



Municipality of Crowsnest Pass  
Municipal Planning Commission Minutes  
Wednesday, November 22, 2023, at 2:00 PM

**PRESENT:** Justin Ames, Chair  
Gaston Aubin, Vice Chair  
Dave Filipuzzi, Member  
Sam Silverstone, Member  
Dean Ward, Member

**ADMINISTRATIVE:** Katherine Mertz, Development Officer  
Johan Van Der Bank, Manager of Development & Trades  
Shay Sawatzky, Assistant Development Officer – Recording Secretary

**ABSENT:** Sasha Lassey, Assistant Development Officer  
Don Montalbetti, Member (Apologies Sent)  
Joanne Tulk, Member (Apologies Sent)  
Ryan Dyck, ORRSC

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1. **CALL TO ORDER**

Justin Ames called the meeting to order at 2:05 pm.

2. **ADOPT AGENDA**

Johan Van Der Bank pointed out that the Municipal Planning Commission Bylaw requires that at the first meeting after the Council Organizational Meeting the MPC must elect a chair and vice-chair, and that this should be added to the agenda of this meeting.

Katherine Mertz stated that revisions are proposed to Conditions in 6.1 - DP2022-148.

**MOTION** by Dean Ward to adopt the agenda, as amended.

**CARRIED**

3. **ELECTION OF CHAIR AND VICE CHAIR**

Johan van der Bank called for nominations for Chair. Dean Ward nominated Justin Aimes. Johan van der Bank called for further nominations for Chair. No further nominations were received. Justin Aimes was elected by acclamation.

**MOTION** by Dean Ward to defer the election of Vice Chair until the January 2024 meeting, where two new Members will be present.

**CARRIED**

4. **CONSENT AGENDA**

**MOTION** by Dean Ward to accept The Communicator Fall Issue – Alberta Development Officer's Assoc. (ADOA) as information.

**CARRIED**

5. **ADOPTION OF MINUTES**

**MOTION** by Dave Fillipuzi to adopt the minutes of October 25, 2023, as presented.

**CARRIED**

6. **SUBDIVISION APPLICATIONS**

7. **DEVELOPMENT PERMIT APPLICATIONS**

6.1 **DP2022-148 – 11218 21 Avenue, Blairmore (Lot 2 Block 22 Plan 9312518)**

**MOTION** by Dean Ward to:

Approve DP2022-148, for an existing "Auto repair shop" (discretionary use), existing fascia sign, the existing placement of "Four Shipping Containers accessory to an approved use" (discretionary use), existing Outdoor Storage, existing Parking, and proposed Fencing and Landscaping, with conditions as identified by Alternative A in the MPC request for decision package and revise the conditions as shown in Attachment "A".

**CARRIED**

6.2 **DP2023-142 – 1308 East Hillcrest Drive, Hillcrest (W5;3;7;17;NE)**

**MOTION** by Dave Filipuzzi to:

Approve with amendments, DP2023-142, for a "Single-Family Dwelling" (discretionary use) with conditions as identified by Alternative A in the MPC request for decision package and revise condition 3 to add the following:

*“Notwithstanding any other provision(s) in this condition, and except if the landowner or applicant enters into a service connection agreement with the Municipality to install a second, separate service connection in 12 Avenue to service the subject property, this Development Permit shall not be issued and construction of the Single-family Dwelling shall not proceed until the landowner or applicant has obtained subdivision approval for and registration of a bare land condominium plan that includes Lot 8, Block 1, Plan 0210159 and the subject property (i.e. the NE-17-7-3-W5M).”*

**CARRIED**

**6.3 DP2023-168 – N/A, Coleman (Unit 16 Plan 0714028)**

**MOTION** by Dean Ward to:

Approve DP2023-168, for a “Rowhouse” (4 units) (discretionary use), with conditions as identified by Alternative A in the MPC request for decision package.

