SMOKY LAKE COUNTY

Minutes of the **County Council Committee of the Whole for the purpose of the Planning** held on Tuesday, **April 1, 2014** at 10:05 A.M. in the County Council Chambers.

The meeting was called to Order by the Reeve Mr. Cary Smigerowsky in the presence of the following persons:

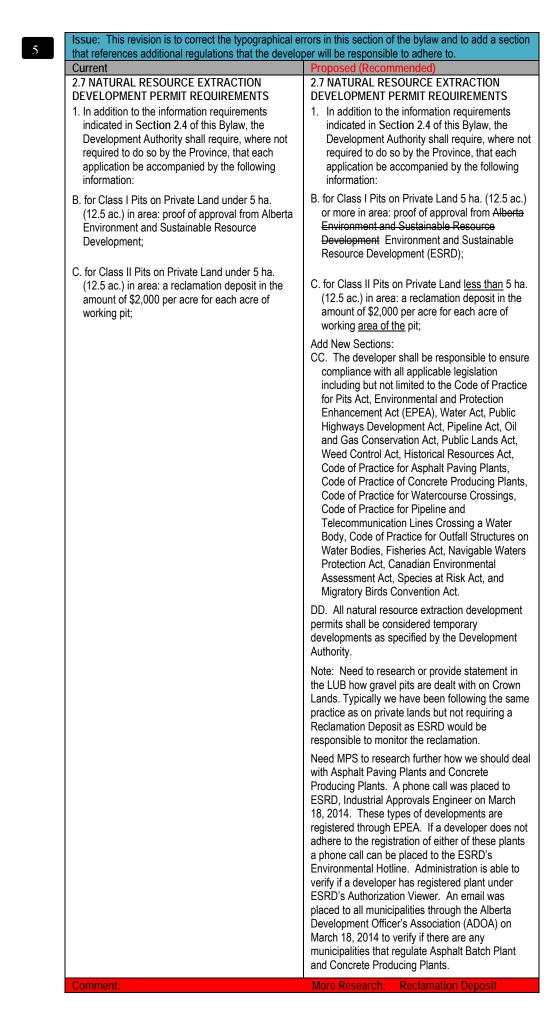
			A T T E N D A N C E
	Div. No.	Councillor(s)	Tuesday, April 1, 2014
	1	Dareld Cholak	Absent
	2	Ron Bobocel	Present
	3	Craig Lukinuk	Present
	4	Cary Smigerowsky	Present
	5	Randy Orichowski	Present
	C.A.O.	Cory Ollikka	Present
	Asst CAO/R.S	Lydia Cielin	Present
		er Brenda Adamson	Absent
	******	*****	*****
	Member of	of the Administrative Staff in att	endance:
		usseau – Planning and Develop	
		nith, Planning and Dev. Assista	
	•	h, Peace Officer/Rec. Manager	Present
	0	nda, GIS/Communication Direc	ctor Present
		PAL PLANNING SERVICES:	Dresent Slaves
		phinee, Senior Planner	Present - Skype
	James Ha	ney, Planner	Present - Skype
	******	*****	*****
	5 Member	rs of the Public in attendance.	
Self-Introductions		luctions were made by each men ation Staff and the Public-at-Lan	
	Agenda:		
445-14: Lukinuk	Committe	Agenda for Tuesday, April 1, 20 e of the Whole meeting for the s amended:	
	Addition	<u>(s):</u>	
	1. Public	Representation.	
			Carried Unanimously.
	3. <u>Minu</u>	ites:	
	No Minut	es.	

