

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
Council Chambers
February 6th, 2024
6:30 pm
Agenda

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Meeting Minutes of December 5th, 2023
- 3. Closed Meeting Session**
- 4. Unfinished Business**
 - a. **Telecommunications Tower – Rogers W6378 within SW 14-6-2 W5**
- 5. Development Permit Applications**
 - a. Development Permit Application No. 2023-52
Claude LaPlante
Lot 23, Block 17, Plan 7610822 within Lundbreck
Retail Store and Dwelling or sleeping unit as an accessory or secondary use to a permitted use
 - b. Development Permit Application No. 2024-01
Gary and Tracy Larson
SW 28-7-3 W5
Moved In Residential Building
 - c. Development Permit Application No. 2024-03
Mark and Rachael Nelson
Lot 3, Block 1, Plan 2110344 within NE 22-5-1 W5
Garden Suite
- 6. Development Reports**
 - a. Development Officer's Report
- Report for February 2024
- 7. Correspondence**
 - a. **ORRSC Periodical – Winter 2023**
- 8. New Business**
- 9. Next Regular Meeting – March 5th 2024**
- 10. Adjournment**

**Meeting Minutes of the
Municipal Planning Commission
December 5th, 2023 6:30 pm
Council Chambers**

ATTENDANCE

Commission: Chairperson Jeff Hammond, Reeve Dave Cox, Councillors Rick Lemire, Tony Bruder, John MacGarva and Harold Hollingshead

Staff: CAO Roland Milligan and Development Officer Laura McKinnon

Planning
Advisor: ORRSC, Senior Planner Gavin Scott

Absent: Member at Large Laurie Klassen

Chairperson Jeff Hammond called the meeting to order, the time being 6:30 pm.

1. ADOPTION OF AGENDA

Councillor Harold Hollingshead 23/070

Moved that the agenda for December 5th, 2023, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Reeve Dave Cox 23/071

Moved that the Municipal Planning Commission Meeting Minutes for October 31st, 2023 be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor Rick Lemire 23/072

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 6:31 pm.

Carried

Councillor Tony Bruder 23/073

Moved that the Municipal Planning Commission open the meeting to the public, the time being 6:35 pm.

Carried

4. **DEVELOPMENT PERMIT APPLICATIONS**

- a. **Development Permit Application No. 2023-48 - Amended
David Willms
NW 20-5-2 W5
Accessory Building**

Reeve Dave Cox

23/074

Moved that Development Permit No. 2023-48-Amended, 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 12.71m (41.70ft) Variance be granted from the Minimum Setback from Public Roadways of 30m (98.4ft) for a setback of 17.29m (56.72ft) to the Nouth for the accessory building.

5. **DEVELOPMENT REPORT**

- a. Development Officer's Report

Councillor John MacGarva

23/075

Moved that the Development Officer's Report, for the period November 2023, be received as information.

Carried

6. **CORRESPONDENCE**

7. **NEW BUSINESS**

None

8. **NEXT MEETING** – January 2nd, 2023; 6:30 pm.

9. **ADJOURNMENT**

Reeve Dave Cox

23/074

Moved that the meeting adjourn, the time being 6:46 pm.

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
December 5, 2023

Carried

Chairperson Jeff Hammond
Municipal Planning Commission

Development Officer
Laura McKinnon
Municipal Planning Commission

Laura McKinnon
Development Officer
MD of Pincher Creek
Box 279, 1037 Herron Avenue
Pincher Creek, AB T0K 1W0
admindevasst@mdpincercreek.ab.ca

Dear Ms. McKinnon,

Further to our discussion on January 11, 2024, between the MD of Pincher Creek No. 9, the Oldman River Regional Services Commission, and Rogers Communications Inc., regarding the Municipal Planning Commission's issuance of Non-Concurrence related to Rogers file W6378 Beaver Mines, on November 1, 2023, LandSolutions Inc., on behalf of Rogers, is formally requesting a reconsideration and re-evaluation of the Non-Concurrence decision by the Municipal Planning Commission.

As discussed, Rogers is seeking more information and further discussion with the MPC, regarding the basis of their decision. There were 4 reasons as to why the MPC issued their decision, and Rogers would appreciate a discussion around each, in hopes we can provide further information and gain clarity and insight on the issues.

Rogers is looking to further collaborate with the MD, to mitigate any concerns and find a solution suitable to both parties. Once a meeting is scheduled, LandSolutions, on behalf of Rogers, can provide further information and a response to the letter of Non-Concurrence, ahead of the meeting.

Please review this request and advise if the MPC and the MD of Pincher Creek are available to meet with Rogers and LandSolutions, to further discussions, and work towards a solution to provide necessary wireless coverage and capacity to the community of Beaver Mines and along Highways 774 and 507.

Sincerely,

LandSolutions Inc. on behalf of Rogers Communications Inc.



David Zacher
VP, Telecommunications
LandSolutions Inc.
1420, 333 11th Avenue SW
Calgary, Alberta, T2R 1L9
T: (403) 807-7864
E: davidz@landsolutions.ca

Recommendation to Municipal Planning Commission

| | | |
|--|--|-----------------------------|
| TITLE: DEVELOPMENT PERMIT No. 2023-52 Applicant: Claude LaPlante Location: Lot 23, Block 17, Plan 7610822 within Lundbreck Division: 5 Size of Parcel: 0.22 ha (0.55 Acres) Zoning: Highway Hamlet Commercial - HHC Development: Retail Store & Dwelling or sleeping unit as an accessory or secondary use to a permitted use |  | |
| PREPARED BY: Laura McKinnon | DATE: January 31, 2024 | |
| DEPARTMENT: Planning and Development | | |
| Signature: | ATTACHMENTS: | |
|  | <ol style="list-style-type: none"> 1. Development Permit Application 2023-52 2. Accessory Building Drawing 3. GIS Site Plan | |
| APPROVALS: | | |
| |  _____ Roland Milligan | |
| Department Director | Date | _____ 2024/02/01 Date |

RECOMMENDATION:

That Development Permit Application No. 2023-52, to build open a Retail Store to sell Tiny Homes along with a Dwelling or sleeping unit as an accessory or secondary use to a permitted use, 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.
2. That a maximum of two tiny homes be kept on site at a time to be offered for sale.
3. That prior to the second tiny home being placed on site, location must be cleared by the Development Officer.
4. That the business owner or son only occupy the Dwelling Unit.
5. That the Dwelling Unit be completely serviced to the satisfaction of the Manager of Utilities and Infrastructure.
6. That the applicant adhere to the conditions set forth within the required Alberta Transportation Roadside Development Permit, to be attached to and form part of this permit.

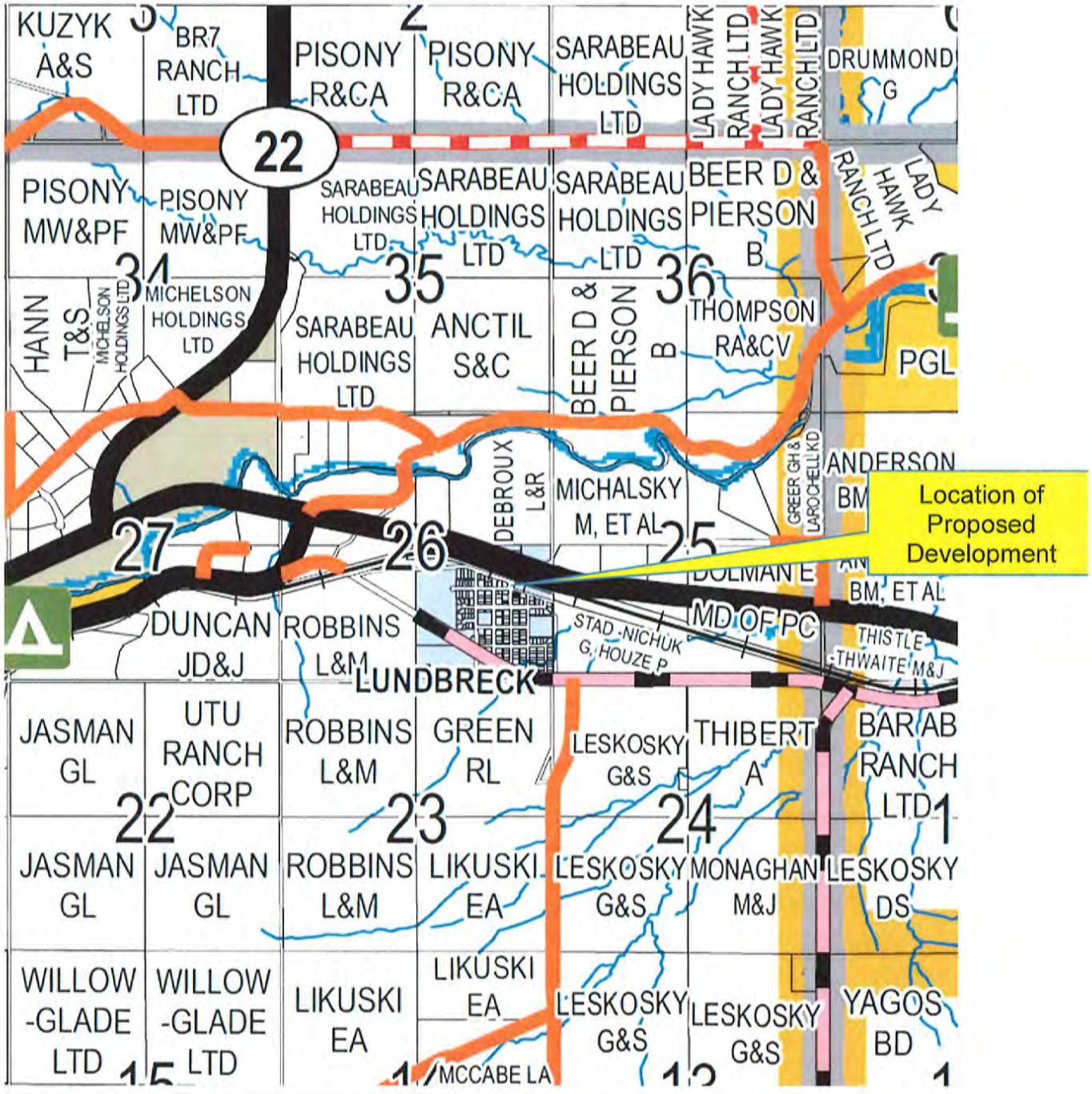
Recommendation to Municipal Planning Commission

BACKGROUND:

- On October 14 2023, the MD accepted the Development Permit Application No. 2023-52 from applicants Claude LaPlante. (*Attachment No. 1*).
- This application allow for the sale of Tiny Homes out of this location. The intention is to have one tiny home that Mr. LaPlantes son would stay in, on site and use as a model (*Attachment No. 2*)
- This application is being placed in front of the MPC because:
 - Within the Hamlet Highway Commercial – HHC Land Use District, a Retail Store and Dwelling or sleeping unit as an accessory or secondary use to a permitted use are both Discretionary Uses.
- There was delay from the original date of application as the proposed location of the Tiny Home was unsatisfactory to the Development Officer and Public Works Department. After many discussions with the applicant, it was determined to go forward with a location that fit the setbacks and ROW requirements.
- There is a 50m distance from the Railway Track – with a minimum of 40M (131ft) setback distance requirement in Land Use Bylaw 1289-18.
- The application was forwarded to the adjacent landowners for comment; no calls from adjacent landowners were received in support at the time of this report being written.

Recommendation to Municipal Planning Commission

Location of Proposed Development





Distance: 50.17 m

Distance: 22.67 m

Proposed Building

Distance: 3 m

Distance: 9.06 m

Distance: 49.19 m



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. 2023-51

Date Application Received Oct. 14/23

PERMIT FEE \$100 Permitted / \$150 Discretionary

Date Application Accepted Oct. 25/23

RECEIPT NO. 60365

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: CLARK L&P LTD owner of unit 17 PLAN 116

Address: 309 KELLY ST

Telephone: 403-353-8555 E [REDACTED]

Owner of Land (if different from above): INSTALLATION C-PLAN, INC.

Address: SAME AS ABOVE 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:

Dwelling or sleeping unit as an accessory or secondary use to a permitted use - Tiny home sales

Legal Description: Lot(s) 23

Block 17

Plan 7-10802

Quarter Section _____

Estimated Commencement Date: March 2024

Estimated Completion Date: May 2024

SECTION 3: SITE REQUIREMENTS

Land Use District: Hamlet Highway Commercial HHC 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 | | | |
| (3) %Site Coverage by Building (within Hamets) | | | |
| (4) Front Yard Setback Direction Facing: | | | |
| (5) Rear Yard Setback Direction Facing: | | | |
| (6) Side Yard Setback: Direction Facing: | | | |
| (7) Side Yard Setback: Direction Facing: | | | |
| (8) Height of Building | | | |
| (9) Number of Off Street Parking Spaces | | | |

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

| ACCESSORY BUILDING | Proposed | By Law Requirements | Conforms |
|--|-----------|---------------------|----------|
| (1) Area of Site | | | |
| (2) Area of Building | 30' x 20' | | |
| (3) % Site Coverage by Building (within Hamlets) | | | |
| (4) Front Yard Setback Direction Facing: | WEST: 22M | 16.5M (54ft) | Yes |
| (5) Rear Yard Setback Direction Facing: | SOUTH: 9M | 3M (9.8ft) | Yes |
| (6) Side Yard Setback: Direction Facing: | EAST 9M | 3M (9.8ft) | Yes |
| (7) Side Yard Setback: Direction Facing: | WEST 49M | 3M (9.8ft) | Yes |
| (8) Height of Building | | | |
| (9) Number of Off Street Parking Spaces | 4 | | |

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

Files Attached Full House Plan
 First Pages show where it would be located

SECTION 4: DEMOLITION

Type of building being demolished: Ø
 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.

