

**SMOKY LAKE COUNTY**

Minutes of the **County Council Committee of the Whole for the purpose of the Planning** held on Friday, **June 20, 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:

		<b>A T T E N D A N C E</b>
		<b><u>Friday, June 20, 2014</u></b>
<u>Div. No.</u>	<u>Councillor(s)</u>	
1	Dareld Cholak	Present
2	Ron Bobocel	Present
3	Craig Lukinuk	Present
4	Cary Smigerowsky	Present
5	Randy Orichowski	Present
C.A.O.	Cory Ollikka	Absent
Asst CAO/R.S	Lydia Cielin	Present
Finance Manager	Brenda Adamson	Absent

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Member of the Administrative Staff in attendance:

Aline Brousseau – Planning and Development	Present
Ed English, Peace Officer/Rec. Manager	Present

MUNICIPAL PLANNING SERVICES:

Jane Dauphinee, Senior Planner	Present
Spencer Andres, Planner	Present

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7 Members of the Public in attendance.

**MUNICIPAL PLANNING SERVICES:**

**Facilitator: Jane Dauphinee, Senior Planner  
Spencer Andres, Planner**

**Agenda:**

655-14: Cholak

That the Agenda for Friday, June 20, 2014 County Council Committee of the Whole meeting for the purpose of Planning, be adopted as amended:

**Addition(s):**

1. Subdivision Authority.
2. Industrial: Districts.
3. Delegation: Mons Lake Association.
4. Delegation: Bonnie Lake.
5. RCDC – Regional Community Development Committee: Phase Three (3).
6. Executive Session: Legal.

Carried Unanimously.

**Addition to the Agenda:**

**Delegation: Mons Lake Association**

Present before County Council at 10:10 a.m. to 10:13 a.m. were Dave Beynon, President, Mons Lake Association and Betty Epp, Resident, Mons Lake to address concerns with Livestock Issues at Mons Lake – Need to be Resolved.

**Delegation: Bonnie Lake Resort**

Present before County Council at 10:14 a.m. to 10:19 a.m. was Marilyn McInnes, Resident of Lot 342, Bonnie Lake Resort to address concerns with Unsightly Premises at Bonnie Lake Resort: Lot 127 – multiple Accessory Buildings and Lot 211 - number of Recreational Vehicles.

- **Letter:** Received submitted by Marilyn McInnes, Resident – Lot 342, Bonnie Lake, dated June 18, 2014 in regards to Lot 127 and Lot 211 at Bonnie Lake Resort.

**Delegation: Ken Tolley**

Present before County Council at 10:20 a.m. to 10:22 a.m. was Ken Tolley, Resident of Lot 5, Block 5, Bonnie Lake Resort to address concern with current Land Use Bylaw for Recreational Vehicles – permit process for the third vehicle for 30 days. This is for family and states that– permit process should be 90 to 120 days.

**3. Minutes:**

No Minutes. **April 1, 2014 Committee of the Whole Meeting for the Purpose of Planning – Land Use:** Adopted on April 24, 2014.

**4. Planning Document:**

**Review of Land Use Bylaw 1250-12 Discussion**

**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
<b>Letters: Discussed at April 1, 2014 Meeting</b>		
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
<b>Letters: Discussed at June 20, 2014 Meeting</b>		
April 4, 2014	Bonnie and Jerry Hrynkiw	Section 7.17: Pet Keeping and Kennels
May 7, 2014	Ernie Kuich	Section 1.7: Interpretations / Definitions
June 12, 2014	Mandy Melnyk – Meadow Creek Farms – <i>also in June 11, 2014 Smoky Lake Signal</i>	Section 7.17: Pet Keeping and Kennels
April 28, 2014	Susan Roberts Chair of Board Alberta Food Matters	Section 7.17: Pet Keeping and Kennels
April 1, 2014	Wendy Hall and Alan Boe	Section 7.17: Pet Keeping and Kennels
<b>Handout At the Meeting: Reeve, Cary Smigerowsky read out the Letter</b>		
June 18, 2014	Marilyn McInnes	

**Municipal Planning Services  
Spencer Andres, Planner**

**Municipal Planning Services,** Spencer Andres, Planner reviewed the listing of map amendments with Council relating to the Sections in the current Land Use Bylaw No. 1250-12, as follows:

- **Hamlet Districts:** Discussion held on the Hamlet Districts in the Land Use Bylaw – Hamlet Districts to be changed to **Hamlet General** - replace C3 and R4.

**Map Amendments - Discussions**

Notes on the map are based on what currently exists or what use historically existed on the property:

**Spedden**

- UFA Co-op property is vacant. Should this be R4 designation?
- Property on Railway Ave. contains what looks like a shop and possible evidence of a residence. Should this be R4 or C3?
- Waste Transfer site and staging area – not owned by the County, but should this be designated (P).
- Commercial property on RR 123. Appears to be an old Auto Garage, however only appears to have evidence of a residence on the property. R4
- Church owned vacant lands – should this be (P). Or remain R4.

**Bellis**

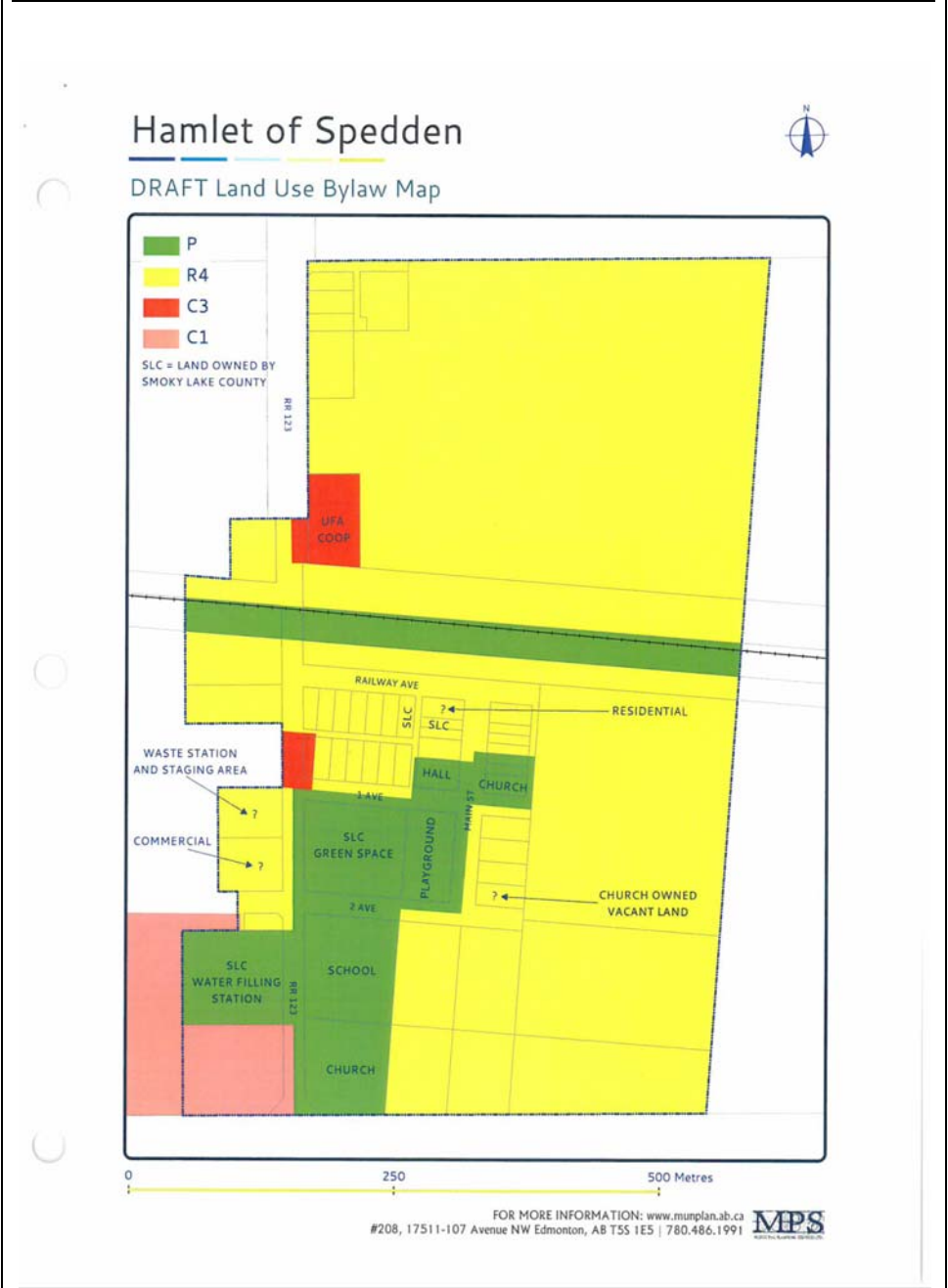
- Abandoned Church – should this be re-designated or left as a Public use (P).
- Bellis Society of Missions – Should their properties be (P) or (R4).
- Main Street vacant lots – Should these be commercial.
- Main Street commercial structures used for residential – should these be commercial or change to the (R4) designation.

