

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
Council Chambers
March 7th, 2023
6:30 pm
Agenda

1. Adoption of Agenda

2. Minutes

- a. Meeting Minutes of November 1st, 2022

3. Closed Meeting Session

4. Unfinished Business

5. Development Permit Applications

- a. Development Permit Application No. 2022-47
Garry Marchuk
Lot 4, Block 5, Plan 8410414 with NW 10-6-2 W5
Addition – Height Variance
- b. Development Permit Application No. 2023-05
Guido Guerra
Lot 1, Block 1, Plan 9310136 within SE 30-5-2 W5
Accessory Building – Setback Variance
- c. Development Permit Application No. 2023-06
Roxann Green
Within NE 12-7-3 W5
Moved-In Building

6. Development Reports

- a. Development Officer's Report
- Report for Jan – Mar 2023

7. Correspondence

- a. Alberta Development Officers Association – Winter Issue Communicator

8. New Business

- a. Election of Chairperson
- b. Election of Vice-Chairperson

9. Next Regular Meeting – April 4th 2023

10. Adjournment

**Meeting Minutes of the
Municipal Planning Commission
November 1st, 2022 6:30 pm
Municipal District of Pincher Creek No. 9 Administration Building**

ATTENDANCE

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

Staff: CAO Roland Milligan, Assistant Planning and Development Officer Laura McKinnon

Planning
Advisor:

Absent: ORRSC, Senior Planner Gavin Scott

Chairman Jim Welsch called the meeting to order, the time being 6:35 pm.

1. ADOPTION OF AGENDA

Councillor Dave Cox 22/056

Moved that the agenda for November 1st, 2022, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Member at Large Jeff Hammond 22/057

Moved that the Municipal Planning Commission Meeting Minutes for October 4th, 2022 be approved as presented.

Carried

3. CLOSED MEETING SESSION

Reeve Rick Lemire 22/058

Moved that the Municipal Planning Commission close the meeting to the public, under the authority of the *Municipal Government Act*, Section 197(2.1), the time being 6:36 pm.

Carried

Councillor Tony Bruder 22/059

Moved that the Municipal Planning Commission open the meeting to the public, the time being 6:40 pm.

Carried

4. **UNFINISHED BUSINESS**

5. **DEVELOPMENT PERMIT APPLICATIONS**

- a. **Development Permit Application No. 2022-44**
Joe Fillipuzzi
Lot 4, Block 14, Plan 101 4462 within NW 27-7-2 W5
Moved-In Building

Councillor Dave Cox

22/060

Moved that Development Permit No. 2022-44, for a moved in residential building, be approved as presented.

Condition(s):

1. That this development meets the minimum provisions as required in the Land Use Bylaw 1289-18.
2. That the applicant adhere to conditions set forth within the required Alberta Transportation Roadside Development Permit, to be attached to and form part of this permit.

Carried

6. **DEVELOPMENT REPORT**

- a. Development Officer's Report

Councillor John MacGarva

22/061

Moved that the Development Officer's Report, for the period October 2022, be received as information.

Carried

7. **CORRESPONDENCE**

Nil

8. **NEW BUSINESS**

None

9. **NEXT MEETING** – December 6th, 2022; 6:30 pm.

10. **ADJOURNMENT**

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
November 1, 2022

Councillor Harold Hollingshead

22/062

Moved that the meeting adjourn, the time being 6:43 pm.

Carried

Chairperson Jim Welsch
Municipal Planning Commission

Chief Administrative Officer
Roland Milligan
Municipal Planning Commission

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2022-47 Applicant: Garry Marchuk Location Lot 4, Block 5, Plan 8410414 Within NW 10-6-2 W5 Division: 3 Size of Parcel: 0.25 ha (0.62 Acres) Zoning: Hamlet Single Detached Residential 1 – HR-1 Development: Accessory Building Addition – Height Variance		
PREPARED BY: Laura McKinnon	DATE: February 28, 2023	
DEPARTMENT: Planning and Development		
Signature: 	ATTACHMENTS: 1. Development Permit Application 2022-47 2. Addition Drawing 3. GIS Site Plan	
APPROVALS:		
	 _____ Roland Milligan	
		 _____ 2023/03/01
Department Director	Date	CAO

RECOMMENDATION:

That Development Permit Application No. 2022-47, to build an addition to the accessory building, be approved subject to the following Condition(s):

Condition(s):

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

Waiver(s):

1. That a 1.49m (4.9 ft) Variance be granted from the maximum building height for accessory buildings of 4.6m (15.1ft) for a height of 6.1m (20ft) for the accessory building.

Informative(s):

1. This development permit does not include the allowance for a Secondary Suite in the loft portion of the accessory building.

BACKGROUND:

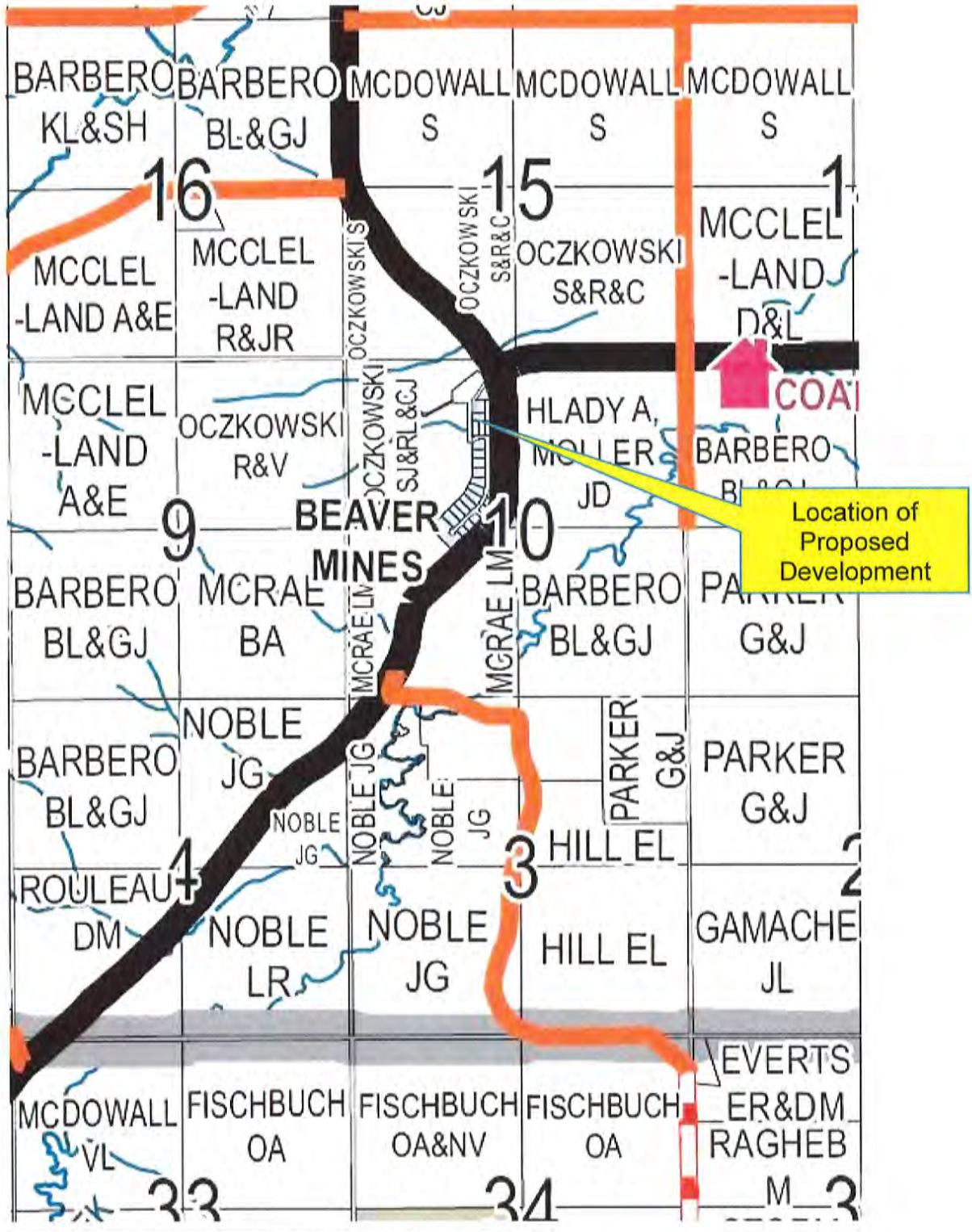
- On November 9, 2022, the MD accepted the Development Permit Application No. 2022-47 from applicant Garry Marchuk. (*Attachment No. 1*).
- This application is being placed in front of the MPC because:

Recommendation to Municipal Planning Commission

- Within the Hamlet Single Detached Residential -1 – HR-1 Land Use District, a Height Variance is a Discretionary Use.
- The addition is being placed on an existing accessory building for the purpose of a man cave and storage (*Attachment No. 2*).
- The applicant approached administration with interest of additionally using the addition as a secondary suite as well. Administration advised the applicant that a secondary suite is not a permitted or discretionary use within this Land Use Zone. Meaning, they are not permitted at this time to use the addition as a secondary suite.
- The application was forwarded to the adjacent landowners for comment; no responses were received at the time of this report being written.