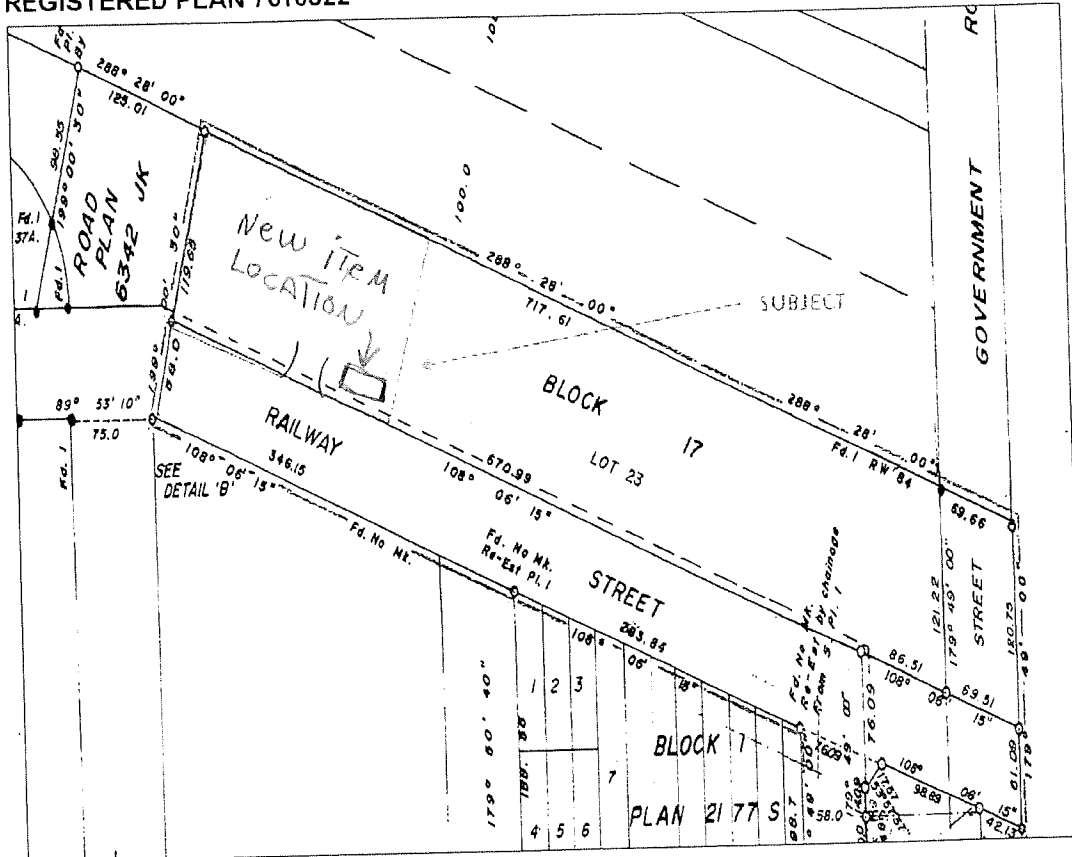
DATE: 14/10/2024

[Signature]
 Applicant
[Signature]
 Registered Owner

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

PROPERTY LOCATION AND DESCRIPTION (CONTINUED)

REGISTERED PLAN 7610822

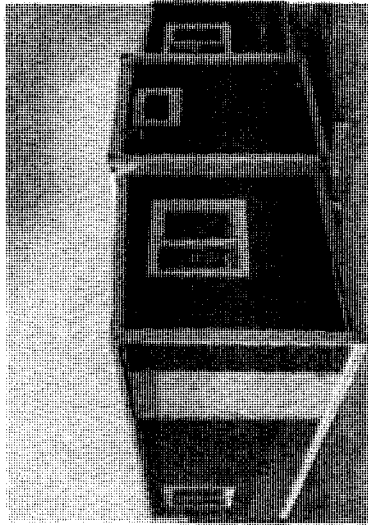


BUILDING DESCRIPTION

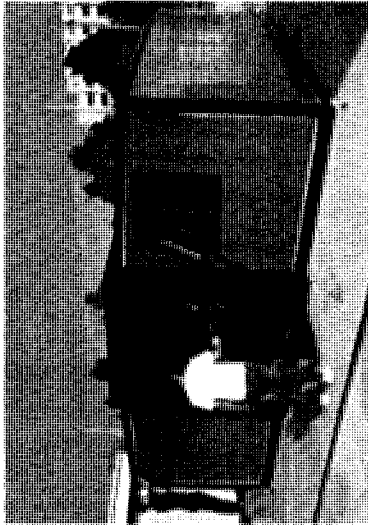
OVERVIEW

- Total building size is 4,800 ft²
- A superstructure of wood-frame construction, concrete foundation, 2' high concrete perimeter grade beam and full concrete floor
- Treated wood posts 6" x 6", 14' long, 4' embedded in concrete
- Double 2" x 10" wood beam on top of perimeter wall, wall strapping of 2 x 4's, 24" on centre
- Exterior colored metal clad, 30 gauge
- Trusses 24" on centre with 2 x 4 strapping on 16" centres
- 12" overhang on sides and gables - all metal soffit and fascia
- Gable style roof supported by 2 x 4 wood trusses and covered with corrugated metal
- Constructed in 1996 thereby having a chronological age of 23 years with a remaining economic life of 25 to 30 years

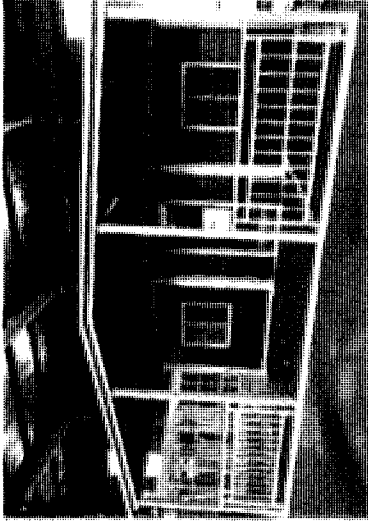




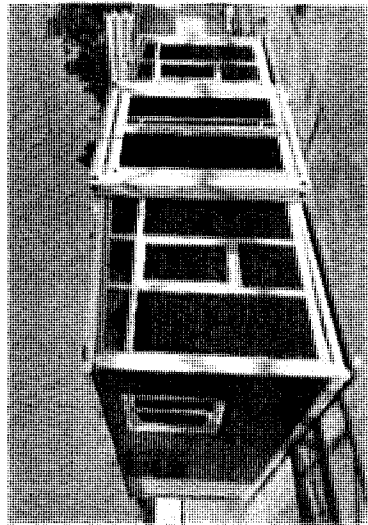
Camping



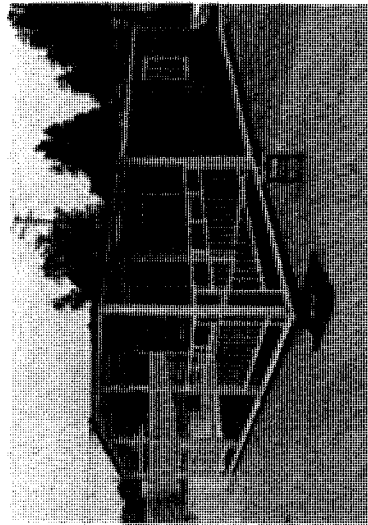
Home



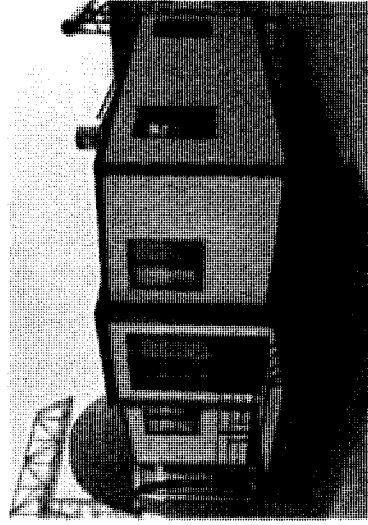
Hotel



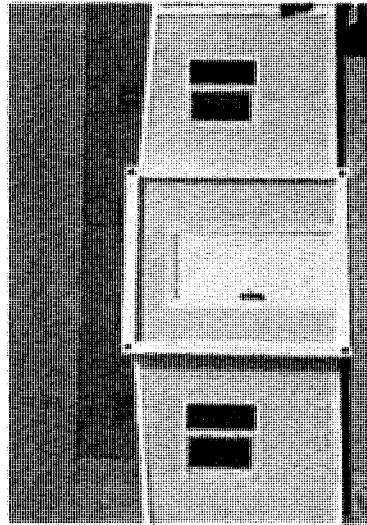
Resort House



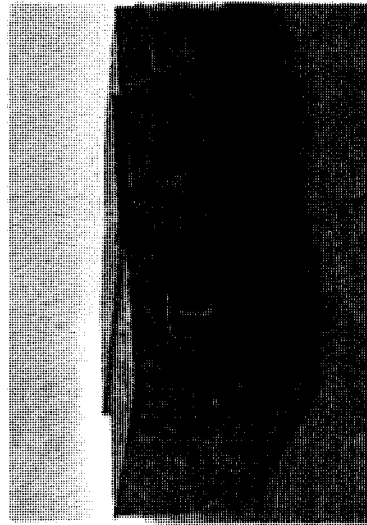
Movable House



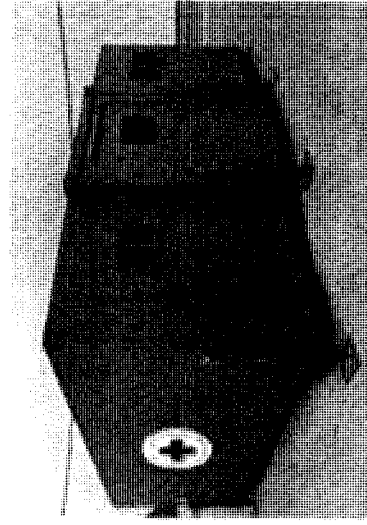
Farm House



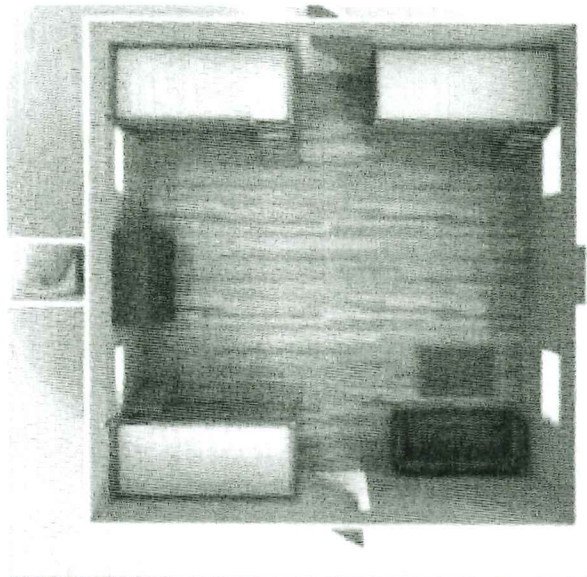
Office



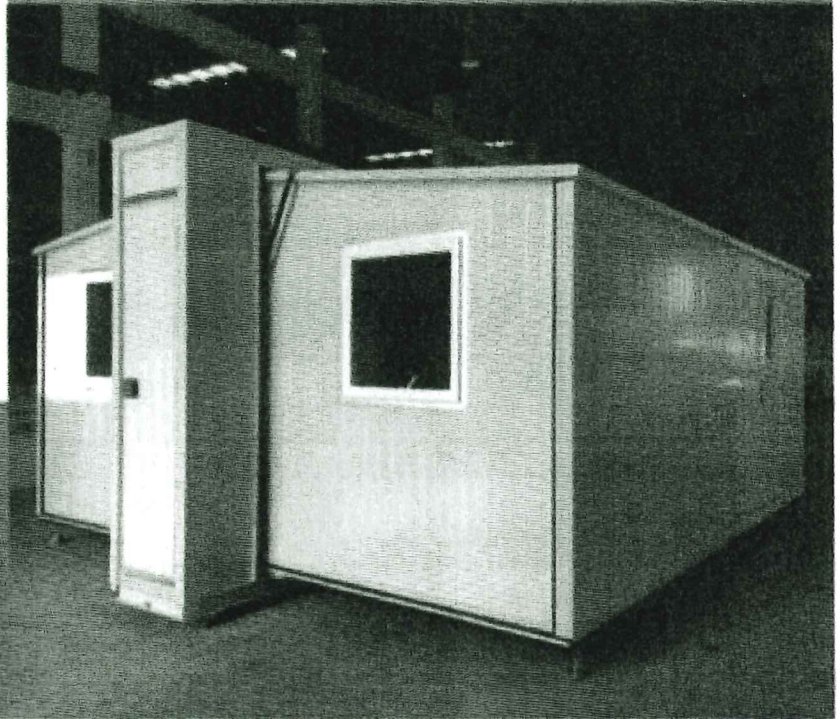
Military Camp



Prefab Hospital



TYPE A (empty design)