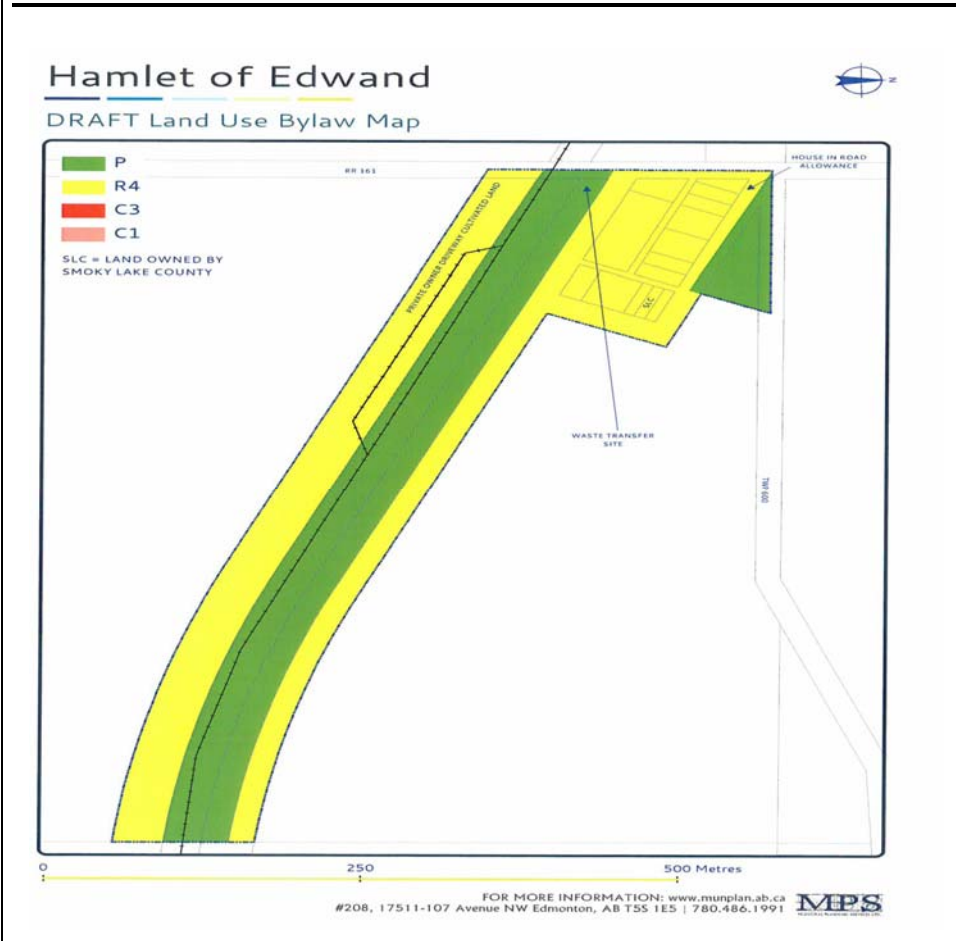
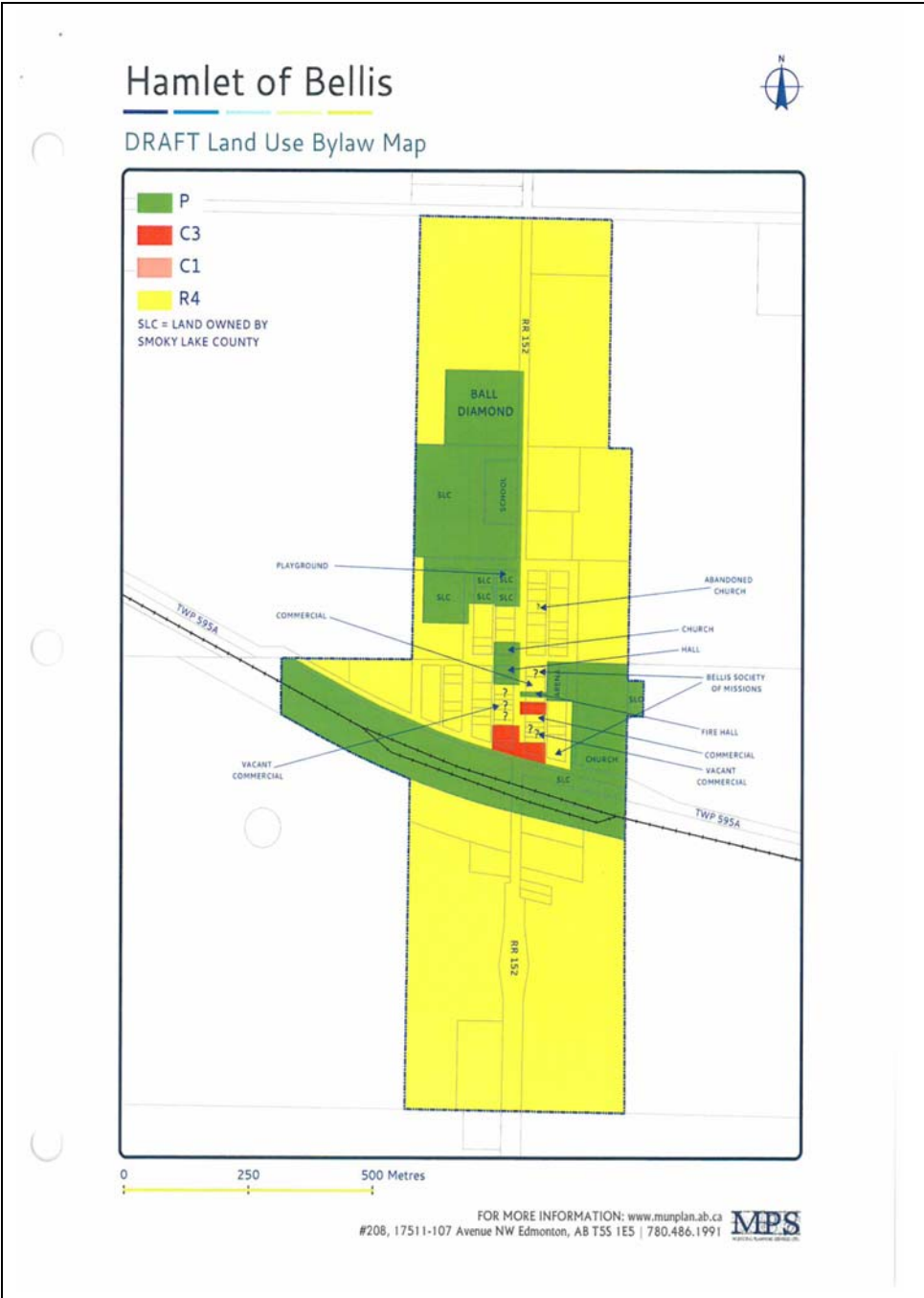
**Edwand**