Recommendation to Municipal Planning Commission

Location of Proposed Development





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

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2022-487

Date Application Received Nov. 8/22

PERMIT FEE \$100 Permitted
\$150 Discretionary

Date Application Accepted Jan 30/23

RECEIPT NO. 56104

Tax Roll # _____

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

SECTION 1: GENERAL INFORMATION

Applicant: Garry Marchuk

Address: _____

_____ 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:

second story on garage
man cave + STORAGE

Legal Description: Lot(s) 4

Block 5

Plan 891 0414

Quarter Section _____

Estimated Commencement Date: May 2023

Estimated Completion Date: Oct. 2023

SECTION 3: SITE REQUIREMENTS

Land Use District: Hamlet Single Detached Residential - 1 Division: 3
HR-1
 Permitted Use Discretionary Use

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

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

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

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

Yes No Don't know Not required

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

Yes No Don't think so

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

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

see attached map

ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building	576 sq'		
(3) % Site Coverage by Building (within Hamlets)			
(4) Front Yard Setback Direction Facing:			
(5) Rear Yard Setback Direction Facing:			
(6) Side Yard Setback: Direction Facing:			
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building	20'	15.1'	No
(9) Number of Off Street Parking Spaces		None	required

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.

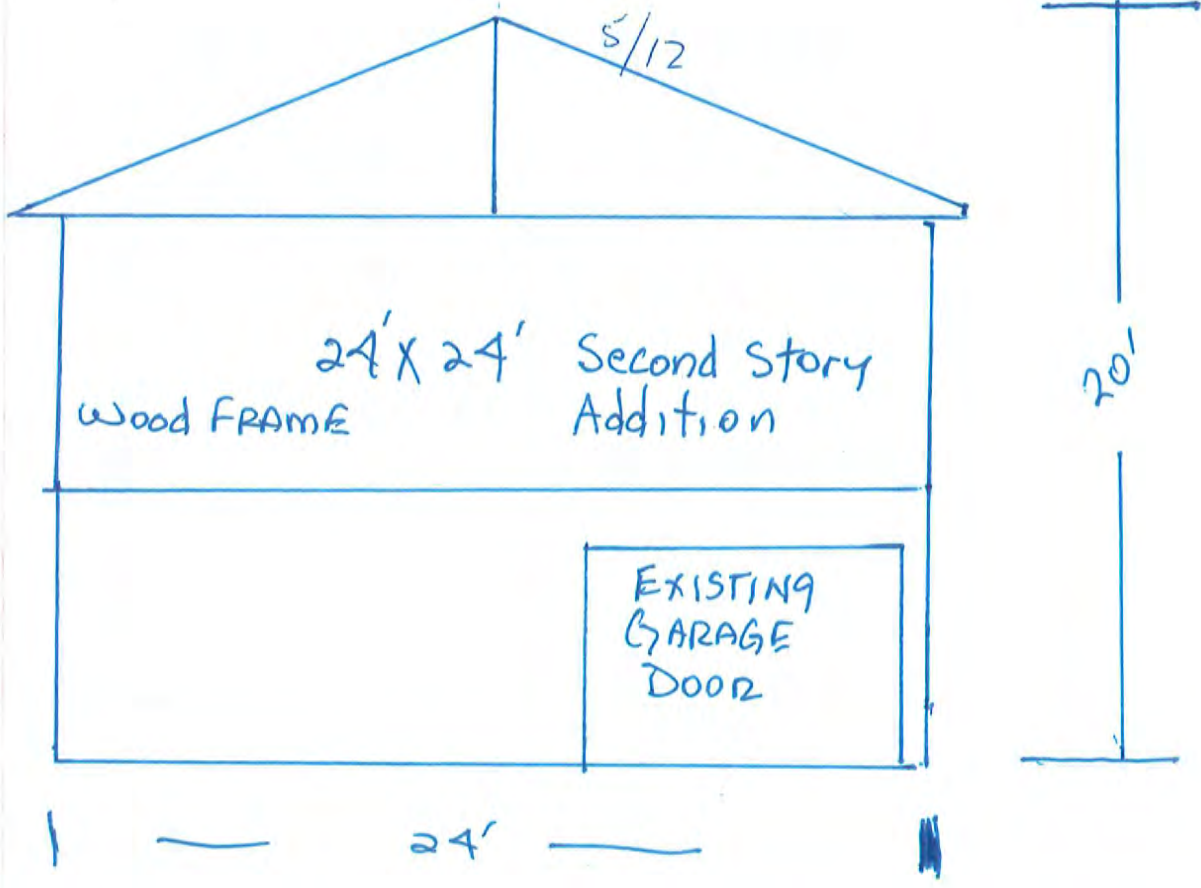
I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: Nov. 9 / 2022

Jim Archur
Applicant

Jim Archur
Registered Owner

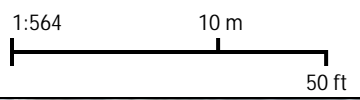
Information on this application form will become part of a file which may be considered at a public meeting.



2022-47 - Addition Site Plan



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



Location of Addition



Recommendation to Municipal Planning Commission

TITLE:	DEVELOPMENT PERMIT No. 2023-05	
Applicant:	Guido Guerra	
Location	Lot 1, Block 1, Plan 9310136 Within SE 30-5-2 W5	
Division:	3	
Size of Parcel:	1.54 ha (3.81 Acres)	
Zoning:	Agriculture – A	
Development:	Accessory Building– Setback Variance	
PREPARED BY: Laura McKinnon		DATE: February 28, 2023
DEPARTMENT: Planning and Development		
Signature:		ATTACHMENTS:
		<ol style="list-style-type: none"> 1. Development Permit Application 2023-05 2. Accessory Building Drawing 3. GIS Site Plan
APPROVALS:		
	 _____ Roland Milligan	_____ 2023/03/01
Department Director	Date	CAO
		Date

RECOMMENDATION:

That Development Permit Application No. 2023-05, to build an accessory building, be approved subject to the following Condition(s):

Condition(s):

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

Waiver(s):

1. That a 10.4m (34.12 ft) Variance be granted from the Minimum Setback from Public Roadways of 30m (98.42ft) for a setback of 19.06m (62.53ft) to the East for the accessory building.

BACKGROUND:

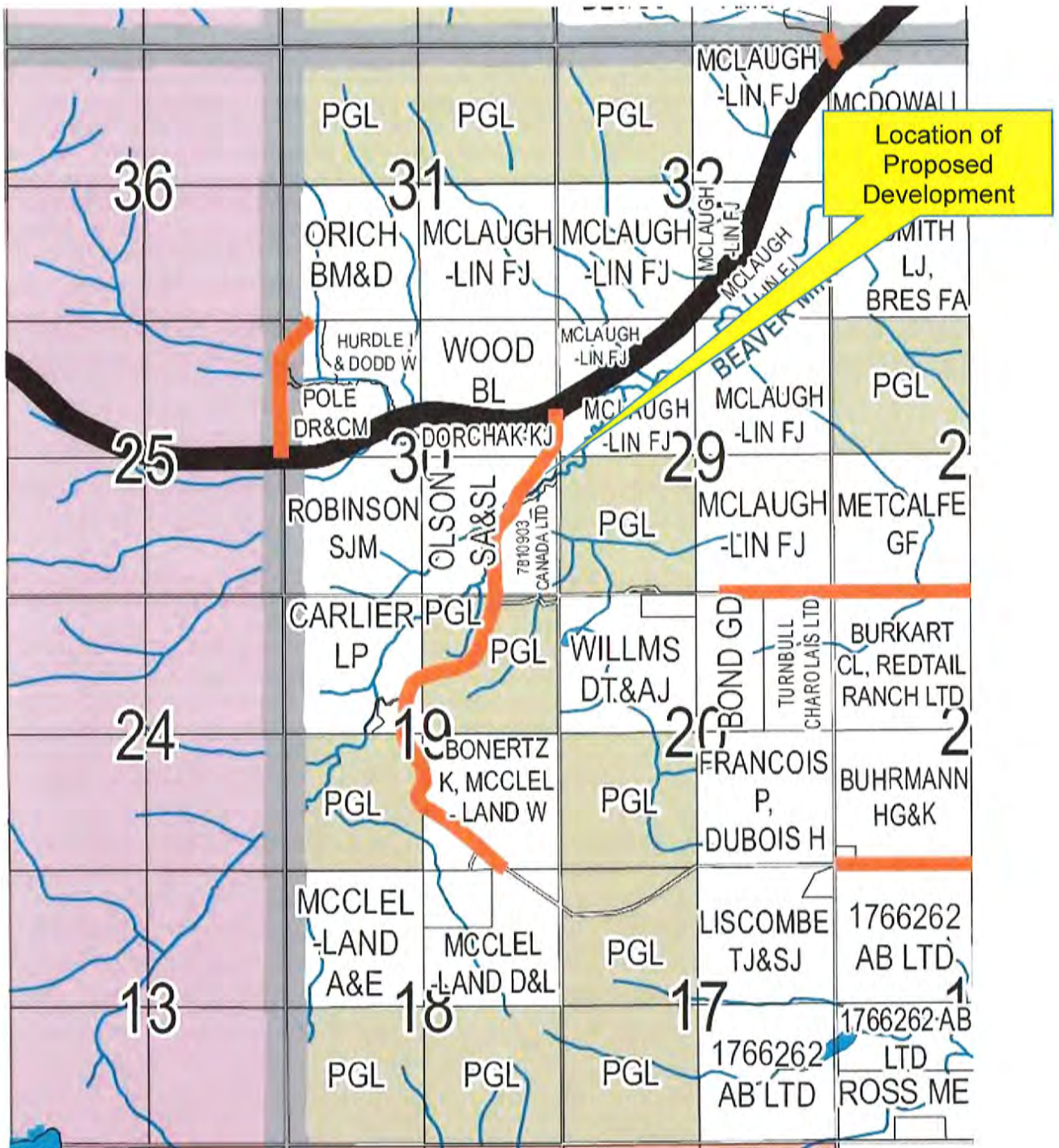
- On January 25, 2023, the MD accepted the Development Permit Application No. 2023-05 from applicant Guido Guerra. (*Attachment No. 1*).
- This application is being placed in front of the MPC because:
 - Within the Agriculture – A Land Use District, a Setback Variance is a Discretionary Use.
- The accessory building will be used primarily for dry storage (*Attachment No. 2*).

