

**Municipal District of Pincher Creek No. 9**  
**MUNICIPAL PLANNING COMMISSION**  
**May 6, 2014 – 6:30 pm**  
**Agenda**

- 1. Adoption of Agenda**
- 2. Adoption of MPC Minutes from April 1, 2014** ..... Pkg 1
- 3. Aquaculture Amendment Review**  
- Email from Gavin Scott, dated May 1, 2014 ..... Pkg 2
- 4. In Camera**
- 5. Unfinished Business**
- 6. Development Permit Applications**
  - a. Development Permit Application No. 2014-16  
Dean and Kathy Quinn  
Ptn. SW 6-9-1 W5M ..... Pkg 3
  - b. Development Permit Application No. 2014-17  
GERO Construction  
Lot 3, Block 1, Plan 891 000; Hamlet of Pincher Station..... Pkg 4
  - c. Development Permit Application No. 2014-18  
Andrew and Elizabeth Towe  
Portion of NE 32-2-29 W4M ..... Pkg 5
- 7. Development Reports**
  - a. April 2014 ..... Pkg 6
- 8. Correspondence**
- 9. New Business**
- 10. Next Regular Meeting – June 3, 2014; 6:30 pm**
- 11. Adjournment**

**Meeting Minutes of the  
Regular Meeting of the Municipal Planning Commission  
April 1, 2014 – 6:30 pm  
Municipal District of Pincher Creek No. 9 Administration Building**

**ATTENDANCE**

Commission: Reeve Brian Hammond, Councillors Fred Schoening and Garry Marchuk, and Members Dennis Olson and Bev Garbutt

Absent: Councillors Terry Yagos and Grant McNab

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

**COMMENCEMENT**

Vice Chairman Fred Schoening called the meeting to order, the time being 6:35 pm.

**1. ADOPTION OF AGENDA**

Reeve Brian Hammond 14/017

Moved that the April 1, 2014 Municipal Planning Commission Agenda be approved as presented.

Carried

**2. ADOPTION OF MINUTES**

Councillor Garry Marchuk 14/018

Moved that the Municipal Planning Commission Minutes of March 4, 2014 be approved as presented.

Carried

**3. IN CAMERA**

Member Dennis Olson 14/019

Moved that MPC and staff move In-Camera, the time being 6:39 pm.

Carried

Councillor Garry Marchuk 14/020

Moved that MPC and staff move out of In-Camera, the time being 6:57 pm.

Carried

4. **UNFINISHED BUSINESS**

There was no unfinished business to discuss.

5. **DEVELOPMENT PERMIT APPLICATIONS**

a) Development Permit Application No. 2014-08

Michael Morley

Lots 17-20, Block 16, Plan 7850AL; Hamlet of Beaver Mines

Reeve Brian Hammond

14/021

Moved that Development Permit Application No. 2014-08 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 0.58 m (1.9 ft) Height Waiver be granted from the maximum height of 4.6 m (15.1 ft) for a building height of 5.18 m (17.0 ft).

Carried

b) Development Permit Application No. 2014-10

Marilyn and Bert Nyrose

Lots 1-4, Block 15, Plan 7850AL; Hamlet of Beaver Mines

Councillor Garry Marchuk

14/022

Moved that Development Permit Application No. 2014-10 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 4.5 m (14.8 ft) Rear Yard Setback Waiver be granted from the minimum Rear Yard Setback of 7.5 m (24.6 ft) for a Rear Yard Setback of 3.0 m (10.0 ft).

Carried

6. **DEVELOPMENT REPORTS**

Reeve Brian Hammond

14/023

Moved that the Director of Development and Community Services Report for March 2014 be received as information.

Carried

7. **CORRESPONDENCE**

There was no correspondence to discuss.

8. **NEW BUSINESS**

There was no new business to discuss.

9. **NEXT MEETING** – Tuesday, May 6, 2014; 6:30 pm

10. **ADJOURNMENT**

Councillor Garry Marchuk

14/024

Moved that the meeting adjourn at 7:02 p.m.

Carried

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Chairperson Terry Yagos  
Municipal Planning Commission

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Director of Development and Community  
Services Roland Milligan  
Municipal Planning Commission

**Tara Cryderman**

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**From:** Gavin Scott <gavinscott@orrsc.com>  
**Sent:** Thursday, May 1, 2014 11:41 AM  
**To:** Tara Cryderman  
**Cc:** Roland Milligan  
**Subject:** Emailing: Aquaculture Amendment Review  
**Attachments:** Aquaculture Amendment Review.pdf

Please find attached the proposed amendments for aquaculture and greenhouses to be reviewed by MPC. By defining greenhouses as a specialty manufacturing/cottage industry it sets a building threshold (by definition at 5100sqft) whereby anything larger would be considered industrial and require a rezoning or when already industrially zoned the use becomes intensive horticulture.

Schedule A

1. **Revise the Land Use Bylaw definitions under Part I Section 6 as follows (in bold):**

6.7 Agricultural Operation(s)

An agricultural activity (either intensive or extensive) conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, but excluding 'Confined Feeding Operations' as defined by the Agricultural Operations and Practices Act (AOPA);
- (c) the production of agricultural field crops;
- (d) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (e) the production of milk and eggs;
- (f) the production of honey;
- (g) the operation of agricultural machinery and equipment including irrigation pumps and the application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides including application by ground and aerial spraying for agricultural purposes;
- (h) the production of aquaculture or aquaponics.**

See also Extensive Agriculture and Intensive Horticulture Operation.

6.141 Specialty Manufacturing / Cottage Industry

Development used for small-scale, on-site production of goods in a building not exceeding a gross floor area of 510 m<sup>2</sup> (5,490 ft<sup>2</sup>), including areas devoted to retail sales, display and storage. This use includes bakeries and specialty food production facilities, pottery and sculpture studios, taxidermists, **greenhouses** and specialty furniture makers.

2. **Add to the Land Use Bylaw new definitions under Part I Section 6 as follows:**

Aquaculture

An agricultural operation, also known as aquafarming or cultured fish, where the use of land or building produces aquatic organisms such as fish, crustaceans, molluscs and aquatic plants. Aquaculture involves cultivating freshwater and saltwater populations under controlled conditions. This use must comply with all regulation and permitting of Alberta Agriculture.