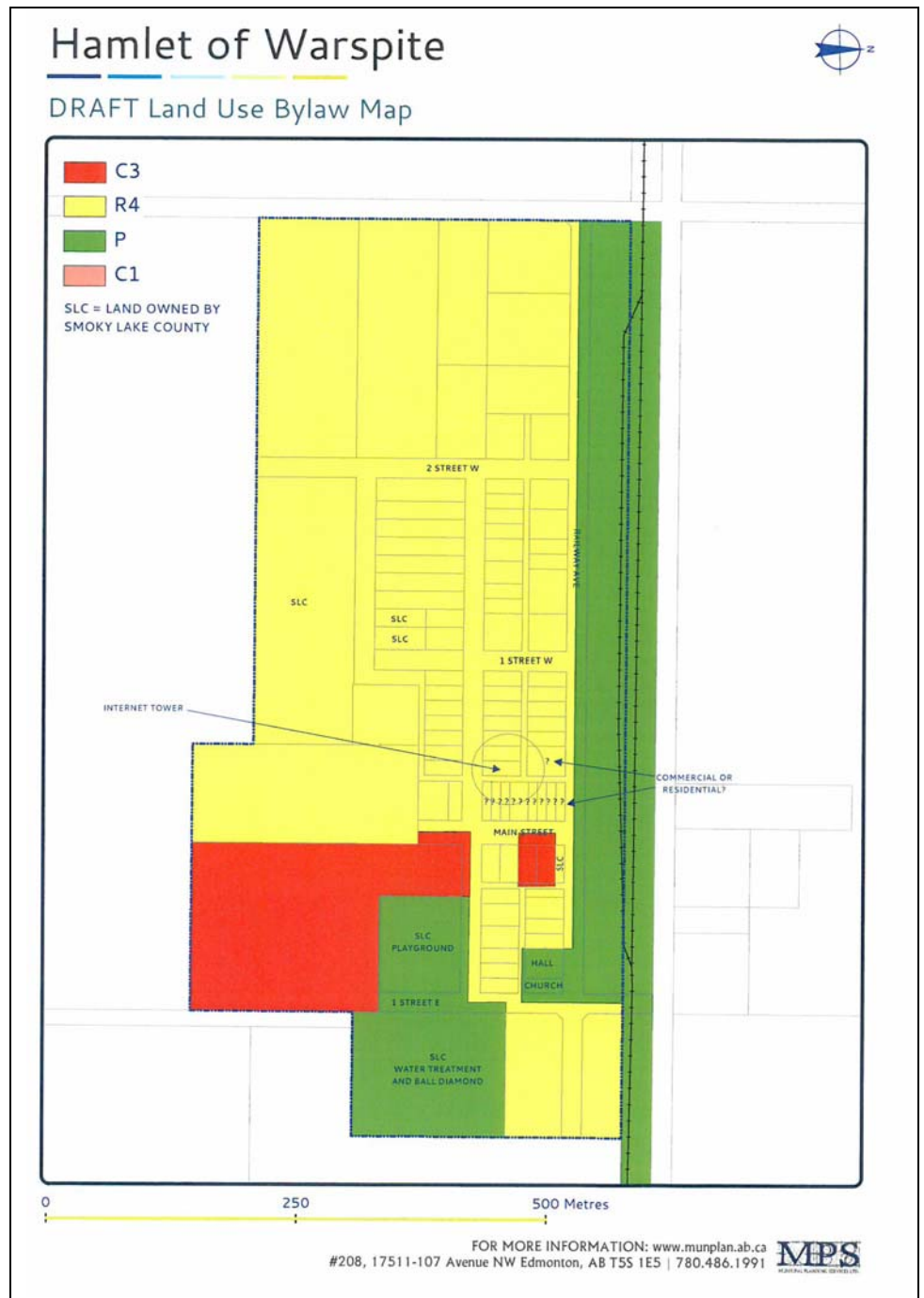
- House in the Road allowance – how does the County want to address this issue?

**Warspite**

- Main Street commercial – most properties on the west side look like historically commercial but are now residence. Should all properties be designated R4.







- Letters sent to the Residents/Property Owners affected by the Map Amendments.

Roll	Legal	Description	Parcel	Proposed
17591612	SE 16-59-17-W4 : 8023067, A	Agricore United	2.74	C1
19593241	NE 32-59-19-W4: 9623375, 1	Sprucefield Agro	7.74	C1
33231411	NW 34-59-13-W4: 8E + 06 4	Wireless High-Speed Internet Tower Site	100	R1 – Research
34241112	NW 16-60-16-W4: 8E + 06 1	Wireless High-Speed Internet Tower Site	100	R1 – Discretionary Use
14603530	NW 35-60-14-W4	Peat Moss Extraction-lease MLL#86013C	89.5	M2
	SE 8-60-19-W4: 2E + 07	Maple Tree Grill Restaurant	158.76	A
13592041	NE 20-59-13-W4: 2149RS A	Flinkert's Seed Cleaning Plant	1.99	M2
14592721	SW 27-59-14-W4: 9822590 OT	Road Maintenance Yard	2.01	C1
14602230	NW 22-60-14-W4	Sun Gro – Pallet Construction Shop	59.45	C1
15592431	NW 24-59-15-W4: 2153MC A	Race Trac	3.38	C1
15601541	NE 15-60-15-W4: 0826223 1 1	Woody's Battery Services Ltd.	10.01	M2
17581250	RL 12-58-17-W4: Victoria 12	Victoria Landing – RV Campground	98.73	A1
17581251	RL 12-58-17-W4: Victoria 12	Victoria Landing – 23% of res used	98.54	A1
17592541	NE 25-59-17-W4: 9522236 1	Custom Crop Spraying Business	5.33	M2
19591610	SE 16-59-19-W4: 8122847 16 21	Metro's Contracting	8.48	C1
19591614	SE 16-59-19-W4: 5225CL C	Toews Holdings – Owner-vac	2.63	C1
19591626	SW 16-59-19-W4: 0923870 1 1	Farm Implement Business	10.01	C1
19591641	NE 16-59-19-W4: 0920962 1 1	Peppers Petro Canada Service Station	.78	C1
19591642	NE 16-59-19-W4: 1522KS B	Peppers Restaurant / Car Wash	70.79	C1
19593242	NE 32-59-19-W4: 1025358 1 2	Access Pipelines – Petrochemical Plant	73.91	M1

- Properties outside Hamlet that require “Designation Changes” to Land Use Bylaw – have letters sent to the Residents/Property Owners affected by the proposed properties being re-districted.

**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:

**Note:**

**Items highlighted in Blue: Agreed to at the April 1, 2014 Meeting.**

**Items highlighted in Yellow: For discussion at the June 20, 2014 Meeting.**

15

Section 7: Special Provisions	
Issue No. 15:	
Current	Proposed (Recommended by Administration as a result of a concern from the public / administration)
<p><b>7.23 RECREATIONAL VEHICLES</b> (BLYAW 1256-13: AMENDMENT TO BYLAW 1250-12) September 23, 2013 to date.</p> <ol style="list-style-type: none"> <li>The year round placement of two (2) recreational vehicles on a parcel in Multi-lot Country Residential District (R1), Residential (Cluster) Conservation District (R2), Victoria Residential District (R3) or Hamlet Residential District (R4) is allowed without a development permit.</li> <li>Additional recreational vehicles shall be permitted within the Multi-lot Country Residential District (R1), Residential (Cluster) Conservation District (R2), Victoria Residential District (R3) or Hamlet Residential District (R4) for a maximum of four (4) consecutive days.</li> <li>Notwithstanding <b>subsection (2)</b> a development permit may be approved, at the discretion of the Development Authority, for up to one (1) additional, specific recreational vehicle per lot may be allowed for a maximum of one hundred and eighty (180) days in a calendar year. The 3<sup>rd</sup> recreational vehicle on a lot is considered a permitted use under the Land Use Bylaw. Additional permits will not be permitted for the same specific recreational vehicle unit in a calendar year.</li> <li>No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas water supply, or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park.</li> <li>this section <b>does not</b> apply to the placement of recreational vehicles in the Agricultural District (AG), Victoria Agriculture District (A1), Highway Commercial District (C1), Victoria Commercial District (C2), Hamlet Commercial District (C3), Industrial District (M1), Rural Industrial District (M2), Institutional &amp; Community District (P), Direct Control District (DC), and Direct Control Landfill District (DC1).</li> </ol>	<p><b>HISTORY</b> January 31, 2013 to September 22, 2013 this was passed as follows:</p> <ol style="list-style-type: none"> <li>The year round placement of 2 (two) recreational vehicles on a parcel in Multi-lot Country Residential, Residential (Cluster) Conservation, Victoria Residential or Hamlet Residential Districts is allowed without a development permit.</li> <li>Additional recreational vehicles shall be permitted within the Multi-lot Country Residential, Residential (Cluster) Conservation, Victoria Residential or Hamlet Residential Districts for a maximum of four (4) consecutive days.</li> <li>Notwithstanding <b>subsection (2)</b> a development permit may be approved, at the discretion of the Development Authority for up to one (1) additional recreational vehicle on an annual basis.</li> <li>No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply, or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park.</li> </ol> <p><b>Background:</b> **only <u>one</u> Development Permit was issued for a 3<sup>rd</sup> Recreational Vehicle between January 31, 2013 and September 22, 2013.</p> <p><b>LAND USE BYLAW 1102-02</b> (passed in 2002, was in effected until January 30, 2013).</p> <p><b>6.18 MULTI-LOT COUNTRY RESIDENTIAL DISTRICT</b></p> <ol style="list-style-type: none"> <li>No more than two (2) recreational vehicles shall be permitted on a lot for longer than four (4) consecutive days.</li> </ol>
<p><b>Comments from Jane Dauphinee, Municipal Planning Services</b> Recommend to allow the 3<sup>rd</sup> recreational vehicle on a lot on an annual basis. The Bylaw Enforcement Officer and Planning &amp; Development Manager could track the number of complaints or bylaw infractions (noise) on any permit. Therefore, the following year the permit can be refused based on that information. support</p>	
<p><b>Comment: Recommendation : Third (3<sup>rd</sup>)Recreational Vehicle – Permit issued from May 1 to October 31.</b></p>	

Ed English, Peace Officer/Bylaw Enforcement Officer and Parks and Recreation Manager left the Council Chambers, time 12:15 p.m.



**Meeting Recessed**

Meeting recessed for Lunch, time 12:15 p.m.