Recommendation to Municipal Planning Commission

- This parcel of land is a challenging area to develop on, with a significant marsh/swamp area to the south. Also, a municipal road allowance runs down the property line to the East and Range Road 2-5 to the West (*Attachment No. 3*).
- The application was forwarded to the adjacent landowners for comment; no responses were received at the time of this report being written.

Recommendation to Municipal Planning Commission

Location of Proposed Development





Municipal District of Pincher Creek

P.O. Box 279

Pincher Creek, AB T0K 1W0

Phone: 403.627.3130 • Fax: 403.627.5070

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2023-05

Date Application Received Jan 25/23

PERMIT FEE \$100 Permitted
\$150 Discretionary

Date Application Accepted Jan 25/23

RECEIPT NO. 56683

Tax Roll # _____

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

SECTION 1: GENERAL INFORMATION

Applicant: Guido Guerra

Address: [Redacted]

Telephone: [Redacted] Email: [Redacted]

Owner of Land (if different from above): _____

Address: _____ Telephone: _____

Interest of Applicant (if not the owner): _____

SECTION 2: PROPOSED DEVELOPMENT

I/We hereby make application for a Development Permit under the provisions of Land Use Bylaw No. in accordance with the plans and supporting information submitted herewith and which forms part of this application.

A brief description of the proposed development is as follows:

lofted Barn garage 16x32 - 12 feet high
Civic address - 5417 - rr 2-5

Legal Description: Lot(s) lot 1

Block Block 1

Plan 9310136

Quarter Section S.E. 30-05-02-W5

Estimated Commencement Date: June/2023

Estimated Completion Date: June/2023

SECTION 3: SITE REQUIREMENTS

Land Use District: Agricultural - A Division: 3

Permitted Use Discretionary Use

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

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

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

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

Yes No Don't know Not required

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

Yes No Don't think so

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	800 sq. ft.		
(2) Area of Building	512 sq. ft.		
(3) %Site Coverage by Building (within Hamets)	512 sq. ft.		
(4) Front Yard Setback Direction Facing: <u>N</u>	100 feet	98.4'	yes
(5) Rear Yard Setback Direction Facing: <u>W</u>	100 feet	98.4'	no yes
(6) Side Yard Setback: Direction Facing: <u>E</u>	40 feet	98.4'	no
(7) Side Yard Setback: Direction Facing: <u>S</u>	100 feet	24.6'	yes
(8) Height of Building	12 feet		
(9) Number of Off Street Parking Spaces	<u>0</u>		

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

Approx. location on Map

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

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

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

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

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

DATE: Jan 25 2023

Guido Guerra P. Guerra
Applicant

Guido Guerra P. Guerra
Registered Owner

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

IMPORTANT NOTES:

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

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

“ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER.”
5. In accordance with the *Municipal Government Act*, a development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

A decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 21 days, of the expiry of the decision date.
6. Every approach to a residence is entitled to a civic address sign, supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.



MD of Pincher Creek No. 9
P.O Box 279
1037 Herron Avenue
Pincher Creek Alberta T0K 1W0
(403) 627-3130
Website: www.mdpinchercreek.ab.ca
Email: info@mdpinnercreek.ab.ca

Guerra, Guido and Susan P.
2146 20th Avenue S.E.
Medicine Hat, AB T1A 3X9
Canada

PAYMENT RECEIPT

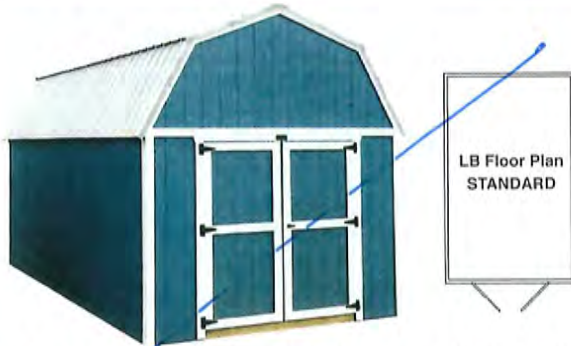
Receipt Number:	56683
Date:	1/25/2023
Initials:	KO
GST Registration #:	10747347RP

Receipt Type	Roll/Account	Description	QTY	Amount	Amount Owing
General	DEVE	Development Application Fees	N/A	\$150.00	\$0.00

Subtotal:		\$150.00
Discount		\$0.00
GST		\$0.00
Total Receipt:		\$150.00
Mastercard:		\$150.00
Total Amount Received:		\$150.00

BUY OR RENT TO OWN!

Lofted Barn ^{LB}



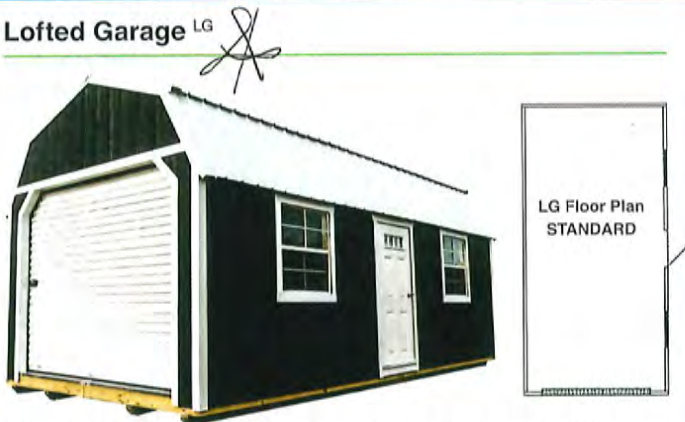
Standard Features: 6'7" Under Loft Height, Two Reinforced Lofts Located on Opposite Ends of Interior, 70" Door Opening & Double Wooden Doors (Optional Fiberglass Doors Shown), Door Lock and Keys, High-End Durable Hinges, and Spring Latch Hooks Top and Bottom of Left Door Ensures Security.

Side Lofted Barn ^{SLB}



Standard Features: 6'7" Under Loft Height, Two Reinforced Lofts Located on Opposite Ends of Interior, Two 2'x3' Windows with Latches/Screens, 70" Door Opening & Double Wooden Doors, Door Lock and Keys, High-End Durable Hinges, Spring Latch Hooks Top and Bottom of Left Door Ensures Security.

Lofted Garage ^{LG}



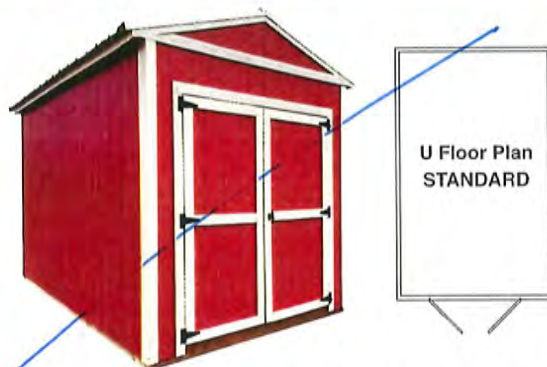
Standard Features: New Window and Door Configuration! Two 3'x3' Windows with Latches/Screens, One 36"x70" 4-Lite Outswinging Door, One 9'x7' Roll-Up Door, 6'7" Under Loft Height, Two 4' Reinforced Lofts Located on Opposite Ends of Interior, and Premier's New Premium 3/4" Flooring.