Aquaponics

An agricultural operation, where the use of land or building, combines conventional aquaculture with hydroponics (cultivating plants in water) in a symbiotic environment for food production. This use must comply with all regulation and permitting of Alberta Agriculture.

**3. Add to the Land Use Bylaw under Part VIII – Agriculture - A as follows:**

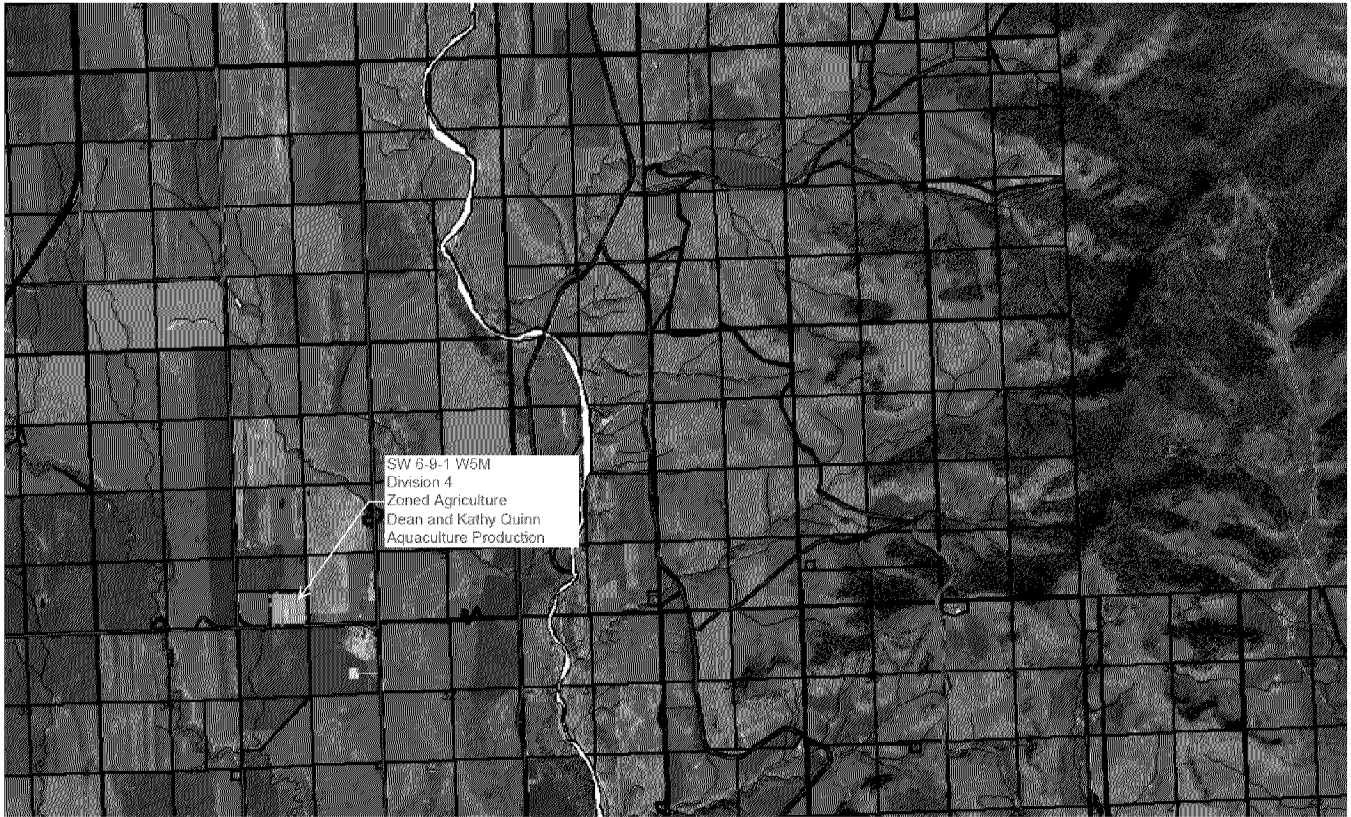
- 2.1 Permitted Uses  
**Farm buildings and structures (see section 14)**
  
- 2.2 Discretionary Uses  
**Aquaculture**  
**Aquaponics**

# Development Permit Application No. 2014-16

Dean and Kathy Quinn

SW 6-9-1 W5M

Aquaculture Production





## MD OF PINCHER CREEK

April 30, 2014

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TO: Municipal Planning Commission  
FROM: Roland Milligan, Director of Development and Community Services  
SUBJECT: Development Permit Application No. 2014-16

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### 1. Applicant

**Applicant(s):** Dean and Kathy Quinn  
**Location** LSD 3-6-9-1 W5M  
**Division:** 4  
**Size of Parcel:** 16.2 ha (40 Acres)  
**Zoning:** Agriculture - A  
**Development:** Saltwater Shrimp Aquaculture Facility

### 2. Background/Comment

- On April 11, 2014 MD received an application for the development of an aquaculture (saltwater shrimp) facility (Enclosure No. 1).
- The proposed development will consist of a single building, 686m<sup>2</sup> (7384 ft<sup>2</sup>), in which the entire operation will be contained.
- The applicant is not the landowner but is applying for the permit as part of a purchase agreement for the 16.2 ha (40 acre) parcel. The landowners have signed off on the proposal (additional signature page included in application).
- The application is in front of the MPC pursuant to Section 16.11 of Land Use Bylaw 1140-08 (LUB). Within the LUB, Aquaculture is not a defined use. For this permit application, the Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a use within the Agriculture land use district.
- The following is Section 16.11 from the LUB.

*16.11 At the request of the applicant, where a use is applied for which is not specifically considered in any land use district, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the following process shall apply:*

- (a) the matter shall be referred by the Development Officer to the Municipal Planning Commission;*
- (b) the Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district;*
- (c) if the use is deemed similar, the proposed use shall be reviewed by the Municipal Planning Commission as a discretionary use for that land use district;*
- (d) given the above, if the application is approved by the Municipal Planning Commission a development permit shall be issued in accordance with Section 19.*

- The use that seems the best comparison and the most similar in nature appears to be "Intensive Horticultural" as defined within the LUB.

