

# MINUTES

Municipal Planning Commission Meeting  
July 18, 2023  
MD Council Chambers and Teams

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<b>MEMBERS PRESENT</b>	Lana Spencer Carol Stockman Darren Fulmore Terry Kristoff Norm Seatter	Commission Member (Chair) Commission Member Commission Member Commission Member Commission Member
<b>MEMBERS ABSENT</b>	Kenneth Caissie	Commission Member
<b>IN ATTENDANCE</b>	Ann Holden Brooke Jolliffe Jillian Bishop Cody Borris Sandra Rendle Khushdeep Singh Wannie Yamsuan Alain Menard Kevin Torkelson Tim Jones Vicki Jones	Development Authority, MDLSR Recording Secretary, MDLSR Recording Secretary, MDLSR Manager of Transportation, MDLSR Community Services Coordinator, MDLSR Engineering Services, MDLSR Applicant Applicant Applicant Applicant Applicant
<b>CALL TO ORDER</b>	Lana Spencer called the meeting to order at 2:30 p.m.	
<b>CALL FOR OBJECTIONS</b>	No calls for objections.	
<b>ADOPTION OF AGENDA</b>	<b>MOTION: MPC 035-23</b> Moved by Darren Fulmore to adopt the July 18, 2023, Municipal Planning Commission Agenda as presented.	<b>CARRIED</b>
<b>ADOPTION OF MINUTES</b>	<b>MOTION: MPC 036-23</b> Moved by Darren Fulmore to adopt the June 20, 2023, Municipal Planning Commission Meeting Minutes as amended. - Add "CARRIED" under Motions 032-23 and 033-23	<b>CARRIED</b>
<b>DEVELOPMENT APPLICATIONS</b>		
<b>22-D-048</b>	Applicant: 2007992 AB LTD. Owner: 1845421 AB LTD. Development File #: 22-D-048 Legal Land: Plan 2952ET; Lot 30 Rural Address: 118 SEPPOLA DR Zoning: Commercial (C)  <b>Purpose</b> To consider development permit application <b>22-D-048</b> for <b>Vehicle Oriented Uses: Gas Bar</b> .  <b>General Background</b> <ul style="list-style-type: none"><li>• The parcel is located on the corner of HWY 2 and Seppola Dr.</li><li>• The parcel is 0.65 hectares (1.6 acres).</li><li>• Previous development permits and land use amendments for this lot includes:<ul style="list-style-type: none"><li>○ Development Permit 04-D-042 Addition to house</li><li>○ Development Permit 14-D-010 Convenience &amp; Liquor Store</li></ul></li></ul>	

- Development Permit 18-D-050 Commercial Use: U-Haul Business
- Development Permit 20-D-022 Accessory Building to Restaurant: Deck (576 sq. ft.)
- Development Permit 23-D-004 Accessory Building: Pergola
- The land has been used for commercial purposes for many years.
- A gas bar may be a natural extension of the business.
- There are no oil and gas developments on the land.
- A roadside development permit approval has been granted for Gas Bar with tanks above ground. According to the approval, the proposed Gas Bar must be set back 50 meters from the highway property lines.

#### Application Details

- The gas tanks are above the ground (tank size: 11,000 litres) x 2.
- A gas line between the tank and the gas bar will be buried underground.
- The tanks will have a concrete jersey barrier to prevent collisions.

#### Assessment Criteria:

- **Visual Appearance:** A gas bar is never very aesthetically pleasing. Screening is not an option for the front, since the point of having a commercial lot is to attract customers. The amended gas bar proposed may be less visually invasive on the neighborhood than the first draft, since this proposal lacks the advertisement panel.
- **Safety:** The gas bar has a number of safety features, including:
  - Collision jersey barriers on the tanks.
  - Electronic shut down (ESD).
  - Audible alarm and mechanical alarm.
  - Fire suppression systems that detect heat or flames and extinguish it automatically.
  - CCTV system (Security camera system).
  - Emergency stop switches (one at tank and one at gas bar).
  - Fire extinguisher.
  - Double walled design.
  - Shuts down automatically if there is a leak under the dispenser.
  - Overfill monitoring.
  - Hose breakaways.

The safety features are required by Alberta Safety Codes. The building plans currently exceeds the standards.

- **Light:** Two stands with three heads of light, pointing down towards the gas bar. Another light is illuminating the gas tanks. All the lights are turn towards the ground. The picture below was taken from the driveway of the lot opposite Winks.
- **Traffic/Access:** The lot is accessed from Seppola Dr. This road is a collector road with a 50 km/hr speed limit. An upgrade to the approach is part of the design plan.
- **Compatibility with Adjacent Land Uses:** The lot is adjacent to residential serviced lots. The development will have impacts on adjacent lots and the community.