Garage ^G



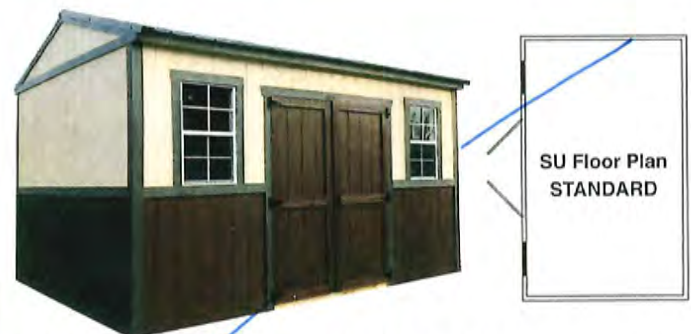
Standard Features: Our Classic Low Pitched Gable Roof Garage with New Window and Door Configuration! Two 3'x3' Windows with Latches/Screens, One 36"x78" 4-Lite Outswinging Door, One 9'x7' Roll-Up Door, and Premier's New Premium 3/4" Flooring.

Utility - Standard Features ^{UTX}



Standard Features: Low Pitched Gable Roof, 7'9" Interior Wall Height, 70" Door Opening & Double Wooden Doors, Door Lock and Keys, High-End Durable Hinges, Spring Latch Hooks Top and Bottom of Left Door Ensures Security.


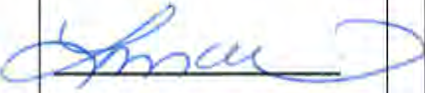
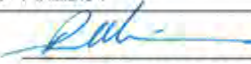
Side Utility ^{SUTX}



Standard Features: Low Pitched Gable Roof, 7'9" Interior Wall Height, Two 2'x3' Windows with Latches/Screens, 70" Door Opening & Double Wooden Doors, Door Lock and Keys, High-End Durable Hinges, Spring Latch Hooks Top and Bottom of Left Door Ensures Security. Shown in optional Two Tone.



Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT No. 2023-06 Applicant: Roxann Green Location: Within NE 12-7-3 W5 Division: 5 Size of Parcel: 6.87 ha (16.97 Acres) Zoning: Agriculture – A Development: Moved In Residential Building		
PREPARED BY: Laura McKinnon	DATE: February 28, 2023	
DEPARTMENT: Planning and Development		
Signature: 	ATTACHMENTS: 1. Development Permit Application 2023-06 2. Moved In Residential Building 3. GIS Site Plan	
APPROVALS:		
	 _____ Roland Milligan	_____ 2023/03/01
Department Director	Date	CAO
		Date

RECOMMENDATION:

That Development Permit Application No. 2023-06, to move on a residential building, be approved subject to the following Condition(s):

Condition(s):

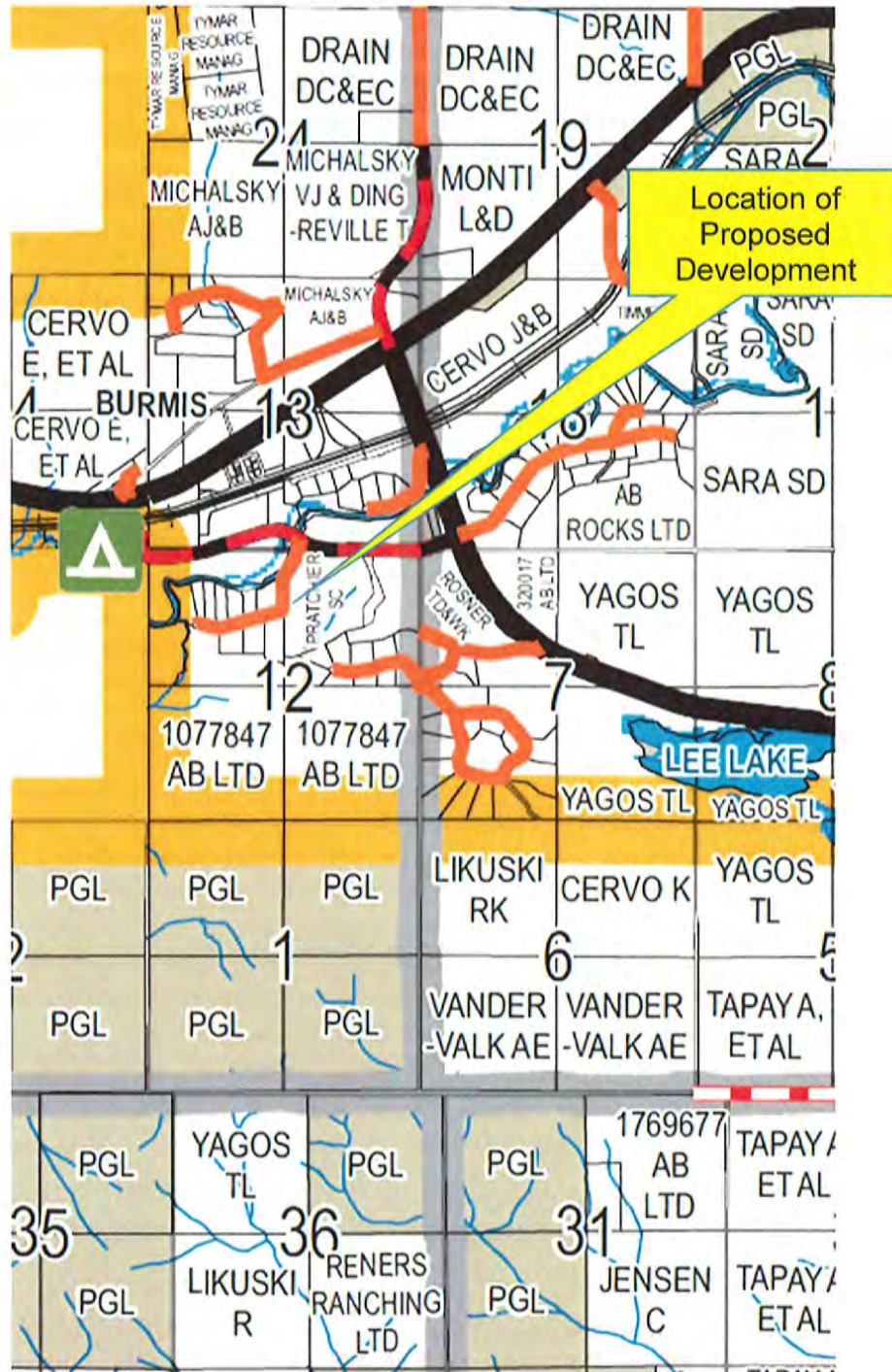
1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.

BACKGROUND:

- On January 30, 2023, the MD accepted the Development Permit Application No. 2023-06 from applicant Roxann Green. (*Attachment No. 1*).
- This application is being placed in front of the MPC because:
 - Within the Agriculture – A Land Use District, a Moved In-Residential Building is a Discretionary Use.
- The building is proposed to be moved on and put on permanent foundation, on their newly subdivided parcel (*Attachment No. 2*).
- The proposed location for the residence meets all setback requirements of the land use district (*Attachment No. 3*).
- The application was forwarded to the adjacent landowners for comment; no responses were received at the time of this report being written.

Recommendation to Municipal Planning Commission

Location of Proposed Development





DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2023-06

Date Application Received Jan 30/23

PERMIT FEE \$100 Permitted
\$150 Discretionary

Date Application Accepted Jan 30/23

RECEIPT NO. 56713

Tax Roll # _____

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

SECTION 1: GENERAL INFORMATION

Applicant: Roxann Green

Address: _____

Telephone: 403-242-XXXX **Email:** rgreen@xxxx.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:

Move a house onto property, put on screw piles and get services installed on property for home.

Legal Description: Lot(s) _____

Block _____

Plan _____

Quarter Section NE-12-7-3-W5

Estimated Commencement Date: _____

Estimated Completion Date: _____

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - A Division: 5

Permitted Use Discretionary Use

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

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

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

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

Yes No Don't know Not required

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

Yes No Don't think so

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building	1200 sq.ft		
(3) %Site Coverage by Building (within Hamets)			
(4) Front Yard Setback Direction Facing:	510m south	7.5m	yes
(5) Rear Yard Setback Direction Facing:	141m north	30M	yes
(6) Side Yard Setback: Direction Facing:	16.9m east	7.5M	yes
(7) Side Yard Setback: Direction Facing:	69.31m west	30M	yes
(8) Height of Building			
(9) Number of Off Street Parking Spaces	N/A		

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

✓ site plan

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

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

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

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

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

DATE: Jan 30/23

Rosann Green
 Applicant

Rosann Green
 Registered Owner

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

IMPORTANT NOTES:

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

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

“ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER.”
5. In accordance with the *Municipal Government Act*, a development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

A decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 21 days, of the expiry of the decision date.
6. Every approach to a residence is entitled to a civic address sign, supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.