#### 6.76 Intensive Horticultural Operation

*Uses of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponics or market gardens, tree, mushroom, and sod farms. "Extensive agriculture" and "Topsoil stripping" are separate uses.*

- Aquaculture is defined as:

*The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled marine or freshwater environments; underwater agriculture.*

- There may have been an oversight within the LUB as Intensive Horticultural Operation was not included on either list of uses with the Agriculture land use district.
- The MPC may wish to direct staff to propose the required amendments to the LUB that would allow for the consideration of these uses within the appropriate land use districts of the MD.

#### Discussion

- The operation will be entirely enclosed within the single building.
- The applicants have supplied a fact sheet that outlines the scope of the operation.
  - *Because our product is a closed saltwater based system there is zero risk to the local environment through water contamination or product infiltration into local ecosystems.*
  - *Our farm will use a zero exchange aerobic heterotrophic system. This produces water as close to the fish's own natural habitat as possible minus all pollutants. No hormones, chemicals, or antibiotics are added to the water.*
  - *Water recycling is utilized as a safe and effective waste reduction method, after the initial filling of 6600 gallons per tank the water use is minimal with no saltwater going into the sewage system. The average household of 5 will use more water per year than we will use.*
  - *The solid by-products claimed from the tanks is recycled and reused within the system, this and the fact that our products will be sold live and whole means there is no solid waste to dispose of.*
  - *Maximum daily use of water is 50 gallons per day to replace evaporation and handling use. Another approx. 50 gallons per day will be used for floor wash down etc.*
  - *Any products imported into our facility are specific pathogen free and regulated closely per Fish and Wildlife and Canadian Food Inspection Agency.*
  - *With the exception of a semi-annual delivery of feed and supplies the only traffic to and from the parcel will be light duty such as a delivery van, running only a few times a week. We will be working with the local producers and it is our intention to utilize local suppliers and contractors to support the local economy. Eventually we will be looking to local residents for full and part-time employment.*

- *A grow out facility 52 ft x 150 ft will be built to accommodate our operation, both for the safety of our crop, the protection of surrounding ecosystem and to allow year round viable operations.*
  - *Eventually after getting our project in full operation we would like to be able to offer both public and school tours. To promote diverse agriculture projects that highlight a conscience environmental approach.*
  - *To ensure viability we are working closely with several aquaculture suppliers and biologists in this field, all having more than 20 years of experience in the aquaculture industry.*
- The application was circulated to the adjacent landowners for comment as required.
  - At the time of preparing this report an adjacent landowner contacted the MD and stated the following concerns:
    - 1) What would happen if there were a spill of water/wastewater?
    - 2) Is it contained on site, and is the site designed for spill containment?
    - 3) Would it have to be trucked off site to a waste facility/landfill?
  - The applicant was contacted and the following information was received.
 

The facility is designed to hold 9 fully functional grow out tanks, but only 8 are in production at any given time, leaving one for water transfer/storage should a need arise. That is only if a major leak did happen.

Also the entire facility slopes and drains to a common place, which is piped to a lined dug-out that is sized accordingly. Any water caught in the dug-out would evaporate, with the left over sea salt taken to the dump. This amount is so small, no producer has yet to discard of any.

The cost to get the water to 18 percent salt is very high, so every effort is taken to reduce, reuse, and recycle the water and salt.
  - The adjacent landowner was subsequently updated with this information.
  - No other concerns were received.
  - The province of Alberta, through legislation maintained by the Fisheries Management Division at Alberta Sustainable Resource Development regulates the industry. Only certain species of fish are eligible for fish farming activities.
  - Although the proposed species is not currently listed on the species schedule, I was informed by Jim Wagner of AESRD that as of April 1, 2014 they were an approved species.
  - The province issues a license for production through Alberta Agriculture under a Memorandum of Understanding with AERSD.
  - The province only issues a licence after a risk assessment has taken place following a thorough review of a detailed plan of the facility.
  - The following information on the regulatory process is from the Aquaculture page of the Alberta Agriculture and Rural Development website.
    - *The production and marketing of fresh-water fish in Alberta must comply with both federal and provincial regulations. These regulations are designed to protect native species of fish, provincial fish hatcheries and public water bodies.*

- *Alberta regulates possession of live cultured fish in the province through legislation maintained by the Fisheries Management Division at Alberta Sustainable Resource Development. Only certain species of fish are eligible for fish farming activities.*
  - *Alberta Agriculture, Food and Rural Development's Inspection/Investigation Branch issues three types of fish licences. Under the Alberta Fisheries Act, these licenses are required to acquire, grow, breed, keep and sell live cultured fish. The licence can be recreational, or Class A or **B** commercial, depending on purpose and species being raised.*
  - *A Class **B** Commercial Licence allows you to sell and keep fish in contained waters. These can be indoors or isolated from other water sources. The fish can include Atlantic, chinook, coho and sockeye salmon, freshwater prawn, goldfish, koi, tilapia, bigmouth buffalo fish or American eel.*
  - *Each application for a Commercial Fish Culture Licence is evaluated to ensure the proposed site and species do not interfere with or threaten the native fish species. The licence holder is required to complete an annual report. All licences issued are for specific species at the designated culture site. Commercial hatcheries can only sell fingerlings to individuals holding a valid recreational or commercial licence. Commercial fish farmers can only acquire their fish stocks from licenced suppliers.*
- 
- The applicant is in the process of obtaining a detailed design plan for the building. Plans will be submitted to the MD when available.
  - The proposed location of the building meets all setback requirements of the land use district.
  - If the MPC approves the use, a condition that no development commence until a provincial approval is received should be placed on any permit.

**Recommendation No. 1:**

That Development Permit Application No. 2014-16 be approved subject to the following Condition(s) and Waiver(s):

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.
2. That the applicant provide a copy of the required Provincial Commercial Licence B to operate the aquaculture facility prior to commencement of construction.

**Recommendation No. 2:**

That Development Permit Application No. 2014-16 be denied as it does not comply with the requirements of Land Use Bylaw 1140-08.

**Recommendation No. 3:**

That Development Permit Application No. 2014-16 be approved subject to conditions and/or variances as determined by the Municipal Planning Commission.

