

# MINUTES

## Municipal Planning Commission Meeting January 11, 2022

### MD Council Chambers & Via Zoom Teleconferencing

#### MEMBERS PRESENT

Lana Spencer	Deputy Reeve, MDLSR (Chair)
Kenneth Caissie	Public Member
Darren Fulmore	Councillor, MDLSR
Terry Kristoff	Public Member (via Zoom)
Carol Stockman	Public Member
Norm Seatter	Councillor, MDLSR

#### IN ATTENDANCE

Ann Holden	Development Authority, MDLSR
Brandy Bolianatz	Recording Secretary, MDLSR
Ted Barnes	Applicant
Jeni Nash	Applicant
Jack Weinach	Applicant

#### CALL TO ORDER

Lana Spencer called the meeting to order at 1:59 p.m.

#### ADOPTION OF AGENDA

##### MOTION: MPC 001-22

Moved by Ken Caissie to adopt the January 11, 2022, Municipal Planning Commission Agenda as presented.

**CARRIED**

#### ADOPTION OF MINUTES

##### MOTION: MPC 002-22

Moved by Darren Fulmore to adopt the December 14, 2021, Municipal Planning Commission Meeting Minutes as presented.

**CARRIED**

#### DEVELOPMENT APPLICATIONS

1072166 Alberta Ltd.  
(21-D-046)

##### Legal Land Information

Applicant:	Ted Barnes
Owner:	1072166 Alberta Ltd.
Development File #:	21-D-046
Legal Land:	Plan 952 3561; Lot A (NW-13-70-1- W5)
Rural Address:	10081 Croswell Rd
Zoning:	Community Facility District (CF)

##### Purpose

To consider development permit application 21-D-046 for four (4) 40' and four (4) 20' sea cans.

##### General Background

- The parcel is located 11 km from Smith where the Mosquito Lake Resort was located. It is accessed from Croswell Rd.
- The parcel is 48.98 hectares (121.03 acres).
- Most of the lot is used for haying, but it also has a campground, a museum, and a caretaker residence.
- The applicant has purchased the land for the purpose of developing the Midnight Sky Outdoor Centre.
- Previous development permits and land use amendments for this lot includes:
  - Development permit S-17(E)-52-83: Campsite development (approved July 29, 1983)
  - Development permit 94-D-76: Campground (refused September 7, 1994, because the land was zoned Agriculture)

- Development permit 95-D-28: Single family dwelling (approved May 5, 1995)
- Wellsite approval (April 9, 1996) for license # 0193186
- Application to rezone the lot from Agriculture to Recreation Facility and Resort District. The land use bylaw amendment was approved December 16, 1998
- Development permit 98-D-104: Campground (approved January 13, 1999)
- Development permit 11-D-016: Public utility building (91-metre communication tower). The permit was approved April 8, 2011, an appeal was filed, and the hearing was on May 24, 2011. The tower was not built.

**MOTION: MPC 003-22**

Moved by Ken Caissie to approve the application for sea cans (4 40' and 4 20') with conditions as listed in the Development Report and attached hereto.

**CARRIED**

1072166 Alberta Ltd.  
(21-D-047)

**Legal Land Information**

Applicant: Ted Barnes  
Owner: 1072166 Alberta Ltd.  
Development File #: 21-D-047  
Legal Land: Plan 952 3561; ; Lot A (NW-13-70-1- W5)  
Rural Address: 10081 Crowell Rd  
Zoning: Community Facility District (CF)

**Purpose**

To consider a discretionary use development permit application for Recreation Camp to accommodate people for events such as yoga retreats and senior education gatherings. The cabins will not be advertised for rent for the general public, but as accommodations for festivals and events.

**General Background**

- The parcel is located 11 km from Smith where the Mosquito Lake Resort was located. It is accessed from Crowell Rd.
- The parcel is 48.98 hectares (121.03 acres).
- The applicant purchased the land for the purpose of developing the Midnight Sky Outdoor Centre – a development that fit best within the definition of Recreation Camp in the land use bylaw.
- The definition of Recreation Camp in the 2021-17 land use bylaw is “a development that contains accommodation facilities and is used wholly or partly for recreational purposes. This includes but is not limited to: trail riding ranches and guest ranches; rural experience camps; survival training camps; fishing and hunting camps; religious camps; and camps for disabled persons. Accessory uses may include staff accommodations, convenience retail services, eating and drinking establishments, campgrounds, and other recreational uses.
- Previous development permits for this lot includes:
  - Development permit S-17(E)-52-83: Campsite development (approved July 29, 1983)
  - Development permit 94-D-76: Campground (refused September 7, 1994, because the land was zoned Agriculture)
  - Development permit 95-D-28: Single family dwelling (approved May 5, 1995)
  - Wellsite approval (April 9, 1996) for license # 0193186
  - Application to rezone the lot from Agriculture to Recreation Facility and Resort District. The land use bylaw amendment was approved December 16, 1998
  - Development permit 98-D-104: Campground (approved January 13, 1999)
  - Development permit 11-D-016: Public utility building (91-metre communication tower). The permit was approved April 8, 2011, an appeal was filed, and the hearing was on May 24, 2011. The tower was not built.

