

SMOKY LAKE COUNTY

Minutes of the **Municipal Planning Commission** meeting held on **Thursday, September 24, 2015** in the County Council Chambers.

The meeting was Called to Order at 3:05 p.m. by the Chairman Dareld Cholak, in the presence of the following persons:

ATTENDANCE

Councillor Ron Bobocel	Division 2
Councillor Cary Smigerowsky	Division 4
Councillor Dareld Cholak	Division 1
Cory Ollikka	Development Officer
Jordan Ruegg	Planning and Development Officer
Angela Bilski	Recording Secretary

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2.0 ADOPTION OF AGENDA

MPC15.037: Smigerowsky

That the Agenda for the Municipal Planning Commission for September 24, 2015 be approved as presented.

CARRIED

3.0 MINUTES

MPC15.038: Bobocel

3.1 Adopt Minutes of July 8, 2015 – Municipal Planning Commission

CARRIED

4.0 REQUEST FOR DECISION

4.1 Development Permit(s) to be Considered:

4.1.1 DP 003-15; Crossroads Pit Stop Ltd.

MPC15.039: Bobocel

That the Municipal Planning Commission approve Development Permit No. 003-15: Lot A, Plan 2153MC on Pt. of NW 24-59-15-W4M for the development of two (2) additions to the existing building (2nd floor change of use for six (6) secondary suites and laundry facilities and an 8'x8' vestibule) and for the development of a 10'X16' ice-cream shack, subject to the following conditions:

1. The proposed development shall be located as per the attached site plan dated January 16, 2015 and amended on May 21, 2015.
Minimum Front Yard Setback (adjacent to Highway 28): 177 feet (54m) as per the attached Roadside Development Permit No. 15-D9-142 issued by Alberta Transportation on September 1, 2015.
Minimum Side Yard Setback: 25 feet (7.62m).
Minimum Rear Yard Setback: 25 feet (7.62m).
2. All applicants, private or general contractors shall, during construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance and shall secure all manner of debris so as to prevent it from blowing onto any other private or public property. At the conclusion of construction all building materials and debris shall be cleared from the site. As well, the applicant shall prevent excess soil or debris from being spilled on public road allowances, streets, lanes and sidewalks.
3. Lot grade elevations must ensure that site grades shall be established to not allow one site to drain onto an adjacent site.

4. Natural Gas Services are provided by Smoky Lake County. All costs associated with connecting to this service are the responsibility of the developer.
5. The developer shall obtain any and all approvals, permits, and authorizations from any and all agencies, departments, and authorities that may be required.
6. Municipal sewer services are not available in this location. It will be the responsibility of the developer to ensure that the private sewage disposal systems associated with the development conform to current provincial requirements. All infrastructure improvement costs associated with the development will be borne solely by the developer.
7. The proposed development shall commence within **twelve (12) months** from the date of issuance of this Development Permit and carried out with reasonable diligence within **five (5) years**.
8. The developer shall keep the area subject to the Development Permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
9. The applicant shall be financially responsible during construction, renovation and demolition, for any damage caused by the applicant, his servants, his suppliers, agents or his contractors, to any public or private property.
10. Any development involving pipeline and/or power line rights-of-way shall be sited to comply with all relevant federal and provincial legislation and regulations. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate provincial legislation and regulations and any regulations established by the Alberta Energy and Utilities Board.
11. Parking shall be provided on-site to the satisfaction of the Development Authority.
12. The maximum site coverage shall be 25%.
13. All parts of the site to which vehicles may have access, shall be surfaced to the satisfaction of the Development Authority.
14. Any outdoor lighting provided for security, display or attraction purposes shall be arranged so that no direct rays of light are directed at any adjoining site and so that it does not interfere with the safety and effectiveness of any highway traffic.
15. Enclosed garbage bins shall be located on the property during the construction and operation of the proposed development. The garbage bins shall be secured at all times and emptied on a regular basis to the satisfaction of the Development Authority and Smoky Lake County. The design and screening of the garbage bins shall be to the satisfaction of the Development Authority and located to the side or rear of the principal building on site.
16. Vehicular entrances and exits, as well as on-site pedestrian and vehicular routes, shall be designed in a manner that provides a safe and clearly defined circulation pattern. Signs shall be installed to promote same.
17. Any sign shall be installed in accordance with Section 6.16 (Sign Regulations) of Smoky Lake County Land Use Bylaw No. 1272-14 and subject to the approval of Alberta Transportation.
18. Use of existing highway accesses may continue on a temporary basis. No additional highway access will be permitted.

