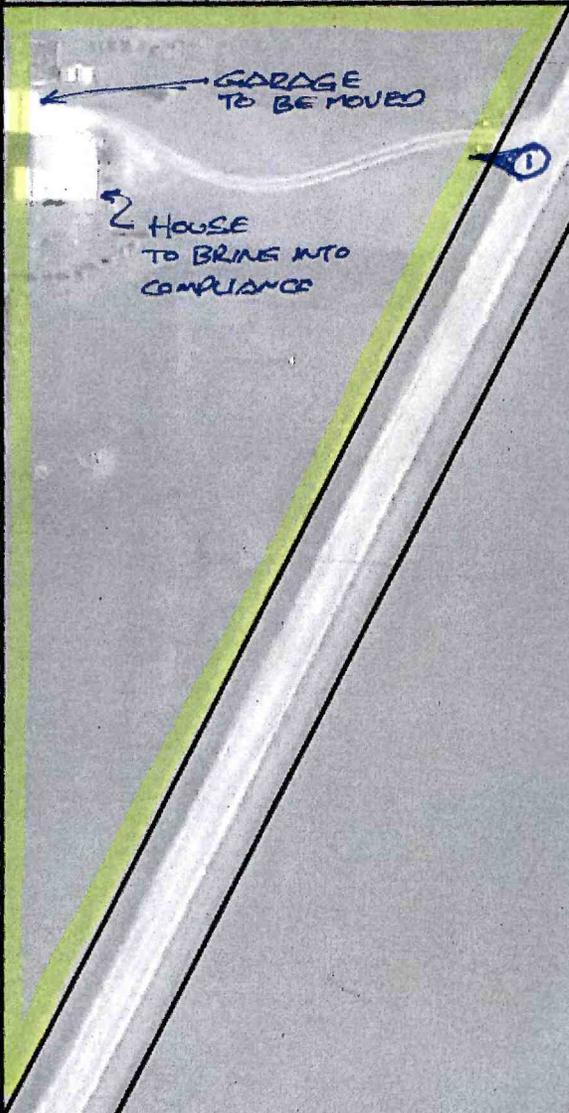
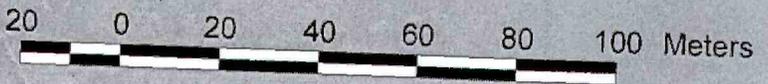


GARAGE
TO BE MOVED

HOUSE
TO BRING INTO
COMPLIANCE

2 FENCE LINE

PHOTO LOCATIONS



NE 1/4 SEC
29-6-2-5

NW 1/4 SEC
28-6-2-5

PORTION OF
NE 1/4 SEC 28-6-2-5

Arc=10
R=93

180°07'35"
94.00

90°07'35"
114.98

207°30'50"
47.97

15.07

19.18
14.14
14.32

5.04
4.96

180°07'35"
221.91

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

BUILDINGS
SEE DETAIL

C. of T.
061 351 222

ROAD PLAN 891 0946

0.24 fence
encroachment

THAT PORTION OF THE
LYING NORTHWEST OF
WHICH LIES SOUTH OF
DRAWN EASTERLY AND
TO THE WEST BOUNDARY
SECTION FROM A POINT
THERON FROM THE NO
SAID QUARTER SECTION
CONTAINING 1.275 HEC