As a commercial lot, this is a 'community node' in Canyon Creek. As such, its purpose is to draw traffic to the lot: to be a place to gather and socialize, or to pick up something in the convenience store. Local nodes are central to residential neighborhoods and act as a neighborhood-scale centre for local jobs, retail, services and community gatherings. Lots that are located close to a community node will see more traffic, hear more noise and be disturbed by lights; however, they will also see more "life" and have more opportunities to interact with people.

**Discussion was held about the following:**

- Safety precautions with the equipment, including overflow protection, emergency shutdowns, alarms, double walled tanks, and third party testing regulated by Alberta Safety Codes
- Tanks will be leased from Bluewave Energy, who will provide the most current documentation for safety inspections to the MD
- Widening of the approach not being needed due to the small-scale gas bar not needing large refueling vehicles

**MOTION: MPC 037-23**

Moved by Norm Seatter to approve development permit application **22-D-048** for **Vehicle Oriented Uses: Gas Bar** with the conditions as amended:

- Amended condition #3 to include: The developer shall contact certified building inspectors to obtain all relevant permits and upon issuance, shall provide a copy to the Municipal District immediately.

**CARRIED**

Wannie Yamsuan left at 3:10PM  
Alain Menard left at 3:10PM

23-D-029

Applicant: Kevin Torkelson  
Development File #: 23-D-029  
Legal Land: SW-19-73-8-W5  
Rural Address: No Address  
Zoning: Agricultural (A)

**Purpose**

To consider development permit application **22-D-029** for **Educational Services: Home School Gathering Facility**.

**General Background**

- The parcel is located on the border of the Municipal District of Lesser Slave River and Big Lakes County in Assinieu.
- The parcel is 43.04 hectares (106.4 acres).
- There are no development permits for this lot.
- A farm lease was issued September 11, 1987, with an option to purchase the lot. By 1995, the lot was privately owned.
- The applicant was instructed to apply for a roadside development permit from Alberta Transportation.
- The lot was referred to CNRL, Big Lakes County, and Alberta Forestry and Parks on June 30, 2023.
- Big Lakes has no comments or concerns with the proposed development. It is not within the setback distance of any sewage or wastewater lagoon or landfill in Big Lakes County.

**Application Details**

- The development of Educational Services is a discretionary use in the Agricultural District.
- It is more than 30 m from the top of the bank of the creek (caveat 942 132 753).
- The school will have three classrooms, an office & lunchroom, wheelchair accessible boys' washroom, wheelchair accessible girls' washroom, cloakrooms, storage room, and corridor.
- The school will have room for up to 30 students and 3 teachers.
- Parking will be at the west side of the school building.

### Site Analysis

- The proposed educational facility is located approximately 500 m from a CNRL pipeline (which appears abandoned).
- It is more than 30 m from the top of the bank of the creek (caveat 942 132 753).
- Adjacent land uses include a couple of treed quarter section (crown land), farmland, oil and gas facilities, and Highway 2.
- The landscape slopes gently downhill from 650 m by RGE RD 90 to 628 m at the east side of the lot.
- There is no geotechnical report for this lot, so knowledge about the water table and soil type is unknown.
- No basement is proposed for the facility.
- The lot does not have municipal water and sewer. The health inspector would have to ensure that the water is safe to drink. For "public" buildings this happens at regular intervals.

### Discussion was held about the following:

- Playground and speed limit signage requirements
- The need for a rural addressing sign
- The road will not be a Priority 1 road with snow clearing due to its location
- Upgrading the approach through Alberta Transportation
- The requirement to test water that is hauled to the site
- Sewer must be 45m from the school and must be fenced to keep children away

### **MOTION: MPC 038-23**

Moved by Darren Fulmore to approve development permit application **23-D-029** for **Educational Services: Home School Gathering Facility** with the conditions as amended:

- Add condition #10 – rural address sign application with \$200+ GST fee

**CARRIED**

Kevin Torkelson left at 3:32PM

**23-D-031**

Applicant: Mary Arbeau  
Development File #: 23-D-031  
Legal Land: Plan 1525303; Block 2; Lot 3  
Rural Address: 6 42049 OLD SMITH HWY  
Zoning: Light Industrial (LI)

### **Purpose**

To consider development permit application **23-D-031** for **Dwelling, Live Work Unit**.

