

MUNICIPAL DISTRICT OF BIGHORN NO. 8

MUNICIPAL PLANNING COMMISSION MEETING

HELD MAY 18, 2011 AT THE MUNICIPAL OFFICE IN EXSHAW

PRESENT: AMANDA KELLY MPC MEMBER
CAROLYN MONTGOMERY MPC MEMBER (Council)
MIKE MILNE MPC MEMBER

ABSENT: GRAHAM LOCK MPC MEMBER (Chairman)
PAUL RYAN MPC MEMBER (Council)

STAFF: JANICE THOMPSON DEVELOPMENT OFFICER

GUESTS: KEVIN AND CHRISTINE MCDONALD

I. CALL TO ORDER

In the absence of a Chairman, Development Officer Janice Thompson called the meeting to order at 9:00 a.m. She asked the MPC members present to select a Chairperson for the meeting. Following discussion, Mike Milne was appointed to be Chairman, who accepted and assumed the chair.

II. APPROVAL OF AGENDA

Chairman Milne asked the members and staff if there were any additions or deletions proposed for the agenda. None were requested by either the MPC members or staff.

MOTION 01.05.11 KELLY THAT
the Municipal Planning Commission approve the agenda as presented.

CARRIED UNANIMOUSLY

III. APPROVAL OF MINUTES

Chairman Milne asked the MPC members if there were any errors or omissions to the submitted January 19, 2011 regular minutes. No errors or omissions were noted by either the MPC members or by staff.

MOTION 02.05.11 MONTGOMERY THAT
the Municipal Planning Commission approve the minutes of the January 19, 2011 meeting as presented.

CARRIED UNANIMOUSLY

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V. DEVELOPMENT APPLICATIONS

A. APPLICATIONS REFERRED TO MUNICIPAL PLANNING COMMISSION

1. Amendment to DP 33/10

Kevin and Christine McDonald, the applicants and landowners, joined the MPC at the table. Introductions were made. Ms. Thompson then outlined the background information as per the Development Officer's Report. She reiterated some history stating that back in July of 2010 the Municipal Planning Commission had approved the construction of an accessory building for the applicants. She reported that the subject property is located at #3 Manning Road in the Hamlet of Benchlands. Ms. Thompson stated that part of the application included a variance to the required setback distance from a slope and that the applicants had submitted a slope stability report that had been prepared by Sabatini Earth Technologies Inc. in support of the variance. She said that a condition of the approval required that a development agreement be entered into to secure the slope stability report on the property title and that this had been done. Ms. Thompson stated that the subject today is the applicant's request for an amendment to Development Permit No. 33/10, specifically Condition No. 8, to allow a washroom (toilet and sink) to be installed in the previously-approved accessory building. Ms. Thompson noted that there is a revised floor plan within the agenda package and that the existing floor plan size would not change. She said that there are two storage areas within the accessory building and the washroom would go within one of them as shown. She said the reason for the washroom was outlined by the applicant in an email that had also been included in the agenda package. In short she explained that the applicant would like it for convenience and cleanliness. She reiterated that the applicant does, as a hobby, woodworking in the accessory building and that this hobby involves the use of chemicals, paints, and sawdust and, given his wife is pregnant, he does not want to expose his family to these elements when he comes into the house. He would prefer to have a clean up area in the accessory building prior to coming into the home. She said that there have been many discussions with the previous MPC and staff regarding the woodworking element in terms of a home-based business. She expressed to the MPC that the applicant has a woodworking business in Calgary and would not be undertaking any business work in the accessory building. In this area he only does hobby-work. Ms. Thompson explained that, with respect to servicing, the accessory building would be connected to the existing septic system. She said that the applicant contacted an accredited agency as to the need to upgrade the existing system to accommodate a washroom. The applicant was told that Provincial legislation does not require modifications to a septic system for a washroom; only if bedrooms are to be added. Ms. Thompson confirmed that as she understands it whether someone flushes the toilet in the home or in an accessory building does not add more volume to the system. She said where the difference comes in is when there are more people using the system, such as with creating additional bedrooms, thus adding more users and more volume. In this subject case there would not be more volume going to the system. She said, though, that the applicants will need a plumbing permit for the connection to the system and for the installation of the washroom plumbing fixtures. Ms. Thompson continued to state that the accessory building would also be connected to the existing water well on the property and the building would be heated. Ms. Thompson then outlined the concerns with allowing a washroom in an accessory building. She said that in the past the MD has been reluctant to allow them for fear that they would become secondary living spaces or suites. She said, though, that a condition of DP 33/10 (No. 7) outlines that there shall be no dwelling created or any form of suite within the accessory building. She said that this is further expressed in the staff recommendation for the subject amendment proposal. She said that the LUB does not prohibit washrooms in accessory

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buildings. Ms. Thompson ended with stating that the MPC needs to decide if it feels that a washroom is warranted in the accessory building.