MD of Pincher Creek No. 9
P.O Box 279
1037 Herron Avenue
Pincher Creek Alberta T0K 1W0
(403) 627-3130
Website: www.mdpinchercreek.ab.ca
Email: info@mdpinnercreek.ab.ca

Green, Roxann Louise
P.O. Box 319
Lundbreck, Alberta T0K 1H0
Canada

PAYMENT RECEIPT

Receipt Number:	56713
Date:	1/30/2023
Initials:	JMG
GST Registration #:	10747347RP

Receipt Type	Roll/Account	Description	QTY	Amount	Amount Owing
General	DEVP	Planning Permit Fees	N/A	\$150.00	\$0.00

Subtotal:	\$150.00
Discount	\$0.00
GST	\$0.00
Total Receipt:	\$150.00
Interac:	\$150.00
Total Amount Received:	\$150.00



3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

SUBDIVISION - FINAL APPROVAL

Our File: 2020-0-048
Your File: 19-14706

January 6, 2023

Thomas C. Penner, A.L.S.
Brown Okamura & Associates Ltd.
P.O. Box 655
Lethbridge AB T1J 3Z4

Dear Mr. Penner:

RE: NE1/4 12-7-3-W5M / M.D. of Pincher Creek No. 9

Please be advised that your application for subdivision of the above-noted property was finalized on January 6, 2023.

Please see attached Subdivision Endorsement document, duly endorsed.

In trust we would appreciate a photocopy of the Certificate of Title when the Subdivision Registration documents have been registered. This is in order to keep our files up-to-date.

If you require assistance, please do not hesitate to contact this office.

Yours truly,

Lenze Kuiper
Chief Administrative Officer

/jm
Encl.

cc (letter only): Sheila Carol Pratchler and Roxann Louise Green
M.D. of Pincher Creek No. 9



2023-06 - Green - Setback Map



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

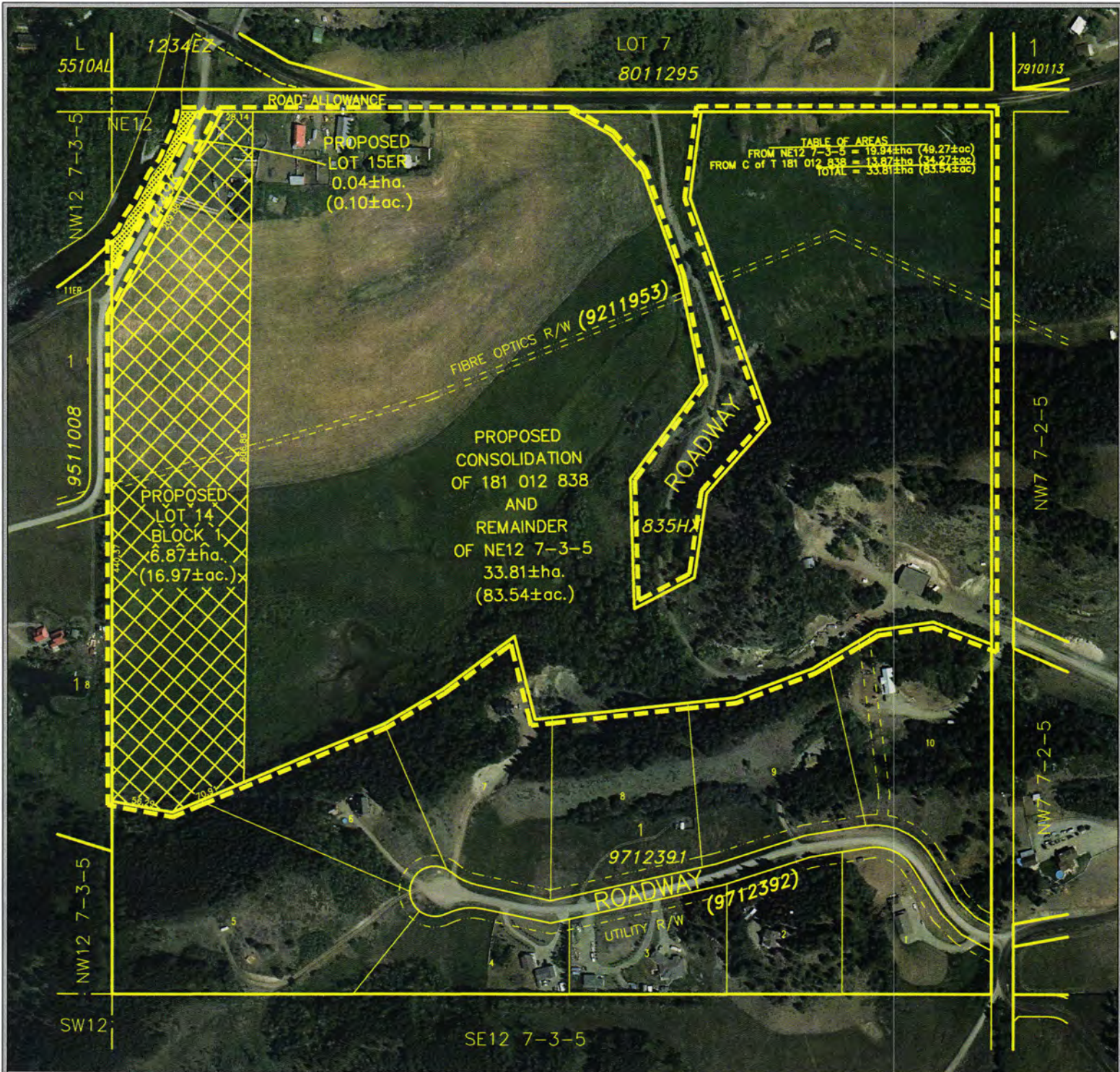
1:4513

100 m



200 ft





SUBDIVISION SKETCH

LOT 12; BLOCK 1; PLAN 1810126 AND NE12 7-3-5

WITHIN NE 1/4 SEC 12, TWP 7, RGE 3, W 5 M

MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9

DATE: MARCH 26, 2020

FILE No: 2020-0-048



DEVELOPMENT OFFICER REPORT

January 2023-March 2023

Development / Community Services Activities includes:

- Jan 2 Holiday
- Jan 3 Planning Session/Subdivision Authority Meeting
- Jan 10 Alberta Tourism Town Hall – CNP Golf Course
- Jan 10 Council and Committee Meeting
- Jan 12 Landowner Meeting re: Rural Recreation
- Jan 24 Southern Rockies-Destination Development Steering Committee Meeting
- Jan 24 Council and Committee Meeting
- Jan 31 Inter-municipal Development Committee Meeting – Town
- Feb 7 Meeting with Castle Mountain Resort
- Feb 7 Planning Session/Subdivision Authority Meeting
- Feb 10 Economic Development for Elected Officials
- Feb 14 Council and Committee Meeting
- Feb 15 Meeting with Alta Link
- Feb 16 Emerging Trends in Municipal Law
- Feb 21 Creating a Culture of Commitment
- Feb 28 Migratory Birds and Your Project: Understanding Regulatory Complexities
- Feb 28 Council and Committee Meeting
- Mar 1 Climate Risk Scenario Assessment Workshop

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Development Officer for Jan – Mar 2023

No.	Applicant	Division	Legal Address	Development
2023-03	Ute & Steve Perkovic	5	NW 36-7-3 W5	Singlewide, Manufactured
2023-04	Peter & Rae Neufeld	3	Lot 38, Block 4, Plan 0512644	Single Detached Residence
2023-07	Spearpoint Cattle Co.	1	SW 16-3-29 W4	Silos – Rural Recreation
2023-08	Robin Tarbell	5	Lot 17, Block 17, Plan 7610822	Accessory Building
2023-09	Peter Maas	4	Lot 2, Block 2, Plan 2111879	Single Detached Residence
2023-10	Shannon & Keith MacMillan	3	Lot 8, Block 4, Plan 7811469	Single Detached Residence

Development Permits Issued by Municipal Planning Commission Jan – Mar 2023

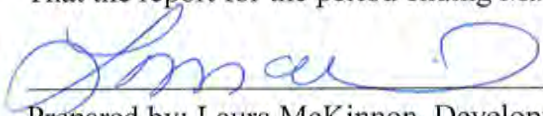
	N/A			
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Development Statistics to Date

DESCRIPTION		2023 To date (Mar)	2022	2021	2020
Dev Permits Issued	6 – Jan - Mar	6 6 -DO 0 -MPC	48 29 – DO 19 - MPC	68 46-DO 19-MPC	67 57-DO 10-MPC
Dev Applications Accepted	11 – Jan - Mar	11	49	70	67
Utility Permits Issued	2 – Jan - Mar	2	12	31	27
Subdivision Applications Approved	3 - Jan - Mar	3	8	20	18
Rezoning		0	5	0	0
DESCRIPTION		2023 to Date (Mar)	2022	2021	2020
Compliance Cert	3 – January	3	32	41	24

RECOMMENDATION:

That the report for the period ending March 2, 2023, be received as information.



Prepared by: Laura McKinnon, Development Officer

Date: March 2, 2023

Respectfully Submitted to: Municipal Planning Commission



THE COMMUNICATOR

Alberta Development Officers Association (ADOA)

February 2023

Winter Issue

In this Issue:

- Words from Editor
- Did you know? Alberta Highlights
- Strathmore Highlights
- Brooks Highlights
- Brownlee Article
- Safety Services—Park Enterprises
- Land Use Bylaw Review—County of Vermillion River



Photo Darla Wiebe

Words from the Editor

Is it winter? Fall? Spring? What a crazy weather year is has been in Brooks and County of Newell. We had a cold snap before Christmas but other than that it hasn't been too bad of a winter, in my opinion.



