

MINUTES

Municipal Planning Commission Meeting
February 27, 2024 1:30 p.m.
MD Council Chambers

MEMBERS PRESENT Lana Spencer Commission Member
Norm Seatter Commission Member (via Teams)
Debbie Parsons Commission Member
Brad Pearson Commission Member

MEMBERS ABSENT Carol Stockman Commission Member
Darren Fulmore Commission Member

IN ATTENDANCE Ann Holden Development Authority, MDLSR
Jillian Bishop Recording Secretary, MDLSR
Rudolf Liebenberg Operational Director, MDLSR
Cody Borris Transportation Manager, MDLSR
Paul Mulholland Community Peace Officer, MDLSR
Darcy Short Applicant (via Teams)
Dena Short Applicant (via Teams)
Valerie Weinrich Applicant
Jack Weinrich Applicant

CALL TO ORDER L. Spencer called the meeting to order at 1:30 p.m.

INTRODUCTIONS Introductions of Municipal Planning Commission members, administration employees, and applicants were made.

ADOPTION OF AGENDA **MOTION: MPC 005-24**
Moved by B. Pearson to adopt the February 27, 2024 Municipal Planning Commission Agenda as presented.

CARRIED

ADOPTION OF MINUTES **MOTION: MPC 006-24**
Moved by D. Parsons to adopt the January 16, 2024 Municipal Planning Commission Meeting Minutes as presented.

CARRIED

DEVELOPMENT APPLICATIONS

23-D-052 Applicant: Darcy and Dena Short
Development File #: 23-D-052
Legal Land: 1523988; 1; 4 (NW-7-73-5-W5)
Rural Address: 14 Devonshire Way
Zoning: Residential Un-Serviced District (RUS)

General Background

- The parcel is located in Old Town on the north side of Lesser Slave River.
- The lot is 1.075 hectares (2.66 acres).
- The parcel has an accessory building with a garage suite on the land as part of Development Permit 22-D-014 to build a dwelling and an accessory building.
- The land is within the IDP area. A referral was sent to the Town of Slave Lake on November 6, 2023. A letter dated December 5, 2023, from the Town of Slave Lake states the development meets the hierarchy of plans including the Waterfront Area Structure Plan and the Intermunicipal Development plan. As such the Town of Slave Lake has no concerns with the application.
- A Roadside Development Permit for Alberta Transportation is required. The applicant applied for the Roadside Development Permit on December 1, 2023.

- The development is within the Waterfront Intermunicipal Area Structure Plan.
- The proposed building area is within the 100-year flood inundation area.

Discussion was held about the following:

- When the seacans were placed on the property by the applicants.
- The definition of the front/side/rear yard with lakefront properties.
- The visual impact of the two seacans in the front yard.
- The trees screening seacan C (permanent) only have leaves for part of the year, so the seacan will need to be sided to match the dwelling and shop.
- Seacan B (temporary) needs to be moved to behind the shop to allow for proper screening.
- The expiry date of previous development permit 22-D-014 is May 2025, so the temporary seacan would need to have the same expiry date to coincide with the construction of the dwelling.

D. and D. Short left at 1:53 p.m.

D. and D. Short returned at 1:55 p.m.

R. Liebenberg entered at 1:56 p.m.

C. Borris left at 1:58 p.m.

C. Borris returned at 2:00 p.m.

MOTION: MPC 007-24

Moved by N. Seatter to approve Development Permit 23-D-052 with the attached conditions as amended:

- Remove 'painted and/or' from condition 12
- Add condition to relocate temporary seacan to location behind shop
- Add condition that temporary seacan will be valid until expiry of 22-D-014

CARRIED

D. and D. Short left at 2:15 p.m.

24-D-001

Applicant: Nitashia and Paul Bond
Development File #: 24-D-001
Legal Land: Plan 0825255; Block 1; Lot 10B (NE-36-73-8-W5)
Rural Address: 810 2 AVE
Zoning: Residential Serviced District (RS)

General Background

- The parcel is located at 2 AVE Canyon Creek, approximately 200 m from the entrance from HWY 2. The parcel is 0.66 hectares (1.64 acres).
- The parcel is currently used for residential purposes. The development on the lot consists of a dwelling, a small shed, a shop, and a sea can.
- Previous development permits and land use amendments for this lot include:
 - Development permit 08-D-56 Manufactured Home
 - Development Permit 08-D-71 shop (This decision was appealed, but upheld by the Subdivision and Development Appeal Board August 26, 2008)
 - Development permit 10-D-113 Portable Storage Unit

Discussion was held about the following:

- Spring road bans for Canyon Creek are 75% so if the truck is empty, it shouldn't be a problem, according to C. Borris.
- Noise levels would be about the same as a typical diesel truck.
- The driver will not back on to any MD roads.
- Approving this application means the applicant can park any heavy truck, not just a hydrovac truck.