**SUBDIVISION  
APPLICATIONS**

**John Schueller  
(210S-02)**

**Discussion was held regarding the following:**

- Reword condition #11 as follows: "Water and wastewater disposal shall be the responsibility of the developer and provided to the recreation camp; and shall meet Provincial Regulations from a Safety Codes Agency."

**MOTION: MPC 004-22**

Moved by Carol Stockman to approve the application for recreation camp with 20 cabins and a temporary shelter with conditions as amended and listed in the Development Report and attached hereto.

**CARRIED**

**Legal Land Information**

Applicant: John Schueller  
Owner: Jeni Nash  
Subdivision File #: 21-S-02  
Legal Land: NW-08-73-05-W5  
Rural Address: 540094B Old Smith HWY

**Highlights**

**Existing Land Use:** Residential (proposed lot) oil, gas, vacant (remnant)  
**Proposed Land Use:** Residential (proposed lot) oil, gas, vacant (remnant)  
**Zoning:** Agriculture (A)  
**MDP:** Crown Land Designation  
**Area Structure Plan:** Waterfront Area Structure Plan – Country Residential

<b>Existing Parcel Area</b>	64.7 Ha	159.88 Ac
<b>Proposed Lot Area</b>	2.09 Ha	5.18 Ac
<b>Remnant Parcel Area</b>	62.61 Ha	154.7 Ac

**General Background:**

- The developer intends to subdivide 5.18 acres (2.09 Ha) from a 159.88 acre (64.7 Ha) unsubdivided quarter section.
- The parcel has one dwelling unit, a garage with an attached greenhouse, and a few smaller moveable sheds. The buildings will all be part of the proposed lot, leaving the remnant lot vacant.
- When the applicant first applied for this subdivision, the land use bylaw required the maximum lot size to be no greater than 4.9 ac (2 ha). This is no longer a requirement with the new land use bylaw.
- The applicant must apply to redistrict the lot to Residential Un-Serviced under land use bylaw 2021-17.
- The following development permits for this lot includes:
  - S-17(E)-30-85: Mobile Home (this development permit was refused by the Improvement District, but approved by the appeal board)
  - S-91-D-11: Residence (build a wood frame home)
  - 98-D-51: double garage
  - 05-D-23 Accessory Building (40' X 60' shop/hobby greenhouse)
- The owners have attempted to subdivide the lot in the past:
  - Subdivision application 09-N-513 (this subdivision was refused because of insufficient road access and possible flood hazard. The decision was overturned by the Municipal Government Board who approved the application)
  - 16-S-06: An application was received, but since the issue of legal access remained unsolved, the application was never taken to the Municipal Planning Commission.
  - 21-S-02: The applicants provided information on flood hazards and a way to access the lot legally.

**MOTION: MPC 005-22**

Moved by Norm Seatter to approve subdivision application 21-S-02 with conditions as listed in the Development Report and attached hereto.

**CARRIED**

Weinrich  
(21-S-04)

**Legal Land Information**

Applicant: Dawn, Jack, James and Valerie Weinrich  
Owner: Dawn, Jack, James and Valerie Weinrich  
Subdivision File #: 21-S-04  
Legal Land: SE-05-72-25-W4  
Rural Address: 720034 RGE RD 254

**Remnant Parcel Zoning & Land Use Planning**

Existing Land Use: Residential and Agriculture  
Proposed Land Use: Agriculture  
Zoning: Agriculture (A)  
Municipal Development Plan: Agriculture

Area Structure Plan: N/A  
Intermunicipal Development Plan: N/A  
Other Plans: Smith Hondo Local Plan, Big Bend Integrated Resource Plan, White Area

**Subdivided Parcel Zoning & Land Use Planning**

Existing Land Use: Residential  
Proposed Land Use: Residential  
Zoning: To be rezoned from A to RUS

<b>Existing Parcel Area</b>	50.08 ha	123.64 ac
<b>Remnant Parcel Area</b>	+/- 44.01 ha	+/- 108.60 ac
<b>Subdivided Parcel Area</b>	+/- 6.07 ha	+/- 15.04 ac

