

MUNICIPAL DISTRICT OF BIGHORN NO. 8

MUNICIPAL PLANNING COMMISSION MEETING

HELD DECEMBER 21, 2011 AT THE MUNICIPAL OFFICE IN EXSHAW

PRESENT: KEVIN HEBB MPC MEMBER
GRAHAM LOCK MPC MEMBER (Chair)
MIKE MILNE MPC MEMBER
CAROLYN MONTGOMERY MPC MEMBER (Council)
PAUL RYAN MPC MEMBER (Council)

STAFF: JANICE THOMPSON DEVELOPMENT OFFICER

GUESTS: None present

I. CALL TO ORDER

In the absence of a chairperson for the meeting, Development Officer Janice Thompson called the meeting to order at 9:02 a.m. She explained that at the November, 2011 meeting the members present set the meeting dates and times but had postponed selecting a chairperson until there was a full complement of members. She then requested that the MPC members present select a chair for the upcoming 2011/2012 term.

Mike Milne nominated Graham Lock to act as chair. There were no further nominations. Graham Lock then accepted, assumed the chair, and thanked the MPC members.

II. APPROVAL OF AGENDA

The Chair asked the members and staff if there were any additions or deletions to the submitted agenda. None were requested by either the MPC members or staff.

MOTION 01.12.11 HEBB THAT

the Municipal Planning Commission approve the agenda as presented.

CARRIED UNANIMOUSLY

III. APPROVAL OF MINUTES

Chairperson Lock asked the MPC members if there were any errors or omissions to the submitted September 21, 2011 Municipal Planning Commission minutes. None were expressed.

MOTION 02.12.11 RYAN THAT

the Municipal Planning Commission approve the minutes of the November 16, 2011 meeting as presented.

CARRIED UNANIMOUSLY

IV. BUSINESS ARISING FROM THE MINUTES

1. Discussion on Meeting Procedures

Chairperson Lock stated that four draft possible meeting processes had been prepared by staff and MPC are being asked to choose one to follow when there are persons in attendance at MPC meetings. He asked Ms. Thompson to provide some background. Ms. Thompson stated that with the passing of Bylaw 14/11, the bylaw that establishes the MPC as the subdivision and development approving authority, there was the need to establish a process that MPC would follow when hearing from people. She said that this was the advice of the MD's solicitors. In short, she said that the solicitors have stated that if you are hearing from people at meetings, then you need to hear from all who wish to speak and you must have a process/procedure in place to follow. She said that in this regard four possible processes have been drafted for four possible scenarios. She said that the MPC should pick one of them to follow. Ms. Thompson said that the four processes are outlined in detail within the MPC's agenda package and then began explaining each one. She said that the first process would be if the MPC would hear verbally from the applicant and any persons claiming to be affected by the proposal. This would include written submissions as well. Ms. Thompson continued stating that the second process would be if the MPC would receive only written information from the applicant and any persons claiming to be affected by the proposal. The third process would be if the MPC would hear verbally from the applicant and only written submissions from those persons claiming to be affected by the proposal. She said the last process would be if the MPC would not hear from anyone (written or verbal).

Ms. Thompson stated that MPC may alter, add or delete from any of the draft processes. She said that once a process is chosen, changes could be made to it and a final draft created. The MPC agenda would be modified accordingly and notification of the MPC meeting process would be made public. She said that on the day of the meeting there would be agendas and processes circulated around the room.

The MPC members then discussed the four options, with two of the members expressing their preference of the first process outlined. There was concern expressed that whatever the process, the meeting was not to become a hearing because there is a Subdivision and Development Appeal Board for that. Members then focused on some alterations to the first process outlined. Members wanted it stated that submissions provided at meetings will become a matter of public record (not may become a matter of public record as outlined in the draft). Members discussed that if the process chosen is not working then the MPC can revisit it in a year or sooner if there are problems. MPC stressed that its role is to gather information prior to making a decision on an application and if the applicant or affected persons are not happy with a decision of the MPC then there is the ability to appeal. Members also discussed the need for the process to require persons wishing to make presentations (verbal or written) to outline whether they are representing themselves or on behalf of a group or organization. They stressed the need for written consent to be provided if a person is speaking on behalf of someone else. Members also wanted it to be clear that persons speaking are not to duplicate or repeat a comment already heard. Members wanted the process to outline that the MPC's role is to gather information and then make a decision on a subdivision or development application. If the applicant or a person affected was not happy with the MPC's decision then there is the ability to appeal to the Subdivision and Development Appeal Board. The members were satisfied with the process of the Chair, following approval of the agenda, would ask the audience how many and for what item people wished to speak to and

whether they were representing themselves or an organization. Members felt that a person should be in attendance at the time of agenda adoption to express their intention to speak so that people were not walking in during a presentation and then expecting to speak. Ms. Thompson stated that she would check to see if that is a fair process or if there is a better way of handling it and then report back.