CARRIED

MPC15.040: Smigerowsky

4.1.2 DP 027-15: Dale Croswell Construction Co. Ltd.

That the Municipal Planning Commission **refuse** Development Permit No. 027-15: 13-58-17-W4M, LSD's 6,7,10,11,12 and 13 for the development of a Natural Resource Extraction/Processing Facility, for the following reasons:

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1. The proposed development of a Natural Resource Extraction/Processing Facility does not conform to Section 8.3.1 of Smoky Lake County Land Use Bylaw No. 1272-14 which states:

The general purpose of this District is to recognize the historic value of the area near the Victoria Trail within the County. Subdivision and development proposals within this area must be compatible with and/or increase the historic value of the Victoria Trail.

It is the opinion of the Development Authority Officer that the proposed development of a Natural Resource Extraction/Processing Facility is not compatible with the general purpose of the Victoria Agriculture (A1) District and that the proposed development does not increase the historic value of the Victoria Trail.

2. The proposed development of a Natural Resource Extraction/Processing Facility does not conform to Section 9.1.4 (Environmentally Sensitive Areas Overlay) of Smoky Lake County Land Use Bylaw No. 1272-14 which states:

The Development Authority shall require that any proposal for development within the Environmentally Sensitive Overlays Area be accompanied, by either or both, of a flood susceptibility analysis or a bank stability analysis by registered professional engineers that assess the suitability of the subject site and the proposed development from the points of view of flood susceptibility and/or bank stability. Further, if a development is approved after such an analysis is provided, the Development Authority shall require that any recommendations of the analysis be implemented by the landowner/developer and registered against the title of the subject lands so as to warn future landowners of the engineering requirements for development.

It is the opinion of the Development Authority Officer that the Applicant has failed to provide the necessary documentation to satisfy the provisions of Section 9.1.4 of Bylaw No. 1272-14, as no engineering report has been submitted to the Development Authority with regards to a flood susceptibility analysis nor a bank stability analysis.

3. The proposed development of a Natural Resource Extraction/Processing Facility does not conform to Objective 3.1.2 of Smoky Lake County Bylaw No. 1249-12 which states:

Preserve recognized historically significant built features, landforms, vegetation and patterns of spatial organization.

Specifically, it is the opinion of the Development Authority Officer that the proposed development is contrary to Policy 3.1.2.2 under Objective 3.1.2., Bylaw No. 1249-12, which states:

The County will require that future subdivisions and developments in significant cultural landscapes preserve existing vegetation.

It is the opinion of the Development Authority Officer that the proposed development is likely to include activities that relate to the destruction and/or removal of existing vegetation that contributes to significant cultural landscapes in the development area.

4. The proposed development of a Natural Resource Extraction/Processing Facility does not conform to Objective 3.1.3 of Smoky Lake County Bylaw No. 1249-12 which states:

Preserve recognized historically significant views.

Specifically, it is the opinion of the Development Authority Officer that the proposed development is contrary to Policy 3.1.3.1 under Objective 3.1.3., Bylaw No. 1249-12, which states:

The County will require that proposed subdivisions and developments in significant cultural landscapes, including but not limited to the Victoria District, preserve recognized, historically significant views.

It is the opinion of the Development Authority Officer that the proposed development includes activities that will alter the historically significant views of the Victoria District by introducing forms and activities of development that do not correspond with the established historical views.

5. The proposed development of a Natural Resource Extraction/Processing Facility does not conform to Objective 5.1.1 of Smoky Lake County Bylaw No. 1249-12 which states:

To ensure that development within the Victoria District Overlay does not negatively impact the unique cultural landscape.

Specifically, it is the opinion of the Development Authority Officer that the proposed development is contrary to Policy 5.1.1.1 under Objective 5.1.1., Bylaw No. 1249-12, which states:

The County shall not support resource extraction development proposals in areas that are known to possess unique historical and/or scientific or environmental features that would be disturbed or destroyed by resource extraction.

It is the opinion of the Development Authority Officer that the proposed development includes activities and uses that will alter or destroy unique historical and environmental features within the Victoria District, including, but not limited to, historical patterns of land use.

CARRIED

MPC15.041: Bobocel

4.1.3 DP 037-15: Ernest Valcourt

That the Municipal Planning Commission approve Development Permit No. 037-15: Plan 1039CL, Block 4, Lots 19 to 22 Inclusive, for the development of a modular home, septic tank and cistern, subject to the following conditions:

1. The proposed development shall be constructed as per the Site Plan dated August 19, 2015, attached to, and forming part of, this Development Permit.
Minimum Front Yard Setback (from property line adjacent to 51st Street): 25.0 feet (7.6m).
Minimum Rear Yard Setback (from property line of adjacent road allowance to the east): 25.0 feet (7.6m).
Minimum Side Yard Setback (from property line of lot adjacent to the north): 5.0 feet (1.5m).
Minimum Side Yard Setback (from property line of lot adjacent to the south): 5.0 feet (1.5m).
2. The dwelling shall be a minimum of 700 square feet (65sqm).
3. The dwelling shall be a maximum of 33.0 feet (10.0m) high.
4. The maximum site coverage shall be 45%, of which, a maximum of 15% of the total site area may be covered by accessory buildings.
5. The proposed development shall commence within **twelve (12) months** of the date of issuance of this Development Permit, and carried out with reasonable diligence within **five (5) years**.