**General Background**

- The developer intends to subdivide the remainder of SW-5-72-25-W4M. A 14.24 ha (35.19 ac) lot was previously subdivided from the quarter section in 2013.
- The parcel is about 1 km from Athabasca River
- The MDP policy allows for subdivision of the Agricultural area for residential, and recreational or rural industrial purposes.
- The LUB requires a subdivision of a lot that is less than 10 ha (24.7 ac) in Agricultural Districts to be rezoned.
- The developer would like to obtain a 15.04 ac (6.07 ha) subdivision. The request would meet the MDP section 6.1.6, where "the size may be increased to include dwellings or other improvements, such as power supply, well, sewage disposal system, access, shelter belts, and accessory buildings."
- The size of the subdivision includes a 0.651 ha (1.61 ac) environmental reserve easement.
- Most of the land is not suitable for farming; however, it has a suitable building pocket for a dwelling, it is suitably sheltered from the parcel used for agricultural purposes and it is situated at a very aesthetically pleasing location.
- A development permit 08-D-91 for the Accessory Building (barn) was found in the legal file.
- The dwelling, that was removed in 2021 was built in 1932.
- There are no oil and gas wells on this parcel.
- A gas pipeline crosses the land and provide gas to the dwelling. (The line comes into the farm stead from the west).
- The owner would like the environmental reserve to be an easement (ERE).
- Municipal Reserve will be taken as money in lieu of land dedication as per policy 6.6.1. of the Municipal Development Plan.

**MOTION: MPC 006-22**

Moved by Darren Fulmore to approve subdivision application 21-S-04 with conditions as listed in the Development Report and attached hereto.

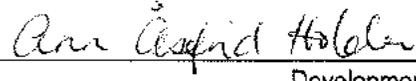
**CARRIED**

ADJOURNMENT

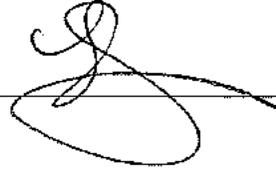
**MOTION: MPC 007-22**

Moved by Carol Stockman to adjourn the meeting at 4:34 p.m.

**CARRIED**



Development Authority



Chairperson



## Lesser Slave River

MOTION MPC 003-22  
Municipal Planning Commission – January 11, 2022  
Attachment to Minutes

1. Must meet minimum setback of:  
Front Yard - 3 meters (9.8 feet) from property line  
Side Yard - 1.2 meters (3.9 feet) from property line  
Rear Yard - 3 meters (9.8 feet) from property line  
NOTE:  
A minimum setback of 30 m (100 ft) shall be provided for all buildings from the top of bank of any watercourse, from the top of the ravine or other topographical feature in which a watercourse is located, or from any water body.
2. The building height shall not exceed 10.6 meters (34.7 feet)
3. Prior to the commencement of construction, the Municipal District of Lesser Slave River No. 124 and the Province of Alberta require that all developers obtain Building Permits, Plumbing Permits, Gas Permits, Electrical Permits, and Private Sewage and Disposal System Permits prior to the construction or location of a building. The developer shall contact certified building inspectors to obtain all relevant permits and upon issuance, shall provide a copy to the Municipal District immediately.
4. The developer is responsible for ensuring that all relevant onsite utilities (water, sewer, telephone, gas, power, etc.) are secure before commencing excavation and construction.
5. The developer must ensure that proper permits are obtained for hauling oversize weight loads on any Municipal Roadway in conjunction with this project. Please contact Shari Spencer at shari.spencer@mdlsr.ca for a road weight control special permit.
6. If the lot adjoins a residential district, all areas that contain use other than a single-detached dwelling shall be landscaped, screened, and/or buffered by other means to the satisfaction of the Development Authority. (light industry)
7. Any exterior lighting shall be directed so that the area illuminated is contained entirely within the site.
8. Sea cans shall be used as an accessory structure for storage purposes only, unless the sea can has been transformed to meet the Alberta Building Code and any applicable Safety Code standard.
9. Sea cans shall not be located in the regulated setback areas in any district.
10. Sea cans shall not be stacked.
11. Where a sea can is visible from a public road and/or neighbouring properties, landscaping, screening and/or fencing shall be required to the satisfaction of the Development Authority.
12. The developer shall keep site clean and orderly.
13. The developer is encouraged to FireSmart buildings and properties to guard against wildfires, for more information go to <http://livefiresmart.ca/> OR [www.firesmartcanada.ca](http://www.firesmartcanada.ca)
14. No other buildings or use are allowed on this lot without municipal authorization.
15. This developer must obtain any and all necessary permits and approvals from any and all other regulatory bodies which may have jurisdiction over this proposal.
16. This permit does not excuse any violation of any regulation or act which may affect the proposed project.



