

MINUTES

Municipal Planning Commission Meeting

November 15, 2022

MD Council Chambers

MEMBERS PRESENT

Lana Spencer	Commission Member (Chair)
Kenneth Caissie	Commission Member
Darren Fulmore	Commission Member
Terry Kristoff	Commission Member
Norman Seatter	Commission Member
Carol Stockman	Commission Member

IN ATTENDANCE

Ann Holden	Development Authority, MDLSR
Marilyn Gladue	Interim Executive Assistant, MDLSR
Jillian Bishop	Recording Secretary, MDLSR
Ted Barnes	Applicant
Susan Barnes	Applicant

CALL TO ORDER

Lana Spencer called the meeting to order at 1:31 p.m.

ADOPTION OF AGENDA

MOTION: MPC 061 -22

Moved by Norman Seatter to adopt the November 15, 2022, Municipal Planning Commission Agenda as amended.

- Add Appointment of Chair and Vice-Chair
- Add Land Use Bylaw Roundtable

CARRIED

ADOPTION OF MINUTES

MOTION: MPC 062 -22

Moved by Carol Stockman to adopt the October 18, 2022, Municipal Planning Commission Meeting Minutes as amended.

- On page 3 under General Background, change "south" to "north"

CARRIED

APPOINTMENT OF CHAIR

MOTION: MPC 063-22

Moved by Norman Seatter to nominate Lana Spencer as Chair of the Municipal Planning Commission for an additional term. No other nominations were made.

CARRIED

APPOINTMENT OF VICE-CHAIR

MOTION: MPC 064-22

Moved by Lana Spencer to nominate Terry Kristoff as Vice-Chair of the Municipal Planning Commission for an additional term. No other nominations were made.

CARRIED

Kenneth Caissie left the meeting at 1:47pm.
Kenneth Caissie returned at 1:49pm.

DEVELOPMENT APPLICATIONS

22-D-057

Applicant: Ted Barnes
Owner: 1072166 Alberta Ltd
Development File #: 22-D-057
Legal Land: Plan 952 3561; Lot A (NW-13-70-1-W5)
Rural Address: 10081 Croswell Road
Zoning: Community Facility District (CF)

Purpose: To consider development permit application 22-D-057 for **Accessory to Recreation Camp: Accommodation Facility**

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).
- The Municipal Planning Commission approved the main use for this lot in 2021 for a Recreation Camp called 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.
 - 21-D-046 Sea Cans (4 40' and 2 20')
 - 21-D-047 Recreation Camp with 20 Cabins and a Temporary Tent Shelter
 - 22-D-013 Accessory Building to Recreation Camp: Gathering/Events Facility
 - 22-D-028 Accessory Building to Recreation Camp: Shower House and 2 40' Sea Cans with Arctic Shelter
 - The applicant applied for a roadside development permit from Alberta Transportation on November 2, 2022.

Discussion was held about the following:

- The location of the proposed Accommodation Facility in relation to the lake bank and property line
- The long term plans for this property
- The use of ATCO trailers for accommodations and the overall aesthetics of the property
- The need for an updated RPR from a Legal Land Surveyor to show that the development is 30m from the top of the surveyed bank and within the general location of the application
- What the general location means, specifically within 150ft – 200ft of the original application
- The potential for moving the holding tank for waste disposal further away from the lake
- The use of motorized boats on the lake

MOTION: MPC 065-22

Moved by Kenneth Caissie to approve development permit application 22-D-057 for **Accessory to Recreation Camp: Accommodation Facility** with the conditions as attached to the report.

CARRIED

Ted Barnes left the meeting at 2:31pm.
Susan Barnes left the meeting at 2:32pm.
Norman Seatter left the meeting at 2:31pm.
Norman Seatter returned at 2:32pm.

22-D-058

Legal Land Information

Applicant:	Robert Jamieson
Owner:	Carol Jamieson
Development File #:	22-D-058
Legal Land:	Plan 6022RS; Block 5; Lot 4

Rural Address: 10 Upper Crescent
Zoning: Residential Un-Serviced (RUS)

Purpose: To consider development permit application 22-D-048 for **Extension to Dwelling, Single-Detached (Existing) – Variance: Side Yard from 7.5m to 0.56m**

General Background

- The Dwelling was approved under the former land use bylaw with setback distances of 1.5m side yard. The dwelling is conforming, since it was approved with a development permit, but the extension would need a much bigger variance than it would have, had the owners applied for a variance at the time of development.
- The parcel is located on Upper Crescent in Marten Beach.
- The parcel is 12091 sq. ft. (0.278 acres).
- The land where the dwelling is located is *not* under the flood overlay. The building pocket when the 1:200 flood overlay is applied is in the north-east portion of the lot (this part would even be above the 1:1000 year flood)
- Previous development permits and land use amendments for this lot includes:
 - Development permit S-17(E)-27-89: Cottage
 - Development permit 12-D-047: Renovation (Basement Foundation Under Existing Residence)
 - Development permit 13-D-034: Garage 24' X 24' Addition to manufactured home and attached garage
 - The extension to the dwelling was done during the construction of the basement. The contractors were already in place, so it made sense to the developer to get the addition finished at the same time.
 - There are two restrictive covenants on title. Covenant 772 097 066 states that the lots under the covenant are for private recreational dwellings. The setback distance in the covenant is 5 ft from the side yard/back yard. The second caveat is for an agreement that is not included in the printable caveat. The MD is not bound by these caveats as they are enforced by the residents.