Photo Rebecca Arndt

The Development permit intake at the County of Newell has been a bit slow this winter, as expected. The price and availability of supplies has improved so I expect to have a busy Spring, Summer and Fall.

I have a little bit more to add to my Alberta Highlights that was in the previous newsletter. What a wonderful place we get to call home!

DID YOU KNOW?

Alberta has the most sunshine of any province. The winters can be cold but often get chinook winds from the south to raise the temperature.

Agriculture uses up one-third of Alberta's land, approximately half of that is to grow crops and the other half to raise livestock. One half of the province is covered in forests and provide industry in lumber and pulp and paper factories. Commercial fishing is also done in Alberta's northern lakes.

The majority of Canada's fossil fuels are found in Alberta and we produce the majority of Canada's natural gas, crude oil and half of its coal. In 1976 Alberta created the Heritage Fund, it was restructured in 1997 and it takes revenues from our oil and gas revenues and supports health care, education and infrastructure as well as invests and saves for future generations. The Heritage Savings Trust fund is only in Alberta, no other province has this type of fund.

Manufacturing in Alberta's leading industries are food processing, chemicals, petroleum and wood related.

Alberta is the home of the Calgary Flames and Edmonton Oilers which cause lots of hockey controversy during the NHL months, we also have two major football teams, the Calgary Stampeders and Edmonton Elks which was once called Edmonton Eskimos but was changed in 2020. Rodeo is a very popular sport with most towns or cities hosting a rodeo of some kind and the world's most famous rodeo is the Calgary Stampede where people come from all over the world to see. The first stampede was held in 1912 and doubled the population of Calgary that year. The stampede experiences some financial hardship through the wartimes but after the World War 2 the stampede was a site of celebration for western Canada's wartime contributions. In 2012, the 100th birthday of the stampede 1,409,371 people attended the stampede. Of course, this influx of people to the stampede generates tourism all through the province.

Alberta is 661,848 km¹ in size and has 4.371 million population and its the 6th largest province in Canada and in my opinion, the best place in the world to live.

<https://www.britannica.com/place/Alberta-province/History>

https://en.wikipedia.org/wiki/Dominion_Lands_Act

<https://cpconnectingcanada.ca/>

<https://www.alberta.ca/heritage-savings-trust-fund.aspx>

<https://www.calgarystampede.com/heritage/history/next-hundred-years>



As everyone who ever has received an email from me, knows the office has moved. Along with the office, I move as well. The office is now located in Strathmore and I am finding a very vibrant, friendly and welcoming community. The Town where quality of life is a way of life. It is a community of over 13,000 people located 40 km east of Calgary with convenient access to the picturesque Bow River. While agricultural developments cover large areas of the surrounding area, Strathmore provides its residents with the benefits of country living, town services and easy access to large city facilities while residing in an area combining heritage and modern amenities. There are lots of walking trails and a beautiful lake with a dock to sit and read during the warm summer days. Strathmore offers wide choices in restaurants, accommodations, hospitality, local wines and shopping. With direct access to the Trans Canada Highway, travelers have been welcomed to use facilities that have now developed into a thriving country town.

Why would you go anywhere else when we already live in the most amazing place

ALBERTA!

The Communicator will continue to showcase our lovely province in every issue.

Please send me an email if you live in an area or have visited an area in Alberta that should be showcased.

BROOKS!

With a population of 14,924, the City of Brooks is the largest urban centre between Calgary and Medicine Hat and is the second largest community in southeastern Alberta. Located in the heart of the Brooks Newell Region, Brooks ranked #9 in Macleans Magazine's 2021 Canada's Best Communities and had an overall ranking of #2 in all of Alberta.

A well celebrated aspect about Brooks is our cultural diversity; known as the City of 100 Hellos because of the multiple languages spoken here,

Brooks is

a community leader when it comes to cultural events, inclusion, and diversity. The 2021 census revealed that 48% of the Brooks population is a visible minority and 35% of residents were not born in Canada, coming to Brooks as either an immigrant, Temporary Foreign Worker or refugee. With this immigration also comes a shift in our demographics as many young families move to the Region – we boast an average age 4 years below the national average and this youthful energy is very evident in the way we celebrate our communi-

ty.

And guess what? People that come to our Region stay in our Region. Over 57% of residents in Brooks have lived here for longer than five years. They come, they love it, and they stay. Our welcoming community and ability to forge a sense of belonging for residents is what makes Brooks a place proud to call home.

Submitted by Natacha Entz & Lisa Tiffin, City of Brooks

Thank you!



ADOA LEGAL CORNER with:



BROWNLEE LLP
Barristers & Solicitors

Considering Variances in the Development Permit Process

Article 6 of Brownlee LLP's Processing Development Permit Applications Series

One of the most critical provisions in the MGA is s. 687(3)(d):

Hearing and decision

687(1) At a hearing under section 686 ...

...

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

This is a provision that applies at the appeal level, i.e. when a development permit appeal is being considered either by a Subdivision and Development Appeal Board or by the Land and Property Rights Tribunal. It will be repeated in each municipal Land Use Bylaw, allowing the Development Authority at first instance to grant a variance (albeit sometimes the Development Authority's discretion is limited by the terms in the Land Use Bylaw). This article will focus on the granting of variances at first instance, by the Development Authority.

✓ Jurisdiction: Is the Criteria related to Standards (which can be varied) or Use (which cannot be varied)?

A typical standard will restrict how a building is to be constructed, or how a use is to be implemented. For example, the following would typically be characterized as standards:

- a) Maximum building height;
- b) Maximum site coverage; and
- c) Minimum parking requirements incidental to a particular use.

In exercising the Development Authority's discretion to grant a variance to the standard (such as those shown above), the Development Authority will need to consider whether the Land Use Bylaw imposes a specific test for exercising this discretion. On appeal (as stated above), the appeal tribunal will need to consider the test under s. 687(3)(d).

However, there are some situations where it is not "black and white" clear whether a criteria goes to use, or to a standard. A frequent "grey" area involves density. In an urban situation this may involve, for example, how many dwelling units can be approved on 1 parcel of land (without the parcel having to be redistricted to a residential district with a higher density). In an rural context, the situation of how many dwelling units are allowed on a parcel (without a redistricting) is also often a live issue, as too will be how many parcels can be subdivided out of a quarter sections to accommodate residential developments (without a redistricting).

In distinguishing between a use criteria (which cannot be varied) and a standard (which can be varied), the legislation recognizes the supremacy of Council's choices. Crafting a land use bylaw, and articulating where certain uses are authorized (as either a permitted or a discretionary use) has a great impact on landowners. The Alberta legislature has vested this authority in Council; only Council, as democratically elected officials, may delineate uses. The principle that a Development Authority (at first instance) and an appeal tribunal (on appeal) may not vary uses respects the authority that the Alberta legislature has vested in Council.

This complex question of whether a land use bylaw criteria is a use (that cannot be varied) or a standard (that can be varied) has been addressed in the following three cases. Note, while these cases arise in the subdivision application context, the same principles apply in the development application context.

County of Wetaskiwin v Alberta (Planning Board), 1982 ABCA 346

In this 1982 Court of Appeal case, the LUB contained the following as one of the listed discretionary uses: "single family residences, being the sole residential parcel subdivided out of a quarter section in locations allowed in the County General Municipal Plan." The Alberta Planning Board approved a subdivision creating a four-acre residential parcel out of a quarter section, notwithstanding that there had been a previous subdivision out of the quarter of this six-acre parcel. In approving the second subdivision, the Alberta Planning Board characterized the density aspect of the bylaw provision in question as a development standard and not one connected with the "use of land". The Alberta Planning Board felt that the condition was an attempt to introduce development standards which would not bind it.

However, the Court of Appeal held that the Alberta Planning Board had exceeded its jurisdiction by approving a subdivision for a use that was not authorized by its bylaw. The Court found that the reference in the bylaw to the number of parcels that could be subdivided out of a quarter section was directed at regulating use. Thus, the Alberta Planning Board had approved a subdivision that did not conform with the use of land authorized in the bylaw. The Court held that, having regard to the general intent of the land use district in question, the bylaw provision was aimed at preserving agricultural use of farmland, and to allow a second residential use on farmland resulted in piecemeal subdivision which was inconsistent with the objective use.

Foothills (Municipal District) v. Alberta Planning Board, 1984 ABCA 236

The Court of Appeal was faced with a similar issue in the 1984 case of *Municipal District of Foothills No. 31 v. Alberta Planning Board*, but reached an opposite conclusion. In this case, there was a minimum site area requirement stipulated under a separate heading called "Minimum Requirements." The Alberta Planning Board approved a subdivision out of a quarter section not applying the minimum site area requirement of the bylaw. It was argued that the Alberta Planning Board had exceeded its jurisdiction based on the logic of the earlier case.

However, the Court found that the site area requirement was arbitrarily applied to every one of the listed uses for the District; therefore, the situation did not mirror that in the previous case and could not be said to relate to uses. Rather, it was a true development standard for which the Alberta Planning Board would have the discretion to vary.