- Condition 6 (The developer is responsible for ensuring that all relevant onsite utilities (water, sewer, telephone, gas, power, etc.) are secure before commencing excavation and construction) is not needed.
- The need to add a condition that the development must have an occupied residence to be valid.
- Condition 12 (The applicant shall use the shortest route from the highway to the property (2 AVE and 8 ST)) needs to be clarified, including attaching Schedule 'A' to show the exact route.

MOTION: MPC 008-24

Moved by B. Pearson to approve Development Permit 24-D-001 with the attached conditions as amended:

- Remove condition 6
- Add condition: 'If the primary residence is removed from the lot and not replaced, the development permit will no longer be valid.'
- Clarify condition 12 and add Schedule 'A'
- Remove 'hydrovac' from condition 14

CARRIED

C. Borris left at 3:08 p.m.

24-D-002

Applicant: Shirley and Carl Chykerda
Development File #: 24-D-002
Legal Land: Plan 3363RS; Block 5; Lot 9 (NW-18-75-6-W5)
Rural Address: 62 Pine Dr
Zoning: Residential Un-Serviced District (RUS)

General Background

- The parcel is located in Marten Beach.
- The parcel is 12246 sq. ft (0.28 acres).
- The developers are asking for a variance for the side yard of the dwelling from 7.5 m to 2.36 m and a rear yard setback distance from 7.5 m to 3.05 m.
- The dwelling requires a 68.5 % decrease of the setback from the side yard and a 59% decrease of the rear yard.
- Previous development permits for this lot include:
 - 05-D-040 Single family Dwelling w/Decks (As Built) - Variance
 - 23-D-034 Dwelling, Single-Detached: Demolition
- The dwelling on the RPR was built in 1980 but had no development permit. When the land changed ownership in 2005, a development permit was applied for, allowing the variance of the side and rear yard setback distance. The dwelling was demolished in 2023.
- There are no oil and gas developments within 100 m of the property.
- The land is not within the IDP area, so no referral was sent to the Town of Slave Lake.
- The proposed building area is not within a 100-year flood inundation area, however, part of the lot is under the flood overlay.
- A restrictive covenant is registered on the lot; the MD is not bound by the covenant as this is between the landowners.

Discussion was held about the following:

- The recommendation to alter the variance for properties at Marten Beach and Lawrence Lake was 0.9 m for rear yards and 1.2 m for side yards.
- The height restriction for lots in this area is the same as other lots (10.6 m or 34.8 ft).
- The need for a Real Property Report (RPR) for this development once footings are in place.

MOTION: MPC 009-24

Moved by D. Parsons to approve Development Permit 24-D-001 with the attached conditions as amended:

- Add condition to require an RPR once footings are in place

CARRIED

**SUBDIVISION
APPLICATIONS**

23-S-08

Applicant: Don Wilson Surveys Ltd for Weinrich
Owner: Dawn, Jack, James, and Valerie Weinrich
Subdivision File #: 23-S-08
Legal Land: SE-01-70-26-W4
Rural Address: No address

Parcel Zoning & Land Use Planning

Existing Land Use: Agricultural land
Proposed Land Use: Agriculture and residential
Zoning: Agricultural (A)
Change: The proposed 1.63 ha (4.03 ac) lot needs to be rezoned to Residential Un-Serviced from Agricultural District
Municipal Development Plan: Agriculture Area
Area Structure Plan: N/A
Intermunicipal Development Plan: N/A
Other Plans: Big Bend Integrated Resource Plan, Smith Hondo Local Plan, White Area

Existing Parcel Area SE	61.25 ha	151.49 ac
New Parcel Area Lot 1	+/- 1.63 ha	+/- 4.03 ac
New Parcel Area Remainder	+/- 59.62 ha	+/- 147.46 ac

Background Information

- The purpose of the subdivision is to subdivide the parcel that is fragmented from the main quarter section by RGE RD 260.
- The quarter section has recently been logged.
- There are no services to the lot.
- Adjacent uses:
 - North: Crown land (full quarter sections).
 - East: Crown land (full quarter sections).
 - South: HWY 2 is immediately to the south of the parcel. The lot south of the HWY is privately owned (full quarter sections).
 - West: Privately owned lot (full quarter sections).
- Existing buildings: There are no existing buildings on the lot.
- No development permits were found in this file.