4. <u>Planning Document:</u>

Review of Land Use Bylaw 1250-12 Discussion Planning and Development

Planning and Development, Aline Brousseau reviewed briefing notes with Council relating to the Sections of Concern in the current Land Use Bylaw No. 1250-12, as follows:

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	Note: Section will need to be renumbe	writing, on the application form provided by the municipality and shall be accompanied by: A. a site plan, to scale, showing the legal lescription; north arrow; municipal address; ocation and dimensions of property lines; existing tility rights-of-way and easements; fences; lriveways; paved areas; proposed front, rear, and ide yards, if any; any provisions for off-street bading and vehicle parking; access and egress boints to the site; and any encumbrance such as ights-of-way; B. existing and proposed building dimensions, to scale, including, but not limited to, the house, larage, decks and any covered structures such as	A. site plan, to scale, showing the legal description; north arrow; municipal addres location and dimensions of property lines; utility rights-of-way and easements; fence driveways; paved areas; proposed front, r side yards <u>setbacks</u> , any provisions for of loading and vehicle parking (if applicable) and egress points to the site; and any encumbrances such as rights-of-way; exis proposed building dimensions, to scale, ir but not limited to, the house, garage, decl any covered structures such as car ports, of abandoned wells (if applicable), location water bodies (if applicable), developed/undeveloped road allowances applicable).
		writing, on the application form provided by the municipality and shall be accompanied by: a site plan, to scale, showing the legal escription; north arrow; municipal address; pocation and dimensions of property lines; existing tility rights-of-way and easements; fences; riveways; paved areas; proposed front, rear, and ide yards, if any; any provisions for off-street pading and vehicle parking; access and egress oints to the site; and any encumbrance such as ghts-of-way; a existing and proposed building dimensions, to cale, including, but not limited to, the house, arage, decks and any covered structures such as	A. site plan, to scale, showing the legal description; north arrow; municipal addres location and dimensions of property lines; utility rights-of-way and easements; fence driveways; paved areas; proposed front, r side yards <u>setbacks</u> , any provisions for of loading and vehicle parking (if applicable) and egress points to the site; and any encumbrances such as rights-of-way; exis proposed building dimensions, to scale, ir but not limited to, the house, garage, decl any covered structures such as car ports, of abandoned wells (if applicable), location water bodies (if applicable), developed/undeveloped road allowances applicable).



Public: Concerns

Letters: From the Public submitted addressing concerns relating to the current Land Use Bylaw No. 1250-12, as follows:

Date	Name	Section: Land Use Bylaw 1250-12
March 20, 2014	Betty Epp and Shane Hillstrom	Section 7.17: Pet Keeping and Kennels
March 25, 2014		
March 20, 2014	Brian Cheston	Section 7.17: Pet Keeping and Kennels
March 22, 2014		
March 25, 2014	Ken Tolley	Section 7.23: Recreational Vehicles

March 27, 2014	Stephanie Oliver	Section 7.17: Pet Keeping and Kennels
Handout At the Meeting: Reeve, Cary Smigerowsky read out the Letter		ead out the Letter
March 31, 2014	Wendy Hall and Allan Boe	Section 7.17: Pet Keeping and Kennels

Addition to the Agenda:

Public Representation Mons Lake Association

Present before County Council at 10:37 a.m. to 11:05 a.m. was Dave Beynon, President, Mons Lake Association and Betty Epp, Resident, Mons Lake to address concerns with Section 7.17: Pet Keeping and Kennels in the current Land Use Bylaw 1250-12.

Reeve, Cary Smigerowsky thanks the delegates for attending the Committee of the Whole Meeting relating to Planning.

Public: Concerns

Letter: From the Public: Ken Tolley submitted addressing concerns with Section 7.23: Recreational Vehicles in the current Land Use Bylaw 1250-12.