**Enclosures**

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2014-16

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



May 1, 2014



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

### DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2014-16

Date Application Received 11/04/14

PERMIT FEE \$150.00

Date Application Accepted 11/04/14

RECEIPT NO. 16074

Tax Roll # 3829.000

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

**SECTION 1: GENERAL INFORMATION**

Applicant: DEAN = KATHY QUINN  
 Address: R.R. #8-20-30 LETHBRIDGE, AB T1J 4P4  
 Telephone: 403-329-3621 Email: -qsixgarn@telusplanet.net  
403-634-0871 -deanquinn@telus.net  
 Owner of Land (if different from above): \_\_\_\_\_  
 Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Interest of Applicant (if not the owner): Buyer

**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:

Construct and develop a facility to produce aquaculture (farm raised) products.

Legal Description: Lot(s) \_\_\_\_\_  
 Block \_\_\_\_\_  
 Plan \_\_\_\_\_  
 Quarter Section SW-6-9-1-W5  
 Estimated Commencement Date: MAY 1, 2014  
 Estimated Completion Date: OCTOBER 1, 2014

**SECTION 3: SITE REQUIREMENTS**

Land Use District: Agriculture Division: 4

Permitted Use  Discretionary Use

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

Yes  No

Is the proposed development below a licenced dam?

Yes  No

Is the proposed development site situated on a slope?

Yes  No

If yes, approximately how many degrees of slope? \_\_\_\_\_ degrees

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

Yes  No  Don't know  Not required

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

Yes  No  Don't think so

PRINCIPAL BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site	<u>10 acres ...</u>		
(2) Area of Building <u>142' x 52' (686m<sup>2</sup>)</u>	<u>7380 sq ft</u>		<u>YES</u>
(3) %Site Coverage by Building	<u>1.79% of 10 acres</u>		<u>YES</u>
(4) Front Yard Setback Direction Facing: <u>SOUTH 70m</u>	<u>MIN. 50 metres 50m</u>	<u>50m</u>	<u>YES</u>
(5) Rear Yard Setback Direction Facing: <u>NORTH 285m</u>	<u>MIN. 50 metres 7.5m</u>	<u>7.5m</u>	<u>YES</u>
(6) Side Yard Setback: Direction Facing: <u>WEST 290m</u>	<u>MIN. 10 metres 7.5m</u>	<u>7.5m</u>	<u>YES</u>
(7) Side Yard Setback: Direction Facing: <u>EAST 75m</u>	<u>MIN. 10 metres 7.5m</u>	<u>7.5m</u>	<u>YES</u>
(8) Height of Building	<u>24.6" MAX.</u>	<u>MA</u>	
(9) Number of Off Street Parking Spaces	<u>N/A.</u>		

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

PLOT PLAN NOT TO SCALE. ARCHITECTURAL DRAWINGS UPON COMPLETION OF SALE.

N/A.

<b>ACCESSORY BUILDING</b>	<b>Proposed</b>	<b>By Law Requirements</b>	<b>Conforms</b>
(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 : N/A.

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: 04/11/2014

[Signature]  
Applicant

\_\_\_\_\_  
Registered Owner

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



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: April 14 / 14

PER: SW6-9-1-WSM

Applicant

*[Signature]*  
 \* *[Signature]*  
 Registered Owner  
YVON MARC TREMBLAY - CHRISTINA F. TREMBLAY