The LUB under "Agricultural District" contained a list of uses under the heading, "Permitted Uses," one of which was "dwellings, detached single family." Under the heading, "General Requirements" it was stated that "In addition to the general land use provision contained in s. 7, the following provisions as contained within this Section shall apply to every development in this District." Then, following that, under the heading, "Minimal Requirements", a minimum lot size of 160 acres was stipulated. Faced with determining whether the requirement should be considered a use or a development standard, Justice Stevenson stated the following:

The Act distinguishes between the prescription of use and the control or regulation of development. These terms are not mutually exclusive and the task of characterization is a difficult one. It is to be noted that the restriction in question here is one of a series expressed to apply to developments. The county itself, then, characterizes these provisions as relating to development. The appropriate vehicle for the prescription of uses is in those portions of the bylaw designating uses, whether permitted or discretionary: that being the scheme of s. 69(2)(b) of the Planning Act. ([s. 640 of the MGA])

In this case, the Court of Appeal recognized the importance in the form of drafting for categorizing uses and development standards. The Court of Appeal in *Sturgeon*, below, also recognized the importance of characterization of bylaw provisions.

Sturgeon (Municipal District) v. Alberta Planning Board, 1994 ABCA 397

In *Sturgeon No. 90 (M.D.) v. Alberta Planning Board and Jones*, the Court of Appeal held that the objective of the subdivision provision respecting lot density requirement was to prescribe use and the Alberta Planning Board was bound by it. This was despite the use being categorized as a "Permitted Use" and despite the fact that the lot density requirement was listed under a separate heading from "Permitted Uses." This case was distinguished from *Foothills* for the following reasons:

- Firstly, the bylaw did not characterize the lot size provision as one related to development.
- Secondly, it could not be said from the text of the bylaw itself that the restriction was one arbitrarily imposed with the intent of precluding subdivision in all cases rather than a rational control of uses. Finding that the objective of the bylaw was to protect the fragmentation of agricultural land, the Court of Appeal held that it was not for the Alberta Planning Board to decide whether the "first parcel out policy" should be applied or relaxed in any individual case.

Summary of Three Cases

The logic employed by the Courts in all three cases suggests that whether a provision is a development standard, or is concerned with use, is determined by having regard to its objective, the critical question being: Is the provision in pith and substance directed at regulating the use of land? If it is, the approving authority is bound. If not, the approving authority may waive the standard. Some factors that the court considers are as follows:

- Is the use permitted or discretionary?
- Is there an express objective for the District included showing an intent to maintain land for agricultural use?
- Is the condition/requirement listed with the use or under a different category, perhaps related to development?
- Is the condition /requirement arbitrary & technical or flexible and targeted at one use?

☞ Jurisdiction: Is the provision a mandatory procedural requirement? If so, the criteria is not a standard that can be varied

In the 2015 case *Thomas v Edmonton (City)*, 2016 ABCA 57, the Court of Appeal determined that the variance power could not be applied to a mandatory procedural requirement; variance of standards related only to physical criteria. In that case, the developer had not consulted with neighbours, even though this community consultation requirement was imposed at first instance, i.e. prior to the Development Authority's consideration of the permit.

So, before a Development Authority considers varying a criteria, it must be determined that the criteria relates to a physical standard, rather than a mandatory procedural requirement.

✓ ***Jurisdiction: Does the LUB limit the Development Authority’s discretion to vary the standard? A variance by the Development Authority must be exercised within the limitations under the LUB.***

Some LUBs will limit the Development Authority’s ability to grant a variance to a standard. For example, the LUB may state that the Development authority may grant a variance to a setback, but up to only 50%; if a greater variance is being requested, the Development Authority cannot grant that, and would be obliged to either grant up to a 50% or deny the application. The applicant would then be at liberty to pursue an appeal to the SDAB.

✓ ***Factors: When granting a variance, what considerations apply?***

In a trilogy of 3 cases (*Edmonton (City of Library Board v. Edmonton (City of)*, 2021 ABCA 355, 356, and 357), the Court of Appeal considered the granting of a variance in the context of development permit applications for 3 different cannabis stores, in light of the LUB’s spatial separation requirements from a public library. While the Court of Appeal Justices were not unanimous in their decisions, the following key principles can be gleaned from these cases, and applied in the context of the Development Authority exercising its jurisdiction at first instance:

- a) **Prospective Nature** – when determining the impact the requested variance, the consideration is “prospective” because at the time of the application, the negative effects are not known;
- b) **No Presumption** – in considering the variance, the Board cannot presume that granting the variance will lead to the harmful effects. The Board must consider the evidence presented by the applicants, and then weigh that against the evidence presented by opponents. Conventional language about burdens of proof is not helpful given the role and jurisdiction of an appeal board under the MGA. Parties must put their best case forward towards the outcome they prefer
- c) **Evidence of harm versus opinion/conjecture** – in considering the situation, the Board must determine whether statements are not evidence but rather a feeling of concern that harm will result; concern and conjecture are not evidence. For example, an opponent may state that if the variance is granted, their parcel shall be negatively impact through a reduction in property value. But that landowner may have no expertise/experience respecting property values, and their statement could be characterized as concern/conjecture. The Board should decide what reasonable inferences it should properly draw from the evidence as a whole.
- d) **Goal, Specific Issues and Mitigating conditions** – The Board should consider the goal(s) of the standard, and the extent to which the goal(s) will be undermined or accommodated by various relevant factors. The goal and specific factors will vary from case to case, depending on the type of standard, the nature of the parcel, and the nature of adjacent

parcels. Indeed, it would be appropriate to add conditions to help mitigate against the negative impacts of the requested variance.

Conclusion

A Development Authority is often asked to vary a standard referenced in the LUB. By considering the above checklist, the Development Authority will enhance both the likelihood that a decision will be exercised within jurisdiction, and also that consideration will address planning impact.

The Brownlee Municipal Law Team is pleased to offer our services in a number of planning and development areas, including processing development permit applications, subdivision applications, all related appeals, and adoption of planning bylaws. For more information, please contact a member of the Brownlee LLP Municipal Team on our Municipal Helpline at 1-800-661-9069 (Edmonton) or 1-877-232-8303 (Calgary).

Alberta Development Officer Association Newsletter - Safety Codes Update

Feb 2023

Submitted by Nicole Paggett with Park Enterprises Ltd.



I hope everyone has had a good start to 2023! It seems the start of a new calendar year always affords us the opportunity to reflect and look back on where we have come from and where we want to go. I hope you will join me on a brief walk down memory lane! Park Enterprises is celebrating their 28th year as a permitting and inspection agency. Our team began as an electrical inspection agency, with a staff of 2 in 1995 and shortly thereafter expanded to include building, plumbing (including private sewage) and gas and a staff of 4 providing service to the south corner of the province. The company continued to grow over the years to today where we have a staff of 28 and provide service to a 2 hour radius around Red Deer and south to the Canada / USA border. The safety codes industry continues to evolve and change and we have had the opportunity to see the growth and development within many municipalities in the province as well as to see the change in building trends and emerging technologies.

Some of this new technology includes the beginning of utility scale solar systems around 2017 to now seeing dozens and dozens of them throughout the province as well as adjusted codes in line with evolving technology relating to solar panels. We have seen “green energy” overlap with construction methods including homes constructed with hay bales or tires. Today we are seeing new technologies impacting construction methods such as 3D printing. Amidst all of the technology, we navigate the imagination of those within various municipalities throughout our diverse province. Social media and tv continue to impact construction and safety codes with tv shows or the advertising of structures using shipping containers, grain bins or other repurposed structures.