Reeve, Cary Smigerowsky read the letter out that stated the concerns relating to the Recreational Vehicles:

Date		Name	Section: Land Use Bylaw 1250-12
March 25,	2014	Ken Tolley	Section 7.23: Recreational Vehicles
1.	1. If the bylaw 12-1250 was set up to control the number of units with a permit, did this not work?		
	Was the	re a great deal of permits used that mad	le the numbers too great?
2.	The perr	mit did put into place a control for the By	law personal to have violators remove their
	units.		
3.	If the thi	rd unit complies why does the bylaw not	control the number off built units of 550 sq. ft.
	I have se	een far more units on property's that over	erride the need for a third unit or a permit
	consider	ring I used the process as a permit holde	er.
4.	Would n	ot the permit and inspection system be	an easier control?
5.	Why was	s I as a landowner in the area not notifie	d and allowed to have input prior to a third
	reading	and passing this new rule even after I di	id have a permit?
6. If the intent of the change was to not have units on the land over th		on the land over the winter as a storage, why	
not have the summer of 90 / 120 day		e the summer of 90 / 120 days to allow a	
7.	The land	d values are maintained by having neat	and tidy areas and having the local economy
	stay at a	healthy level the need for visitors to the	e area where they do spend monies.
Comment	t:	Administration to	review section Section 7.23: Recreational
		Vehicles in the cu	rrent Land Use Bylaw 1250-12.

Review of Land Use Bylaw 1250-12 Discussion: *Continued* Planning and Development

Planning and Development, Aline Brousseau continued to review briefing notes with Council relating to the Sections of Concern in the current Land Use Bylaw No. 1250-12, as follows:

	Section 1: General Administrative Procedures		
	Current	Proposed (Recommended)	
6	Issue: This revision is to ensure consistency with Section 6.6 (1): Development and Access Perr Requirements Adjacent to Municipal Roadway and Highways.		
	Current	Proposed (Recommended)	
	2.10 REFERRAL OF APPLICATION	2.10 REFERRAL OF APPLICATION	
	5. Development permit applications within 800.0 m (2640.0 ft.) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comments prior to a development permit being issued.	5. Development permit applications within 800.0 m (2640.0 ft.) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comment. prior to a development permit being issued.	
	Comment:	More Clarification required.	
7	Issue: This revision is to clarify how the Development Authority deals with refusals. As it is written, it is confusing to a reader. The idea behind this revision is that if the circumstances and/or reasons have <u>not</u> been addressed then the developer cannot keep re-applying for a new application unless the reasons are addressed or the circumstances have changed substantively.		
	Current	Proposed (Recommended)	
	2.11 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS	2.11 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS	

6. When a development permit application is refused, the Development Authority shall not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal. However, when an application has been refused as per subsection (7) below the Development Authority may accept a new application without waiting six months after the date of the refusal.	6. When a development permit application is refused, the Development Authority shall not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal <u>unless the reasons for refusal have been rectified to the satisfaction of the Development Authority may accept a new application without waiting six months after the date of the refusal.</u> Note: Section 642(4) of the MGA.
Concern: Administration finds that "posting a notice every permit. At any given time, if a member of the p	ublic would like a copy of an issued Development
Comment: Concern: Administration finds that "posting a notice every permit. At any given time, if a member of the p Permit it can be provided. Note: This is a separate for Development Permits which shall continue as per	in a place" task to be wasting paper with each and ublic would like a copy of an issued Development process from the statutory advertising requirement the requirement of the MGA.
Concern: Administration finds that "posting a notice every permit. At any given time, if a member of the p Permit it can be provided. Note: This is a separate for Development Permits which shall continue as per Current	in a place" task to be wasting paper with each and ublic would like a copy of an issued Development process from the statutory advertising requirement the requirement of the MGA. Proposed (Recommended)
Concern: Administration finds that "posting a notice every permit. At any given time, if a member of the p Permit it can be provided. Note: This is a separate p for Development Permits which shall continue as per Current 2.14 NOTICE OF DECISION	in a place" task to be wasting paper with each and ublic would like a copy of an issued Development process from the statutory advertising requirement the requirement of the MGA. Proposed (Recommended) 2.14 NOTICE OF DECISION
Concern: Administration finds that "posting a notice every permit. At any given time, if a member of the p Permit it can be provided. Note: This is a separate p for Development Permits which shall continue as per Current 2.14 NOTICE OF DECISION 1. Within five (5) working days after a decision on a development permit application, the Development Authority Officer shall send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the County office and on the County's website indicating the disposition of the applicant. Mailing the notice is not required when an applicant picks up a copy of	in a place" task to be wasting paper with each and ublic would like a copy of an issued Development process from the statutory advertising requirement the requirement of the MGA. Proposed (Recommended)
Concern: Administration finds that "posting a notice every permit. At any given time, if a member of the p Permit it can be provided. Note: This is a separate for Development Permits which shall continue as per Current	 in a place" task to be wasting paper with each and public would like a copy of an issued Development process from the statutory advertising requirement the requirement of the MGA. Proposed (Recommended) 2.14 NOTICE OF DECISION 1. Within five (5) working days after a decision on a development permit application, the Development Authority Officer shall send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the County office and on the County's website indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of