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

North

LSD. 3-6-9-1 W5M

PROPOSED  
LOCATION  
43.3m x 19.8m  
SINGLE STORY  
BUILDING

285m

290m

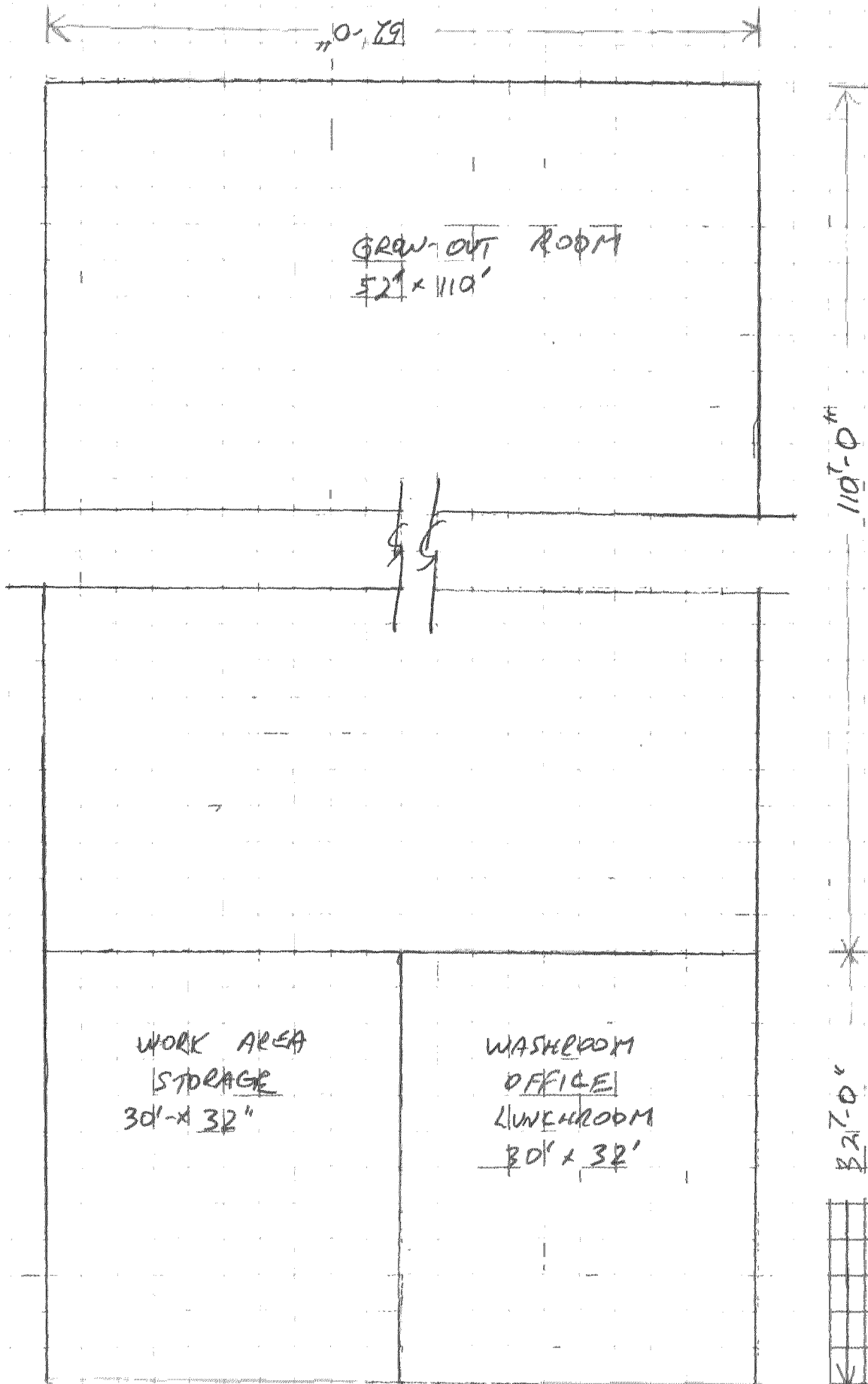
75m

70m

TWP. RD. 9-0

DP APP 2014-16

SCALE 1:2500



NOT TO SCALE

# Development Permit Application No. 2014-17

GERO Construction and Development Ltd.

Lot 3, Block 1, Plan 981 0001

16ft Wind Fence



## MD OF PINCHER CREEK

May 1, 2014

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TO: Municipal Planning Commission  
FROM: Roland Milligan, Director of Development and Community Services  
SUBJECT: Development Permit Application No. 2014-17

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### 1. Applicant

**Applicant(s):** GERO Construction  
**Location** Lot 3, Block 1, Plan 891 0001: Hamlet of Pincher Station  
**Division:** 3  
**Size of Parcel:** 0.86 ha (2.13 acres)  
**Zoning:** Hamlet Highway Commercial – HHC  
**Development:** Wind Fence (Accessory Structure): *Variance Requested for Height*

### 2. Background/Comment

- On March 14, 2014 MD received an application for the request for a height variance for the construction of an Accessory Structure (Fence). (Enclosure No. 1).
- The application is in front of the MPC because:
  - Within the Hamlet Highway Commercial - HHC Land Use District of Land Use Bylaw 1140-08, pursuant to Section 33.2 of the LUB, Fences and gates within commercial and industrial districts within designated hamlets shall not exceed 2 m (6.6 ft), and whereas the applicant is requesting that he be granted permission to construct a fence to act as a wind fence that is to be 4.87m (16 ft) in height. A variance of 2.88m (9.45ft) from the maximum height of 2.0 (6.6 ft) is being requested.

### Discussion

- The application was circulated to the adjacent landowners for comment as required.
- At the time of preparing this report an adjacent landowner had indicated that they had concerns with the proposal. They were against granting the variance because the proposed fence would be too tall, the fence would act as a garbage collector on their east property line.
- If the fence was placed 3m (9.8 ft) from the property line, this is the regular building side yard setback within the land use district, it would may alleviate the issue.
- The applicant is considering two types of fences, for which at the time of preparing this report we have yet to receive any images or technical information.
- The applicant stated that they would endeavour to have something to the MPC at the time of the meeting.

- One type being considered is the fabric type of wind break as is presently at several locations within the MD.
- The second type is a fence using horizontally placed slats with a porosity of 50% for the fence. The applicant states that the horizontal boards would cause less visual disturbance and would cause less snow drifting.
- Pursuant to Section 16.17 of the LUB, the MPC may approve or conditionally approve a discretionary use that does not comply with this bylaw if, in the opinion of the MPC, 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.

**Recommendation No. 1:**

That Development Permit Application No. 2014-17 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 2.88 m (9.45 ft) Height Waiver be granted from the maximum height of 2.0 m (6.6 ft) for a fence height of 4.87 m (16.0 ft).

**Recommendation No. 2:**

That Development Permit Application No. 2014-17 be denied as it does not comply with the requirements of Land Use Bylaw 1140-08.

**Recommendation No. 3:**

That Development Permit Application No. 2014-17 be approved subject to conditions and/or variances as determined by the Municipal Planning Commission.

**Enclosures**

Supporting Documents:


Enclosure No. 1 Development Permit Application No. 2014-17

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



May 1, 2014



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

**DEVELOPMENT PERMIT APPLICATION**

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2014-17

Date Application Received 2014/03/14

PERMIT FEE 150

Date Application Accepted 2014/03/14

RECEIPT NO. 10321

Tax Roll # 2724.050

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 Ren. 403-627-7440

**SECTION 1: GENERAL INFORMATION**

Applicant: Gero Construction & Development Ltd.  
 Address: 1375 Hunter Street Box 1936 Pincher Creek.  
 Telephone: 403-627-5356 Email: admin@geroconstruction.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:

\* 16 ft high fence WEST SIDE OF PARCEL

Legal Description: Lot(s) 3 (306 Railway Street)  
 Block 1  
 Plan B91 0001  
 Quarter Section Hamlet of Pincher Station, Alberta

Estimated Commencement Date: Put up fence as soon as possible

Estimated Completion Date: Nov 30, 2014



**SECTION 3: SITE REQUIREMENTS**

Land Use District: HAMLET HIGHWAY COMMERCIAL 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

<b>PRINCIPAL BUILDING</b>	<b>Proposed</b>	<b>By Law Requirements</b>	<b>Conforms</b>
(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)

\_\_\_\_\_

\_\_\_\_\_

NA

<b>ACCESSORY BUILDING</b>	<b>Proposed</b>	<b>By Law Requirements</b>	<b>Conforms</b>
(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.