**CARRIED**

**6.4 DP2023-177 – 13405 21 Avenue, Blairmore (Lot 1-3 Block 10 Plan 33191)**

**MOTION** by Dave Filipuzzi to:

Approve DP2023-177, for an “Apartment building not exceeding three habitable floors or 10m in height” (conversion of an existing church building to contain 4 dwelling units) (permitted use) with variances to the yard setbacks (of the existing building) and a 14% variance to the minimum required parking stalls, with conditions as identified by Alternative A in the MPC request for decision package.

**CARRIED**

**7. BYLAW AMENDMENTS**

**7.1 Bylaw 1168, 2023 – Municipal Reserve Disposal**

**MOTION** by Gaston Aubin to accept the bylaw amendments as information.

**CARRIED**

**8. APPEALS**

**9. ROUND TABLE DISCUSSION**

9.1 The Committee discussed two ongoing developments of properties. One is the apparent ditching for a waterline along Hwy 3. This would not require a development permit, and the Development Office will investigate if the landowner made an application to the Municipality for a service connection. The other is the on-going enforcement regarding business parking along 20 Avenue and 21 Avenue.

## **10. NEXT MEETING**

10.1 Next Meeting December 13, 2023

## **11. IN CAMERA**

**MOTION** by Dean Ward to close the meeting to the public for Agenda Item 11.1 as per Section 197, Third Party Personal Privacy at 3:03 pm.

*Those present: Justin Ames, Gaston Aubin, Dave Filipuzzi, Sam Silverston, Dean Ward, Johan Van Der Bank, Katherine Mertz, Shay Sawatzky*

**CARRIED**

*NO ONE EXITED THE MEETING.*

The Committee discussed the requirement to appoint a representative to the Municipal Historic Resources Advisory Committee to replace the current representative whose MPC term expires on December 31, 2023.

Open the meeting to the public at 3:06 pm.

**MOTION** by Dean Ward to defer the appointment of a representative to the Municipal Historic Resources Advisory Committee to the next scheduled meeting when two new members will be present.

**CARRIED**

## **12. ADJOURN**

**MOTION** by Gaston Aubin to adjourn the meeting at 3:07 pm.

**CARRIED**

**APPROVAL OF MINUTES**

Approved By:

Easton Hubin

Chairperson

J. M. B.

Manager of Development and Trades

Dec 13/2023

Date

Dec. 13, 2023

Date



## Attachment "A"

### Municipality of Crowsnest Pass Municipal Planning Commission Request for Decision

<b>Meeting Date</b>	November 22, 2023
<b>Application No.</b>	DP2022-148
<b>Roll No.</b>	2097300
<b>Civic Address</b>	11218 21 Avenue, Blairmore
<b>Legal Address</b>	Lot 2 Block 22 Plan 9312518
<b>Land Use District</b>	Drive-In Commercial C-2
<b>Proposed Development</b>	For an existing "Auto repair shop" (discretionary use), existing fascia sign, the existing placement of "Four Shipping Containers accessory to an approved use" (discretionary use), existing Outdoor Storage, existing Parking, and proposed Fencing and Landscaping.
<b>Development Standards</b>	The current development permit application DP2022-148 proposes the following development standards, some of which require a variance:

Building	Standard	Proposed	Variance Requested
Front Yard Setback	9.1m	10.65m	N/A
East Side Yard Setback	6.1m	19.84m	N/A
West Side Yard Setback	6.1m	Complies	N/A
Rear Yard Setback	6.1m	4.17m	1.93m (32%)
Height	7.6m	8.8m	1.2m (16%)
Shipping Containers	Standard	Proposed	Variance Requested
Number of shipping containers	The Municipal Planning Commission may limit the number of shipping containers that may be allowed on a lot.	4	N/A
Front Yard Setback	Not allowed	Complies	N/A
East Side Yard Setback	1.2m	Placed on property line to form part of the fence.	N/A