Chairman Milne thanked Ms. Thompson for her background information and asked the applicants if they had anything further to add. Kevin McDonald stated that his passion is woodworking. He said that they do not own a television so his entertainment is woodworking. He said that his hobby involves environmental hazards that he does not wish to subject his family to.

Amanda Kelly noted that there is no shower proposed.

Carolyn Montgomery asked the applicant why there is no shower proposed if his concern was with chemicals. Ms. Kelly also wondered this.

Kevin McDonald responded that he felt adding the shower would minimize any ability to obtain approval for a washroom. He said that he would love one, though. He said that they may apply for one in the future. He asked that if he did that is there the possibility that he would get approval.

Ms. Montgomery expressed her reluctance with a shower stating that if one was installed then any future landowner may take the opinion that the accessory building would make a great suite.

Chairman Milne asked Ms. Thompson if the development permit that prohibits a second dwelling unit or suite carries forward to future landowners. Ms. Thompson responded, yes, that development permits are attached to the land, not the landowner. She added, though, that whether a development permit outlined this restriction or not, the MD's current Land Use Bylaw does not allow second dwellings or suites in the R-1 District to which this land is designated so if one was set up, and the MD found out about it, immediate bylaw enforcement action would be commenced.

There was a discussion amongst MPC and the applicant regarding the possibility of getting a shower approved today. Ms. Thompson was asked if this was possible. She responded that this is not part of the amendment application so a request for it would be needed along with a revised floor plan. Carolyn Montgomery added that she was not willing to consider anything other than what is in the amendment application before them. Kevin McDonald added again that he would like a shower but did not include it in the proposal because he thought it would negate the washroom approval. Amanda Kelly stated that a shower element in the washroom concerned her as well. She agreed that a separate application should be submitted for this.

Ms. Thompson stated that the applicants had provided a supplementary letter this morning which she passed out to each member. Mr. McDonald stated that attached to his supplementary letter was a sheet of paper containing the health effects and first aid for sawdust from non-treated soft wood (similar to what a Material Data Safety Sheet would contain).

The Chairman asked if there were any further questions of the applicant or Ms. Thompson. None were expressed.

MOTION 03.05.11 KELLY THAT

the Municipal Planning Commission APPROVE an Amendment to Condition No. 8 of Development Permit No. 33/10 as follows and as per the following conditions:

1. The conditions of approval as outlined in Development Permit No. 33/10 remain in effect except as amended through this approval.
2. All plumbing and natural gas or propane connections and all sewage alterations and installations shall be approved by Alberta-registered Safety Codes Officers.
3. One washroom may be installed within the Accessory Building provided the requirements of Condition No. 2 above are adhered to, and approval of a washroom does not constitute approval for a second dwelling unit or any form of suite to be installed within the Accessory Building, as previously outlined in Development Permit No. 33/10.
4. Any future change in use or addition to the building shall be the subject of a separate development permit application.
5. In accordance with Bylaw 15/05, the developer shall install low-water-use plumbing fixtures only and the toilet shall have a capacity no greater than 6.0 litres per flush.
6. Any exterior lighting for the project shall be designed to be low glare in nature and compatible with "dark sky" lighting principles. Additionally, all exterior light fixtures shall be located, aimed or shielded so as to minimize stray light passing across property boundaries.

CARRIED UNANIMOUSLY

V. DEVELOPMENT APPLICATIONS

B. APPLICATIONS PROCESSED BY DEVELOPMENT OFFICER

1. DP 01/11
2. DP 02/11

Following a brief explanation of each of the above development permits issued by the Development Officer the Municipal Planning Commission accepted the decisions as information.

VIII. NEW BUSINESS

1. Council Minutes – a) January 11, 2011
b) February 8, 2011
c) March 8, 2011

The MPC members accepted the submitted Council minutes as information.