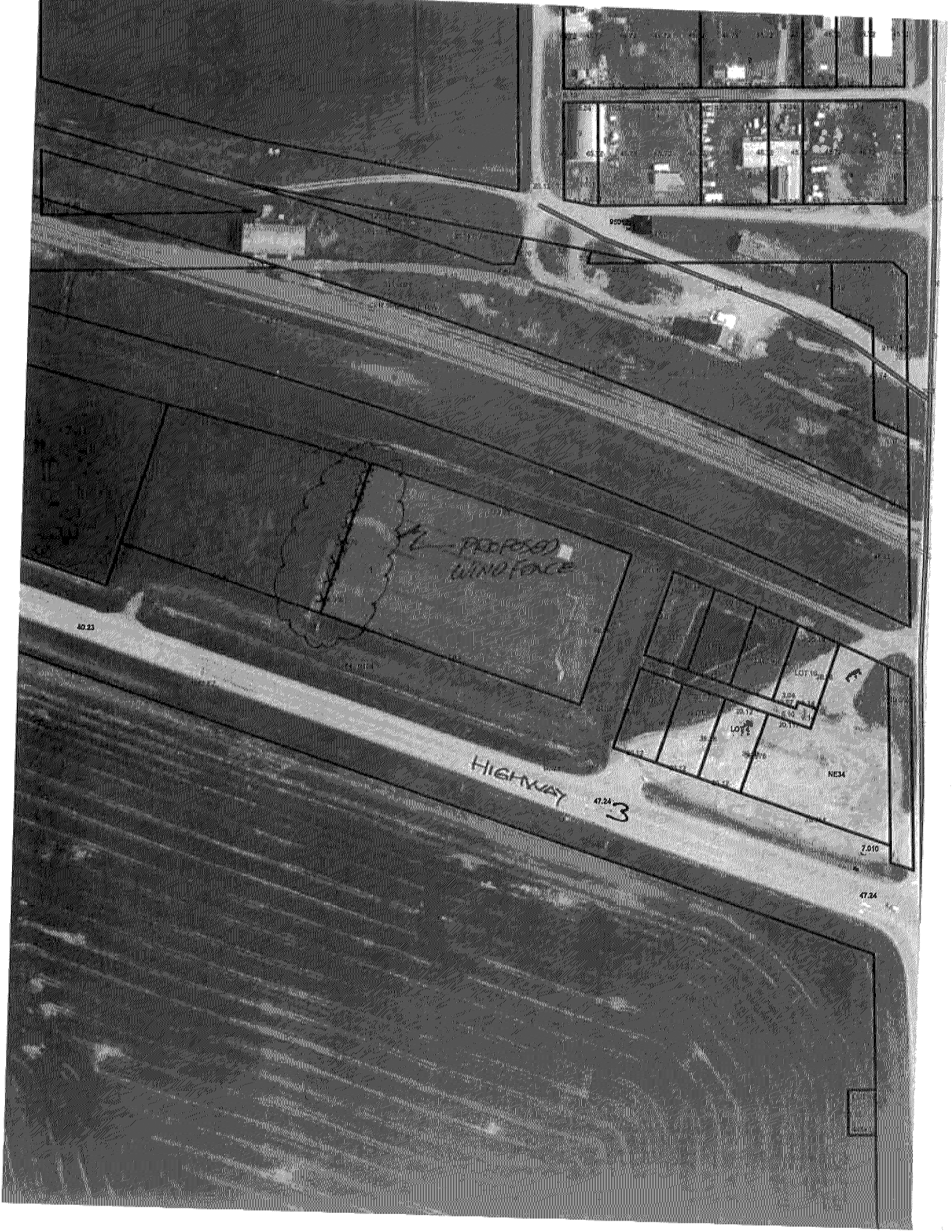
DATE: March 17/14

Mero Construction -   
Applicant

Mero Construction   
Registered Owner

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

NA



PROPOSED  
WIND FENCE

HIGHWAY 3

LOT 15  
LOT 16

NE34

7.010

47.24

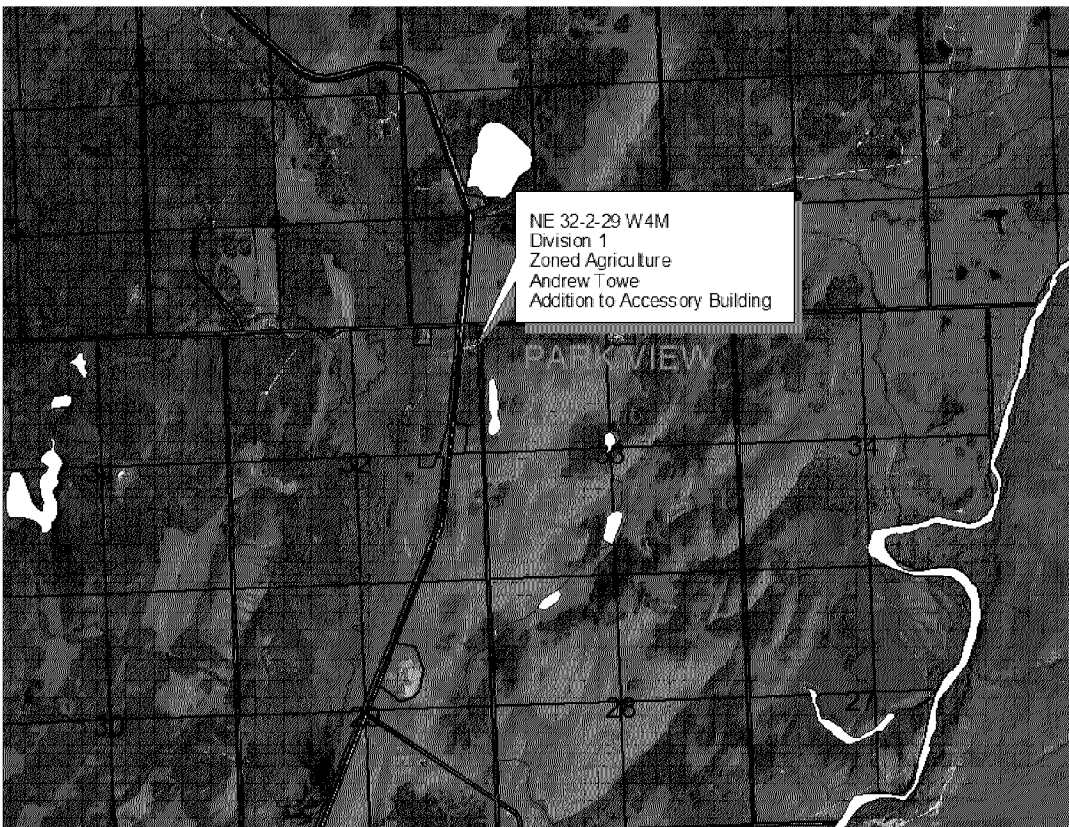
40.23

# Development Permit Application No. 2014-18

Andrew Towe

NE 32-2-29 W4M

Addition to Accessory Building - Barn



## MD OF PINCHER CREEK

May 1, 2014

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TO: Municipal Planning Commission  
FROM: Roland Milligan, Director of Development and Community Services  
SUBJECT: Development Permit Application No. 2014-18