Meeting Recessed

Meeting recessed for Lunch, time 12:10 p.m.

Meeting Reconvene

The meeting reconvened on a call to order by Reeve Cary Smigerowsky at 1:10 p.m. in the presence of all Council members, and the Chief Administrative Officer; Assistant Chief Administrative Officer/Recording Secretary; Finance Manager; and Administrative Staff.

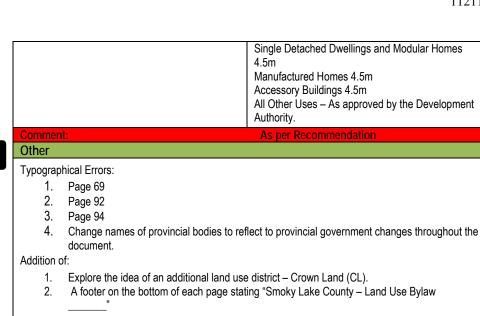
Review of Land Use Bylaw 1250-12 Discussion: *Continued* Planning and Development

Planning and Development, Aline Brousseau continued to review briefing notes with Council relating to the Sections of Concern in the current Land Use Bylaw No. 1250-12, as follows:

9	Section 3: Appeals Issue: The reason for this revision is that there are numerous appeals being received by the Secretary of the Subdivision and Development Appeal Board without all the relevant contact information. This will help streamline the process if they need to contact the appellant for any reason. This change will be consistent with our development permit advertising.		
	Current	Proposed (Recommended)	
	3.1 DEVELOPMENT APPEALS AND	3.1 DEVELOPMENT APPEALS AND	
	PROCEDURES	PROCEDURES	
	5. An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:A. the date on which the person is notified of the	5. An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:A. the date on which the person is notified of the	
	order or decision or the issuance of the development permit; or	order or decision or the issuance of the development permit; or	