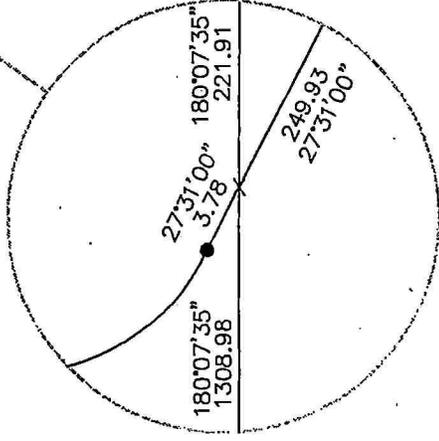
16.70 fence
encroachment

ROAD PLAN 1176IX

180°07'35"
1308.98

NW 1/4 SEC 28-6-2-5

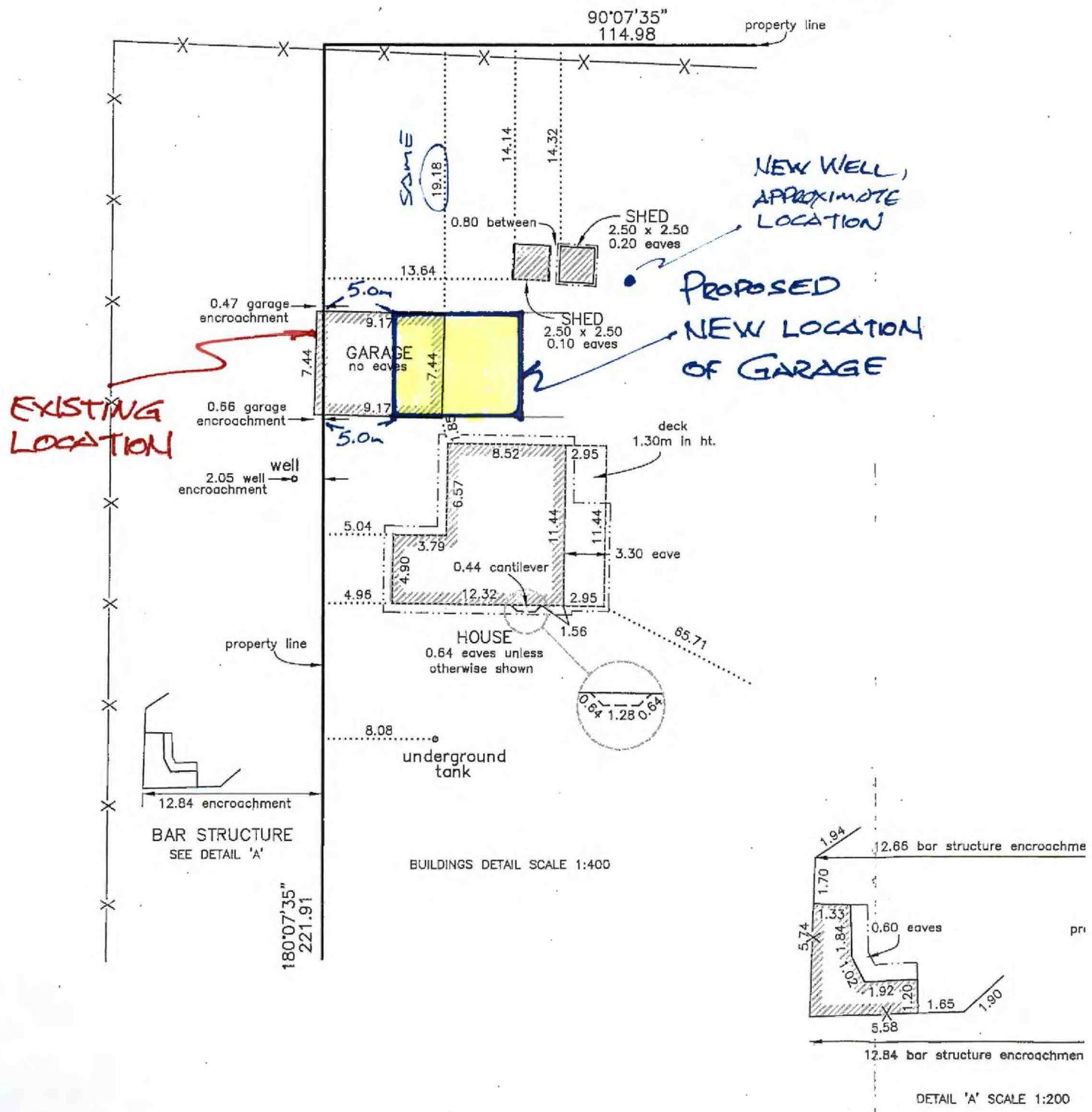
PORTION C
NE 1/4 SEC 28-



RTH EAST QUARTER
 D PLAN 891 0946
 TRAIT LINE
 RIGHT ANGLES
 OF SAID QUARTER
 METERS SOUTHERLY
 WEST CORNER OF
 ES (3.15 ACRES) MORE OR LESS

NORTH

2-5



**DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES REPORT
March 2016**

Development / Community Services Activities includes:

- March 1 Subdivision Authority Meeting
- March 1 Municipal Planning Commission Meeting
- March 2 West Castle Bridge Meeting
- March 3 Water Body Modelling Workshop
- March 8 Policy and Plans Meeting
- March 8 Council Meeting
- March 9 Joint Health and Safety Meeting
- March 10 Emergency Services – Quarterly Meeting
- March 21-April 1 Vacation

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Director for March 2016

No.	Applicant	Division	Legal Address	Development
2016-09	Southwest Design and Construction for Crowsnest / Pincher Creek Landfill	3	NW 8-7-1 W5M	Accessory Building – Recycling Building
2016-11	Gary and Delores Schneider	5	Lot 12, Block 1, Plan 0310751; Talon Peaks Estates	Accessory Building - Carport

Development Permits Issued by Municipal Planning Commission for March 2016

No.	Applicant	Division	Legal Address	Development
2016-04	Glen and Vicki Smyth	4	Lot 3, Block 1, Plan 8811747; SE 20-7-1 W5M	Secondary Farm Residence
2016-06	Philip Maloff	4	SE 22-7-1 W5M	Secondary Farm Residence

Development Statistics to Date

DESCRIPTION	March 2016	2016 to Date	March 2015	2015	2014
Dev Permits Issued	4 2-DO /2-MPC	12 7-DO /5-MPC	7 5-DO /2-MPC	70 54-DO /16-MPC	68 47-DO /21-MPC
Dev Applications Accepted	3	11	5	78	73
Utility Permits Issued	0	2	1	31	23
Subdivision Applications Approved	1	4	0	12	8
Rezoning Applications Approved	0	0	0	1	2
Seismic / Oil / Gas	3	4	2	19	0
Compliance Cert	1	3	1	21	28

RECOMMENDATION:

That the report for the period ending March 18, 2016, be received as information.

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

Reviewed by: Wendy Kay, CAO

Submitted to: Municipal Planning Commission



Date: March 18, 2016

Date: March 18, 2016

Date: April 5, 2016