## Lesser Slave River

17. The development shall not commence until 21 days after the Date of Decision.
18. The Development Permit is valid for a 12-month period starting from the Date of Decision.
19. If the Development Permit has been appealed to the Subdivision and Development Appeal Board or the Lands and Property Tribunal, the development shall not commence until after the board of appeal has rendered a decision.
20. If the Development Permit has been appealed to the Subdivision and Development Appeal Board or the Lands and Property Rights Tribunal, the Development Permit will be valid for a 12-month period starting from the date of decision by the board hearing the appeal and in accordance with all conditions placed on it by the board.
21. The development will be carried out in accordance with the approved application, approved plans and all the conditions contained in this Development Permit Notice of Decision.
22. Any appeal of this decision lies to the Subdivision and Development Appeal Board pursuant to section 685(2.1) of the Act.



## Lesser Slave River

MOTION MPC 004-22  
Municipal Planning Commission – January 11, 2022  
Attachment to Minutes

1. Must meet minimum setback of:  
Front Yard - 3 meters (9.8 feet) from property line  
Side Yard - 1.2 meters (3.9 feet) from property line  
Rear Yard - 3 meters (9.8 feet) from property line  
NOTE:  
A minimum setback of 30 m (100 ft) shall be provided for all buildings from the top of bank of any watercourse, from the top of the ravine or other topographical feature in which a watercourse is located, or from any water body.
2. Building height shall not exceed 10.6 meters (34.7 feet)
3. Prior to the commencement of construction, the Municipal District of Lesser Slave River No. 124 and the Province of Alberta require that all developers obtain Building Permits, Plumbing Permits, Gas Permits, Electrical Permits, and Private Sewage and Disposal System Permits prior to the construction or location of a building. The developer shall contact certified building inspectors to obtain all relevant permits and upon issuance, shall provide a copy to the Municipal District immediately.
4. The developer is responsible for ensuring that all relevant onsite utilities (water, sewer, telephone, gas, power, etc.) are secure before commencing excavation and construction.
5. Any exterior lighting shall be directed so that the area illuminated is contained entirely within the site.
6. Domestic pets and other animals shall be kept in conditions that they do not act as a nuisance to adjoining lands.
7. The relocation of any building shall meet the Alberta Building Code and any applicable safety code standard.
8. Seasonal dwellings: Buildings and/or structures that are used for accommodation but are not constructed to the Alberta Building Code or applicable CSA standard shall be considered seasonal dwellings and are not to be inhabited on a year-round basis, regardless of the district that they are located in.
9. The applicant shall ensure that campfire smoke and noise control measures are undertaken to prevent such items from becoming an annoyance to neighboring landowners.
10. The following noise levels (decibel level, dBA) should not be exceeded when measured from the exterior to a residential dwelling, hospital or school:  
45dBA between 7am – 7pm  
35dBA between 7pm – 7am
11. Wastewater disposal shall be the responsibility of the developer and provided to the recreation camp; and shall meet Provincial Regulations from a Safety Codes Agency
12. Black-water and grey-water sewage waste must be disposed of off site at designated dumping stations
13. Solid waste must be disposed of off site at the landfill
14. The developer must ensure that proper permits are obtained for hauling oversize weight loads on any Municipal Roadway in conjunction with this project. Please contact Shari Spencer at [shari.spencer@mdlsr.ca](mailto:shari.spencer@mdlsr.ca) for a road weight control special permit.



## Lesser Slave River

15. An Emergency Response Plan shall be provided to the M.D regarding the recreation camp by February 28, 2022
16. A Waste Management Plan shall be provided to the M.D regarding the recreation camp by February 28, 2022
17. No parking on municipal roads is permitted in the MD unless explicit consent has been provided by the MD. When accessing the need for on-site parking, applicants shall assume that no parking is permitted on municipal roads.
18. There shall be at least one (1) on-site parking stall for each recreational unit on the lot.
19. The tent shelter is a temporary one-year development permit approval. The municipality is not liable for any costs involved in the cessation or removal of the development at the expiration of this development permit.
20. The developer shall keep site clean and orderly.
21. The developer is encouraged to FireSmart buildings and properties to guard against wildfires, for more information go to <http://livefiresmart.ca/> OR [www.firesmartcanada.ca](http://www.firesmartcanada.ca)
22. No other buildings or use are allowed on this lot without municipal authorization.
23. This developer must obtain any and all necessary permits and approvals from any and all other regulatory bodies which may have jurisdiction over this proposal.
24. This permit does not excuse any violation of any regulation or act which may affect the proposed project.
25. The development shall not commence until 21 days after the Date of Decision.
26. The Development Permit is valid for a 12-month period starting from the Date of Decision.
27. If the Development Permit has been appealed to the Subdivision and Development Appeal Board or the Lands and Property Tribunal, the development shall not commence until after the board of appeal has rendered a decision.
28. If the Development Permit has been appealed to the Subdivision and Development Appeal Board or the Lands and Property Rights Tribunal, the Development Permit will be valid for a 12-month period starting from the date of decision by the board hearing the appeal and in accordance with all conditions placed on it by the board.
29. The development will be carried out in accordance with the approved application, approved plans and all the conditions contained in this Development Permit Notice of Decision.
30. Any appeal of this decision lies to the Subdivision and Development Appeal Board pursuant to section 685(2.1) of the Act.