**Meeting Reconvene**

The meeting reconvened on a call to order by Reeve Cary Smigerowsky at 12:45 p.m. in the presence of all Council members, and the Chief Administrative Officer; Assistant Chief Administrative Officer/Recording Secretary.

**Review of Land Use Bylaw 1250-12**

**Discussion: Continued**

**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:

**Note:**

**Items highlighted in Blue: Agreed to at the April 1, 2014 Meeting.**

**Items highlighted in Yellow: For discussion at the June 20, 2014 Meeting.**

Section 1: General Administrative Procedures	
<b>1</b>	<p><b>Issue No. 1:</b> Should there be many areas of revisions in Land Use Bylaw 1250-12 (LUB), it is recommended to repeal and replace Land Use Bylaw 1250-12. As this is our main planning tool, it will be easier to reference <u>one</u> bylaw.</p>
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
<p><b>1.6 REPEAL</b> 1. This Bylaw comes into force on receiving Third and final reading by Council and repeals Land Use <b>Bylaw 1102-02</b> and any resolutions made thereunder or amendments thereto, which shall cease to have effect on the day this Bylaw comes into force.</p>	<p><b>1.6 REPEAL</b> 1. This Bylaw comes into force on receiving third and final reading by Council and repeals Land Use <b>Bylaw 1250-12</b> and any resolutions made thereunder or amendments thereto, which shall cease to have effect on the day this Bylaw comes into force.  Note: All amendments (map and text amendments) made to LUB 1250-12 will be forwarded to MPS for inclusion in the revised LUB.</p>
<p><b>Comments from Jane Dauphinee, Municipal Planning Services</b> We support the proposed change.</p>	
<p><b>Comment from Administration</b> Administration has placed notices on the website (March to date), grapevine (May &amp; July), and on the May Natural Gas Billings that the Land Use Bylaw 1250-12 is being by Council. The public was invited to contact the Manager for more information. The public is being kept informed through these channels. We have made available to anyone who has called and doesn't have access to a computer to come to the office and sit and review a paper copy of the Land Use Bylaw and the proposed revisions.</p>	
<p><b>Comment: As per Recommendation</b></p>	
<b>2</b>	<p><b>Issue No. 2:</b> As it is under the LUB, there is no mention on how the Development Authority deals with asphalt paving plants or concrete producing plants. We could classify same as "other" although, this makes it unclear and it is a grey area in the bylaw. See revision 5 for more information.</p>
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
<p><b>1.7 INTERPRETATION/DEFINITIONS</b> <b>169. "Natural resource extraction/processing facility"</b> means an industry engaged in the extraction and/or processing of natural resources such as clay, sand, gravel, lumber and natural gas, through primary treatment into a raw marketable form;</p>	<p><b>1.7 INTERPRETATION/DEFINITIONS</b> <b>169. "Natural resource extraction/processing facility"</b> means an industry engaged in the extraction and/or processing of natural resources such as clay, sand, gravel, lumber and natural gas, through primary treatment into a raw marketable form <u>which includes asphalt paving plants and concrete producing plants where applicable;</u>  Note: This change will need to be reflected in Section 2.7: Natural Resource Extraction Development Permit Requirements. Developers would need to comply with the Code of Practice for Asphalt Paving Plants and Code of Practice for Concrete Producing Plants.</p>
<p><b>Comments from Jane Dauphinee, Municipal Planning Services</b> Rather than using the words "which includes", we would suggest that the words, "and includes" be used in the modification.  Grammatically, the term "which" implies that the two plants are forms of "primary treatment", while the term "and" (following a comma) implies that the two plants are in addition to forms of primary treatment.</p>	
<p><b>Comment from Administration</b> Administration agrees with the change recommended by the Municipal Planning Services..</p>	
<p><b>Comment: As per Recommendation</b></p>	

<b>3</b>	<b>Issue No. 3:</b> As it is under the LUB, there is no mention of how the Subdivision Authority is appointed. Although, the appointment is further clarified under the Subdivision Authority Bylaw 996-95. It is a good practice to have this clarified in both bylaws.	
	<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
	<b>1.12 SUBDIVISION AUTHORITY</b> 1. The Subdivision Authority established by the municipality's Subdivision Authority Bylaw shall perform such duties as are specified in this Bylaw and by the Act.	<b>1.12 SUBDIVISION AUTHORITY</b> 1. The Subdivision Authority established by the municipality's Subdivision Authority Bylaw shall perform such duties as are specified in this Bylaw and by the Act. <u>The Subdivision Authority shall be appointed by a resolution of Council.</u>
	<b>Comments from Jane Dauphinee, Municipal Planning Services</b> We support the proposed change.	
	<b>Comment from Administration</b> Administration agrees with the change.	
	<b>Comment: As per Recommendation</b>	
	<b>Section 2: Development Permits, Rules, and Procedures</b>	
<b>4</b>	<b>Issue No. 4:</b> The section isn't consistent with our application for Development. This revision is suggested to ensure that these section are consistent.	
	<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
	<b>2.4 GENERAL DEVELOPMENT PERMIT APPLICATION REQUIREMENTS</b> 1. An application for a development permit shall be made to the Development Authority in writing, on the application form provided by the municipality and shall be accompanied by:  A. a site plan, to scale, showing the legal description; north arrow; municipal address; location and dimensions of property lines; existing utility rights-of-way and easements; fences; driveways; paved areas; proposed front, rear, and side yards, if any; any provisions for off-street loading and vehicle parking; access and egress points to the site; and any encumbrance such as rights-of-way;  B. existing and proposed building dimensions, to scale, including, but not limited to, the house, garage, decks and any covered structures such as car ports;	<b>2.4 GENERAL DEVELOPMENT PERMIT APPLICATION REQUIREMENTS</b> 1. An application for a development permit shall be made to the Development Authority in writing, on the application form provided by the municipality and shall be accompanied by:  A. site plan, to scale, showing the legal description; north arrow; <del>municipal address</del> ; location and dimensions of property lines; existing utility rights-of-way and easements; fences; driveways; paved areas; proposed front, rear, and side yards <del>setbacks</del> , any provisions for off-street loading and vehicle parking (if applicable); access and egress points to the site; and any encumbrances such as rights-of-way; existing and proposed building dimensions, <del>to scale, including, but not limited to, the house, garage, decks and any covered structures such as car ports,</del> <u>location of abandoned wells (if applicable), location of water bodies (if applicable), developed/undeveloped road allowances (if applicable).</u>  Note: Section will need to be renumbered.
	<b>Comments from Jane Dauphinee, Municipal Planning Services</b> 1. The words "yards" should be changed to "yard" before the additional word "setbacks". 2. We support the insertion however, grammatically, the word "and" should be added before the words "developed/undeveloped road allowances".	
	<b>Comment from Administration</b> Administration agrees with the change recommended by Municipal Planning Services.	
	<b>Comment: As per Recommendation</b>	
<b>5</b>	<b>Issue No. 5:</b> This revision is to correct the typographical errors in this section of the bylaw and to add a section that references additional regulations that the developer will be responsible to adhere to.	
	<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
	<b>2.7 NATURAL RESOURCE EXTRACTION DEVELOPMENT PERMIT REQUIREMENTS</b> 1. In addition to the information requirements indicated in <b>Section 2.4</b> of this Bylaw, the Development Authority shall require, where not required to do so by the Province, that each application be accompanied by the following information:  B. for Class I Pits on Private Land under 5 ha. (12.5 ac.) in area: proof of approval from Alberta Environment and Sustainable Resource Development;  C. for Class II Pits on Private Land under 5 ha. (12.5 ac.) in area: a reclamation deposit in the amount of \$2,000 per acre for each acre of working pit;	<b>2.7 NATURAL RESOURCE EXTRACTION DEVELOPMENT PERMIT REQUIREMENTS</b> 1. In addition to the information requirements indicated in <b>Section 2.4</b> of this Bylaw, the Development Authority shall require, where not required to do so by the Province, that each application be accompanied by the following information:  B. for Class I Pits on Private Land 5 ha. (12.5 ac.) or more in area: proof of approval from <del>Alberta Environment and Sustainable Resource Development</del> Environment and Sustainable Resource Development (ESRD);  C. for Class II Pits on Private Land <del>less than</del> 5 ha. (12.5 ac.) in area: a reclamation deposit in the amount of \$2,000 per acre for each acre of working <u>area of the pit</u> ;  Add New Sections: CC. The developer shall be responsible to ensure compliance with all applicable legislation including but not limited to the Code of Practice for Pits Act, Environmental and Protection Enhancement Act (EPEA), Water Act, Public Highways Development Act, Pipeline Act, Oil and Gas Conservation Act, Public Lands Act, Weed Control Act, Historical