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### 1. Applicant

**Applicant(s):** Andrew and Elizabeth Towe  
**Location:** Ptn. of NE 32-2-29 W4M  
**Division:** 1  
**Size of Parcel:** 9.6 ha (23.7 Acres)  
**Zoning:** Agriculture – A  
**Development:** Addition to Existing Accessory Building: *Variance requested for location of existing building to bring it into compliance and the subsequent addition to the building.*

### 2. Background/Comment

- On April 16, 2014 MD received the complete application for a proposed addition to an existing legal non-conforming accessory building (Enclosure No. 1).
- The application is in front of the MPC because:
  - Within the Agriculture - A Land Use District of Land Use Bylaw 1140-08, the minimum secondary front yard setback requirement from a municipal road right-of-way is 25m ((82 ft). The current location of the existing accessory building is 14.99m and is not in compliance with the LUB. The applicant is seeking an approval for the location of the existing building, thereby being allowing the request to construct the addition to said building.

### Discussion

- The application was circulated to the adjacent landowners for comment as required.
- At the time of preparing this report no comments or concerns were received from adjacent landowners.
- The applicant is proposing to construct an addition 7.3m x 7.3 m (24ft x 24ft) addition to an existing steel clad accessory building.
- The applicant supplied the following explanation as to why they are seeking to bring the building into compliance rather than construct a new building.

*This is to explain why we need to add on to the existing building rather than build a free standing building a few feet away which would be in compliance. The property is under a conservation easement with Natures Conservancy and that easement prohibit building any new free standing buildings, but allows additions to existing*

*buildings.. Essentially, we want to build a wood shop on the front of an existing building (steel clad).*

- The addition is to be on the north of the building and would not decrease the setback to the road allowance.
- Pursuant to Section 16.17 of the LUB, the MPC may approve or conditionally approve a discretionary use that does not comply with this bylaw if, in the opinion of the MPC, 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.

**Recommendation No. 1:**

That Development Permit Application No. 2014-18 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 10.01 m (32.8 ft) Setback Waiver be granted from the minimum Secondary Front Yard Setback of 25m (82.0 ft) for a Setback of 14.99m (49.2 ft).

**Recommendation No. 2:**

That Development Permit Application No. 2014-18 be denied as it does not comply with the requirements of Land Use Bylaw 1140-08.

**Recommendation No. 3:**

That Development Permit Application No. 2014-18 be approved subject to conditions and/or variances as determined by the Municipal Planning Commission.

**Enclosures**

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2014-18

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



March 26, 2014



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

**DEVELOPMENT PERMIT APPLICATION**

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2014-18  
 Date Application Received 2014/08/16 PERMIT FEE 150  
 Date Application Accepted 2014/08/16 RECEIPT NO. 16107  
 Tax Roll # 1153.000 2229 Hwy 6

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: Andrew Towe  
 Address: P.O. Box 142 Waterton Park, AB T0K-2M0 - 2229 Hwy 6  
 Telephone: 403-627-1662 Email: andytowe@toughcountry.net  
 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:  
24'x24' addition on the north of the barn for wood shop

Legal Description: Lot(s) \_\_\_\_\_  
 Block \_\_\_\_\_  
 Plan \_\_\_\_\_  
 Quarter Section NE 32-2-29W4  
 Estimated Commencement Date: Spring/Summer 2014  
 Estimated Completion Date: Fall 2014

**SECTION 3: SITE REQUIREMENTS**

Land Use District: Agriculture Division: 1

Permitted Use  Discretionary Use

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

Yes  No

Is the proposed development below a licenced dam?

Yes  No

Is the proposed development site situated on a slope?

Yes  No

If yes, approximately how many degrees of slope? \_\_\_\_\_ degrees

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

Yes  No  Don't know  Not required

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

Yes  No  Don't think so

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

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

\_\_\_\_\_

\_\_\_\_\_



ACCESSORY BUILDING ADDITION	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building 7.3m x 7.3m ADDITION			
(3) %Site Coverage by Building			
(4) Front Yard Setback Direction Facing: NORTH	149m	50m	YES
(5) Rear Yard Setback Direction Facing: SOUTH	625m	7.5m	YES
(6) Side Yard Setback: SECONDARY FRONT Direction Facing: EAST	14.99m	25m	No 10m WAIVER REQ'D.
(7) Side Yard Setback: Direction Facing: WEST	80m	80m	YES
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

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

**SECTION 4: DEMOLITION**

Type of building being demolished : NONE

Area of size: \_\_\_\_\_

Type of demolition planned: \_\_\_\_\_

**SECTION 5: SIGNATURES (both signatures required)**

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

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

DATE: April 16, 2014

[Signature]  
Applicant

[Signature]  
Registered Owner

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

S.W. 1/4

Sec. 3 - 3 - 29 - 4

GOVERNMENT  
(CORRECTION)