Following discussion of all four processes, the members decided that it would pursue the first option, that being to hear from both the applicant, and any other people wishing to speak (verbal or written) and directed staff to come back with a second draft of the process incorporating the changes above, along with a draft agenda for MPC's review.

V. DEVELOPMENT APPLICATIONS

A. APPLICATIONS REFERRED TO MUNICIPAL PLANNING COMMISSION

1. DP Application No. 29/11 (Courville Road)

Ms. Thompson was asked to provide the background information on the proposal and proceeded to do so as per the Development Officer's Report. She reiterated the location of the property, who the applicant was and that the landowner had consented by both signing the application form and providing a letter. She said the parcel was just under 40 acres in size. She said that the landowners had applied in 2009 for a development permit for the same project, received approval but had not commenced within one year so the permit expired. She said that the subject application is a reapplication of the same project. She said that there had been some minor tweeking of the internal floor plans but basically the application was the same. Ms. Thompson stated that part of the application is for a side yard setback variance on the north side of the property and explained that MPC have the ability to grant a variance pursuant to Section 35.3.3 (c) of Land Use Bylaw No. 04/10. The full 20% (or 6 m) is being requested. Ms. Thompson said that the reason for the variance is because the applicants want to take full advantage, year round, of solar energy so there was the need for the dwelling to be located as far north as possible to avoid interruption of the sun in the winter months due to shadows from the southern tree line. Ms. Thompson stated that the adjacent landowner on the north side consented to the variance back in 2009 and re-affirmed no objection for this application as well. She said that other sustainable building principles were also proposed for the dwelling such as composting toilets on the main and upper floors. She said there would be a traditional flush toilet in the basement and that a septic system would be installed to accommodate the volumes expected from the home (gray and black waters). Ms. Thompson reported that a gray water distribution system was originally proposed back in 2009 but it had not been decided if this would also be installed for the subject development. She said that the landowners were advised that it is a Province of Alberta responsibility as to approving the type of sewage handling facilities and that it was thought that gray water is treated like black water so it is unlikely that the province would approve discharge of gray water into the ground. In any event, Ms. Thompson stated that the staff recommendation outlines that both the gray water distribution system and the septic system would need permitting by the Province and that a copy of the permits must be provided to the MD of Bighorn prior to commencement of construction. Ms. Thompson then passed out full-sized blueprint drawings to the members for review as the reduced sizes in the agenda packages were hard to read due to the small print. Each floor and the components on each were described, including the greenhouse/solarium at the main level, on the south side of the attached garage. Ms. Thompson stated that the height of the dwelling appears to comply with the Small Holdings District

regulations (12 m) but at a height of 11.52 m there is not a lot of room for error and drew the members' attention to Drawing BP4, the left (north) elevation, where the height of the dwelling is shown. Ms. Thompson reported that a potable water well would be drilled and the location is shown on the enlarged site plan. She lastly reported that back in 2009, at the original application stage, the Operations Department had approved of the existing approach as it met municipal Policy T-16 and that this had been re-confirmed at this renewal stage as well.

MPC discussed the proposal and questioned if there were any sour gas wells or pipelines, powerlines, etc. on the property. Ms. Thompson stated that she questioned the applicant regarding this and asked that the site plan be revised showing all existing facilities. She said that none were shown, and the application form indicated that there were no sour gas pipelines within 1.5 km of the property. One of the MPC members said that he was fairly certain that there was a pipeline in the area on a nearby parcel. MPC members discussed this and added a condition to any approval that proof be submitted from the ERCB that there are no sour gas pipelines nearby and that the proposed dwelling is setback the required distance.

There was a discussion on how far the dwelling was from the commercial kennel nearby. This was determined to not be an issue as the applicant is aware of the kennel and, if a variance is approved on the north side of the property, it would result in the dwelling being approximately 133 m ((436 ft.) from the mutual property boundary and not any closer than was originally approved back in 2009.

MPC noticed that the adjacent landowner letter was missing page 2. Ms. Thompson stated that this was a photocopying error and left the room briefly to make copies of it. She returned a few minutes later and passed out the second page to each member, who took a few minutes to read it. There was a discussion on the wording. There was another discussion about future development and the need for separate municipal approvals prior to commencement.