West Side Yard Setback	1.2m	Complies	N/A
Rear Yard Setback	1.2m	Placed on property line to form part of the fence.	1.2m (100%)
Shipping Containers Stacked	2 high	0	N/A
Maximum Lot Coverage	40%	19%	N/A
<b>Fence</b>	<b>Standard</b>	<b>Proposed</b>	<b>Variance Requested</b>
Maximum Height	1.83m	2.8m	0.97m (53%)
<b>Parking</b>	<b>Standard</b>	<b>Proposed</b>	<b>Variance Requested</b>
Service stations and automobile or equipment repair (529.18m <sup>2</sup> )  1 per 45.1m <sup>2</sup>	12 stalls, includes 1 parking stall for persons with disabilities  One off-street loading bay	On-site: 23 stalls (four of which do not meet the on-site access requirement) including one barrier-free stall  1 loading bay  Off-site: 10 to 15 maximum employee stalls encroaching 15.5m into the 20 Avenue right-of-way	Four stalls in the NW corner to take direct access off of 21 Avenue instead of on-site access.  A maximum of 15 employee stalls to be located in the 20 Ave ROW subject to a License of Occupation agreement with the Municipality.
<b>Site Triangle</b>			
Imaginary line starting at the point of intersection of property lines and extending from their point of intersection	6.1m	Complies and any object placed in the 20 Ave ROW pursuant to the LoC shall not obstruct visibility of traffic at the intersection of 21 Avenue with 20 Avenue	N/A

## Background

- A development permit application in 2016 was approved by MPC for an addition to the building, revised fascia sign, fencing around the rear yard, and either three or four (uncertain) shipping containers (to form part of

the fence) for storage in the rear yard; with variances to the rear yard setback, the height of the building, and the height of the fence (DP2016-077). The approved site plan showed that all the proposed development would be located on the subject lands. The development was not completed as per the elevation drawings (it is possible that a revised development permit was later issued, but the building is not the point of contention), the conditions of the development permit, or the approved site plan, and some of the development (i.e. parking and shipping containers) was developed on Municipal Lands without approval (i.e. 20<sup>th</sup> and 21<sup>st</sup> Avenue road allowances).

- This application was first brought forward to MPC on August 24, 2022, where the applicant was requesting approval for an "Auto repair shop", the placement of "Four Shipping Containers" with a variance to the rear yard setback of 100% plus a 4.80m encroachment into public road right-of-way, for a "Freestanding Sign" (discretionary use) encroaching 2.82m into the road right-of-way, and for "Fences", "Parking" and "Landscaping" (permitted use) all of which encroach 15.50m into public road right-of-way.
- A decision could not be made because the proposed site plan that was submitted with the application identified shipping containers, parking, fencing, and landscaping outside of the site boundaries encroaching several metres into the road allowance of 20 Avenue, and customer parking encroaching into the road allowance of 21 Avenue. As such, the MPC, who does not have authority over the use of public road allowance for private use, could not decide on the application.
- MPC tabled the application because the proposed development would be located on Municipal Lands, and MPC wanted administration to seek Council's approval for the landowner to either purchase or lease the lands.
- Subsequent to the August 24, 2022 stay of decision, several options were considered and discussed with the Applicant. One was to close the road allowance portion where the encroachments are and sell that to the landowner. There is municipal infrastructure involved and the landowner would have to move the infrastructure to the south side of 20 Avenue at an exorbitant cost. The other option was to lease the closed portion of the road allowance to the landowner. The request to purchase or lease the lands was defeated by Council on October 25, as Council did not agree that a business should be operating on Municipal Lands.
- Council's refusal to lease the road portion to the applicant meant that the development permit application had to comply with the site boundaries and could not be approved with the encroachments as requested in the original application and accompanying site plan. As a result, in November 2022 the Development Office proposed a report to the Municipal Planning Commission whereby the application would be approved subject to the applicant providing a revised, compliant site plan that showed the existing

buildings, and all parking, shipping containers, and fencing to be contained within the property boundaries, except for the free standing sign – the Subdivision and Development Appeal Board approved the sign with its existing height and area in 2008 under an appeal of the refusal of DP07-D145. An encroachment agreement would have had to be entered into with the municipality, for the current location of the sign, which encroaches 2.82m into 20 Avenue right-of-way.