### **General Background**

- The parcel is located on the Old Smith HWY.
- The parcel is 4.07 hectares (10.06 acres).
- Previous development permits and land use amendments for this lot includes:
  - Development permit application 16-D-001; this application was cancelled (applicant decided not to buy the lot)
  - 22-D-042 Dwelling, Single-Detached
  - 23-D-030 Heavy Truck and Equipment storage and 2 sea cans
- There are no oil and gas developments on the land.
- The land is not within the IDP area, so no referral was sent to the Town of Slave Lake.
- There is a caveat on the land that prohibits construction between the dates of February 15 and July 15.

- It was noted from the ESRD during the subdivision process that the area may “experience wetter conditions due to the proximity to the river, due to environmental conditions,” however, the subdivision was approved without any technical flood study/flood plain mapping.
- Pictures taken in 2018, shows flooding on the south side of the service road. The land in question was not under water in 2018.

**Assessment Criteria**

- **Traffic/Access:** The Old Smith HWY is a collector road with a speed limit of 80 km/hr. This road is built to handle large trucks and industrial traffic. The approach will need to be upgraded to industrial standard. The light industrial lots along Old Smith HWY were rezoned August 13, 2014. The land was deemed fit for light industrial purposes at that time.
- **Municipal Infrastructure:** The development is not expected to trigger any new municipal infrastructure such as roads, service roads, or municipal water/sewer services.
- **Cumulative:** The light industrial lots along Old Smith HWY are still residential in nature. These lots are bordered by the Lesser Slave River and crown land.
- **Safety:** The lot is 10.06 acres so there is enough room to separate the dwelling, live work unit from the light industrial uses.
- **Compatibility with Adjacent Land Uses:** Adjacent lots have similar developments or are vacant.

**Discussion was held about the following:**

- Safety standards for residential buildings versus industrial buildings, including a fire-rated wall between the house and the shop, and the need to have secondary exit for evacuation purposes

**MOTION: MPC 039-23**

Moved by Norm Seatter to approve development permit application **23-D-031** by for **Dwelling, Live Work Unit** with the conditions as per the attached report.

**CARRIED**

**SUBDIVISION  
APPLICATION**

**23-S-04**

Applicant: Timothy and Vicki Jones  
Owner: Same  
Subdivision File #: 23-S-04  
Legal Land: SW-24-69-25-W4M  
Rural Address: 250042A and 250042B TWP RD 693

**Parcel Zoning & Land Use Planning**

Existing Land Use: Residential and forested  
Proposed Land Use: Residential Uses  
Zoning: Agricultural District (A)  
Municipal Development Plan: Crown land (Green Area), Community area and Recreational Area.  
Area Structure Plan: No Area structure Plan  
Intermunicipal Development Plan: N/A  
Other Plans: ICF Agreement between MD of Lesser Slave River and Athabasca County.

**General Background**

- The applicants, Timothy and Vicki Jones, have applied to the Municipal District to subdivide SW-24-69-25-W4M into four lots. The lots are over

10 hectares, which is large enough for them to remain in the agricultural land use district.

- The following development permits were found in the legal file for SW-24-69-25-W4:
  - 06-D-010 Single Family Dwelling (second dwelling).
  - 15-D-016 Addition to Single Family Dwelling.

#### Site Analysis

- The lot is adjacent to Lawrence Lake.
- The descent onto the lake is gradual at some places and steeper at other places.
- A biophysical assessment report was completed for land north of this proposed subdivision. The report noted the following:
  - The lot north of SW-24-69-25-W4M is within an environmentally significant area (ESA) in Alberta (The land has an ESA value of 0.208, which is above the threshold of 0.189). Since the vegetation and location is similar, it can be assumed that this lot also is within an environmentally sensitive area.
  - There are 2 water wells on the land.
  - A gas pipeline is buried in the area. The company did not respond prior to the deadline. A statement is needed prior to registration that there is no need for a ROW.
  - The land is part of the Lea Park Formation, which consists of medium to dark grey mudstone; thin stringers of fine grained, tan siltstone to fine grained sandstone; thin bedded, light grey bentonite; sideritic concretions, calcite veining common.
  - No historical resources are known to occur within the development area.
  - A wetland area (wooded swamp approximately 0.5 ha in size) was observed during the field assessment. This wetland is avoided by building a curb in the road.
  - If the wetland is avoided, this would mitigate the need for further assessment of the wetland or the need to obtain regulatory approval through the Water Act.
  - The vegetation is dense and diverse. The forest is in various seral stages, which provides a suitable habitat for a wide range of species. The area is forested with a mix of deciduous and coniferous tree stands. (Trembling Aspen, Balsam Poplar, White Spruce, Douglas Fir, White Birch).
  - The site is subject to the Migratory Birds Convention Act (MBCA), which prohibits disturbances to nesting birds. The most appropriate time to clear vegetation and be in compliance with both MBCA and Alberta Wildlife Act is between September 1 and January 31.
- No geotechnical report was conducted for SW-24-69-25-W4M. A geotechnical report is not normally part of the requirements for lots that will remain in the agricultural district.
- There are no oil and gas wells on or near the land.