	<p>Resources Act, Code of Practice for Asphalt Paving Plants, Code of Practice of Concrete Producing Plants, Code of Practice for Watercourse Crossings, Code of Practice for Pipeline and Telecommunication Lines Crossing a Water Body, Code of Practice for Outfall Structures on Water Bodies, Fisheries Act, Navigable Waters Protection Act, Canadian Environmental Assessment Act, Species at Risk Act, and Migratory Birds Convention Act.</p> <p>DD. All natural resource extraction development permits shall be considered temporary developments as specified by the Development Authority.</p> <p>Note: Need to research or provide statement in the LUB how gravel pits are dealt with on Crown Lands. Typically we have been following the same practice as on private lands but not requiring a Reclamation Deposit as ESRD would be responsible to monitor the reclamation.</p> <p>Need MPS to research further how we should deal with Asphalt Paving Plants and Concrete Producing Plants. A phone call was placed to ESRD, Industrial Approvals Engineer on March 18, 2014. These types of developments are registered through EPEA. If a developer does not adhere to the registration of either of these plants a phone call can be placed to the ESRD's Environmental Hotline. Administration is able to verify if a developer has registered plant under ESRD's Authorization Viewer. An email was placed to all municipalities through the Alberta Development Officer's Association (ADOA) on March 18, 2014 to verify if there are any municipalities that regulate Asphalt Batch Plant and Concrete Producing Plants.</p>
<p><b>Comments from Jane Dauphinee, Municipal Planning Services</b></p>	
<p><b>2.7(1)(B) &amp; (C)</b></p>	
<p>Notwithstanding the changes to be made to Subsection C., the County may always require a reclamation deposit, especially in those instances in which the Province is not requiring one.</p>	
<p><b>2.7(1)(CC)</b></p>	
<p>With respect to the changes to be made to create a new Subsection CC, we would not recommend that the listing not be so specific. Notwithstanding the statement "but not limited to", since the listing is so lengthy, if the names of the legislation or regulations change or new legislation or regulations be enacted, a Court may rule that, notwithstanding the "but not limited to" statement, the list is all inclusive and non newly-named or new legislation or regulations would apply. That would necessitate constant revision to the Land Use Bylaw to stay up to date. Rather, we recommend that the clause state "The developer shall be responsible to ensure compliance with all applicable Federal and provincial legislation and regulations."</p>	
<p><b>Comment from Administration</b></p>	
<p>Administration agrees with the change recommended by Municipal Planning Services.</p>	
<p><b>Comment:</b> As per Recommendation.</p>	
<b>6</b>	<p><b>Issue No. 6:</b> This revision is to ensure consistency with Section 6.6 (1): Development and Access Permit Requirements Adjacent to Municipal Roadway and Highways.</p>
<p><b>Current</b></p>	<p><b>Proposed (Recommended by Administration)</b></p>
<p><b>2.10 REFERRAL OF APPLICATION</b> 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.</p>	<p><b>2.10 REFERRAL OF APPLICATION</b> 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. <del>prior to a development permit being issued.</del></p>
<p><b>Comments from Jane Dauphinee, Municipal Planning Services</b></p>	
<p>Reference in Subsection 5, should be to "Provincial highway", not just "highway".</p>	
<p><b>Comment from Administration</b></p>	
<p>Administration agrees with the change recommended by Municipal Planning Services.</p>	
<p><b>Comment:</b> As per Recommendation.</p>	
<b>7</b>	<p><b>Issue No. 7:</b> 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.</p>
<p><b>Current</b></p>	<p><b>Proposed (Recommended by Administration)</b></p>

<p><b>2.11 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS</b></p> <p>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.</p>	<p><b>2.11 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS</b></p> <p>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.</u> <del>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.</del></p> <p>Note: Section 642(4) of the MGA.</p>
<p><b>Comments from Jane Dauphinee, Municipal Planning Services</b></p> <ol style="list-style-type: none"> <li>We support the proposed inclusion.</li> <li>We recommend that the last sentence not be deleted. This sentence was included in order to allow the 6 month waiting period to be waived if the refusal was a “deemed refusal” because the Development Authority exceeded the 40 day requirement to issue a permit. For clarification the County may wish to consider the following revision:                      “However, when an application has been <u>deemed</u> refused as per subsection (7) below the Development Authority may accept a new application without waiting six (6) months after the date of the refusal’.</li> </ol>	
<p><b>Comment from Administration</b> Administration agrees with the change recommended by Municipal Planning Services.</p>	
<p><b>Comment:</b> <b>As per Recommendation.</b></p>	
<p><b>Concern No. 8:</b> Administration finds that “posting a notice in a place” task to be wasting paper with each and every permit. At any given time, if a member of the public would like a copy of an issued Development Permit it can be provided. Note: This is a separate process from the statutory advertising requirement for Development Permits which shall continue as per the requirement of the MGA.</p>	
<p><b>Current</b></p>	<p><b>Proposed (Recommended by Administration)</b></p>
<p><b>2.14 NOTICE OF DECISION</b></p> <p>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 the decision.</p>	<p><b>2.14 NOTICE OF DECISION</b></p> <p>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 <del>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.</del> Mailing the notice is not required when an applicant picks up a copy of the decision.</p> <p>Note: MPS to review to ensure that this section complies with the requirements under the 642(3) of MGA.</p>
<p><b>Comments from Jane Dauphinee, Municipal Planning Services</b> Administration will post a notice to the Public Webmap once a Development Permit has been issued. Text will be inserted in the bylaw (Review Webmap with Council).</p>	
<p><b>Comment from Administration</b> Administration agrees with the change recommended by Municipal Planning Services.</p>	
<p><b>Comment:</b> <b>As per Recommendation.</b></p>	
<p><b>Issue No. 9:</b> 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.</p>	
<p><b>Current</b></p>	<p><b>Proposed (Recommended by Administration)</b></p>
<p><b>3.1 DEVELOPMENT APPEALS AND PROCEDURES</b></p> <p>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:</p> <p>A. the date on which the person is notified of the order or decision or the issuance of the development permit; or</p> <p>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.</p>	<p><b>3.1 DEVELOPMENT APPEALS AND PROCEDURES</b></p> <p>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:</p> <p>A. the date on which the person is notified of the order or decision or the issuance of the development permit; or</p> <p>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.</p> <p>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 (if available), at least one reason(s) for the appeal.</u></p>

8

9

<p><b>Comments from Jane Dauphinee, Municipal Planning Services</b>                  We support this revision. However, it should be noted that Section 678(4) of the Municipal Government Act provides that in the case of subdivision appeals, a reason for appeal must be stated within the notice of appeal. There is no such requirement under Section 686 of the Act dealing with the grounds for development appeals.                  Additionally, you may wish to clarify that it is the <u>appellant's</u> name, phone number, mailing address, and email address (if available) are being required.</p>	
<p><b>Comment from Administration</b>                  Administration agrees with the change recommended by Municipal Planning Services.</p>	
<p><b>Comment: As per Recommendation</b></p>	
<p><b>Section 6: General Provisions</b></p>	
<p><b>Issue No.10:</b> A revision of this section is needed in its entirety is needed as it is confusing to read and understand by all.</p>	
<p><b>Current</b></p>	<p><b>Proposed (Recommended by Administration)</b></p>
<p><b>6.1 ACCESSORY BUILDINGS</b>                  1. An accessory building shall not be used as a dwelling.                  2. The siting of a detached garage or other accessory building shall be in accordance with <b>Figure 17</b>.                  3. In the Agriculture (AG) and Victoria Agriculture (A1) Districts an accessory building shall not:                  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 district in which 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 Agriculture (AG) and Victoria Agriculture (A1) Districts where there is no main use or main building solely at the discretion of the Development Authority. The Development Authority shall only approve the development of an accessory building where there is no main use or main building if, in their sole opinion:                  A. the accessory building would become accessory to a main use or a main building in the future should such main use or main building ever be developed; and                  B. the accessory building is sited in such a manner that it will minimize shadowing or site line obstructions from adjacent properties.                  5. In the Multi-lot County Residential, Residential (Cluster) Conservation, Victoria Residential, Hamlet Residential Districts an accessory building shall not:                  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 a lot line;                  D. encroach upon an easement or right-of-way,                  E. normally exceed 6.1 m (20.0 ft.) or one (1) storey in height. However, the maximum height for an accessory building may be exceeded, at the sole discretion of the Development Authority, for the height of a garage in order to facilitate the development of a garage suite on a parcel of land where it can reasonably be determined by the Development Authority that the additional height will not impact the quality of life or enjoyment of adjacent properties;                  F. exceed more than 12% of the total site area.                  6. Accessory buildings shall normally be allowed in Residential, Commercial and Industrial Districts only where there is already a main use or building with an approved development permit, located on the site.                  7. Notwithstanding Subsections (5) and (6), where the development of a garage with a garage suite is proposed in the Multi-lot County Residential, Residential (Cluster) Conservation, Victoria Residential, Hamlet Residential Districts the Development Authority may, at their sole discretion, approve the development of the garage suite as a temporary dwelling prior to the construction of the main use or building on the property.                  8. Accessory buildings may be allowed in the Multi-lot County Residential, Residential (Cluster) Conservation, Victoria Residential, Hamlet Residential Districts where there is no main use or main building solely at the discretion of the Development Authority. The Development Authority shall only approve the development of an accessory building where there is no main use or main building if, in his/her sole opinion, the accessory building would become accessory to a main use or a main building in the future should such main use or main building ever be developed.                  9. The minimum setback requirements for a detached garage or other accessory building located on a parcel in a residential district where the parcel of land is not located adjacent to a highway or a government road allowance, shall be in accordance with <b>Figure 17</b>.</p>	<p><b>6.1 ACCESSORY BUILDINGS</b>                  Note: MPS to review this section to comment and make a recommendation.</p>