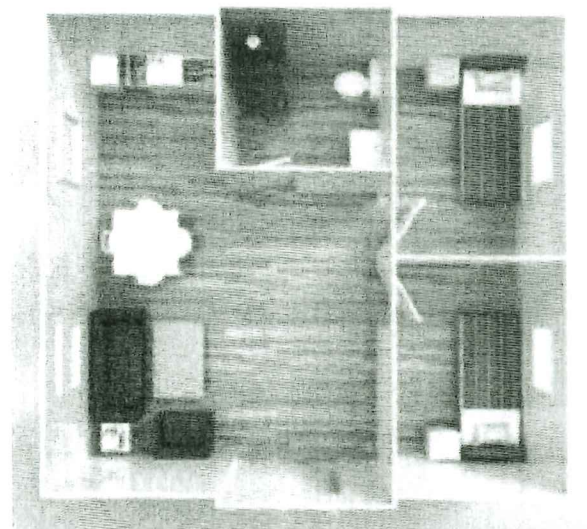
closing size:

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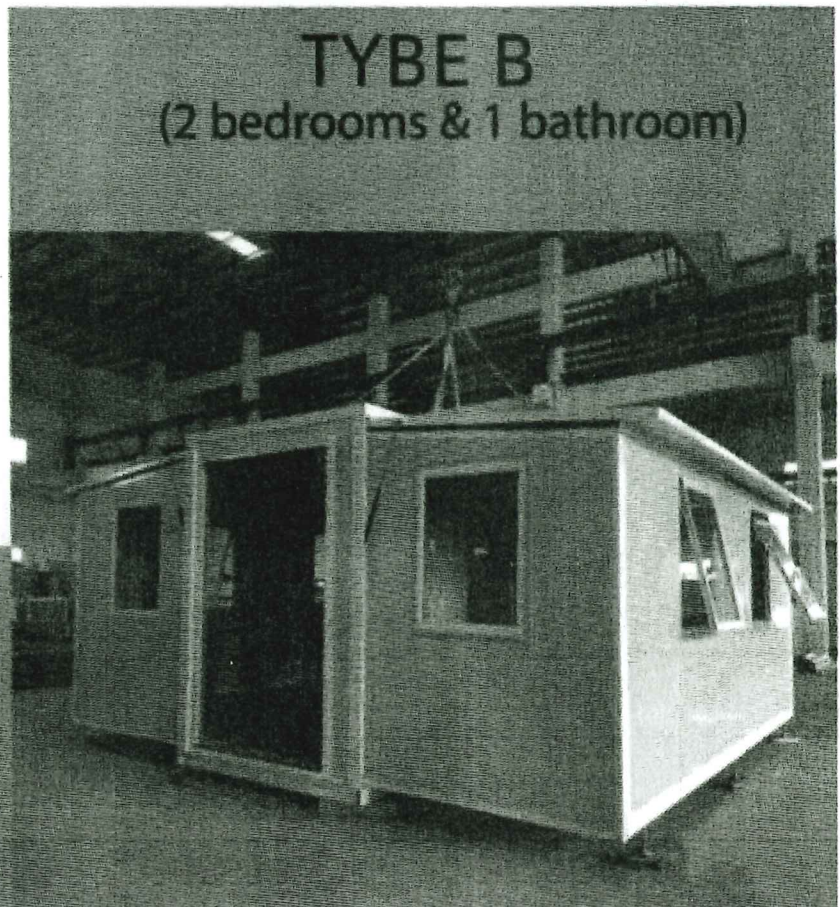
open size:

5.8MX5.184MX2.5H

container loading: 6sets/HQ



TYPE B (2 bedrooms & 1 bathroom)



closing size:

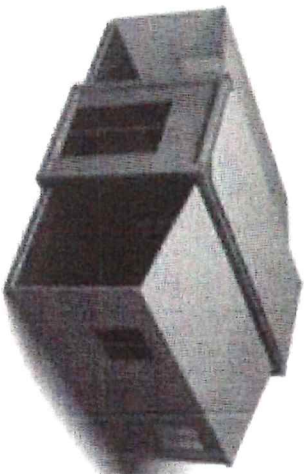
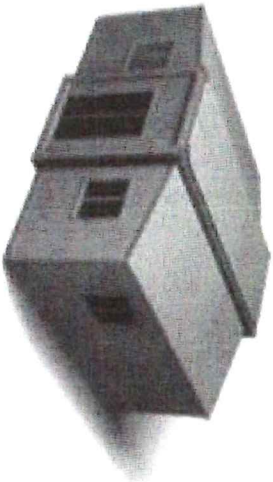
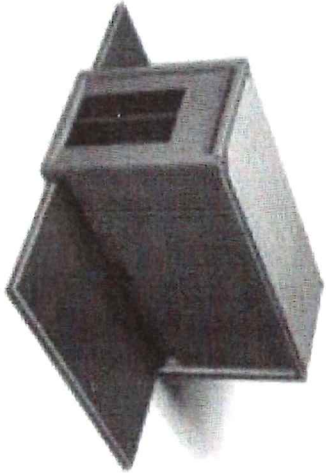
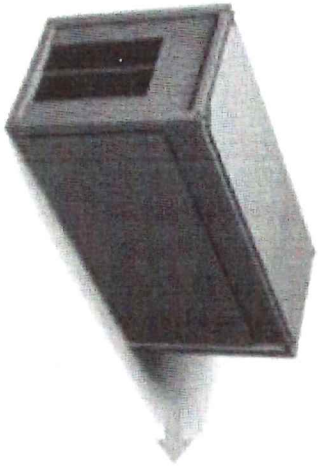
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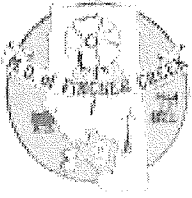
open size:

5.8MX5.8MX2.5H

container loading: 2sets/HQ

product installation





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

Installation C. Plan Inc.
P.O. Box 444
Lundbreck AB T0K 1H0
Tax Roll: 0410.020
Development Permit

PAYMENT RECEIPT

| | |
|---------------------|------------|
| Receipt Number: | 60365 |
| Date: | 10/25/2023 |
| Initials: | JMG |
| GST Registration #: | 10747347RP |

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

| | |
|-------------------------------|----------|
| Subtotal: | \$150.00 |
| Discount: | \$0.00 |
| GST: | \$0.00 |
| Total Receipt: | \$150.00 |
| Visa: | \$150.00 |
| Total Amount Received: | \$150.00 |

Recommendation to Municipal Planning Commission

| | | |
|--|---|-----------------------------|
| TITLE: DEVELOPMENT PERMIT No. 2024-01 Applicant: Gary and Tracy Larson Location: SW 25-7-3 W5 Division: 5 Size of Parcel: 59.6 ha (147.45 Acres) Zoning: Agriculture – A Development: Moved In Residential Building |  | |
| PREPARED BY: Laura McKinnon | DATE: February 1, 2024 | |
| DEPARTMENT: Planning and Development | | |
| Signature: | ATTACHMENTS: | |
|  | <ol style="list-style-type: none"> 1. Development Permit Application 2024-01 2. Moved In Residential Building 3. GIS Site Plan | |
| APPROVALS: | | |
| |  _____ Roland Milligan | |
| Department Director | Date | _____ 2024/02/01 Date |

RECOMMENDATION:

That Development Permit Application No. 2024-01, to move on a residential building, be approved subject to the following Condition(s):

Condition(s):

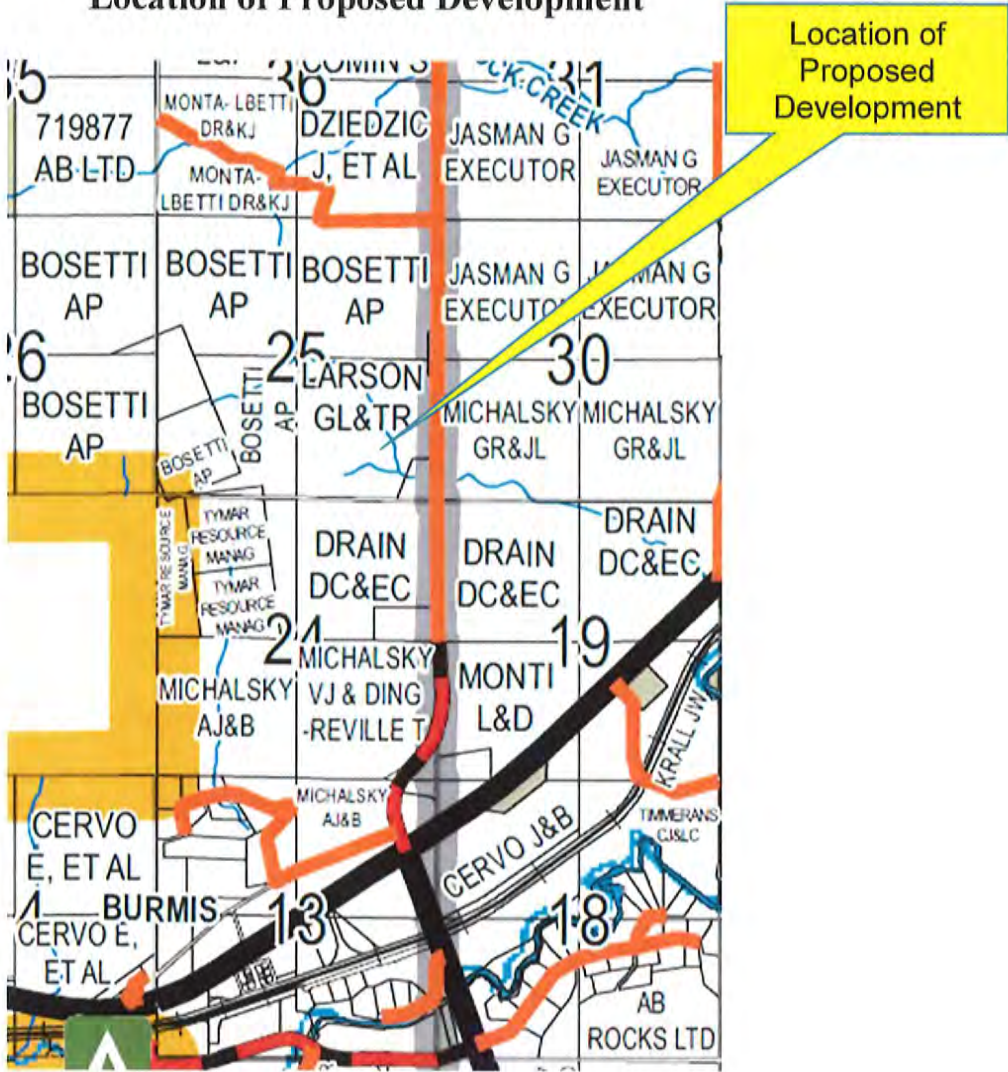
1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.

BACKGROUND:

- On January 2, 2024, the MD accepted the Development Permit Application No. 204-01 from applicants Gary and Tracy Larson. (*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, from within the MD of Pincher Creek and put on permanent foundation (pilings) (*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





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. 2024-1

Date Application Received 2024-01-02

PERMIT FEE \$100 Permitted
~~\$150 Discretionary~~

Date Application Accepted 2024-01-02

RECEIPT NO. 60818

Tax Roll # 5171000

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: Gary & Tracy Larson

Address: 3813 Glacier Ave. S., Lethbridge, AB T1K 3N9

Telephone: [REDACTED] Email: [REDACTED]

Owner of Land (if different from above): Same as above

Address: N/A Telephone: N/A

Interest of Applicant (if not the owner): Applicants are owners

SECTION 2: PROPOSED DEVELOPMENT

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

A brief description of the proposed development is as follows:

Addition of a non-permanent dwelling, to be set and secured on blocks at prepared site on applicant/owner property.