ROAD  
LINE

ALLOWANCE

N.E. Sec. 32-2-29-4  
Fd. Iron Post  
Marker Post

N.E. 1/4 Sec. 32 - 2 - 29 - 4

ROAD PLAN 3792 H.X.  
45.72m

GOVERNMENT ROAD ALLOWANCE  
20.12m

N.W. 1/4 Sec. 33 - 2 - 29 - 4

812.08  
740'35"  
ASSUMED

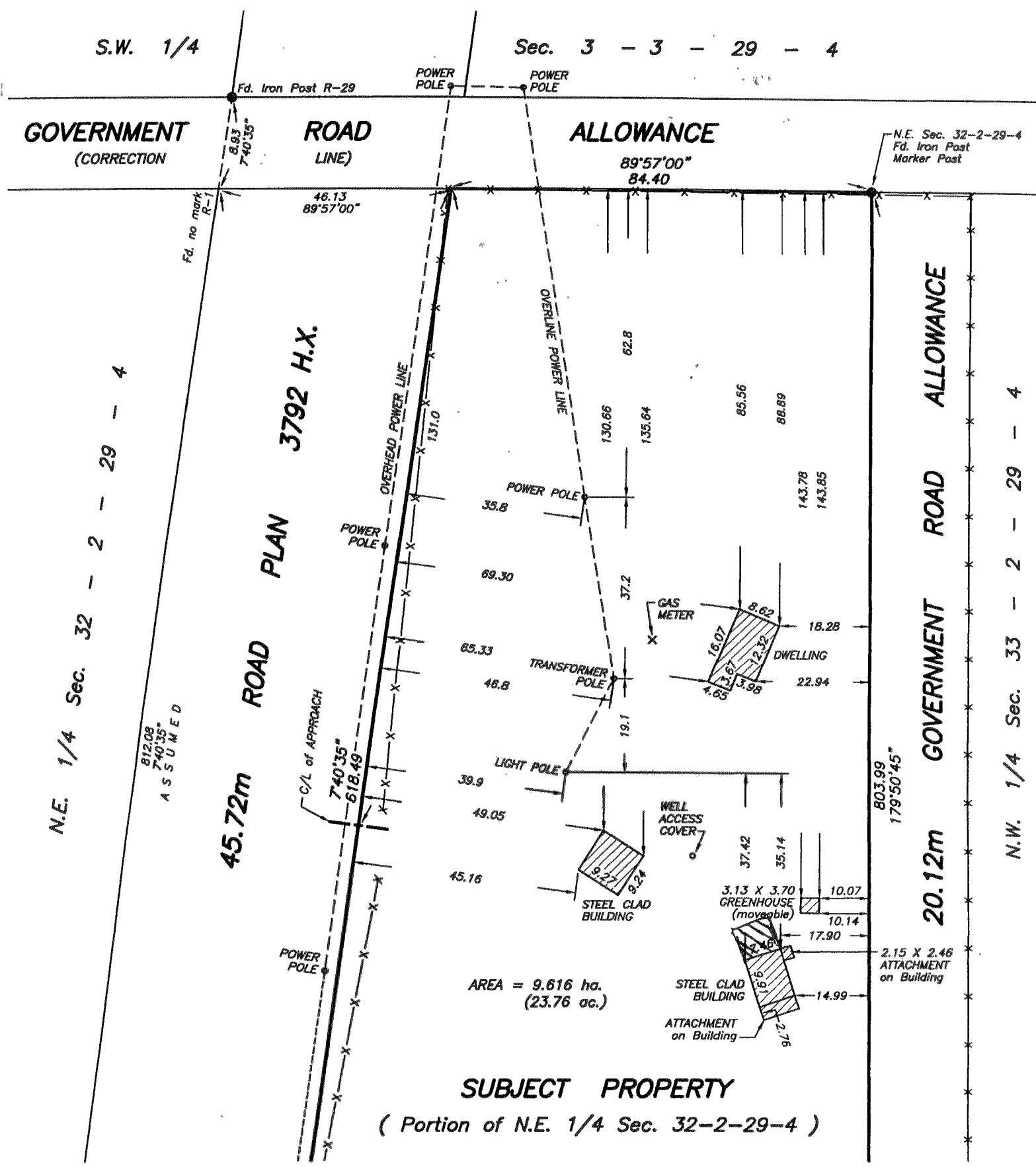
C/L of APPROACH  
740'35"  
618.49

AREA = 9.616 ha.  
(23.76 ac.)

SUBJECT PROPERTY

(Portion of N.E. 1/4 Sec. 32-2-29-4)

DETAIL A  
SCALE = 1 : 1000



**DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES  
REPORT –April 2014**

Package #6

**Development / Community Services Activity include:**

- April 1                      Municipal Planning Commission Meeting
- April 2                      David Ramsay, Municipal Affairs
- April 8                      Policy and Plans Meeting
- April 8                      Council Meeting
- April 10                     Staff Meeting
- April 10                     Department Head Staff Meeting
- April 10                     Department Head Budget Meeting
- April 14-18                 Vacation
- April 22                     Policy and Plans Meeting
- April 22                     Council Meeting
- April 23                     Castle Mountain Area Structure Plan Review
- April 24                     Staff Meeting
- April 24                     Department Head Staff Meeting
- April 24                     Kevin Finn, Castle Mountain Resort
- April 24                     Riverdale Resources Meeting
- April 30                     Met with taxpayer
- April 30                     Steve Sapeta, Taxpayer

**PLANNING DEPARTMENT STATISTICS**

**Development Permits Issued by Development Officer for April 2014**

2014-11	Amy Hemminger	Lot 6, Block 5, Plan 0815791; Castle View Estates	Single Detached Residence
2014-12	Curtis and Sharon Eaton	Lot 1, Block 1, Plan 0011427; SW3-7-2 W5M	Bring into Compliance; Existing Garage
2014-13	Kent Bonertz and Wendy McClelland	SE 19-5-2 W5M	Single Detached Residence – Cabin
2014-15	Bill Ullman and Peggy Dingreville	Lots 13-16, Block 3, Plan 2177S; Hamlet of Lundbreck	Addition to Store
2014-19	Murray Barnett	Lot 9, Block 1, Plan 0310751; NW 13-7-3 W5M	Accessory Building – Storage Shed
2014-20	Boy Scouts Association	NE 11-5-3 W5M	Addition to Building

**Development Permits Issued by Municipal Planning Commission for April 2014**

2014-08	Michael Morley	Lots 17-20, Block 16, Plan 7850AL; Hamlet of Beaver Mines	Accessory Building – Garage
2014-10	Marilyn and Bert Nyrose	Lots 1-4, Block 15, Plan 7850AL; Hamlet of Beaver Mines	Single Detached Residence

**Development Statistics to Date**

DESCRIPTION	April 2014	2014 to Date	April 2013	2013	2012
Dev Permits Issued	9 7- DO / 2 - MPC	17 13- DO / 4 - MPC	6 4 - DO / 2 - MPC	67 42 - DO / 25- MPC	68 49 - DO / 19 - MPC
Dev Applications Accepted	9	21	4	66	74
Utility Permits Issued	1	10	2	32	36
Subdivision Applications Approved	0	2	0	9	15
Rezoning Applications Approved	0	0	0	2	1
Seismic / Oil / Gas	0	0	0	3	3
Compliance Cert	1	5	1	19	24

**RECOMMENDATION:**

That the Development Officer's Report for the period ending April 30, 2014, be received as information.

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



Date: April 30, 2014

Reviewed by: Wendy Kay, CAO



Date: May 1, 2014

Submitted to: Municipal Planning Commission

Date: May 6, 2014