<b>Comments from Jane Dauphinee, Municipal Planning Services</b>	
<b>Section 6.1 Accessory Buildings</b>	
Delete Section 6.1(2) and replace with the following: "The siting of an accessory building or a detached garage shall be as follows"	
<b>Accessory Buildings (Excluding Garages)</b>	
Side Yard Setback	0.9 (3.0 ft.)
Rear Yard Setback	0.6m (2.0 ft.)
<b>Rear Facing Garages (doors face lane)</b>	
Side Yard Setback	0.9m (3.0 ft.)
Rear Yard Setback	4.6m (15.0 ft.)
<b>Side Facing Garages (doors face side yard)</b>	
Side Yard Setback	0.9m (3.0ft.)
Rear Yard Setback	0.6m (2.0ft.)
<b>Side Facing Garages (door facing road on a corner lot)</b>	
Side Yard Setback	0.9m (3.0 ft.)
Rear Yard Setback	0.6m (2.0 ft.)
Side Yard/Front Yard Setback	7.6 m (25.0 ft.) – from internal subdivision road 40.84 m (134.0 ft.) – from a highway 23.1 m (92.0 ft.) – from a public grid road.
<b>Note:</b> Figure 17 will be deleted	
<b>Comment from Administration</b>	
Administration agrees with the change recommended by Municipal Planning Services.	
<b>Comment:</b> As per Recommendation	
<b>Issue No. 11:</b> This revision is suggested to remove the duplicate reference to the Agricultural Operations Practices Act.	
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
<b>6.9 DWELLING UNITS ON A PARCEL</b>	<b>6.9 DWELLING UNITS ON A PARCEL</b>
3. Any more than two units may only be permitted at the discretion of the Municipal Planning Commission.	3. <del>Any</del> 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.
<b>Comments from Jane Dauphinee, Municipal Planning Services</b>	
We recommend the following revision to the proposed changes effecting Section 6.9 (3) "At the discretion of the <b>Municipal Planning Commission</b> more than two (2) dwelling units may be allowed in the Agricultural District."	
We also suggest that the following text be added as a new Subsection 4:	
4. In consideration of a third or subsequent dwelling unit on a parcel of land, the <b>Municipal Planning Commission</b> shall consider the following matters:	
A. whether the proposed water supply and sewage disposal systems for the dwelling are separate,	
B. whether there will be the need for additional accesses on any County roads,	
C. whether the second dwelling unit is to be a permanent or a temporary development (based on the need of the applicant),	
D. whether the second or additional dwelling unit is to be used as a dwelling for persons engaged in the agricultural operation being undertaken on the parcel of land, and	
E. whether the second or additional dwelling unit can be positioned so that the land it is situated on can ultimately be easily subdivided from the parcel of land.	
<b>Comment from Administration</b>	
Administration agrees with the change recommended by Municipal Planning Services.	
<b>Comment:</b> More Clarification required.	
<b>Issue No. 12:</b>	
This revision is suggested to ensure consistency with County policy.	
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
<b>6.13 PARKING AND LOADING REGULATIONS</b>	<b>6.13 PARKING AND LOADING REGULATIONS</b>
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.	1. In all Districts, vehicular entrances and exits onto roads shall only be allowed at locations approved by the <del>Development Authority</del> Public Works Department. A permit shall be obtained from Alberta Transportation for access onto all Highways.
<b>Comments from Jane Dauphinee, Municipal Planning Services</b>	
We recommend that the words "Development Authority" remain and that the following insertion be made: "In all Districts, vehicular entrances and exits onto roads shall only be allowed at locations approved by the Development Authority in consultation with the Municipalities Public Works Department."	
<b>Comment from Administration</b>	
Administration agrees with the change recommended by Municipal Planning Services.	
<b>Comment:</b> As per Recommendation	

11

12

<b>Section 7: Special Provisions</b>	
<b>Issue No. 13:</b>	
There is two different section of the Land Use Bylaw in which developers need to be aware of when applying for a natural resource extraction development. Combining these sections would make it easier to reference when dealing with developers. Combining this section as well will allow us to avoid any conflicting information in the bylaw.	
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
<b>2.7 NATURAL RESOURCE EXTRACTION DEVELOPMENT PERMIT REQUIREMENTS AND 7.16 NATURAL RESOURCE EXTRACTION INDUSTRIES</b>	These two sections needed to be combined/cross-referenced.
<b>Comments from Jane Dauphinee, Municipal Planning Services</b>	
Section 2.7 deals with application requirements. Section 7.16 deals with development requirements. Though the two sets of requirements are somewhat complementary, they are distinct. The first is what the County expects before it considers the proposal. The second is what the County expects of the development itself. This is similar to some other uses or classes of uses.	
Perhaps, for ease of reference, Section 2.7 should make references to Section 7.16 and Section 7.16 should make reference to Section 2.7.	
<b>Comment from Administration</b>	
Administration agrees with the change recommended by Municipal Planning Services.	
<b>Comment: As per Recommendation.</b>	
<b>Issue No. 14:</b>	
<b>Current</b>	<b>Proposed (Recommended by Administration as a result of a concern from the public/administration/Council)</b>
<b>7.17 PET KEEPING AND KENNELS</b> 1. Fur bearing animals, fowl or livestock other than small domestic pets such as cats and dogs may be permitted, subject to the issuance of a development permit, on lots lying within the Residential Districts.  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.	<b>7.17 PET KEEPING AND KENNELS</b> Refer to Issue No. 21  <b>Background:</b> **Two Development Permits were issued in 2014 for the keeping of animals in the R1 district.
<b>Comment: Motion made later in the Meeting.</b>	
<b>Issue No. 16:</b>	
This section requires review, to streamline the process of these types of applications.	
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
<b>7.31 SHIPPING CONTAINERS</b> 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.  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.	<b>7.31 SHIPPING CONTAINERS</b> 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.  <b>Note:</b> Section will need to be renumbered.
<b>Comments from Jane Dauphinee, Municipal Planning Services</b>	
We support the proposed change. However, for clarity's sake, the County may wish to specifically indicate when a development permit will be required for the placement of a shipping container on larger parcels – even agricultural parcels.	
Additionally we recommend that Section 7.31(4) be moved to Section 2.2 (Development Not Requiring a Permit) and both Sections be renumbers appropriately.	
<b>Comment from Administration</b>	
Administration agrees with the change recommended by Municipal Planning Services.	
<b>Comment: As per Recommendation.</b>	
<b>Section 8: Land Use Districts</b>	
<b>Issue No. 17:</b>	
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
<b>SECTION 8.2 AGRICULTURE DISTRICT (AG)</b>	<b>SECTION 8.2 AGRICULTURE DISTRICT (AG)</b> 1. Addition of Side Yard and Rear Yard Setback when adjacent to another parcel of 60 ft (18.3m)
<b>Comments from Jane Dauphinee, Municipal Planning Services</b>	
We support the inclusion of provisions – Re: side and rear yard setbacks.	
<b>Comment: As per Recommendation</b>	
<b>Issue No. 18:</b>	
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>
<b>SECTION 8.3 VICTORIA AGRICULTURE DISTRICT (A1)</b>	<b>SECTION 8.3 VICTORIA AGRICULTURE DISTRICT (A1)</b> 1. Addition of Side Yard and Rear Yard Setback when adjacent to another