MOTION 03.12.11 RYAN THAT

the Municipal Planning Commission **APPROVE** Development Permit Application No. 29/11 subject to the following conditions:

1. All construction shall conform to the Alberta Building Code.
2. All electrical wiring and plumbing, all natural gas or propane connections, and all sewage alterations and installations shall be approved by Alberta-registered Safety Codes Officers.
3. **Prior to commencement of construction**, the developer shall provide the MD of Bighorn with a copy of a permit approved by an Alberta-registered Safety Codes Officer evidencing that the method of gray water disposal has been approved by an accredited agency and/or any other Government authority. Alternatively, the proposed septic system as shown within the application shall be designed to accommodate the gray water volumes expected from the dwelling as outlined in Condition No. 4 below.
4. **Prior to commencement of construction** the developer shall provide the MD of Bighorn with evidence that a permit from an accredited agency has been obtained for the installation of a new private sewage disposal system that has been designed for the volumes anticipated from the dwelling (4 bedrooms as shown on the application drawings) in accordance with the Alberta Private Sewage Systems Standard of Practice 2009, or more current provincial standard.

5. If a Plumbing permit is required to be obtained for the composting toilets in accordance with the Alberta Private Sewage Systems Standard of Practice 2009, then such permit shall be obtained and a copy provided to the MD of Bighorn for our records.
6. The dwelling shall be situated to be a minimum of 20 m back from the crest or toe of an escarpment having a slope of 15% (15 rise:100 run) or greater.
7. The applicant shall take care to ensure that the overall height of the dwelling (shown to be very close to the maximum height of 12 m as outlined in Small Holdings District), is not exceeded.
8. Pursuant to Section 35.3.3 (c) of MD of Bighorn Land Use Bylaw No. 04/10, the Municipal Planning Commission grants a 20% (6.0 m) side yard variance for the Single Family Dwelling, thereby allowing the dwelling to be as close as 24 m to the northern side property boundary.
9. In accordance with Bylaw 15/05, the applicants shall install low-water-use plumbing fixtures with the following features:
 - toilets shall have a capacity no greater than 6.0 litres per flush; and
 - shower heads shall have a flow capacity of not more than 9.5 litres per minute.
10. Pursuant to Council Bylaw 01-Z/07, in order to allow for recycling, the applicant shall sort the waste generated as a result of the development, prior to transporting the waste material to a disposal facility, such as the Francis Cooke Regional Landfill. As a minimum, the MD of Bighorn expects that the following material will be sorted for recycling purposes: metal, cardboard, kiln-dried lumber, and asphalt shingles.
11. The applicants should consider using Fire Smart construction materials for the exterior of the dwelling and, in particular, should use a roofing material with a Class A or B Underwriter's Laboratories of Canada (ULC) fire rating. The asphalt shingles being proposed should meet this fire rating.
12. Careful attention shall be paid to the exterior lighting in order to preserve the night environment through reduction of light pollution. Exterior lighting shall be designed, located and arranged to be low glare in nature and to minimize light trespass on adjacent properties. Light fixtures with a lumen output of greater than 2,000 lumens shall be full cut-off or fully shielded.
13. There shall be no home-based business within the dwelling unless a separate development permit application has first been approved by the MD of Bighorn, unless it has been determined by the MD that a permit is not required.
14. The attached garage with music room above shall be not separated or locked off from the remainder of the dwelling to create any form of separate residential suite.
15. The applicant shall provide written confirmation from the Energy Resources Conservation Board that there are no sour gas wells or pipelines within the subject property and that the proposed dwelling is setback the required distance from any wells or pipelines.
16. Any future changes, such as new bedrooms or additions being added to the dwelling, shall be the subject of a separate development permit, with such application including evidence that the existing sewage handling system can accommodate the anticipated volumes from any addition.

CARRIED UNANIMOUSLY

V. DEVELOPMENT APPLICATIONS

B. APPLICATIONS PROCESSED BY DEVELOPMENT OFFICER

1. DP 27/11 – Near Exshaw
2. DP 28/11 – Public Lands Pit Area

Following a brief explanation of each of the above items, the members accepted the submitted decisions by the development officer as information.

VIII. NEW BUSINESS

1. Council Minutes – a) Regular Council Meeting November 8, 2011

The MPC members accepted the submitted Council minutes as information.

2. Alberta Planning Exchange – November, 2011 Edition
MPC members expressed an interest in attending the conference outlined in the brochure, but would need to check their calendars in terms of availability. Staff said they would keep the item on a future agenda as a reminder of this, and would let the members know of the deadline to register for the upcoming conference.

IX. EXSHAW AREA REDEVELOPMENT PLAN REVIEW

Tracy Woitenko joined the meeting and briefly went over the supporting information that the members would use during the Exshaw Area Redevelopment Plan Review starting in January 2012. The information provided included the Terms of Reference for the project, excerpts from the MGA referring to statutory documents and their preparation, and excerpts from the Municipal Development Plan pertaining to Exshaw. She explained that statutory documents must be consistent with each other.

X. ADJOURNMENT

MOTION 04.12.11 RYAN THAT

the Municipal Planning Commission meeting adjourn at 11:32 a.m.

CARRIED UNANIMOUSLY

CHAIR

DESIGNATED OFFICER