- A Notice of Decision for DP2022-148 to the extent described above was issued in November 2022. The Applicant did not appeal that decision.
- The Applicant failed to comply with the conditions of DP2022-148.
- A Stop Order was issued April 12, 2023, for failing to satisfy the conditions of DP2022-148. Subsequently an appeal was filed against the Stop Order, and a hearing was scheduled and adjourned several times.
- While the appeal hearing was adjourned, the landowner moved towards compliance through discussions with the CAO and Council regarding a License of Occupation agreement to use the road allowance, revisions to the site plan and conditions of the development permit.
- On November 03, 2023, the appeal and the Stop Order were withdrawn, subject to conditions that included a requirement that the Applicant make an application to revise the development permit.
- The applicant has since brought forward a revised site plan and conditions to revise the Notice of Decision issued November 28, 2022.
- The application is now being brought back to MPC for consideration, with the proposal to either approve the development with the conditions as agreed to in principle between the Applicant and the Municipality subject to consideration of a revised development permit application, or deny the application.
- The previous DP2016-077 was issued in 2018 but to date the landowner did not comply with the proposed development elevations, site plan and conditions in that development permit. As such, DP2016-077 is incomplete and will be revoked and substituted by the new DP2022-148. The landowner will have an opportunity to appeal that decision to the Subdivision and Development Appeal Board.

## **Notification**

In accordance with Section 20 of the LUB, notification to the Applicant and affected landowners will occur by regular mail and/or a newspaper advertisement after the MPC has decided upon the application. Affected parties will have 21 days from the date of the notification to appeal the decision.

**Appeal  
Jurisdiction**

The Subdivision and Development Appeal Board has jurisdiction to hear an appeal of the Development Authority's decision on this development permit.

**Alternative**

- A. Approve the development permit application for an existing "Auto repair shop" (discretionary use), existing fascia sign, the existing placement of "Four Shipping Containers accessory to an approved use" (discretionary use), existing Outdoor Storage, existing Parking, and proposed Fencing and Landscaping on Lot 2, Block 22, Plan 9312518, subject to the following conditions:
1. This development permit shall be of no effect, and construction / placement of the development shall not commence, until all "Prior to Issuance Conditions" have been met or fulfilled. For this purpose, this Notice of Decision shall remain effective for a period of six (6) months and shall then expire and be deemed null and void unless the person to whom the Notice of Decision was issued continues to collaborate with the Development Authority to satisfy or complete the "Prior to Issuance Conditions" and an extension is approved by the Development Authority
  2. All prior development permits including DP2016-077 shall be deemed to have been revoked upon the issuance of DP2022-148 revised November 22, 2023, and the \$3,000 security deposit collected in accordance with Development Permit DP2016-077 to ensure completion of the development in accordance with the conditions of that development permit, will be refunded shall be added to any security deposits collected by the Municipality in accordance with Development Permit DP2022-148. All security deposits collected in accordance with DP2022-148 shall be released in stages pursuant to and upon completion of the development permit conditions of this revised DP2022-148.

**Prior to Issuance Conditions** (these conditions are to be satisfied prior to issuance of a development permit and will only form part of the Notice of Decision and not part of the formal development permit issued however, the development permit shall be of no effect until these conditions have been satisfied)