Discussion was held about the following:

- If the development permit was denied, would the owners be expected to take down the extension
- Since the development is not encroaching on the neighbour's lot, an encroachment agreement is not needed
- Approving the variance makes the location legal and conforming
- Implications of changes in the setback distance with the former Land Use Bylaw 2004-06 to the current Land Use Bylaw 2021-17
- Include the decks and eaves in the variance

Lana Spencer left the meeting at 3:06pm.
Lana Spencer returned at 3:07pm.
Carol Stockman left the meeting at 3:08pm.
Carol Stockman returned at 3:10pm.

MOTION: MPC 066-22

Moved by Kenneth Caissie to approve development permit application 22-D-058 for **Extension to Dwelling, Single-Detached (Existing Additions, Decks, and Eaves) – Variance: Side Yard from 7.5m to 0.56m** application 22-D-058 with the conditions as attached to the report.

**LAND USE BYLAW
ROUNDTABLE**

Roundtable discussion was held about the following:

- Front and back yard definitions
- Dugouts and ponds definitions
- Sea-Cans
- ATCO Trailers
- Relocatable buildings definition

CARRIED

Marilyn Gladue left at 3:49pm.

Marilyn Gladue returned at 3:53pm.

MOTION: MPC 067-22

Moved by Norman Seatter to research availability and cost of having a workshop with Nick Pryce regarding clarification of sections of the Land Use Bylaw.

CARRIED

ADJOURNMENT

MOTION: MPC 068-22

Moved by Darren Fulmore to adjourn the meeting at 3:57pm.

CARRIED

The Next Municipal Planning Commission meeting is December 12, 2022 at 1:30pm.


Development Authority


Chairperson

MOTION MPC 066-22

Municipal Planning Commission – November 15, 2022

Attach to Minutes

1. Must meet minimum setback of:
 - Front Yard - 7.5 meters (24.6 feet) from property line
 - West Side Yard - 7.5 meters (24.6 feet) from property line
 - East Side Yard - 0.56 meters (1.8 feet) from property line (Variance: from 7.5 m to 0.56 m)
 - Rear Yard - 7.5 meters (24.6 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. Principal building height shall not exceed 10.6 meters (34.8 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, and shall provide a copy to the Municipal District immediately.
4. BUILDING PERMITS WILL ONLY BE ISSUED FOR HOMES THAT COMPLY WITH THE REQUIREMENTS OF THE New Home Buyer Protection Act and is built by a person that holds the appropriate licence or authorization or is exempt from the requirement for a licence or authorization. For more information and updates: HomeWarranty.Alberta.ca and www.builderlicencing.alberta.ca or contact builderlicencing@gov.ab.ca or 1866-421-6929.
5. The developer is responsible for ensuring that all relevant onsite utilities (water, sewer, telephone, gas, power, etc.) are secure before commencing excavation and construction.
6. Decks shall remain uncovered and unenclosed; if they do become covered and enclosed, they shall be considered an addition to the principal building or an accessory structure and shall be required to meet all applicable regulations in their district and the Alberta Building Code.
7. Any exterior lighting shall be directed so that the area illuminated is contained entirely within the site.
8. The developer shall keep site clean and orderly.

9. 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
10. No other buildings or use are allowed on this lot without municipal authorization.
11. The developer must obtain any and all necessary permits and approvals from any and all other regulatory bodies which may have jurisdiction over this proposal.
12. This permit does not excuse any violation of any regulation or act which may affect the proposed project.
13. The development shall not commence until 21 days after the Date of Decision.
14. The Development Permit is valid for a 12-month period starting from the Date of Decision.
15. If the Development Permit has been appealed to the Subdivision and Development Appeal Board or the Lands and Property Rights Tribunal, the development shall not commence until after the board of appeal has rendered a decision.
16. 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.
17. 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.
18. Any appeal of this decision lies to the Subdivision and Development Appeal Board pursuant to section 685(2.1) of the Act.

MOTION MPC 065-22

Municipal Planning Commission – November 15, 2022

Attach 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 (34.8 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. The relocation of any building shall meet the Alberta Building Code and any applicable safety code standard.
7. A certificate or a Real Property Report certified by a registered surveyor be provided to the Development Authority upon placement of the Accommodation Facility indicating that the development, specifically that the location of the development is 30 m or more from the surveyed top of the bank, is in accordance with the approved development permit application or any conditions of approval of that application.
8. The developer shall keep site clean and orderly.
9. 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
10. No other buildings or use are allowed on this lot without municipal authorization.

11. The developer must obtain any and all necessary permits and approvals from any and all other regulatory bodies which may have jurisdiction over this proposal.
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