#### Sewage systems

- The subdivision will be served by private sewer systems. Based on the geotechnical report submitted for NW-24-69-25-W4M, the soil in all boreholes were medium plastic silty clay from 0.10 to 3.0 metres. This type of soil is only suitable for holding tanks or open discharge. According to one of the private sewage safety code inspectors the setback distance for open discharge is 90 m from any property line, 50 m from a water source (well) and 90 m from water (i.e. lake). The lots must be at least 180 m + the size of the sewer field to accommodate onsite sewage systems.

**Water:**

According to the Water Act, the owner of a parcel of land with a well can draw up to 1250 m<sup>3</sup> annually.

**Storm Water**

The lots are large and development will have miniscule impact on stormwater management.

**Reserves and Land Dedication**

Subdivision and developments generate a need for servicing infrastructure, which becomes the responsibility of the municipality. The MGA authorizes the subdivision authority to require an applicant for subdivision approval to dedicate land, without compensation for infrastructure such as public roadways and utilities, land that is physically undevelopable for environmental reasons, and for parks. In the subdivision plan, the lake shore has a proposed environmental reserve easement for land that falls within 30 m from the top of the bank. In addition, administration suggest including the wetland on proposed lot 2 as ERE.

Municipal Reserve can be taken as money in-lieu, as land or deferred on the land title. If the MR is taken as money, it would give the MD most benefit if a project that would benefit the land is constructed sooner rather than later as the money loses its value over time. A deferred caveat may be beneficial if the MPC thinks the lots may be further subdivided in the future; as the land can then be turned into trails.

**Roads**

The location of the lot on the tip of a peninsula makes it harder to have two access roads into the entire subdivision from a main road. A compromise could be an emergency access route over the water. This access could serve as both public access to water and emergency access in case something happens to TWP RD 693.

Until the subdivision is expanded, the dead-end road needs a bulb for turning.

**Shallow utilities**

The lots are proposed as agricultural lots. Normally the MD has not required owners of agricultural lots to have electricity and gas installed to agricultural lots, as they may not ever be developed with dwellings. These lots are probably not going to be developed into traditional agricultural lots. If the subdivision on NW-24-69-25-W5 goes ahead, it may be more economical for the developer to include the agricultural lots when they bring in electricity and gas to the larger subdivision. If the subdivision on the NW lot does not go ahead, it is not unreasonable to expect someone who buys an agricultural lot to provide electricity to their lot.

**Discussion was held about the following:**

- Requirement for developer to build the road up to MD standards at a minimum of Class 4
- Requirement for approaches to be built to MD standards for each lot
- Once road construction completion certificate is received, the MD takes over maintenance with grading and snow clearing
- Water requirements have changed due to the Water Act (maximum of 1,250m<sup>3</sup> annually)
- Municipal reserve options - (b) requires 10% of the value and (c) requires 10% deferral with a caveat on each new title – MPC preferred option (c)
- Existing septic field must meet 2021 Alberta Safety Codes, and new lots will need sewer systems
- Offsite levy will not be collected at this time because it can only be taken once per lot

**MOTION: MPC 040-23**

Moved by Carol Stockman to approve Subdivision Application # **23-S-05** with conditions as per the attached report and deferral of offsite levies.

**CARRIED**

Tim & Vicky Jones left at 4:12PM

**ROUNDTABLE**

No roundtable discussion was held.

**ADJOURNMENT**

**MOTION: MPC 041-23**

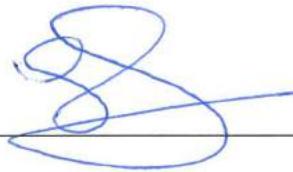
Moved by Darren Fulmore to adjourn the meeting at 4:26 p.m.

**CARRIED**

The Next Municipal Planning Commission meeting is **August 15, 2023 at 1:30 p.m.**



Development Authority



Chairperson