	2. parcel of 60 ft (18.3m) Change distance from 2.05 ft (7.62m) to 25 ft (7.62m) in the minimum front yard setback (internal subdivision road)																					
<b>Comments from Jane Dauphinee, Municipal Planning Services</b> We support the proposed change.																						
<b>Comment: As per Recommendation</b>																						
<b>19</b>	<b>Issue No. 19:</b>																					
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>																					
<b>SECTION 8.4 MULTI-LOT COUNTRY RESIDENTIAL DISTRICT (R1)</b>	<b>SECTION 8.4 MULTI-LOT COUNTRY RESIDENTIAL DISTRICT (R1)</b> 1. Review Front Yard Setback adjacent to a municipal road distance at Hillside Acres.																					
<b>Comments from Jane Dauphinee, Municipal Planning Services</b> Addition of: "Notwithstanding Sections (x) and (x) in the Hillside Acres subdivision located within (insert legal description) the following side and rear yard setbacks will apply. (Insert appropriate setbacks)".																						
<b>Comment: As per Recommendation</b>																						
<b>20</b>	<b>Issue No. 20:</b>																					
<b>Current</b>	<b>Proposed (Recommended by Administration)</b>																					
<b>SECTION 8.7 HAMLET RESIDENTIAL DISTRICT (R4)</b>	<b>SECTION 8.7 HAMLET RESIDENTIAL DISTRICT (R4)</b> 1. Review the Maximum Heights with MPS.  Current: Single Detached Dwellings and Modular Homes 4.5m Manufactured Homes 4.5m Accessory Buildings 4.5m All Other Uses – As approved by the Development Authority.																					
<b>Comments from Jane Dauphinee, Municipal Planning Services</b> The following chart outlines current building height in the LUB in each district that could include a house and our recommended changes. In my opinion, 11m is a bit high for a maximum building height in a residential district and might create some conflicts on lake lots (obstructing view). To keep things simple, I am recommending 11m in the AG District(s) and 10m in all the Residential Districts.  Before arriving at this number I looked at the bylaws for Legal, Strathcona County, Town of Hardisty, Town of Vermilion, and Leduc County. Some of these municipalities are communities that we work with others are not. The maximum, height in all of the bylaws reviewed was 10m in their residential districts.																						
<table border="1"> <thead> <tr> <th>DISTRICT</th> <th>EXISTING</th> <th>RECOMMENDED BY MPS</th> </tr> </thead> <tbody> <tr> <td>AG (Agriculture District)</td> <td>11m (36.1ft.)</td> <td>11m (36.1ft.)</td> </tr> <tr> <td>A1 (Victoria Agriculture District)</td> <td>11m (36.1ft.)</td> <td>11m (36.1 ft.)</td> </tr> <tr> <td>R1</td> <td>11m (36.1 ft.)</td> <td>10m (33.0 ft.)</td> </tr> <tr> <td>R2 (Residential Cluster Conservation)</td> <td>11m (36.1 ft.)</td> <td>10m (33.0 ft.)</td> </tr> <tr> <td>R3 (Victoria Residential)</td> <td>11m (36.1 ft.)</td> <td>10m (33.0 ft.)</td> </tr> <tr> <td>R4 (Hamlet Residential)</td> <td>Single Detached – 4.5m (15 ft.) Manufactured Homes – 4.5m (15 ft.) Accessory Buildings – 4.5m (15 ft.)</td> <td>Dwellings (including Single Detached/Manufactured Homes) and Accessory Buildings – 10m (33.0 ft.).</td> </tr> </tbody> </table>		DISTRICT	EXISTING	RECOMMENDED BY MPS	AG (Agriculture District)	11m (36.1ft.)	11m (36.1ft.)	A1 (Victoria Agriculture District)	11m (36.1ft.)	11m (36.1 ft.)	R1	11m (36.1 ft.)	10m (33.0 ft.)	R2 (Residential Cluster Conservation)	11m (36.1 ft.)	10m (33.0 ft.)	R3 (Victoria Residential)	11m (36.1 ft.)	10m (33.0 ft.)	R4 (Hamlet Residential)	Single Detached – 4.5m (15 ft.) Manufactured Homes – 4.5m (15 ft.) Accessory Buildings – 4.5m (15 ft.)	Dwellings (including Single Detached/Manufactured Homes) and Accessory Buildings – 10m (33.0 ft.).
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If administration supports this revision, then the following amendments will be required to facilitate the changes:																						
<ol style="list-style-type: none"> <li>Delete Section 8.4(5)(E)(i) and replace with the following: "i. 10m (33.0ft.)"</li> <li>Delete Section 8.5(5)(E)(i) and replace with the following: "i. 10m (33.0ft.)"</li> <li>Delete Section 8.6(5)(E)(i) and replace with the following: "i. 10m (33.0 ft.)"</li> <li>Delete Section 8.7(5)(E) and replace with the following:</li> </ol>																						
<table border="1"> <tbody> <tr> <td><b>Single Detached &amp; Modulare Homes</b></td> <td><b>10m (33.0 ft.)</b></td> </tr> <tr> <td><b>Manufactured Homes</b></td> <td>10m (33.0 ft.)</td> </tr> <tr> <td><b>All other Uses</b></td> <td>At the Discretion of the Development Authority</td> </tr> </tbody> </table>		<b>Single Detached &amp; Modulare Homes</b>	<b>10m (33.0 ft.)</b>	<b>Manufactured Homes</b>	10m (33.0 ft.)	<b>All other Uses</b>	At the Discretion of the Development Authority															
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Additionally, I reviewed the garage suite section (7.8) and the current height requirements in that section appear reasonable although less than the maximum height for dwellings. This will mean that garage suites cannot by the same height as the principle building on the site however, I don't think that is problematic. The maximum height for garage suites in the County's LUB is already greater than the normal max height allowed for a garage suite in the City of Edmonton. ( <a href="http://www.edmonton.ca/city_government/documents/NOv2009SecondarySuites_SummaryTable.pdf">http://www.edmonton.ca/city_government/documents/NOv2009SecondarySuites_SummaryTable.pdf</a> )																						
<b>Comment from Administration</b> Administration agrees with the change recommended by Municipal Planning Services.																						
<b>Comment: As per Recommendation</b>																						

21

**Issue No. 21:**

**Other**

Typographical Errors:

- Page 69 , Page 92, and Page 94.

Addition of:

- Explore the idea of an additional land use district – Crown Land (CL). **This item will be reviewed further once a complete review of the Land Use Bylaw is undertaken (following adoption of North Saskatchewan Regional Plan and the revised Municipal Government Act)**
- A footer on the bottom of each page stating “Smoky Lake County – Land Use Bylaw”

**Comments from Jane Dauphinee, Municipal Planning Services**  
We support the proposed changes.

22

**Comment:** As per Recommendation

**Issue No. 22:**

**Research from MPS/Administration**  
**Discussion Paper on th Keeping of Livestock and Fowl within Country Residential Subdivisions (Section 7.17)**

**1.1 Introduction**  
The Keeping of livestock (horses) and fowl on small country residential parcels near lakes within the County has recently become “hot topic” issue. The County has asked us provide some possible regulatory changes to address this issue. The following paper provides information relating to demographic trend data and environmental data pertaining specifically to this issue.

**1.2 Environmental Considerations**  
According to the Delaware Department of Natural Resources and Environmental Control, they typical household generates 10-15 pounds of nitorgen per year and 1-2 pounds of phosphorus per year. According to a Maryland state study, each chicken generates approximately 0.41 lbs of Nitrogen per year and around 0.35 pounds of phosphorus per year. If we thinkof a typical household as 4 people then each person contirbutes 3.75 pounds of nitrogen annually to the environment. It would require 9 cickens to have the same annual impact as one person on annual nitrogen levels.

(<http://greenrisks.blogspot.ca/2010/08/backyard-chickens-and-chesapeake-bay.html>)

**Lawn Fertilizer-**  
50 lbs bag of 10-10-10= 5 lbs of nitrogen  
50 lbs bag of 8-0-24= 4 lbs of nitrogen  
50 lbs bag of 26-0-4 = 13 lbs of nitrogen

Typically, multiple bags of each would be required to cover an area of 4,000 square feet (approximately 1/10<sup>th</sup> of an acre) **each time** fertilizer is applied. So each fertilizer application would have a greater impact on the nitrogen levels of the surrounding area than the annual impact of 9 chickens

**1.3 Economic Development & Demographic Trends**  
**1.3.1.1 Where are the young people headed?**

- The migration trend for young people (25-34) has changed
- Young people are migrating less; and are less interested in moving to areas for jobs and affordable housing (exclusively)
- New migration pattern is either to “cool” cities (where young adults can feel connected, have attachments to colleges or universities, have a vibrant tech sector).

2005-07		2008-10	
Top Gainers	Top Losers	Top Gainers	Top Losers
Riverside Metro Area 23,147	Los Angeles Metro Area -53,795	Denver Metro Area 10,429	Los Angeles Metro Area -24,470
Phoenix Metro Area 14,220	New York Metro Area -47,027	Houston Metro Area 9,366	New York Metro Area -22,325
Atlanta Metro Area 12,167	New Orleans Metro Area -18,626	Dallas Metro Area 8,731	Chicago Metro Area -9,645
Houston Metro Area 10,992	Miami Metro Area -15,208	Seattle Metro Area 7,451	Detroit Metro Area -7,501
Charlotte Metro Area 9,273	Chicago Metro Area -13,859	Austin Metro Area 7,099	Miami Metro Area -5,724
Portland Metro Area 6,744	San Diego Metro Area -8,991	DC Metro Area 7,044	San Diego Metro Area -5,364
Dallas Metro Area 6,357	Boston Metro Area -8,201	Portland Metro Area 6,656	Virginia Beach Metro Area -3,855

Among metropolitan areas with populations exceeding one million.  
Data pertain to successive three-year periods: 2005 through 2007, and 2008 through 2010.  
Source: William H. Frey analysis of 2005-7 and 2008-10 U.S. Census Bureau American Community Survey data

BROOKINGS

- Those not moving to “cool cities” are looking for opportunities to live in a rural area, increase their own food security and in some instances contribute to the local movement, (live, eat, grow local; slow food movement, etc).