B. if no decision is made with respect to the application within the 40-day period or within any extension issued under section 684 of the Act.	 B. if no decision is made with respect to the application within the 40-day period or within a extension issued under section 684 of the Act. Add new Section C as follows: <u>C. The written notice must contain the development permit number, contact name and phone number, mailing address, email address available), at least one reason(s) for the appeal</u>
Comment: Section 6: General Provisions	As per Recommendation
Issue: A revision of this section is needed in its entir understand by all.	ety is needed as it is confusing to read and
Current	Proposed (Recommended)
6.1 ACCESSORY BUILDINGS	6.1 ACCESSORY BUILDING
1. An accessory building shall not be used as a dwel 2. The siting of a detached garage or other accessor be in accordance with Figure 17.	/ building shall to comment and make a recommendation.
3. In the Agriculture (AG) and Victoria Agriculture (A accessory building shall not:) Districts an
 A. normally be allowed in a front yard; B. be within 2 m (6.56 ft.) of a residence; C. be within the minimum yard requirements of the d they are located; D. encroach upon an easement or right-of-way, E. exceed more than 12% of the total site area. 	
4. Accessory buildings may be allowed in the Agricul Victoria Agriculture (A1) Districts where there is no m main building solely at the discretion of the Developm The Development Authority shall only approve the de an accessory building where there is no main use or if, in their sole opinion:	ain use or ient Authority. velopment of
 A. the accessory building would become accessory t a main building in the future should such main use of ever be developed; and B. the accessory building is sited in such a manner the minimize shadowing or site line obstructions from ad properties. 5. In the Multi-lot County Residential, Residential (Cli Conservation, Victoria Residential, Hamlet Residential accessory building shall not: 	main building at it will acent ıster)
A. normally be allowed in a front yard; B. be within 2.0 m (6.56 ft.) of a residence; C. have an eave overhang within 0.3 m (1.0 metre) of D. encroach upon an easement or right-of-way, E. normally exceed 6.1 m (20.0 ft.) or one (1) storey However, the maximum height for an accessory build exceeded, at the sole discretion of the Development the height of a garage in order to facilitate the develor garage suite on a parcel of land where it can reasona determined by the Development Authority that the acc will not impact the quality of life or enjoyment of adjace F. exceed more than 12% of the total site area. 6. Accessory buildings shall normally be allowed in F	n height. ing may be Authority, for pment of a bly be ditional height eent properties; esidential,
Commercial and Industrial Districts only where there main use or building with an approved development on the site.	
7. Notwithstanding Subsections (5) and (6), where the of a garage with a garage suite is proposed in the Mu Residential, Residential (Cluster) Conservation, Victor Hamlet Residential Districts the Development Author sole discretion, approve the development of the gara temporary dwelling prior to the construction of the ma building on the property.	Iti-lot County ria Residential, ty may, at their ge suite as a
8. Accessory buildings may be allowed in the Multi-Ic Residential, Residential (Cluster) Conservation, Victor Hamlet Residential Districts where there is no main us building solely at the discretion of the Development A Development Authority shall only approve the develop accessory building where there is no main use or ma his/her sole opinion, the accessory building would be accessory to a main use or a main building in the futur main use or main building ever be developed.	ria Residential, se or main uthority. The pment of an in building if, in come
9. The minimum setback requirements for a detacher other accessory building located on a parcel in a resi where the parcel of land is not located adjacent to a government road allowance, shall be in accordance	dential district iighway or a