Legal Description: Lot(s) N/A

Block N/A

Plan N/A

Quarter Section SW-25-7-3-W5

Estimated Commencement Date: Jan 29, 2024

Estimated Completion Date: Feb 15, 2024

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

| PRINCIPAL BUILDING | Proposed | By Law Requirements | Conforms |
|--|-------------|----------------------|------------|
| (1) Area of Site | 60' X 80' | | |
| (2) Area of Building | 34' X 65' | | |
| (3) %Site Coverage by Building (within Hamets) | N/A | | |
| (4) Front Yard Setback Direction Facing: <u>S</u> | <u>478m</u> | <u>30M (98.4ft)</u> | <u>Yes</u> |
| (5) Rear Yard Setback Direction Facing: <u>N</u> | <u>316m</u> | <u>7.5M (24.6ft)</u> | <u>Yes</u> |
| (6) Side Yard Setback: Direction Facing: <u>W</u> | <u>524m</u> | <u>7.5M (24.6ft)</u> | <u>Yes</u> |
| (7) Side Yard Setback: Direction Facing: <u>E</u> | <u>259m</u> | <u>30M (98.6ft)</u> | <u>Yes</u> |
| (8) Height of Building | 14' | | |
| (9) Number of Off Street Parking Spaces | N/A | | |

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

Attachments: 5 photos/views of dwelling

| <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 : N/A

Area of size: N/A

Type of demolition planned: N/A

SECTION 5: SIGNATURES (both signatures required)

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

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

DATE: Dec. 21, 2023


Digitally signed by
Larson, Tracy
Date: 2023.12.21
09:37:48 -07'00'

Larson,
Gary

Digitally signed
by Larson, Gary
Date: 2023.12.23
07:36:38 -07'00'

Applicant


Digitally signed by Larson,
Tracy
Date: 2023.12.21 09:38:16
-07'00'

Larson,
Gary

Digitally signed by
Larson, Gary
Date: 2023.12.23
07:37:10 -07'00'

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.











Distance: 316.67 m

Distance: 524.21 m

House Location

Distance: 259.38 m

Distance: 178.64 m

UNKNOWN

UNKNOWN



House Location

UNKNOWN

UNKNOWN

RR30

RR30

RR30

RR30

Recommendation to Municipal Planning Commission

| | |
|---|---|
| TITLE: DEVELOPMENT PERMIT No. 2024-03 Applicant: Mark & Rachael Nelson Location: Lot 3, Block 1, Plan 2110344 within NE 22-5-1 W5 Division: 3 Size of Parcel: 3.96 ha (9.79 Acres) Zoning: Agriculture - A Development: Garden Suite |  |
| PREPARED BY: Laura McKinnon | DATE: May 30, 2023 |
| DEPARTMENT: Planning and Development | |
| Signature: | ATTACHMENTS: |
|  | <ol style="list-style-type: none"> 1. Development Permit Application 2024-03 2. Accessory Building with Garden Suite drawings 3. GIS Site Plan |
| APPROVALS: | |
| |  _____ Roland Milligan |
| _____ Department Director | _____ Date |
| _____ Date | _____ Date |

| |
|--|
| <p>RECOMMENDATION:</p> <p>That Development Permit Application No. 2023-29, for a Garden Suite, be approved subject to the following Condition(s):</p> <p>Condition(s):</p> <ol style="list-style-type: none"> 1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18. 2. That this development permit is re-evaluated after five years. <p>Waiver(s):</p> <ol style="list-style-type: none"> 1. That a variance be granted from Section 49.4 "The structure being proposed shall be shown to be readily moveable upon expiry of the approval period" and be constructed in a permanent structure. <p>Informative(s):</p> <ol style="list-style-type: none"> 1. That this structure not be used for a secondary suite unless applied for in a separate development permit. |
|--|

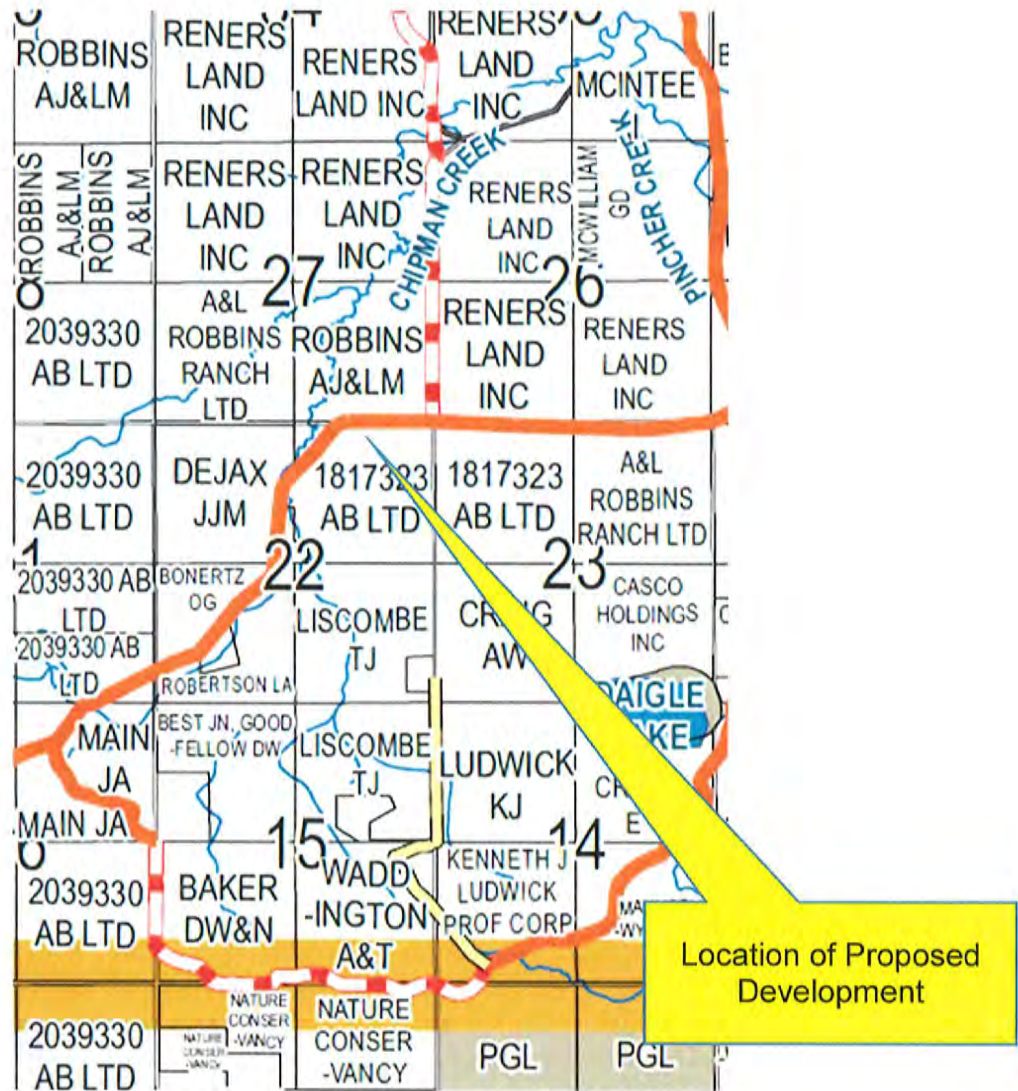
Recommendation to Municipal Planning Commission

BACKGROUND:

- On January 8 2024, the MD accepted the Development Permit Application No. 2024-03 from applicants Mark and Rachael Nelson (*Attachment No. 1*).
- The application is to allow for a Garden Suite on an Agriculture parcel for the applicants father (*Attachment No. 2*).
- This application is being placed in front of the MPC because:
 - Within the Agriculture – A Land Use District, Garden Suite is a Discretionary Use.
- The proposed location of the accessory building with garden suite meets all required setbacks. (*Attachment No. 3*).
- The accessory building itself is a permitted use, however, the garden suite within the accessory building is a discretionary use.
- The application was forwarded to the adjacent landowners for comment. At the time of preparing this report no responses had been received.

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. 2024-3

Date Application Received Jan 8/24

PERMIT FEE ^{\$100 Permitted} ~~\$150 Discretionary~~

Date Application Accepted Jan 8/24

RECEIPT NO. 60898

Tax Roll # 3107 020

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

SECTION 1: GENERAL INFORMATION

Applicant: Mark & Rachael Nelson

Address: P.O. Box 1842 on 1207 Township Rd. 5-4 MD of Pincher Creek

Telephone: [REDACTED] Email: [REDACTED]

Owner of Land (if different from above): 1817323 Alberta Ltd.

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:

An Equipment and Storage Shop, with a living quarters and gym attached.

Legal Description: Lot(s) Lot 3; Block 1; Plan ²¹¹⁰³⁴⁴ 1313435

Block Block 1

Plan Plan 1313435

Quarter Section NE 1/4 Sec 22; Twp 5; Rge 1; W5M

Estimated Commencement Date: ~~June 2023~~ April 2024

Estimated Completion Date: ~~June 2024~~ July 2025

SECTION 3: SITE REQUIREMENTS

Land Use District: Agriculture - 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> | <u>Accessory Building</u> | Proposed | By Law Requirements | Conforms |
|--|---------------------------|--------------------------|---------------------|----------|
| (1) Area of Site | | 9.79 Acres | | |
| (2) Area of Building | 6000 sq ft. | 60' x 100' | | |
| (3) %Site Coverage by Building (within Hamets) | | 1.41 % | | |
| (4) Front Yard Setback Direction Facing: <u>West</u> | 400' | 250' (Approx) | 7.5M | Yes |
| (5) Rear Yard Setback Direction Facing: <u>East</u> | 500' | 400' (Approx) | 7.5M | Yes |
| (6) Side Yard Setback: <u>7.5 metres</u> Direction Facing: <u>South</u> | | 7.5 Metres | 7.5 Metres | Yes |
| (7) Side Yard Setback: Direction Facing: <u>North</u> | 200' | 400' (Approx) | 3.0M | Yes |
| (8) Height of Building | | 27'-3" | | |
| (9) Number of Off Street Parking Spaces | | 4 | | |

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

Site Plan, Architectural drawing

N/A ON FIRST PAGE

| 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 : 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: Jan 8, 2024

Mark Nelson
Applicant

Mark Nelson
Registered Owner

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

IMPORTANT NOTES:

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BUILDING PERMIT INFORMATION & CHECKLIST REQUIREMENTS

APPLICATION REQUIREMENTS – Along with your approved development permit from the Municipality, ensure the listed supporting documentation is included with the completed building permit application, or delays may occur with regards to issuing the building permit.

NEW HOME BUYERS PROTECTION ACT – When constructing a new home, cabin, garage with living quarters or moving in a new manufactured home you must provide the New Home Warranty Certificate at time of application.

BUILDERS' LICENSE – Effective December 1, 2017, new requirements are in effect for residential builders in Alberta. All residential builders are required to have a builder licence in order to construct new homes

NATIONAL ENERGY CODE (NEC) – The NEC came into effect November 1, 2016. Ensure the attached 9.36 Compliance Report is completed and submitted with the building permit applications and documentation.

| | |
|---|---|
| <p>CONSTRUCTION OF NEW HOMES & ADDITIONS</p> <ul style="list-style-type: none"> <input type="checkbox"/> site plan <input type="checkbox"/> floor plan(s) <input type="checkbox"/> foundation plan <input type="checkbox"/> elevation views <input type="checkbox"/> building cross sections <input type="checkbox"/> roof truss layouts <input type="checkbox"/> manufactured floor joist layouts (Layouts can be on site at the framing stage) <input type="checkbox"/> engineered stamped drawings for attached garage if it is pile and grade beam <input type="checkbox"/> Preserved Wood Foundations require plans designed by an Engineer, registered in the Province of Alberta. (unless designed to the CAN/CSA S406-16 (R2003)) <input type="checkbox"/> Hydronic Heating design information and designer certification | <p>MANUFACTURED , MODULAR, MOBILE HOMES</p> <ul style="list-style-type: none"> <input type="checkbox"/> site plan <input type="checkbox"/> floor plan <input type="checkbox"/> foundation plan** <input type="checkbox"/> CSA, QAI or Intertek # <input type="checkbox"/> Serial # <input type="checkbox"/> AMA # <input type="checkbox"/> square footage <input type="checkbox"/> year of manufacture <p>ONE ROOM ADDITIONS & MANUFACTURED SUNROOMS</p> <ul style="list-style-type: none"> <input type="checkbox"/> site plan <input type="checkbox"/> floor plan <input type="checkbox"/> foundation plan** <input type="checkbox"/> cross section view <input type="checkbox"/> if manufactured sunroom, supplier's full product information is required or an engineer's approval <p>** NOTE: Pile foundations require engineering</p> |
| <p>STORAGE BUILDINGS / GARAGES / SHEDS</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> site plan <input checked="" type="checkbox"/> floor plan <input checked="" type="checkbox"/> elevation views <input checked="" type="checkbox"/> building cross sections <input checked="" type="checkbox"/> roof truss and beam design information <input type="checkbox"/> Hydronic Heating design information and designer certification (if applicable) <input type="checkbox"/> pole buildings <u>require</u> engineering <p><u>Foundation Requirements:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 4 foot frost wall and strip footing <input type="checkbox"/> concrete slab over 55 sq. meters (592 sq.ft) must be engineered <input type="checkbox"/> engineered grade beam and pile <input type="checkbox"/> any other foundation will require a structural engineered stamped plan <p><u>Wall Requirements:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> walls up to 3.6 m in height are acceptable <input type="checkbox"/> walls over 3.6 m will require an <u>engineered</u> stamped plan unless built to Standata 14-BCV-002R1. | <p>BASEMENT DEVELOPMENTS AND MINOR RENOVATIONS</p> <ul style="list-style-type: none"> <input type="checkbox"/> floor plan showing layout of new walls, bathrooms, bedrooms, windows and doors <p>HOT TUBS / SWIMMING POOLS</p> <ul style="list-style-type: none"> <input type="checkbox"/> site plan with dimensions of tub / pool <input type="checkbox"/> fence information <p>DECKS</p> <ul style="list-style-type: none"> <input type="checkbox"/> site plan <input type="checkbox"/> floor layout <input type="checkbox"/> cross section view or example plan with dimensions filled in <p>WOOD STOVES (Including fireplaces, pellet and coal stoves)</p> <ul style="list-style-type: none"> <input type="checkbox"/> floor plan <input type="checkbox"/> manufacturers installation instructions <input type="checkbox"/> references to certification listing <p>NOTE: Pile foundations require engineering</p> |