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6. All applicants, private and general contractors shall, during construction, renovation and demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance, and shall secure all manner of debris so as to prevent it from blowing onto any other private or public property. At the conclusion of construction, renovation and demolition, all building materials shall be cleared from the site. As well, the applicant shall prevent excess soil or debris from being spilled onto public road allowances, streets, lanes and sidewalks.
7. The developer shall keep the area subject to the Development Permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
8. Lot grade elevations must ensure that site grades are established so as not to allow one site to drain onto an adjacent site.
9. Natural gas services are provided by Smoky Lake County. All costs associated with connecting to this service are the sole responsibility of the developer. Please contact John Malysh, Manager, Smoky Lake County Gas Department at 780-650-1500 for more information.
10. The developer shall obtain all necessary approvals, permits, licenses and authorizations from any and all agencies, departments and authorities that may be required.
11. Municipal water and sewer services may not be available at this location. It will be the responsibility of the developer to ensure that water well and private sewage disposal systems associated with this development conform to current provincial regulations. All infrastructure improvement costs associated with this development including but not limited to road work and sewer connection, shall be borne solely by the developer.
12. The developer shall be held financially responsible during construction, renovation and demolition for any damage caused by the applicant, his servants, his suppliers, his agents or his contractors, to any public or private property.
13. Any development involving pipeline and/or power line rights-of-way shall be sited to comply with all relevant federal and provincial regulations. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate provincial legislation and regulations, and any regulations established by the Alberta Energy and Utilities Board.

CARRIED

MPC15.042: Smigerowsky

4.1.4 DP 053-15: Karam Hans

That the Municipal Planning Commission approve Development Permit No. 053-15: Plan 1039CL, Block 4, Lots 5 & 6, for the development of a modular home, subject to the following conditions:

1. The proposed development shall be constructed as per the Site Plan dated September 1, 2015, attached to, and forming part of, this Development Permit.
Minimum Front Yard Setback (from property line adjacent to 50th Street): 25.0 feet (7.6m).
Minimum Rear Yard Setback (from property line of adjacent road allowance to the west): 25.0 feet (7.6m).
Minimum Side Yard Setback (from property line of lot adjacent to the north): 5.0 feet (1.5m).
Minimum Side Yard Setback (from property line of lot adjacent to the south): 5.0 feet (1.5m).
2. The dwelling shall be a minimum of 700 square feet (65sqm).
3. The dwelling shall be a maximum of 33.0 feet (10.0m) high.
4. The maximum site coverage shall be 45%, of which, a maximum of 15% of the total site area may be covered by accessory buildings.

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5. The proposed development shall commence within **twelve (12) months** of the date of issuance of this Development Permit, and carried out with reasonable diligence within **five (5) years**.
6. All applicants, private and general contractors shall, during construction, renovation and demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance, and shall secure all manner of debris so as to prevent it from blowing onto any other private or public property. At the conclusion of construction, renovation and demolition, all building materials shall be cleared from the site. As well, the applicant shall prevent excess soil or debris from being spilled onto public road allowances, streets, lanes and sidewalks.
7. The developer shall keep the area subject to the Development Permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
8. Lot grade elevations must ensure that site grades are established so as not to allow one site to drain onto an adjacent site.
9. Natural gas services are provided by Smoky Lake County. All costs associated with connecting to this service are the sole responsibility of the developer. Please contact John Malysh, Manager, Smoky Lake County Gas Department at 780-650-1500 for more information.
10. The developer shall obtain all necessary approvals, permits, licenses and authorizations from any and all agencies, departments and authorities that may be required.
11. Municipal water and sewer services may not be available at this location. It will be the responsibility of the developer to ensure that water well and private sewage disposal systems associated with this development conform to current provincial regulations. All infrastructure improvement costs associated with this development including but not limited to road work and sewer connection, shall be borne solely by the developer.
12. The developer shall be held financially responsible during construction, renovation and demolition for any damage caused by the applicant, his servants, his suppliers, his agents or his contractors, to any public or private property.
13. Any development involving pipeline and/or power line rights-of-way shall be sited to comply with all relevant federal and provincial regulations. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate provincial legislation and regulations, and any regulations established by the Alberta Energy and Utilities Board.

CARRIED

4.2 **Heritage Resource Intervention Permit(s) to be Considered:**

Nil.

5.0 CORRESPONDENCE

5.1 Nil.



6.0 ADJOURNMENT

MPC15.043: Cholak

To adjourn the Municipal Planning Commission Meeting of September 24, 2015 at 3:36 p.m.

CARRIED



Dareld Cholak, Chairperson

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Jordan Ruegg, Development Officer