11	Issue: This revision is suggested to remove the dup Practices Act.	plicate reference to the Agricultural Operations
	Current 6.9 DWELLING UNITS ON A PARCEL 3. Any more than two units may only be permitted at the discretion of the Municipal Planning Commission.	Proposed (Recommended) 6.9 DWELLING UNITS ON A PARCEL 3. Any More than two units may only be permitted allowed and considered at the discretion of the Municipal Planning Commission in the Agriculture District (AG). The placement of more than two units shall be classified as a discretionary use. Add new Section 4: Note: Need to have text that explains how 2 dwelling units in the Ag district dealt with? The Development Authority has been classifying same as permitted use.
12	Comment: Issue: This revision is suggested to ensure consiste Current 6.13 PARKING AND LOADING REGULATIONS 1. In all Districts, vehicular entrances and exits onto roads shall only be allowed at locations approved by the Development Authority. A permit shall be obtained from Alberta Transportation for access onto all Highways.	More Clarification required. ency with County policy. Proposed (Recommended) 6.13 PARKING AND LOADING REGULATIONS 1. In all Districts, vehicular entrances and exits onto roads shall only be allowed at locations approved by the Development Authority Public Works Department. A permit shall be obtained from Alberta Transportation for access onto all Highways.
13	Comment: Section 7: Special Provisions Issue: There is two different section of the Land Us when applying for a natural resource extraction deve easier to reference when dealing with developers. C any conflicting information in the bylaw. Current 2.7 NATURAL RESOURCE EXTRACTION DEVELOPMENT PERMIT REQUIREMENTS AND 7.16 NATURAL RESOURCE EXTRACTION INDUSTRIES	As per Recommendation e Bylaw in which developers need to be aware of elopment. Combining these sections would make it
14	Comment: Issue: This section requires review, to streamline th Current 7.31 SHIPPING CONTAINERS 1. A maximum of one (1) shipping container may be permitted, at the discretion of the Development Authority on residential use parcels 1.0 ac (0.4 ha) or smaller in area.	Proposed (Recommended) 7.31 SHIPPING CONTAINERS 1. A maximum of one (1) shipping container may be <u>allowed</u> - at the discretion of the Development Authority on residential use parcels 1.0 ac (0.4 ha) or smaller in area. The placement of a shipping
	And 3. The placement of a shipping container on any residential use parcel 1.0 ac (0.4 ha) or smaller in area requires a development permit. Comment: Section 8: Land Use Districts	container requires a development permit. Note: Section will need to be renumbered. More Clarification required.
15	SECTION 8.2 AGRICULTURE DISTRICT (AG)	 SECTION 8.2 AGRICULTURE DISTRICT (AG) Addition of Rural Industrial as a Discretionary Use. Addition of Side Yard and Rear Yard Setback when adjacent to another parcel of 60 ft (18.3m) As per Recommendation
16	SECTION 8.3 VICTORIA AGRICULTURE DISTRICT (A1)	 SECTION 8.3 VICTORIA AGRICULTURE DISTRICT (A1) 1. Addition of Side Yard and Rear Yard Setback when adjacent to another parcel of 60 ft (18.3m) 2. Change distance from 2.05 ft (7.62m) to 25 ft (7.62m) in the minimum front yard setback (internal subdivision road) More Clarification required.
17	SECTION 8.4 MULTI-LOT COUNTRY RESIDENTIAL DISTRICT (R1)	SECTION 8.4 MULTI-LOT COUNTRY RESIDENTIAL DISTRICT (R1) 1. Review Front Yard Setback adjacent to a municipal road distance at Hillside Acres. As per Recommendation
18	SECTION 8.7 HAMLET RESIDENTIAL DISTRICT (R4)	SECTION 8.7 HAMLET RESIDENTIAL DISTRICT (R4) 1. Review the Maximum Heights with MPS. Current:



Review of Land Use Bylaw 1250-12 Discussion: Council

19

County Council concerns relating to the current Land Use Bylaw No. 1250-12, as follows:

As per Recommendatior

Small Holdings: Amount of sub-division within.

Review of Land Use Bylaw 1250-12 For Information purposes:

Next Steps

Planning and Development, Aline Brousseau provided to County Council – For Information purposes the process outlining the "Next Steps" that administration will follow:

- Forward the listing of issues to the County's Planner, Jane Dauphinee, Municipal Planning Services for comment: April/May 2014.
- Hold a 2nd Committee of the Whole: Planning Meeting with Council to review the final revises with the County's Planner being the facilitator: May/June 2014.
- Prepare 1st Reading of the revised Land Use Bylaw: June/July 2014.
- Hold a Public Hearing of the revised Land Use Bylaw: July/August 2014.
- Prepare 2nd and 3rd Readings of the revised Land Use Bylaw: July/August 2014.

5. <u>Correspondence:</u>

 Home Buyer Protection Program and Act

 446-14: Bobocel
 That the correspondence received from the Alberta Government – Municipal

 Affairs: The Building Alberta Plan in regards to the New Home Buyer

 Protection Act, a builder's guide in effect February 1, 2014 – every home you

 build in Alberta will need to be covered in providing warranty standards for new

 homes, be filed for information.

Carried.

4. Planning Document:

Review of Land Use Bylaw 1250-12

447-14: Orichowski

That Administration proceed with the County Planner, Municipal Planning Services, Jane Dauphinee, Senior Planner to review the discussed list of revisions to the current Land Use Bylaw 1250-12 for comment.

Carried.

ADJOURNMENT:

448-14: Bobocel That the County Council Committee of the Whole Meeting for the purpose of Planning, be adjourned at 2:25 p.m.

Carried.

REEVE

SEAL

CHIEF ADMINISTRATIVE OFFICER