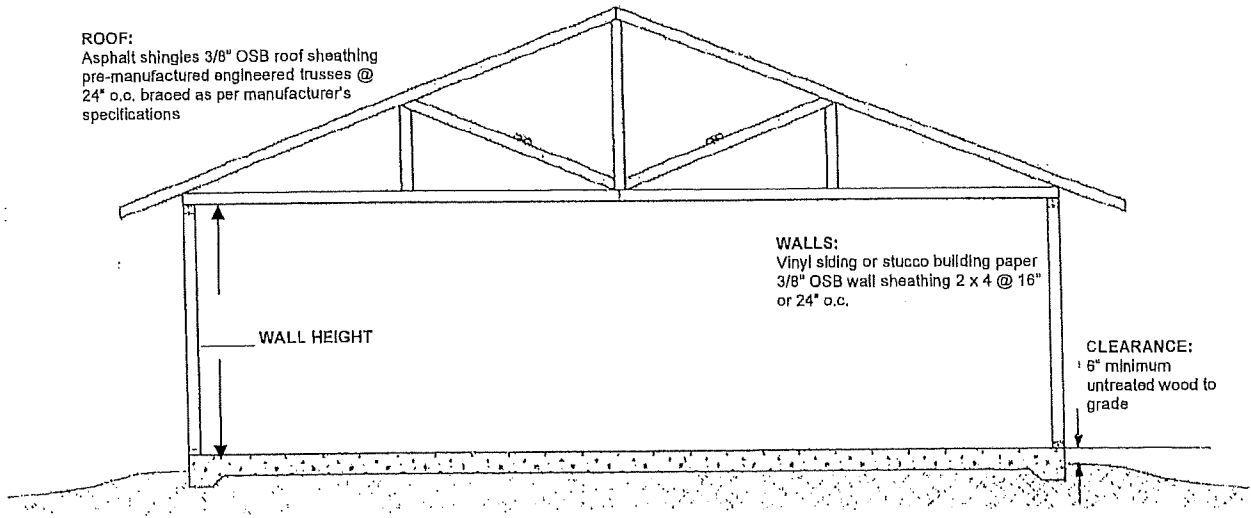
Construction checklists for decks, garages, mobile homes and wood stoves are also available.

If you require any information regarding building permits or plans that are required, please contact Superior Safety Codes.

PERMIT NO.: _____
OWNERS NAME: Mark Nelson
PROJECT LOCATION: _____

To be completed and attached to the Building Permit Application Form

ROOF:
Asphalt shingles 3/8" OSB roof sheathing
pre-manufactured engineered trusses @
24" o.c. braced as per manufacturer's
specifications



WALLS:
Vinyl siding or stucco building paper
3/8" OSB wall sheathing 2 x 4 @ 16"
or 24" o.c.

CLEARANCE:
6" minimum
untreated wood to
grade

Please check off construction details as listed below.

Roofing Material

- Asphalt Shingles
- Cedar, Pine Shakes/Shingles
- Metal Roofing
- Other Specify: _____

Wall Sheathing

Specify: 5/8" spruce plywood

Wall Framing

Specify: 2x8 studs @ 16" spacing

- Insulated walls & ceiling

NOTE: Separate permit applications are required for the installation of electrical, gas and/or plumbing in the building.

Roof Sheathing

- Min. 3/8" OSB or plywood
- NOTE: OSB or plywood less than 1/2" requires H clips and bridge blocking
- 1/2" OSB or plywood
- Other Specify: _____

Overhead Door Beam

Length: _____

Depth: _____ # of Plys _____

- Built Up
- Engineered

Roof Framing

- Pre-manufactured Engineered Truss
- Roof rafters, ceiling, joists, roof joist (provide details)

Overhead Door

Door Size: 14' x 14'

Exterior Finish

- Vinyl Siding
- Stucco
- Metal Siding
- Other Specify: _____

Direction of Trusses

- Trusses parallel to overhead door opening
- Trusses perpendicular to overhead door opening

Foundation

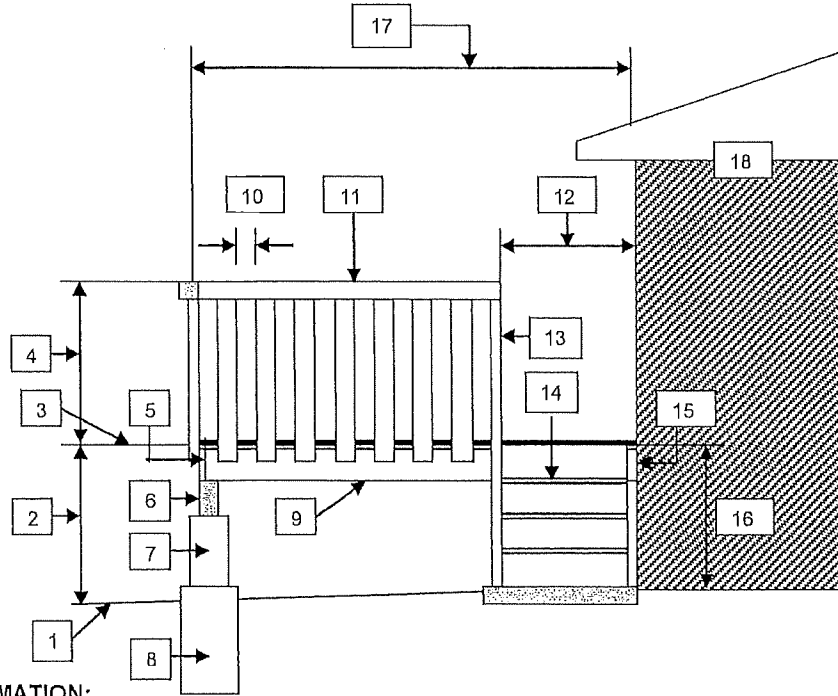
- 4" Slab up to 592 sq. ft.
- Strip footing & 4' frost wall
- Other Foundation (details, engineering)
- On Skids

DECKS, GUARDRAILS, HANDRAILS, STAIRS

PERMIT NO.: _____

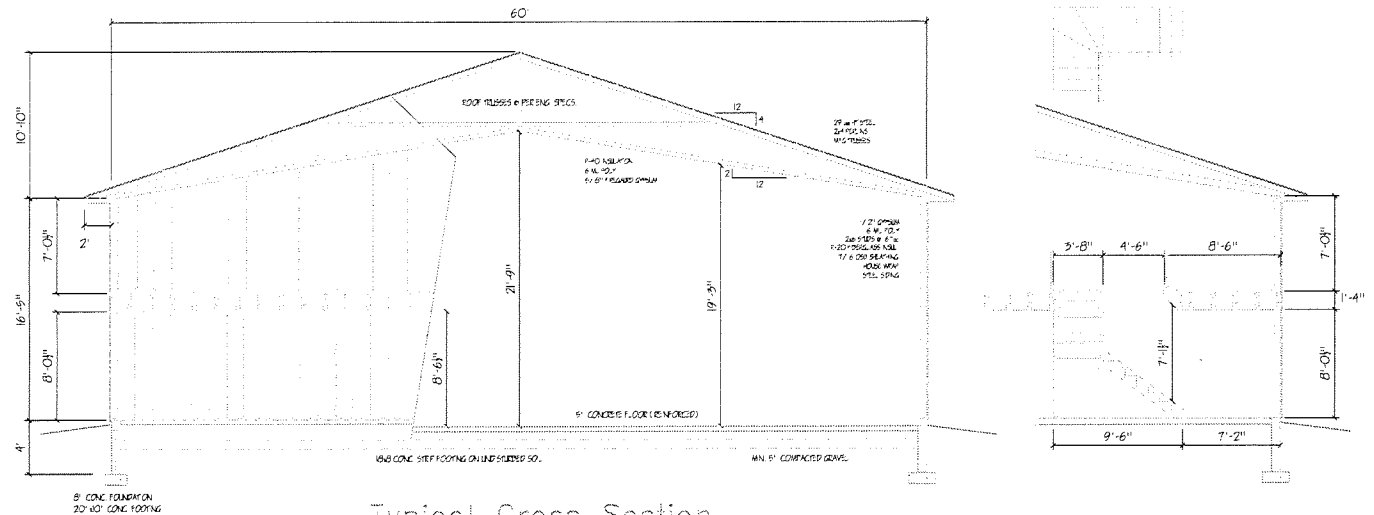
OWNERS NAME: _____

PROJECT LOCATION: _____

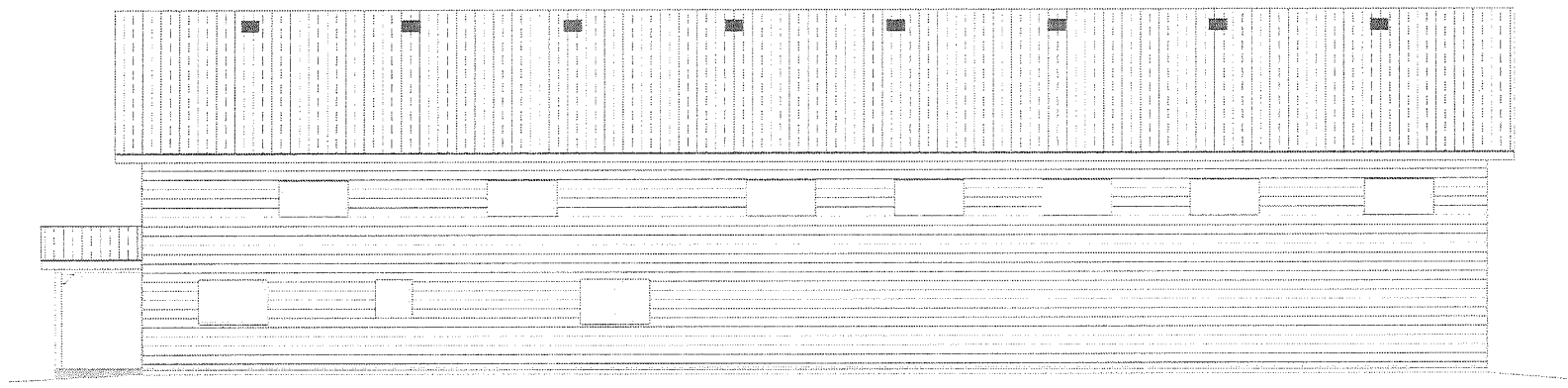


REQUIRED INFORMATION:

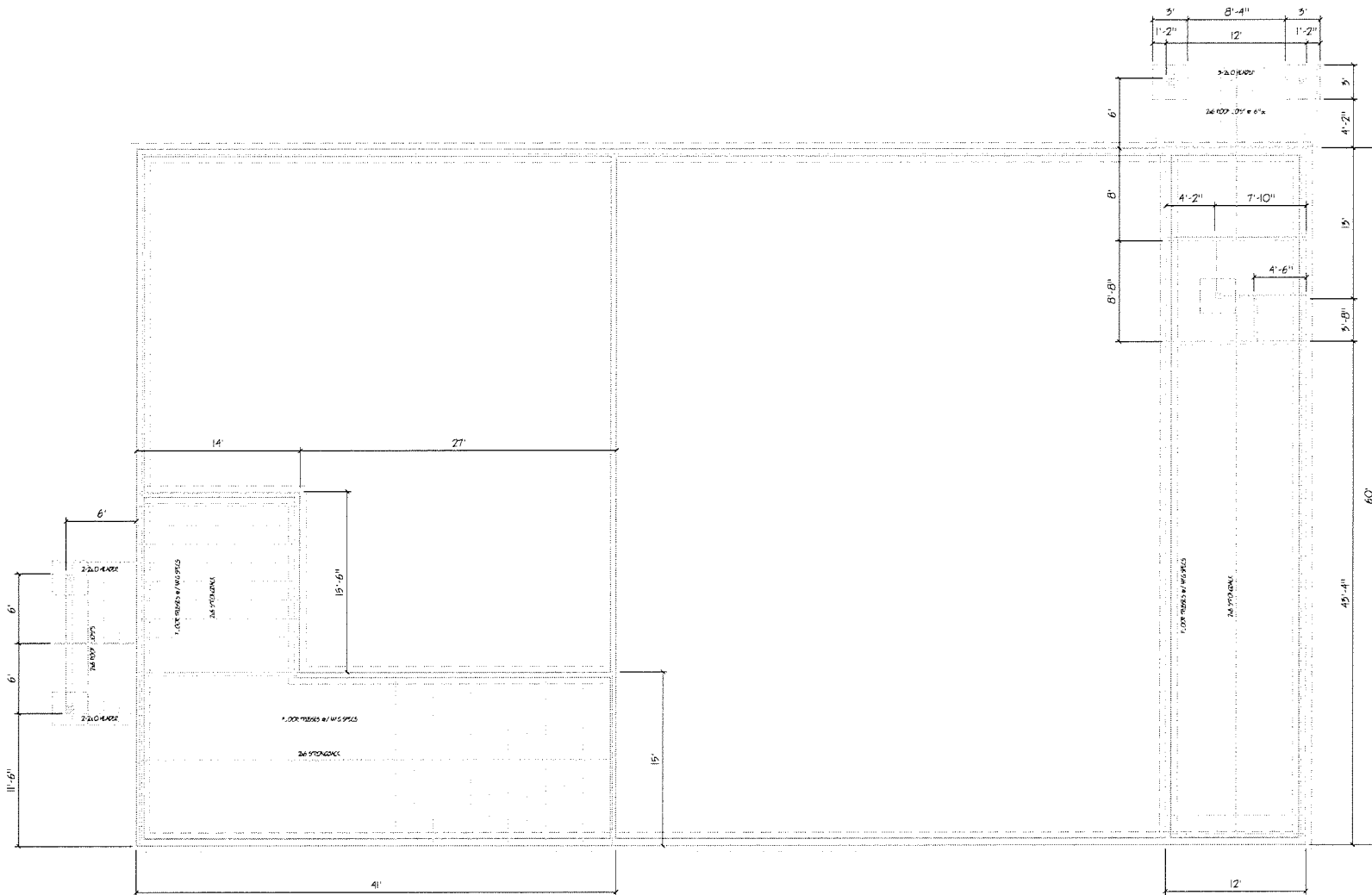
- | | |
|--|---|
| <p>1. Grade: 2% slope for drainage</p> <p>2. Deck height from grade: Specify _____</p> <p>3. Floor decking: Specify _____</p> <p>4. Height of guard rail from deck <input type="checkbox"/> 36" (for 2' to 6' deck height above grade) <input type="checkbox"/> 42" (for 6' over deck height above grade)</p> <p>5. End joist size: _____</p> <p>6. Built up beam size: _____</p> <p>7. Wood column size: _____</p> <p>8. Foundation Type: _____ <i>Pile foundations (steel or concrete) require engineering</i></p> <p>9. Floor joist size and spacing: _____</p> <p>10. 4" max space between railings</p> <p>11. Type of railing: _____</p> | <p>12. 34" minimum stair width</p> <p>13. Handrail height: _____ <i>Handrail is required if stairs have more than 3 risers (minimum 34"; maximum 38")</i> Guardrail height for stair: _____ <i>(minimum 36")</i></p> <p>14. Stair tread size: _____</p> <p>15. Ledger (rim) board size (same size as joist) Size: _____</p> <p>16. Stair: Rise: 5" to 8" Run: 10" to 15"</p> <p>17. Joist span size: _____</p> <p>18. Existing house</p> |
|--|---|



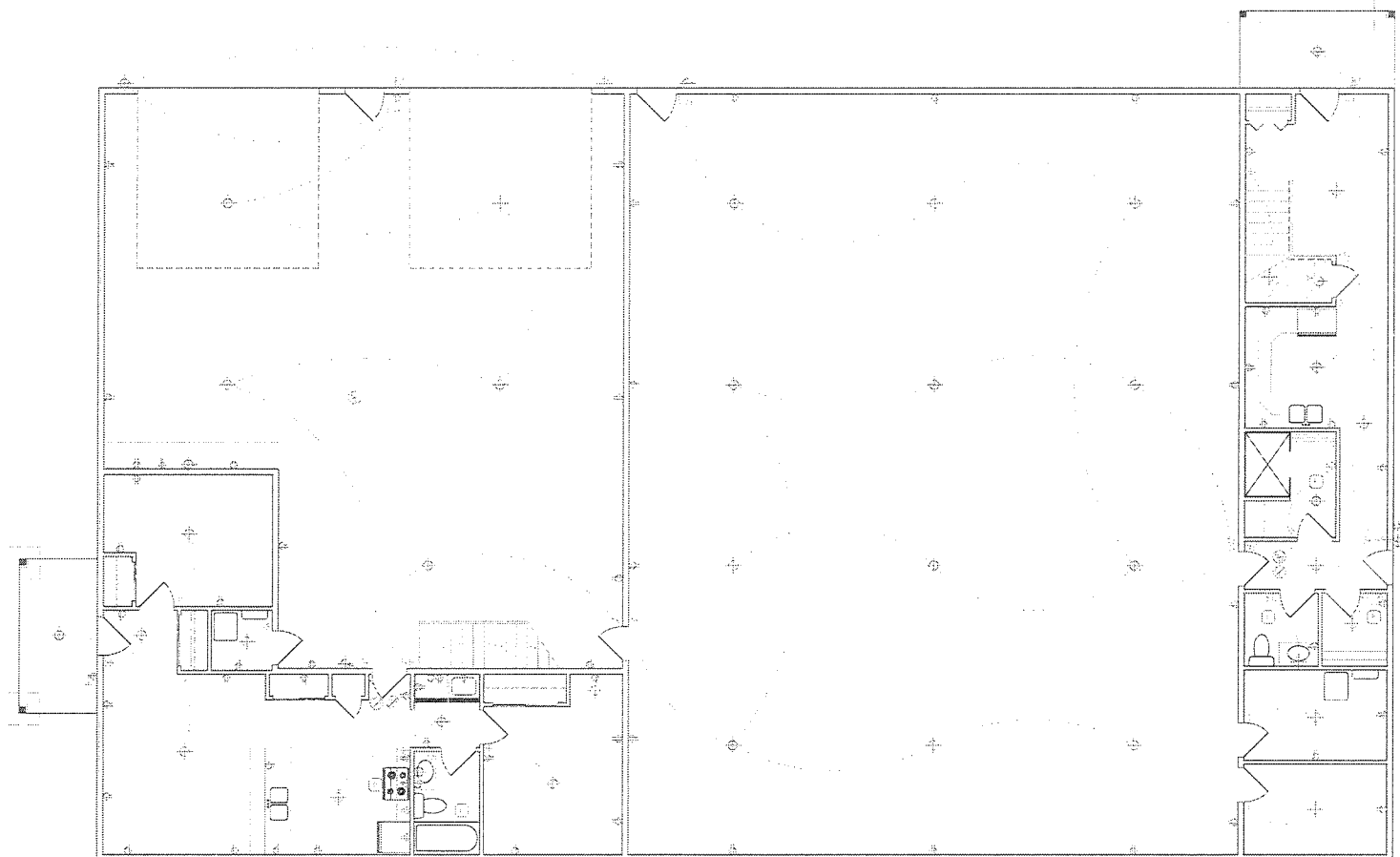
Typical Cross Section
Scale 1/4" = 1'0"



South Elevation
Scale 1/4" = 1'0"

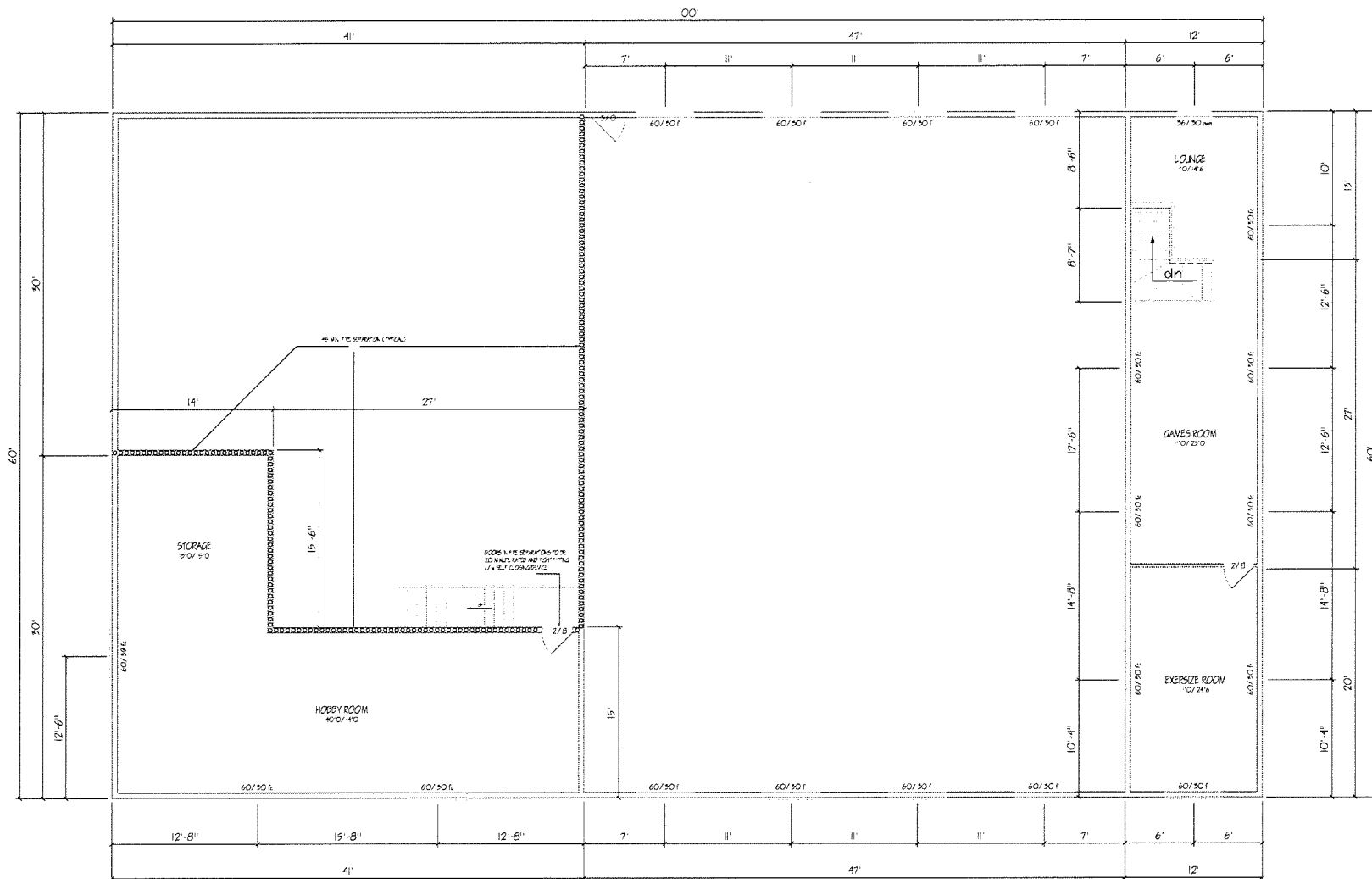


Floor Truss Plan
Scale 1/4" = 1'-0"