3. The applicant / landowner shall submit to the Development Officer an additional \$5,000 security deposit to warranty completion of the conditions of this revised DP2022-148, which shall be refunded upon completion pursuant to condition 15. *(the landowner completed this condition on October 31, 2023)*
4. The applicant / landowner shall submit the following items to the Development Officer's satisfaction by no later than **January 31, 2024**:
  - a) Coloured photographs of the existing development on the property, including all four building elevations (four separate letter sized photographs) and the freestanding sign. *(the landowner completed this condition on October 17 and October 27, 2023)*
  - b) A revised site plan to scale that shows the location of the existing building, the relocation of the maximum of four shipping containers to the property line as part of the fencing and entirely contained within the property boundaries, site access, outdoor storage in the fenced rear yard only, parking for staff and customers, loading bays, and a 2.8m high opaque

fence located around the rear storage yard on the subject lands at property line. *(the landowner completed this condition on October 31, 2023)*

- c) At no cost to the Municipality, an executed License of Occupation (Caretaker's Permit) agreement with the Municipality, with an annual lease fee in the amount of \$3,600 payable upon invoicing, for the use of municipal road allowance for the purposes of permitting, as identified on the revised site plan:

- (i) perpendicular parking on 21 Avenue eight (8) parking stalls, including one barrier-free stall; and
- (ii) landscaping, including maintenance of it, and a maximum of 15 employee parking stalls on 20 Avenue that is accessible from within the subject property only;

for an effective period of seven (7) years, renewable for another seven (7) years upon written request sixty (60) days prior to the expiration date and provided that the applicant / landowner is not in default of the agreement, including the annual lease fee, and is in good standing relative to the conditions of this development permit, and terminable by the Municipality on thirty (30) days written notice as described by section 13(1)(o) of the Traffic Safety Act.

- c.1) In the event that the Municipality does not enter into the proposed License of Occupation agreement, the applicant / landowner shall revise the site plan to the Development Officer's satisfaction, by no later than **February 28, 2024**, by removing the proposed landscaping and employee parking in the 20 Avenue right-of-way, and the proposed customer parking perpendicular to the property boundary at the intersection of 21 Avenue onto 20 Avenue, and the applicant / landowner shall refrain from using these areas for any parking or landscaping.

5. The applicant / landowner shall resolve the encroachment of the existing Free-standing Sign in the 20 Avenue road allowance. Options for such resolution are a) make an application to the Municipality to enter into an Encroachment Agreement for the sign or b) if (a) fails, remove the sign. *(the landowner completed this condition by submitting an application for an Encroachment Agreement which was deemed received by the Municipality on October 31, 2023)*
6. An appeal period of twenty-one (21) days from the date of notification of the Development Authority's decision applies, and if any appeals are submitted pursuant to s. 686 of the Municipal Government Act the development permit shall not be issued until such appeals are dealt with by the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal, as may be applicable.

#### **Time Specific Conditions After Issuance (deadline for enforcement)**

7. The applicant / landowner shall install a post and chain barrier to control site egress at the large vehicle exit at the intersection of 21 Avenue and 20 Avenue for use only when required to exit large vehicles. The installation of the post and chain barrier shall be completed to the Development Officer's satisfaction by no later than **January 31, 2024**.
8. The applicant / landowner shall construct a 2.8 metre high opaque fence along the perimeter of the outdoor storage yard as identified in the revised site plan to screen all outdoor storage in the rear yard. The fence may include a maximum of four shipping containers placed within the

subject property up to the property boundary, and shall be constructed of either wood, metal, or PVC. The location, extent, material, ~~and~~ finishing (colours) of the fence shall be to the Development Officer's satisfaction. The fence shall be completed to the Development Officer's satisfaction by **September 30, 2024**.