Discussion was held about the following:

- The application is connected to a Land Use Bylaw Amendment (Rezoning) application
- Rezoning is required because the proposed new lot is under 10 hectares
- The reason the applicants are applying for subdivision is because the land in the proposed new lot is not farmed by them, so they want to subdivide and sell that portion for residential purposes
- The findings of the geotechnical report and the implications for future development
- Because of the applicants refusing the slope stability study, if the land erodes after development, the liability would be on the landowner, not the MD

- The need to register on title that a slope stability study is required before residential development
- Whether there is another part of the lot that is more suitable for residential purposes
- The Development Authority did not recommend approval of this subdivision

MOTION: MPC 010-24

Moved by B. Pearson to conditionally approve Subdivision 23-S-08 with the following conditions:

- 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) That the landowners enter into an agreement with the Municipality to register the Geotechnical Report as a Restrictive Covenant on the land title.
- c) Both approaches are to be constructed off RGE RD 260.
- d) That land taxes are fully paid prior to final approval (endorsement) of this instrument effecting the subdivision is requested.
- e) 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.

CARRIED

V. and J. Weinrich left at 2:51 p.m.
B. Pearson left at 3:21 p.m.
L. Spencer left at 3:21 p.m.
D. Parsons left at 3:21 p.m.
B. Pearson returned at 3:22 p.m.
L. Spencer returned at 3:23 p.m.
D. Parsons returned at 3:24 p.m.

23-S-09

Applicant: Jennifer DeVries
Owner: Jenason Farms Ltd
Subdivision File #: 23-S-09
Legal Land: NW-08-66-01-W5
Rural Address: 14077 TWP RD 622

Parcel Zoning & Land Use Planning

Existing Land Use: Residential and agricultural
Proposed Land Use: Residential and agricultural
Zoning: Agricultural District (A)
Municipal Development Plan: Agriculture
Area Structure Plan: No Area Structure Plan
Intermunicipal Development Plan: N/A
Other Plans: Big Bend Sub-Regional Integrated Resource Plan, White Area

Existing Parcel Area	+/- 63.88 ha	+/- 157.97 ac
Proposed Subdivision	+/- 2.57 ha	+/- 6.35 ac
Remnant Lot	+/- 61.31 ha	+/- 151.62 ac

General Background

- The lot has a farmstead and the land is actively farmed.
- This quarter section has been subdivided previously (a 1983 road widening).
- Existing buildings include a dwelling and a Quonset shed.
- The home is serviced by a private water well, open discharge sewage system.
- The following development permits were found in the legal file for NW-08-66-01-W5M:
 - 10-D-09 Accessory Building (Shop)
 - S-17(E)-29-83 Residential (Dwelling)

Discussion was held about the following:

- The purpose of subdivision is to separate the farmstead and sell it while keeping the remnant lot for farming.
- The need to add a condition that the rezoning must be approved for the subdivision to be approved.
- The steps in the process with the concurrent subdivision and rezoning applications. The rezoning process has been through first reading, public hearing, and second reading. Next is the subdivision approval, and then once all conditions of subdivision have been met, the rezoning goes to third reading with council.
- The regulations for sewer setbacks, which are determined by the province, not the MD.
- Because subdivision is a triggering event, the applicant must ensure that both approaches are up to current MD standards, and sewer and water must be up to current provincial standards.

MOTION: MPC 011-24

Moved by N. Seatter to conditionally approve Subdivision 23-S-09 with the attached conditions as amended:

- Add condition that proposed lot 1 is rezoned to Residential Un-Serviced prior to endorsement.

CARRIED

ROUNDTABLE

Review of Bylaw 2024-01 Establishing a Development Authority, Subdivision Authority, and Municipal Planning Commission Bylaw

Discussion was held about the following:

- The changes in Bylaw 2024-01 include adding a fourth council member to the MPC, the chair and vice-chair must be elected from council members, and clarification of pecuniary interest (5.8)

General Discussion

Discussion was held about the following:

- The need to amend the current Land Use Bylaw with respect to variances in Marten Beach and Lawrence Lake
- The LUB also needs updated definitions of front/side/rear yard with lakefront properties

ADJOURNMENT

MOTION: MPC 012-24

Moved by D. Parsons to adjourn the meeting at 3:48 p.m.

CARRIED

The Next Municipal Planning Commission meeting is **Tuesday, April 16, 2024 at 1:30 p.m.**

Development Authority

Chairperson

DRAFT