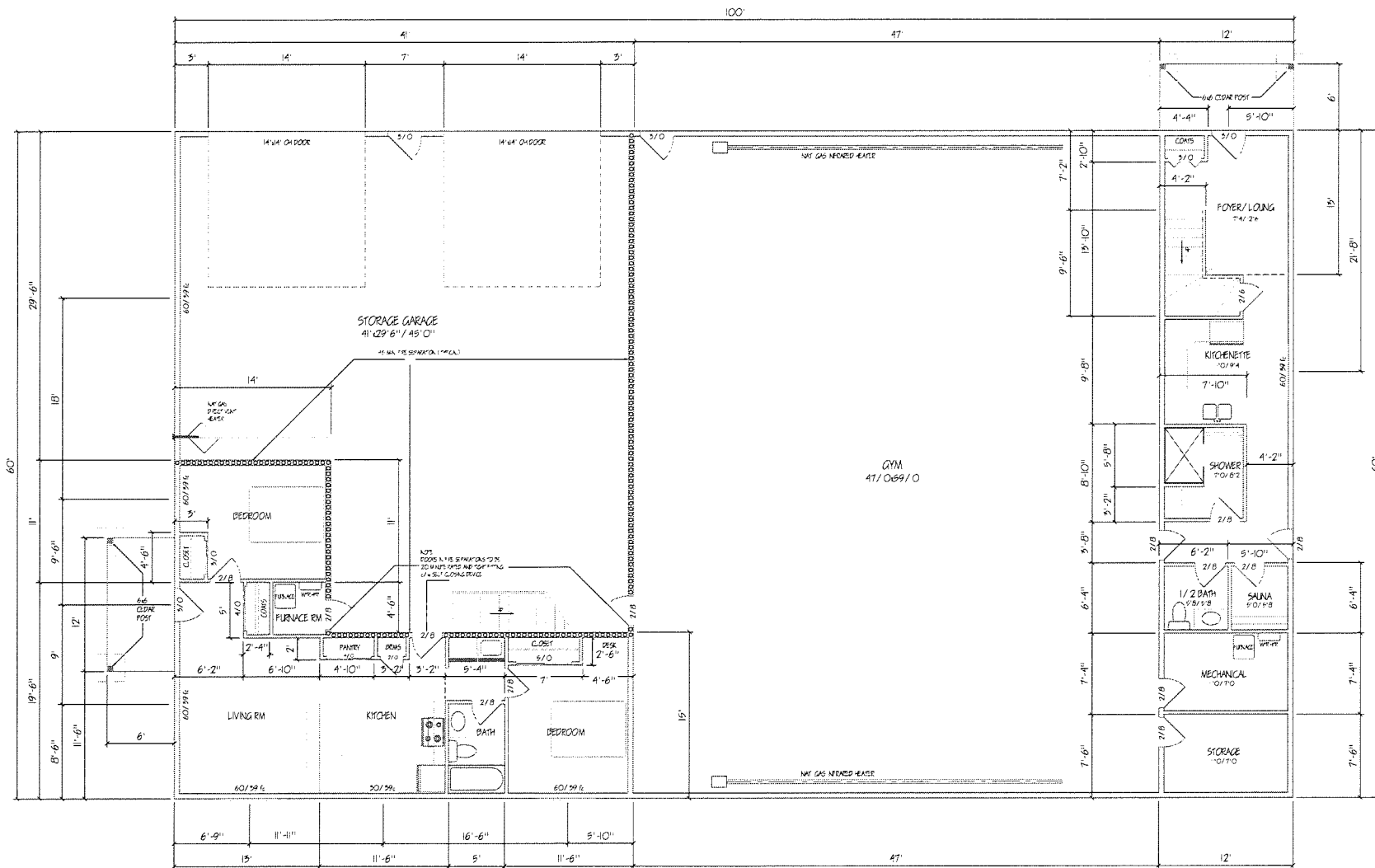
Main Floor Electrical Plan
Scale 1/4" = 1'0"

| | |
|-------------------------|---------|
| Rachael and Mark Nelson | |
| Drawn By: D Burrows | 8 of 10 |



Upper Floor Plan
Scale 1/4" = 1'0"

Rochael and Mark Nelson
Drawn By: D Burrows | 2 OF 10



Main Floor Plan
Scale 1/4" = 1'0"

Rachael and Mark Nelson
Drawn By: D Burrows | 1 of 10

TR52A

Building Location





TR52A

Distance: 98.32 m

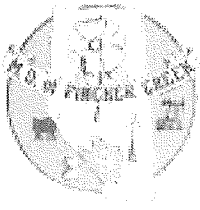
Distance: 84.64 m

Building Location

Distance: 9.65 m

Distance: 9.76 m

Distance: 133.3 m



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@mdpinchercreek.ab.ca

Nelson, Mark
P.O. Box 1842
Pincher Creek, AB T0K 1W0

PAYMENT RECEIPT

| | |
|---------------------|------------|
| Receipt Number: | 60898 |
| Date: | 1/9/2024 |
| Initials: | SLM |
| 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 |
| Visa: | \$150.00 |
| Total Amount Received: | \$150.00 |

DEVELOPMENT OFFICER REPORT

December 2023 & January 2024

Development / Community Services Activities includes:

- Dec 4 South Canadian Rockies Board Meeting
- Dec 5 Planning, Subdivision & MPC Meetings
- Dec 7 Budget Meeting
- Dec 8 MD Christmas Party
- Dec 11 Apex Utilities Meeting
- Dec 12 Southern Rockies Tourism Development Zone – Travel Alberta Meeting
- Dec 12 Committee & Council Meeting
- Dec 14 Sunrise Solar Project Update - Evolugen
- Dec 20 Holidays Start
- Jan 2 Holidays End
- Jan 4 CPO Consultant Meeting
- Jan 9 Committee & Council Meeting
- Jan 11 Meeting w/ Rogers & LandSolutions re: Tele. Tower
- Jan 16 Sunrise Solar Project – Open House
- Jan 17 South Canadian Rockies Board Meeting
- Jan 18 CPO Consultant Meeting
- Jan 23 Committee & Council Meeting
- Jan 24 Minister of Tourism & Sport Meeting – South Canadian Rockies
- Jan 24 Miistakis – Ecological Corridor Delineation Meeting
- Jan 25 Minister of Tourism & Sport Meeting – Council
- Jan 26 SDO
- Jan 29 Intermunicipal Development Committee Meeting
- Jan 30 Community Wide – Capacity Building Work Shop – Fort McLeod
- Jan 31 Lundbreck Site Inspection

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Development Officer for December 2023 & January 2024

| No. | Applicant | Division | Legal Address | Development |
|---------|----------------------------|----------|---|------------------------------------|
| 2023-54 | Blake O’Brian | 4 | Lot A, Plan 8710138 within NE 23-7-30 W4) | Single Detached Residence |
| 2024-02 | Jeffrey Blosser | 1 | SE 1-5-30 W4 | Addition |
| 2024-04 | Andrea & Markus Beck | 3 | Lot 1, Block 1, Plan 0713480 within SE 9-7-1 W5 | Accessory Building |
| 2024-05 | M.D Vidrivaire (Pribanics) | 1 | 13;; 29-3-28 W4 | Accessory Building |
| 2024-06 | Renita Lewis | 4 | SW 6-8-29 W4 | Home Business & Accessory Building |

| | | | | |
|---------|-----------------|---|--------------|----------------------------------|
| 2024-07 | Danielle Heaton | 3 | NE 15-5-1 W5 | Single Detached Residence & Barn |
|---------|-----------------|---|--------------|----------------------------------|

Development Permits Issued by Municipal Planning Commission December 2023

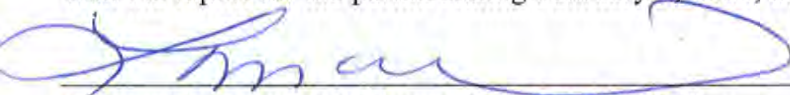
| | | | | |
|---------------------|--------------|---|--------------|--------------------|
| 2023-48- Amended | David Willms | 3 | NW 20-5-2 W5 | Accessory Building |
|---------------------|--------------|---|--------------|--------------------|

Development Statistics to Date

| DESCRIPTION | | 2024 To date (Feb) | 2023 | 2022 | 2021 |
|-----------------------------------|-------------|----------------------------|-------------------------|---------------------------|-----------------------|
| Dev Permits Issued | 5 – January | 5 5 -DO 0 -MPC | 49 31 -DO 18 -MPC | 48 29 – DO 19 - MPC | 68 46-DO 19-MPC |
| Dev Applications Accepted | 7 – January | 7 | 54 | 49 | 70 |
| Utility Permits Issued | 2 – January | 2 | 35 | 12 | 31 |
| Subdivision Applications Approved | 0 – January | 0 | 5 | 8 | 20 |
| Rezoning | | 0 | 0 | 5 | 0 |
| DESCRIPTION | | 2024 to Date (February) | 2023 | 2022 | 2021 |
| Compliance Cert | 4 – January | 4 | 21 | 32 | 41 |

RECOMMENDATION:

That the report for the period ending February 2, 2024, be received as information.



Prepared by: Laura McKinnon, Development Officer

Date: February 1, 2024

Respectfully Submitted to: Municipal Planning Commission

Slope adaptive development

Planning and design considerations for land development in hillside areas.

Slope is an important physical constraint to land development that warrants thoughtful consideration throughout the various stages of the municipal planning process. Initially canvassed at a high level, this constraint is subsequently investigated through site-specific geotechnical investigation. Where the subject land is determined to be suitable for the intended use, slope becomes a chief factor driving the design of subdivision and site. The constraint thus becomes an opportunity to develop land slope adaptively—in harmony with the land and with an intent to improve the quality of the physical environment.

Image credit: Bent René Synnevåg (Rock House, Carraig Ridge)



Overview

Throughout history and across the globe, hillside areas have been popular locales for human settlement. Development in hillside areas should be “slope adaptive,” meaning undertaken with an intent to safeguard against the risk of slope failure, retain high-value environmental features of the site, and contribute aesthetic quality to the area. This periodical will canvass the elements to consider when planning and developing land in “hillside areas,” a term which is employed broadly to encompass all types of slopes across the southern Alberta landscape—from the vertical terrain of the Canadian Rockies to the coulee-dominated landforms of the Northern Great Plains.

Slope mechanics

Slope is the ratio of vertical change (“rise”) to horizontal change (“run”) between two points on an inclined surface. In land use planning and related fields, it is most often expressed as a percentage rather than in degrees. The term is most frequently used in reference to natural inclines, whereas “grade” is used to describe the incline of roads, graded lots and other finished surfaces. “Gradient” is used interchangeably with both terms. Slope and grade also have colloquial meanings in planning: slope can mean hillside (i.e. slope stability), while grade can mean ground (i.e. direct access from grade).

The gradient of land is generally a determinant of slope stability. Other factors include groundwater conditions, and the load-bearing capacity and shear strength of the underlying geomaterials (soil and rock). Climate is also relevant: frost impacts soil conditions, and wind and rain are powerful natural agents that impact erosion. The relationship between slope and climate is reciprocal (“climate” actually derives from the Greek word for slope).

Various classifications exist for slope failure, but “mass wasting” is an all-encompassing term referring to any sudden or gradual collapse of the geomaterials. In the Rocky Mountains, mass wasting manifests primarily as rock avalanches or landslides concentrated along major faults. Slopes in the Foothills tend to be more stable since their underlying rocks have not been weakened by shear stress to the extent of those in the Rockies. In the river and stream valleys further east, rotational slumping can be a concern due to the erosion of valley banks underlain by weak substrata. The prevalence of country residential development near such valleys makes this last type of mass wasting especially relevant. In particular, the bank can become destabilised where the load-bearing capacity is exceeded, or where land disturbance undercuts the slope, steepens the bank, alters natural drainage patterns or destroys vegetation.

Macro-planning for sloped land

Where unstable slopes are developed, persons and property are put at risk.

“No house should ever be on a hill or on anything. It should be of the hill. Belonging to it. Hill and house should live together each the happier for the other.”

- Frank Lloyd Wright

Slope percentage categories:

| | |
|--------|--------------------|
| 0–0.5 | level |
| 0.5–2 | nearly level |
| 2–5 | very gentle slopes |
| 5–9 | gentle slopes |
| 9–15 | moderate slopes |
| 15–30 | strong slopes |
| 30–45 | very strong slopes |
| 45–70 | steep slopes |
| 70–100 | very steep slopes |
| > 100 | extreme slopes |

Source:

Lagro, James A. Jr. 2001. *Site Analysis: Linking Program and Concept in Land Planning and Design*. New York: John Wiley & Sons, Inc.



Bank regression at Lake McGregor, Vulcan County

Along portions of the north and east shorelines of Lake McGregor in Vulcan County advanced bank regression has and continues to take place. Severe wave erosion due to high winds, fluctuating reservoir levels, and geotechnical instability is the mechanism that has caused the gently sloping shoreline lands to recede significantly (upwards of 200 m in some areas).

In recognition of the encroachment onto private property in shoreline communities and other concerns related to this occurrence, Alberta Environment commissioned an erosion study (Golder & Associates, 2014). Erosion projections within the document along with desired capital improvement projects (eg. bank armoring) assist in the review of subdivision proposals. Geotechnical reports supporting subdivision applications are to address recommended shoreline setbacks in addition to minimum setbacks to the reservoir in the County's Land Use Bylaw, as well as the recommendations in the provincial Reservoir Lands Guideline document.

Slope is therefore an important consideration for developing and maintaining safe and viable communities. Municipal planning is chiefly concerned with slopes under 35%. Beyond that threshold, technical feasibility, project economics and environmental integrity are easily frustrated.

An initial consideration of sloped lands may occur in the municipal development plan. In southern Alberta, this high-level analysis has been facilitated by the field surveys undertaken in association with a series of reports titled "Environmentally Significant Areas in the Oldman River Region." Slope-related policy within a municipal development plan will spotlight areas of unstable slope potential for further study. Because the usability of land is diminished where slopes are significant, policy should preclude the dedication of such land as municipal reserve. Conversely, sloped areas make excellent candidates for dedication as environmental reserve (more on this later). More detailed analysis can occur at the area structure plan level as part of a topographical analysis that takes into account development capacity, density, layout and servicing. Planning policy concerning slope may also exist outside of a statutory plan, as in the "Town of Canmore Guidelines for Subdivision and Development in Mountainous Terrain." In that document, an additional level of review is triggered for applications on land containing slopes of 15% or greater over a minimum horizontal distance of 15 m.