9. The applicant / landowner shall install parking barrier curbs on all parking areas to delineate the front edge of all parking spaces and along the property boundary to control / limit ingress and egress locations into and from the property to those locations identified in the revised site plan, to be completed no later than **September 30, 2024**.
10. By no later than **September 30, 2024**, the applicant / landowner shall construct a new "Egress Only" exit onto 20<sup>th</sup> Avenue limited to large vehicles only, to specifications obtainable from the Municipality and to the satisfaction of the Development Officer.
11. By no later than **September 30, 2024**, the applicant / landowner shall complete the landscaping and employee parking area (maximum 15 parking stalls) in the road allowance of 20 Avenue, subject to the terms and conditions of the License of Occupation agreement referenced in condition 4. c). Please note: the Municipality will not be closing any portion of 20th Avenue to facilitate use of the road allowance pursuant to the License of Occupation.
12. By no later than **September 30, 2025**, the applicant / landowner shall pave the west parking area (outside of the fenced outdoor storage yard) with asphalt, and shall paint all parking spaces in accordance with the layout on the revised site plan (while maintaining the barrier curb stops described in condition 9 after paving is completed).
13. Development must be commenced or carried out with reasonable diligence, in the opinion of the Development Officer, within 12 months from the date of issuance of the development permit and / or within the specific timelines and by the specific deadlines stated in this development permit, otherwise the permit shall be deemed to be null and void.
14. When a development permit involves construction, the exterior work must be completed to the Development Officer's satisfaction within 36 months after the date of the issuance of the development permit and / or within the specific timelines and by the specific deadlines stated in this development permit, otherwise the applicant or landowner shall be deemed to be in contravention of the development permit conditions.
15. The total security deposit of \$8,000 held by the Municipality to secure performance of conditions contained herein shall ~~may~~ be released on the following terms and conditions:~~refunded as follows:~~
  - a) \$500 – Upon completion by January 31, 2024, of the post and chain barrier to control site egress at the large vehicle exit at the intersection of 21 Avenue and 20 Avenue.
  - b) \$3,500 - Upon completion by September 30, 2024, of the fence, the barrier curbs to control parking and site ingress/egress, the new "Egress Only" exit onto 20<sup>th</sup> Avenue, and the landscaping and employee parking in the road allowance of 20 Avenue.
  - c) \$4,000 – Upon completion by September 30, 2025, of parking lot paving and parking stall painting.

Failure to comply with these terms and conditions may result in the forfeiture of the associated security deposit monies to the Municipality.

**Conditions of a Continuing Nature (Permanent Conditions)**

16. In the event that the Municipality does not enter into the proposed License of Occupation agreement for parking and landscaping in the road allowances, the applicant / landowner shall refrain from using these areas for any parking or landscaping.
17. The applicant / landowner shall ensure ~~for the lifetime of this development permit~~ that the post and chain barrier to control site egress at the large vehicle exit at the intersection of 21 Avenue and 20 Avenue remains closed at all times, except when being used for egress only and only when required to exit large vehicles.
18. The applicant / landowner shall maintain ~~for the lifetime of this development permit~~ a 2.8 metre high opaque fence along the perimeter of the outdoor storage yard as identified in the revised site plan to screen all outdoor storage in the rear yard.
19. The applicant / landowner shall maintain ~~for the lifetime of this development permit~~ parking barrier curbs on all parking areas to delineate the front edge of all parking spaces and along the property boundary to control / limit ingress and egress locations into and from the property to those locations identified in the revised site plan.
20. Subject to a valid License of Occupation agreement in good standing with the Municipality, the applicant / landowner shall maintain ~~for the lifetime of this development permit~~ the landscaping and employee parking in the road allowance of 20 Avenue.
21. The applicant / landowner shall ensure that any object placed in the 20 Ave ROW pursuant to the License of Occupation shall not obstruct or reduce the visibility of traffic at the intersection of 21 Avenue with 20 Avenue.
22. The applicant / landowner shall ensure that there shall be no obstruction on the property that reduce the visibility of traffic on the adjacent public roadways, and that the visibility triangle within the property boundaries at the intersection of 20 Avenue and 21 Avenue is maintained at all times.
23. The applicant / landowner shall ensure that the employee parking spaces that are proposed in the 20 Avenue road allowance pursuant to a License of Occupation agreement shall obtain access from inside the property boundary only.
24. The applicant / landowner shall ensure at all times that there shall not be any items stored on top of the shipping containers that form part of the outdoor storage yard fence.
25. The shipping containers shall not display advertising, company logos, names, or other marketing without an approved sign permit.
26. Any deviation by the applicant / landowner from the conditions and specifications approved in this development permit shall require a new application.