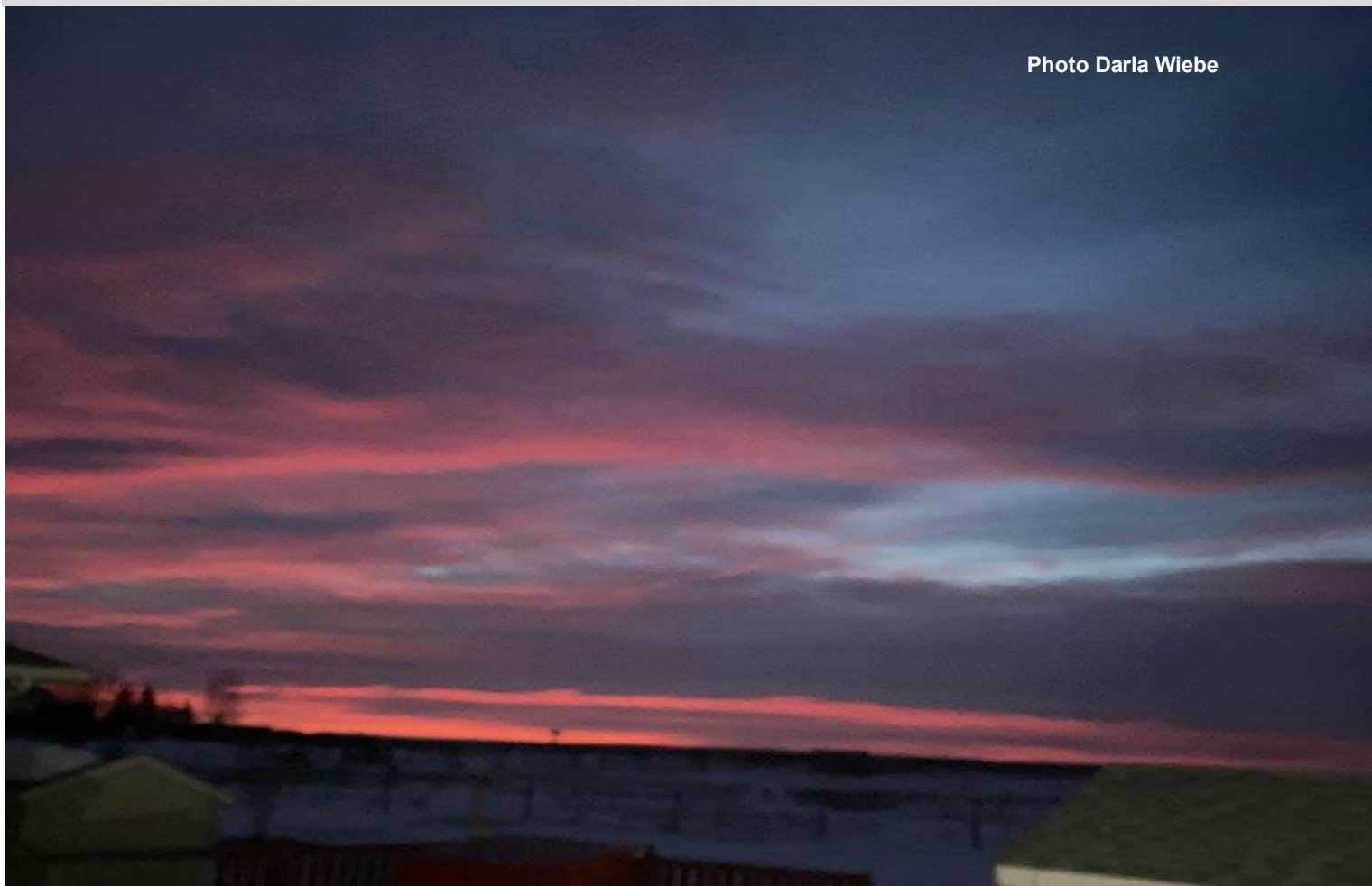
As a private agency, it can be challenging to navigate the implementation of current codes and standards as well as allowing room for new innovations to continue to advance the industry while managing a customer service driven business with a priority on safety, which means people don't always get to do what they want or it may be more costly to do so. It is important to remember that various jurisdictions have different rules and guidelines. Alberta is very unique in the framework of our safety codes industry compared to the rest of the nation or the United States. Alternative solutions including alternate construction methods can be reviewed by a safety codes officer and potentially approved. If refused, there is now an appeal process through the Safety Codes Council for the applicant to appeal the safety codes officers decision, which allows applicants more opportunity to have their innovations or technologies considered.



Construction and safety codes continue to change, new research is taking place and committees formed to investigate the impact of potential code changes such as farm buildings or adjustments to the energy code. We have seen immense changes to our team and processes in our 28 years in business. Safety code inspections used to comprise of “Work complete, passed” or trust within a verbal understanding or handshake on site to today, where much more documentation is necessary for oversight, transparency, historical data and potential legal ramifications. In the last 10 years we have had the opportunity to learn from experience to establish internal processes to better serve our clients. We have seen industry changes such as private sewage be split out from a plumbing designation to its own completely separate industry and certification. New Home Warranty and Builder Licensing has been implemented. Changes to common projects such as secondary suites or temporary heat have been implemented. New technologies have been adopted into code, with more changes on the horizon.

There is a vital thread connecting planning, development, safety codes and community sustainability, connecting us all. It has been an honor for our team to have the opportunity to be part of the history and the future of your communities as we navigate continuous change and the impacts to our various roles and responsibilities. I strongly believe our greatest resource is each other. Our municipal partners, regulatory bodies, contractors, homeowners. Leveraging the knowledge and experience of various stakeholder groups has assisted to entertain new ideas, innovations, bridging gaps between municipal departments like building code and fire code. Over time, we continue to build the pathway towards efficiency and sustainable development. We look forward to another construction season and working alongside our partners in Planning and Development as we continue to navigate the ongoing challenges of our industry!

Photo Darla Wiebe



LAND USE BYLAW REVIEW

Submitted by the County of Vermillion River & Municipal Planning Services.

The topic of land use bylaws in Alberta has been a focus among some groups on social media in recent days. Many municipalities in Alberta are currently reviewing (or have recently updated) their Land Use Bylaws to be consistent with the provincial legislation and their statutory plans.

The following information has been prepared to help your municipality's Administration respond to public inquiries about your Land Use Bylaw review project and to answer frequent questions and concerns being raised online.

What is a Land Use Bylaw?

- All municipalities are required by the *Municipal Government Act* (MGA) to adopt a Land Use Bylaw. Land Use Bylaws are sometimes referred to as Zoning Bylaws.
- A Land Use Bylaw divides a municipality into different districts (or zones) to help separate certain uses that are incompatible (e.g., heavy industrial uses near residential areas), and to direct certain types of uses to areas where they are most suitable (e.g., where servicing exists, highway access is available, etc.).
- A Land Use Bylaw establishes the rules and regulations for how land can be used, what types of developments are allowed or prohibited in the specified Land Use Districts, and the decision-making processes for subdivision and development applications.
- It is important to note that Land Use Bylaws do not regulate nor facilitate land expropriation.

Why Update a Land Use Bylaw?

- Municipalities regularly update their Land Use Bylaw to ensure the regulations are consistent with current provincial legislation, properly address current development trends, strategic planning priorities and consider available environmental and demographic information. This is usually done every 5 to 10 years.
- Municipalities may undertake a focused review and update of their Land Use Bylaw (e.g., to address one or two issues, or to be consistent with new Provincial legislation). They may also decide to undertake a full, comprehensive review of the entire document.
- Land Use Bylaw projects can take months or years to complete, depending on the complexity of the municipality, timing with other projects and priorities, and the scale of the review.
- As development trends change and new technologies emerge, Land Use Bylaws must be updated to ensure the regulations properly address the land uses being proposed. Examples of this include changing demands for rural residential (acreage) development, cannabis production facilities, home occupations, renewable energy production, Alternative Energy Systems, tourist home/rental accommodations, agri-tourism and recreation, etc.
- Land Use Bylaw review for rural municipalities focus on improving economic development conditions so that the municipality can respond to shifting economic drivers and conditions and encourage rural economic development within their boundaries.
- Land Use Bylaw updates often review ways to encourage more people to live in rural municipalities. This can include:
 - Encouraging or supporting new businesses and growth in hamlets to support rural populations and services such as health care and schools.

- Allowing additional dwellings (e.g., in-law suites or garage suites) on residential lots to enable multiple generations to live on the same property or to provide rental income.
- Supporting innovative and value-added agricultural operations to diversify farming opportunities in rural areas that support new and young farm families remaining on the farm or develop new farming operations at an affordable scale within the municipality.

Who is Responsible for Updating the Land Use Bylaw?

- A municipality can decide to undertake a Land Use Bylaw update using municipal staff, or they may choose to engage the services of a consultant, depending on the scale of the project, the workload of the municipal staff, and the expertise required to complete the project.
- Municipal administration and/or consultants are responsible for writing the draft content; the decision to adopt or reject the proposed changes to the Land Use Bylaw is the discretion of Council.

Does a Land Use Bylaw Update Include Public Engagement?

- The *Municipal Government Act* requires that (at minimum) a public hearing be held prior to the adoption of any amendment or changes to a Land Use Bylaw by Council.
- Anyone impacted by a proposed change to a Land Use Bylaw can speak at (or provide a written submission) the public hearing, where the Council must consider the input prior to their consideration of the bylaw for adoption.
- Municipalities must provide notice of the public hearing. The notice must be consistent with the requirements of the *Municipal Government Act* and the municipality's public notification bylaw/policy (if one exists).
- Major Land Use Bylaw update projects typically include a public engagement program that includes in-person and/or virtual open houses, workshops, surveys, social media postings, and newsletters.

What is a Fifteen-Minute City/Community/District?

- Several cities in North America are currently exploring opportunities to implement the general concept of "fifteen-minute communities" in their planning documents (a local example of this is the City of Edmonton).
- The general intent of "fifteen-minute communities" is to encourage a "community of communities", or "small towns within a big city", where people can meet many of their daily needs within a 15-minute walk, transit trip, or bike ride from where they live. The concept does not aim to reduce inter-city travel, whether by personal vehicle, transit or other means; rather, it aims to provide residential areas with more of the services, shops, and amenities that their residents access daily – closer to their front door.
- Fifteen-minute communities recognize that not everyone (youth, seniors, people with mobility restrictions) can regularly drive long distances to meet their needs. The concept intends to make living easier for people choosing to live in cities and to support investments in public transportation and pedestrian infrastructure.
- The fifteen-minute community concept is not being considered for rural or small urban communities. Instead, it aims to bring some of the benefits of small-town life (shopping local, living close to services, etc.) to the city in areas where automobile dependence rates and travel times are high.

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Contact Us

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