The land use bylaw offers various avenues to regulate the use and development of sloped land. Where the natural features are such that development would trigger a significant risk to persons and property, development should be prohibited altogether. Slope hazard areas may be redesignated to an open space district, where uses not qualifying as low-impact, passive recreation are prohibited. Where the land is redesignated for public use, s. 644 of the MGA compels the municipality to take steps to acquire the land within 6 months. Slope-specific development standards can be provided in an overlay district or in a separate schedule.

Many land use bylaws have incorporated the setbacks espoused in the "Interim Guidelines for the Subdivision of Land Adjacent to Steep Valley Banks," a Government of Alberta publication from the 1990s. These were intended to be subdivision standards (i.e. lot boundary setbacks applied through the subdivision process) but in some land use bylaws they are prescribed as development setbacks. The guidelines define "valley bank" as the area where slope exceeds 15%; "toe of slope" as the line of transition between a valley bank and the adjacent river terrace; and "valley crest" as the line of transition between a valley bank and the adjacent upland area. From the toe of slope, the recommended setback is 6 m or half the height of the valley bank, whichever is greater. Recommended setbacks from the valley crest vary from one to two times the height of the valley bank depending on the land gradient, the extent of existing surface disturbance, the anticipated surface disturbance associated with the intended use, and any visual signs of bank instability. Importantly, the guidelines are specific to river and stream valleys east of the mountains, and are not applicable to geographic contexts where rock landslides are the predominant type of mass wasting.

Site-specific investigation of slope

A site-specific study of slope is usually undertaken as part of a subdivision application, though it may occur at the land use redesignation or development permit stage. Within land use bylaws in southern Alberta, “geotechnical investigation” and “slope stability assessment” are two terms commonly used to describe this detailed study. Some bylaws use the terms interchangeably, yet clay-heavy soils and other challenging conditions that warrant geotechnical investigation can also exist on flat land. A more common method is to frame the assessment of slope stability as a component of a geotechnical investigation. A third option is to separate the two processes—step 1 being a preliminary geotechnical investigation and step 2, if necessary, being a slope stability assessment. This latter procedure is analogous to the tiers of environmental site assessment, where the requirement for subsequent levels of assessment is contingent on the findings at level 1. Requirements vary from municipality to municipality, but a detailed assessment of slope stability is typically only required where slopes exceed 15%, where a relaxation of the setback from the toe or crest of a valley is proposed, or where the Subdivision Authority is presented with evidence that an undue risk of slope failure exists.

A geotechnical investigation is conducted by an accredited engineer or geoscientist. Its principal aims are to acquire knowledge of subsurface conditions, and predict how the geomaterials will behave in response to the structural loads associated with the proposed use. It begins with the review of existing maps and reports, followed by a visual survey to document physiographic features of interest: rock outcrops, vegetation communities, natural drainage patterns, areas of groundwater discharge, signs of erosion, etc. The on-site component includes drilling exploratory boreholes, sampling the soils, and measuring in-situ ground movements and underground water pressure. In the single-lot context where the intended use involves a limited number of permanent structures, a landowner can expect to pay somewhere in the neighbourhood of \$6,000 to have a geotechnical investigation undertaken. Larger parcels intended for multi-lot subdivision warrant more extensive field drilling programs, which can cost upwards of \$25,000.

The outcome of a geotechnical investigation is a report stating the impacts of subsurface conditions on the suitability of the subject land for the intended use. Where only a portion of the subject land has stable slopes, its areal extent will be mapped. Also included in the geotechnical report are select design recommendations for grading, retaining walls, foundations, weeping tile and frost protection. In Calgary, areas identified as unstable are flagged as undevelopable in a restrictive covenant entered into between the landowner and the city. Attached to the restrictive covenant is a plan of survey on which the developable and undevelopable areas are demarcated by a line of stability. The covenant is then registered against the titles of all affected properties by way of caveat pursuant to s. 651(1) of the MGA. The city imposes registration of the covenant as a condition of subdivision approval.

The popularity of 15% as a threshold for requiring a geotechnical investigation likely derives from the Environmental Reference Manual for the Review of Subdivisions in Alberta. Within this document, the “suitable development area” of a residential parcel is restricted to areas with slopes of 15% or less. The provincial “Land Use Policies” state that municipalities should refer to the Environmental Reference Manual when evaluating land use, subdivision and development in areas prone to mass wasting.

In engineering, geotechnical investigation primarily deals with subsurface conditions as they relate to supporting structural loads. From a planning perspective, a broader consideration of subsurface characteristics in the context of unserviced land will include the suitability for any proposed on-site sewage disposal system.

The process for determining septic suitability is articulated in the Alberta Private Sewage Systems Standard of Practice 2021, wherein it is referred to as a “site evaluation.” Where a municipality adopts a broad, all-inclusive definition for geotechnical investigation, the component focused on soil-based wastewater treatment should include the opinion of a certified Private Sewage Treatment System (PSTS) installer. The Model Process for Subdivision Approval and Private Sewage recommends considering the opinion of a PSTS Installer in any site evaluation, even those involving more detailed and complex levels of assessment where the expertise of a registered engineering professional is also required.

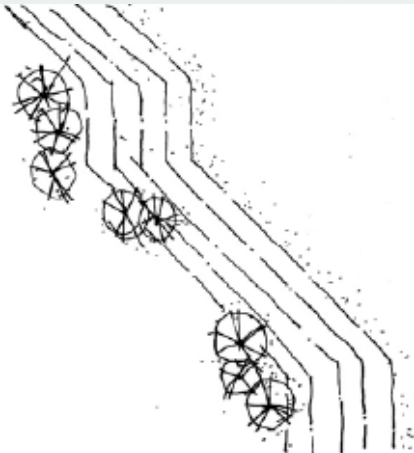
The legislative context for suitability

Emphasis on slope stability in determining the suitability of land for a particular use is embedded into the MGA. In particular, s. 654(1)(a) prohibits a Subdivision Authority from approving an application unless it is of the opinion—based on a legitimate planning reason—that the subject land is suitable for the intended purpose of the proposed subdivision. The slope-related factors that a Subdivision Authority must consider when determining suitability are specified in s. 9 of the *Matters Related to Subdivision and Development Regulation*.

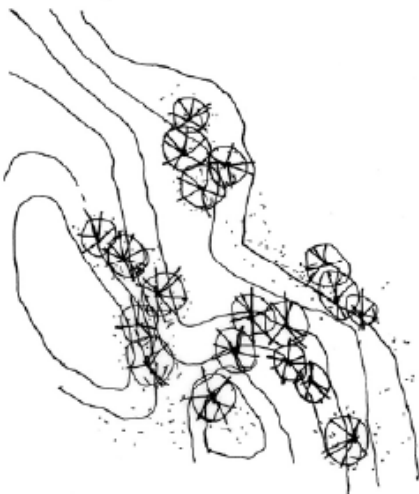
Issues related to suitability are often the subject of subdivision and development appeals. In *Hall v Clearwater County (Subdivision Authority)*, 2023 ABLPRT 558, the provincial Land and Property Rights Tribunal (LPRT) heard an appeal of two conditions that were imposed on an approval involving the subdivision of 3.6 acres for residential use as a first parcel out from 159 acres of agricultural land. One of the conditions being appealed was the requirement for a geotechnical report demonstrating the availability of a suitable development area, which the appellant argued was unnecessary because the proposed parcel contained abundant flat and gently sloping areas. The LPRT disagreed and revoked the subdivision approval, arguing that the sloped nature of the land warranted the submission of evidence establishing a suitable development area as part of the subdivision application. Had the decision not been overturned, and the subject land were to experience slope failure at some future date, the existing body of case law suggests that the municipality would assume at least some amount of liability due to a lack of reasonable care by its Subdivision Authority.

Subdivision design

Where subdivision approval in a hillside area is contemplated, the layout should be guided first and foremost by the existing topographical blueprint. In practical terms, this means the Subdivision Authority will require any land it believes to be unstable to be dedicated as environmental reserve (or made subject to an environmental reserve easement). Where environmental reserve is taken in respect of land that abuts the bed and shore of a water body, the strip of land must be at least 6 m wide. This statutory minimum is perhaps appropriate in the context of water bodies with relatively benign banks, but where banks are steeper its capacity to protect persons and property is questionable. A more sensible formula for calculating environmental reserve in the river and stream valley context will vary the width of land based on the height of the valley bank. This is the approach endorsed in the “Interim Guidelines for the Subdivision of Land Adjacent to Steep Valley Banks,” as well as in the “Sustainable Resource Development Standard Recommendations to Municipal Subdivision Referrals.” The latter provincial policy document suggests a more conservative width for environmental reserve equalling three times the height of the valley bank.



Compared to the rigid earthwork geometry depicted above, the curvilinear contours in the sketch below illustrate site grading that is sensitive to the existing terrain. These contextual finished slopes become the canvas for slope adaptive development.



Source:

City of Calgary Slope Adaptive Development Policy and Guidelines

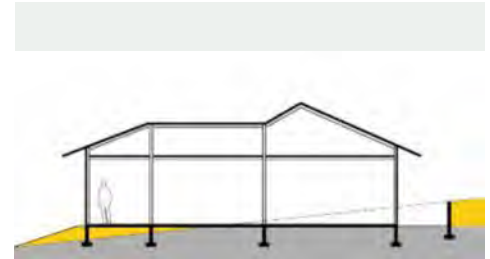
Upon deducting the undevelopable land as environmental reserve, and likewise satisfying the municipal reserve land requirements, roads are the next major factor driving the subdivision design. Roads should be laid out in curvilinear routes that parallel the existing contours, and moreover it may be practical to allow the minimum dimensional standards, which typically exist outside the land use bylaw in a policy manual, to be relaxed. This may include allowing an increased maximum road grade over short, straight stretches, or a reduced minimum road width to avoid large volumes of cut and fill. Similar allowances may be made for cul-de-sac radii, or these might even be eliminated altogether in favor of hammerhead road-end configurations. As the vast majority of hillside subdivisions will be located in the wildland-urban interface, it is critical to ensure that functional emergency access is not compromised where reduced or different dimensional standards for roads are contemplated. A secondary physical access to a hillside subdivision is also advisable, despite the increased land disturbance.

Grading of the lots should similarly aim for cuts and fills that complement the existing terrain. This helps preserve the natural drainage patterns, which is important since even minor terrain modifications can have major impacts on the flow of storm water—and in turn the effects of erosion. Naturally, runoff should be directed away from unstable slopes. Furthermore, in the multi-lot context, back-to-front drainage is preferred to side-to-side drainage, especially where lots are narrow.

Where a subdivision is designed with slope adaptive principles, one strategy a municipality can utilize to ensure this spirit is likewise embodied at the development stage is to prescribe, on each lot, a buildable envelope for the principal building and driveway. This can be achieved by registering a restrictive covenant against the title to each lot. When implemented in conjunction with land use bylaw standards for maximum building height, a view corridor can be secured for each future residence. Other elements canvassed above, as well as the unique aesthetic considerations for buildings in a hillside area, can be regulated at the development stage through the land use bylaw. For example, in the Municipality of Crowsnest Pass, a development permit application may be deemed incomplete if it fails to incorporate slope adaptive building and site design principles.

Concluding remarks

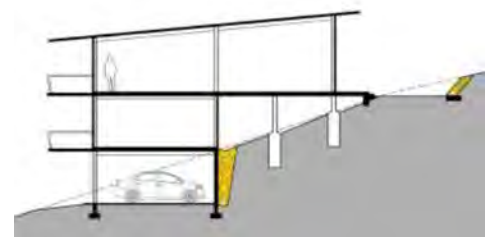
Landforms in southern Alberta have diverse bedrock geology, and for the most part have been sculpted by alpine or continental glaciers, or by both. Slope is thus a pervasive feature of the land throughout the region; one with various planning implications depending on the context. This physical constraint deserves high-level consideration, and subsequently site-specific investigation to learn how the geotechnical characteristics of the land impact its suitability. Where the findings of this (and other) due diligence supports a determination of suitability, slope should be a major influence on how the land is developed. By planning with, rather than against, the slope, an opportunity is revealed to develop adaptive built forms that complement the dramatic character of the southern Alberta landscape.



A single slab on grade is a viable building foundation option for slopes up to 7%.



Where slabs are used on slopes between 7% and 20%, they should step down the hillside.



Slopes between 20% and 33% warrant a stepped foundation (eg. stepped pier & beam, with potential for slab on lower level).

Source: Building on sloping sites (City of Gold Coast, Australia)

For more information on this topic contact admin@orrsc.com or visit our website at orrsc.com.

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ORRSC
3105 16 Ave N
Lethbridge AB T1H 5E8

phone: 403.329.1344
toll-free: 844.279.8760
e-mail: admin@orrsc.com



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