27. The development shall comply with and be carried out and completed in accordance with the development standards and yard setbacks in the Drive-In Commercial (C-2) district, except as varied through the revised site plan as may be approved by the Development Officer.

Building	Standard	Proposed	Variance Approved
Front Yard Setback	9.1m	10.65m	N/A
East Side Yard Setback	6.1m	19.84m	N/A
West Side Yard Setback	6.1m	Complies	N/A
Rear Yard Setback	6.1m	4.17m	1.93m (32%)
Height	7.6m	8.8m	1.2m (16%)
Shipping Containers	Standard	Proposed	Variance Approved
Number of shipping containers	The Municipal Planning Commission may limit the number of shipping containers that may be allowed on a lot.	4	N/A
Front Yard Setback	Not allowed	Complies	N/A
East Side Yard Setback	1.2m	Placed on property line to form part of the fence.	N/A
West Side Yard Setback	1.2m	Complies	N/A
Rear Yard Setback	1.2m	Placed on property line to form part of the fence.	1.2m (100%)
Shipping Containers Stacked	2 high	0	N/A
Maximum Lot Coverage	40%	19%	N/A
Fence	Standard	Proposed	Variance Approved
Maximum Height	1.83m	2.8m	0.97m (53%)
Parking	Standard	Proposed	Variance Approved
Service stations and automobile or equipment repair (529.18m <sup>2</sup> )  1 per 45.1m <sup>2</sup>	12 stalls, includes 1 parking stall for persons with disabilities  One off-street loading bay	On-site: 23 stalls (four of which do not meet the on-site access requirement) including one barrier-free stall  1 loading bay  Off-site: 10 to 15 maximum employee stalls encroaching 15.5m	Four stalls in the NW corner to take direct access off of 21 Avenue instead of on-site access.  A maximum of 15 employee stalls to be located in the 20 Ave ROW subject to a License of Occupation

		into the 20 Avenue right-of-way	agreement with the Municipality.
Site Triangle	Standard	Proposed	Variance Approved
Imaginary line starting at the point of intersection of property lines and extending from their point of intersection	6.1m	Complies and any object placed in the 20 Ave ROW pursuant to the LoC shall not obstruct visibility of traffic at the intersection of 21 Avenue with 20 Avenue	N/A

28. The Developer and/or the Landowner shall ensure that any changes to the lot grading maintains positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality.
29. The Land Use Bylaw contains development standards and regulations that apply to this development permit and for which the landowner is responsible, at no cost to the Municipality of Crowsnest Pass. These regulations address matters relating to many aspects of the approved development or use e.g., access to the property, lines of sight, public safety setbacks, parking requirements, lot grading, maintaining positive drainage towards abutting roads and/or lanes, outdoor storage, etc. It is the Landowner's and/or Applicant's responsibility to ensure that they are fully aware of all the applicable development standards and regulations in the Land Use Bylaw that may apply to the proposed development or use by contacting the Municipality's Department of Development, Engineering & Operations.
30. When a development permit involves construction, the Development Officer may require that the landowner provide the stake-out, a survey and a survey drawing (or a Real Property Report) of the property and/or building footprint by either an Alberta Land Surveyor, professional engineer (see definition) or other certified agent at any time prior to the commencement and/or after the completion of a development, at no cost to the Municipality.
31. Failure to comply with any one or more of the conditions listed in this development permit either by a specified deadline or at any time throughout the lifetime of the development permit, as may be applicable, or implementation of the development contrary to the approved site plan and/or approved variances, shall result in enforcement through a Stop Order and corresponding possible fees, rates, charges, or fines ~~and penalties being imposed on the landowner / applicant~~ pursuant to the Municipality's Fees, Rates and Charges Bylaw in effect at the time of the non-compliance.