## Lesser Slave River

### MOTION 005-22

Municipal Planning Commission – January 11, 2022

Attachment to Minutes

Conditions are as follows:

1. That prior to the endorsement the registered owner and/or developer enter into, and comply with the terms and conditions of, a development agreement with the Municipal District of Lesser Slave River pursuant to Section 655 of the Municipal Government Act, which the development agreement may be registered by way of caveat against the subject title. *This Development Agreement may include provisions for electricity, gas, and road access approaches to the appropriate lots.*
2. That prior to endorsement of an instrument affecting this plan, the owner provide a copy of a 20.12 m wide easement agreement allowing for access to both the remnant and the proposed land via the SW-8-73-5-W5 parcel. The agreement must include an option to turn the easement into a road should the MD want that at a later date.
3. That the landowner enters into an environmental reserve easement to protect the bed and shore of the unnamed oxbow on the property. The environmental reserve easement must reflect a 6-metre setback from the top of bank. The environmental reserve easement shall be registered as a Caveat on both the proposed parcels.
4. Amend the land use bylaw to redistrict the lot from Agriculture (A) to Residential Un-Serviced (RUS).
5. Prior to endorsement, the applicant confirms the existing sewage disposal systems are in compliance with the Alberta Private Sewage Systems Standard of Practice 2015 and amendments thereto. The systems shall be compliant with the new proposed subdivision lot lines. Should the existing systems not be in compliance, a new or modified system must be installed.
6. Prior to endorsement, the applicant confirms the existing water well that supplies water intended or used for human consumption conforms with the Nuisance and General Sanitation Regulation AR243/2003.
7. Prior to endorsement of an instrument affecting this plan, the landowner pays an off-site levy of \$200 to the Municipal District of Lesser Slave River in accordance with the Municipal District's policies and bylaws.
8. That land taxes are fully paid prior to final approval (endorsement) of this instrument effecting the subdivision is requested.



## Lesser Slave River

**MOTION 006-22**  
**Municipal Planning Commission – January 11, 2022**  
**Attachment to Minutes**

Conditions are as follows:

- a. That prior to the endorsement the registered owner and/or developer enter into and comply with the terms and conditions of a development agreement with the Municipal District of Lesser Slave River pursuant to Section 655 of the Municipal Government Act, which the development agreement may be registered by way of caveat against the subject title. *This Development Agreement may include provisions for electricity, gas, and access approaches to the appropriate lots.*
- ~~b. Pursuant to the Subdivision and Development Regulation, the applicant confirms that the existing sewage disposal system is in compliance with the Alberta Private Sewage Systems Standard of Practice 2015 and amendments thereto. Should the existing system not be in compliance a new or modified system must be installed. (Please note: a new standard of practice will come into force on November 1, 2022).~~
- ~~c. Register a caveat in favour of Lot 2, for an access easement over the remnant.~~
- d. Apply for a land use bylaw amendment to redistrict the lot from Agriculture (A) to Residential Un-Serviced (RUS).
- e. Get Historical Resources Act Approval.
- f. Prior to endorsement of an instrument affecting this plan, the landowner pays an off-site levy of \$200 to the Municipal District of Lesser Slave River in accordance with the Municipal District's policies and bylaws.
- g. Pursuant to Section 667(2) of the Municipal Government Act, to provide money in place of municipal reserve as follows:  
  
Land value: \$ 100,000 for the raw land on the lot of 123.64 acres = \$808.79 per acre  
10% of the proposed lot of 15.04 ac = \$1,216.42 in MR
- h. That land taxes are fully paid prior to final approval (endorsement) of this instrument effecting the subdivision is requested.
- i. This conditional subdivision approval is valid for one year. If the developer cannot complete the conditions in this time frame, the developer shall apply for a subdivision time extension.