- If the County is interested in growing the population of young people (24-35) then developing a local food security strategy and providing opportunities for decreasing food insecurity should be considered.
- Restricting the location of chickens on residential lots will not help to decrease food insecurity and may adversely impact the attractiveness of the County people within the 24-35 year age bracket.

**1.4 Recommendation #1**

<b>Recommendation:</b>	<b>Amend the Land Use Bylaw to include a calculation for animal units.</b>
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**New Section: 7.12 KEEPING OF DOMESTIC PETS AND LIVESTOCK**

1. Animals other than domestic pets or the animal listed in Subsection (7) of this Section shall not be allowed in the Multi-Lot Country Residential District (R1), Residential (Cluster) Conservation District (R2), Victoria Residential District (R3), and Hamlet Residential District (R4).
2. Roosters shall not be allowed on parcels less than 2.03 ha (5.0 ac) in the Multi-Lot Country Residential District (R1), Residential (Cluster) Conservation District (R2), Victoria Residential District (R3), and Hamlet Residential District (R4).
3. The total number of domestic pets shall be in conformity with the County's Animal control Bylaw.
4. On any lot less than 0.4 ha (1.0ac.) in size, no animals except as provided for in Subsection 7.12(3) shall be allowed.
5. On lots 0.4 ha (1.0ac) in size and larger, additional livestock units shall be allowed in accordance with the following:

Residential Parcel Size		Allowable Number of Animal Units
0.4 – 1.21 hectares	(1.0 – 2.99 acres)	1
1.22 – 1.61 hectares	(3.0 – 3.99 acres)	2
1.62 – 2.02 hectares	(4.0 – 4.99 acres)	3
2.03 – 2.42 hectares	(5.0 – 5.99 acres)	4
2.43 – 4.04 hectares	(6.0 – 9.99 acres)	5
4.05 hectares or greater	(10.0 acres or greater)	5*

\* Plus – the number of animal units permitted for that portion of the parcel in excess of 4.05 hectares (10.0 acres).

Example: 5.26 hectares (13.0 acres) = 5 + 2=7 total animal units.

6. The keeping of animals not in accordance with **Section 6.20(1)** shall only be allowed upon issuance of a development permit approval, in those circumstances considered exceptional or unique by the Municipal Planning Commission.
7. For the purposes of this Section, "one animal unit" means the following:
  - (a) 1 horse, donkey, mule or ass (over one year old);
  - (b) 2 colts up to one year old;
  - (c) 1 llama, alpaca;
  - (d) 2 ostrich, emu, or other ratite;
  - (e) 1 cow or steer (over one year old);
  - (f) 2 calves up to one year old;
  - (g) 3 pigs;
  - (h) 15 chickens;
  - (i) 10 ducks, turkeys, pheasants, geese or other similar fowl;
  - (j) 3 sheep or goats;or
  - (k) 20 rabbits or other similar rodents.

**Recommendation #2.**

**Delete Section 7.17(2) and replace with the following:**

"No livestock, whether or not the keeping of such livestock is considered to be a confined feeding operation for which neither an approval nor a registration is required pursuant to the Agricultural Operations Practices Act, other than small domestic pets such as cats and dogs, may be allowed on lots in the ~~Urban General~~ **Hamlet Commercial (C3)** District, unless a development permit has been issued for the keeping of such animals by the Development Authority. The issuance of such a permit shall be solely at the discretion of the Development Authority."

**Comments from Administration**

Administration has researched and found the following articles on this subject matter.

1. City of Pleasanton, California Date: October 26, 2005  
<http://www.cityofpleasanton.gov/pdf/pcsr-6f-prz30-ord.pdf>
2. City of Red Deer, Alberta Date: January 24, 2013 Urban Chickens (Report Summary and Recommendation and  
<http://www.reddeer.ca/City+Government/News+Releases/Archive/2013/May/Cracking+the+case+on+urban+chickens.htm>
3. Winnipeg Urban Chicken Association Date: December 2012  
<http://wuca.files.wordpress.com/2013/10/winnipeg-urban-chicken-association-report-for-council-dec-2012.pdf>
4. Urban Agriculture (Winnipeg, Alberta) – Turner Environmental Law Clinic Date: 2011
5. Vancouver Island Health Authority to City of Duncan Date: May 11, 2012 and City of Vancouver Website for backyard chickens- <http://vancouver.ca/people-programs/backyard-chickens.aspx>
6. River City Chickens Collective (Edmonton) Date: July 2012 [www.rivercitychickens.org](http://www.rivercitychickens.org)
7. City of Edmonton <http://transformingedmonton.ca/chicken-bylaws-a-popular-research-questions-at-the-archives>

8. Canadian Liberated Urban Chicken Klub <http://cluckreddeer.blogspot.ca>
9. Urban Agriculture Kingston Date: April 2010 [www.uakingston.webs.com](http://www.uakingston.webs.com)
10. Family Fighting to keep a pet pig – Strathcona County (CTV News website) – May 2014 and <http://www.strathcona.ca/departments/transportation-and-agriculture-services/agriculture-services/animal-control-bylaw/strathcona-county-position/>
11. City of Calgary Website: <http://www.calgary.ca/CSPS/ABS/Pages/Animal-Services/Responsible-pet-ownership-bylaw-livestock.aspx>
12. City of Toronto Website: <http://www.toronto.ca/311/knowledgebase/32/101000040932.html>

Note: If Council would like printed copies of these materials, they can be provided upon request.

## Review of Land Use Bylaw No. 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 (2009) Inc. for comment: April/May 2014 – *Complete.*
- Hold a 2<sup>nd</sup> Committee of the Whole: Planning Meeting with Council to review the final revises with the County’s Planner being the facilitator: May/June 2014 – *Meeting on June 20, 2014.*
- Send letters to landowners (Re: Map Amendments) – *July 2014.*
- Public Open House (Council direction required) – *August 2014.*
- Prepare 1<sup>st</sup> Reading of the revised Land Use Bylaw: *October 2014.*
- Hold a Public Hearing of the revised Land Use Bylaw: *October 2014.*
- Prepare 2<sup>nd</sup> and 3<sup>rd</sup> Readings of the revised Land Use Bylaw: *December 2014.*

## Review of Land Use Bylaw 1250-12

### Mapping Amendments

656-14: Cholak

That County Council at the Committee of the Whole meeting recommend that Administration in conjunction proceed with mailing notices to the landowners whom will be affected by the mapping amendments / zoning changes in regards to the proposed revisions of the Land Use Bylaw 1250-12.

Carried.

## Review of Land Use Bylaw 1250-12

### Briefing Notes: Related Sections in the Current Land Use Bylaw No. 1250-12

657-14: Orichowski

That County Council at the Committee of the Whole meeting recommend at a Council Meeting all the Sections relating to the concerns in the current Land Use Bylaw No. 1250-12, as highlighted in “Red-Recommendation” as the proposed revisions of the Land Use Bylaw 1250-12, for approval for the preparation of first reading to the proposed bylaw.

Carried.

**County Council Committee of the Whole Meeting  
Planning: Intermunicipal Development Strategies**

658-14: Bobocel That the next County Council Committee of the Whole Meeting for the purpose of Planning: Intermunicipal Development Strategies be scheduled for Thursday, **June 26, 2014** at 11:00 a.m.; to be held at the County Council Chambers.

Carried.

**Addition to the Agenda:**

**Sub-division Authority**

659-14: Lukinuk That the County Council defer the discussion on the issue of Subdivision Authority to a future meeting.

Carried.

Jane Dauphinee, Senior Planner and Spencer Andres, Planner with Municipal Planning Services left the Council Chambers, time 2:33 p.m.

**Executive Session: Legal**

660-14: Orichowski That County Council go into Executive Session to discuss a legal issue, time 2:35 p.m.

Carried.

Lydia Cielin, Assistant Chief Administrative Officer and Aline Brousseau, Planning and Development Manager left the Council Chambers, time 2:35 p.m.

661-14: Cholak That County Council go out of Executive Session, time 2:39 p.m.

Carried.

**ADJOURNMENT:**

662-14: Cholak That the County Council Committee of the Whole Meeting for the purpose of Planning, be adjourned at 2:40 p.m.

Carried.

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REEVE

**S E A L**

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ASSISTANT CHIEF ADMINISTRATIVE OFFICER