**Important Information & Notes:**

- a) The issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the Municipality of Crowsnest Pass Land Use Bylaw and does not in any way

relieve or excuse the Landowner and/or the Development Permit holder from obtaining any other permit (including authorization to modify a wetland, safety codes permits e.g. building, electrical, gas, plumbing, etc.), license, or other authorization required by any Federal or Provincial Act or regulation, or under any Bylaw of the Municipality (e.g. a business license), or complying with the conditions of any easement, covenant, agreement, or other instrument affecting the building or land. The Landowner and/or the Applicant is responsible to ensure compliance with these matters.

b) The Applicant/property owner is responsible for, as may be applicable

- (i) Determining the legal property boundaries and any applicable easements through a survey by an Alberta Land Surveyor.
- (ii) Ensuring that any structures approved under this development permit are constructed such that they are correctly set back from the property boundaries in compliance with the front, rear, and side yard setbacks approved in this development permit.
- (iii) Ensuring that the development approved under this development permit shall not disturb, affect, or alter conditions of all utilities and appurtenances, drainage rights-of-way, utility rights-of-way, access rights-of-way, and any easements as they may exist, over, under, or through the Lands;
- (iv) Ensuring that the construction activity approved under this Development Permit is undertaken in a manner that does not cause a nuisance, disturbance, or damage to adjacent properties, roads, lanes, or other municipal infrastructure.
- (v) Making suitable arrangements with utility companies for the provision of all services and/or necessary easements for utility rights-of-way.
- (vi) Notifying Alberta 1st Call at 1-800-242-3447 to arrange for field locating prior to construction, should any excavations be required near utility lines.
- (vii) Ensuring that permanent structures are located outside the 1:100-year flood plain of any body of water and that construction does not result in the modification of a wetland without provincial approval.
- (viii) Ensuring that foundation & drainage systems are constructed under the supervision of a qualified engineer on any slope exceeding 15% to protect the bank from erosion and to ensure slope stability.
- (ix) Ensuring that the property is graded in such a manner that positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes is maintained without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality. Where an approved storm water management plan exists, the property must be graded in accordance with the storm water management plan.
- (x) Ensuring that construction on a property with an effective grade or slope of greater than 15% is undertaken in accordance with the recommendations in a slope stability assessment and/or a grading plan, as may be applicable, approved by a professional engineer licensed in the Province of Alberta.
- (xi) Being aware of FireSmart Regulations including the Municipality's FireSmart Bylaw, if applicable.
- (xii) As part of the development permit review process, the Development Officer reviewed the following items, and all applicable requirements are addressed in the conditions of the permit.

CNP Heritage Inventory	N/A	Flood Fringe	N/A
Provincial Historic Designation	HRV 3,4	Wildland Urban Interface- Fire Hazard	Non-Fuel
Historic Commercial Overlay / Historic Site	N/A	Area Structure Plan	N/A
High Pressure Gas Main	N/A	Gas Well	N/A
Parking	12	Land Use Bylaw No.: 868-2013 Schedules	2-C-2, 4, 6, 15
Alberta Transportation	N/A	Title Review / CAD / Utilities	R/W on East of property
Site Inspection	N/A	Landfill / Lagoon	N/A
Contours / Slope	Reviewed No Issues		

or

**B.** Deny the development permit application, stating the reason for this decision.

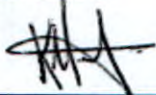
**Recommendation**

The Development Office recommends that the Municipal Planning Commission approves DP2022-148, subject to the conditions in Alternative A.

**Attachments**

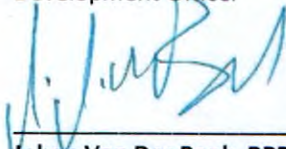
1. Location Map
2. Site plan
3. Elevations
4. Free-standing Sign

**Authorization**



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**Katherine Mertz**  
Development Officer



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**Johan Van Der Bank, RPP, MCIP**  
Manager Development & Trades