2. Proposed Changes to MPC Bylaw 11/03

Ms. Thompson stated that at the training session put on by the MD's solicitors last fall the topic of procedures of the MPC came up, specifically as it related to how the MPC conducts its meetings. She said that between staff and the MPC members present at the training session it was explained that it had been a past practice of the MPC to hear from staff regarding the background information on a proposal and then to hear from the applicant, followed by questions of the MPC to the applicant and staff. She said that it also came up the practice of hearing from people in the audience who wished to speak about a particular application. Ms. Thompson reminded MPC that the MD's solicitor's opinion was that if MPC are hearing from applicants and allowing people to speak at a meeting then what they are doing is actually



holding a hearing. It was noted that there should be a procedure for this. Ms. Thompson stated that since that time staff discussed how to put procedures in place as recommended by the MD's solicitor. She said that many options were discussed and the matter was placed on the January 2011 MPC meeting agenda for discussion, however the matter was later removed at agenda adoption given not all the members were in attendance to enable a full discussion. In the end Ms. Thompson stated that the MD's CAO decided to take the matter to Council for direction. Ms. Thompson stated that Council's decision was that all of the committee/board enactment bylaws were old and should be revised. The CAO then directed the respective staff members to review the enacting bylaws for each board and committee and come up with revisions/recommendations. She said that this was done and the revised bylaws were presented to Council for adoption. During adoption consideration, Council felt that the respective committee or board should be consulted on the draft bylaw prior to it being adopted by Council. Ms. Thompson stated that a revised Bylaw 11/03 (the bylaw establishing the MPC and authorizing same to act as the subdivision and development authority) was included in today's agenda package for the MPC to review and to provide any comments on. She asked if members had any suggestions.

There was a short discussion on the portion of the draft bylaw under "Duties and Responsibilities" wherein it outlines hearing from people and the time allotted.

Chairman Milne wondered if the MPC should wait to discuss the draft bylaw until a full complement of the MPC members were present. He felt that if there are procedures being adopted then all of the members should be involved in the discussion. Carolyn Montgomery noted that Graham Lock had emailed everyone stating that he had no concerns with the agenda package, and that Paul Ryan, being a Council member, had already seen the draft bylaw. She wondered if it was necessary to hold off on the discussion.

The members then continued to discuss the matter of hearing from people and the past practices of the MPC including how the meetings were conducted. Chairman Milne suggested that one option to consider would be that the Chairperson of the day say, if there are people in the audience, that the MPC will not entertain any questions from the audience and that persons in attendance may observe only.

Janice Thompson stated there has been past criticism from some members of the audience of not being able to speak when a proposal is being put forth in their community. She said that despite this, the MPC does not have to hear from anyone or they can choose to only accept written comments. She said that in the past staff have heard that people do not know when there is an application before the MPC that may affect their community so, once they hear about it, they just come to the meeting expecting to speak. She said that, arising out of this, it is now staff's practice to put the MPC agenda on the website so that people can phone the office ahead of time to find out how they can participate in the process.

Amanda Kelly agreed with Chairman Milne and wondered if the MPC needed to hear from anyone? There was a discussion around this as well as the land use bylaw, permitted vs. discretionary uses, compliance with the LUB, and appeal rights.

The members decided that the discussion of how the MPC conducts its meetings, whether it hears from people in the audience, and the chairman's role in all of this should be discussed when all members are present. They discussed a tabling motion of the draft bylaw item.

Janice Thompson stated that a concern with tabling comments on the draft bylaw is that there will not be a full complement at the next MPC meeting (June 15, 2011) which would mean a discussion on this topic would not take place until the July, 20, 2011 MPC meeting and, accordingly, the bylaw would not be returned to Council until its August, 2011 meeting. She said that she is not sure if Council would be satisfied with this timeframe. The MPC members discussed this and felt that what is outlined in subject draft Bylaw 11/03 is not likely to change from what it says now. The logistics as to how the MPC conducts its meetings, hears from the public and the chairman's role in this would not be outlined in the bylaw anyway. The members decided to recommend that Council approve draft, revised Bylaw 11/03 in its current state and then discuss the internal procedures on how to conduct its meetings at a future meeting when all members are in attendance. The MPC directed Ms. Thompson to place this matter for further discussion on a future MPC meeting agenda. Ms. Thompson agreed to do this.

Chairman Milne expressed an afterthought, explaining that he was the chairman of the Subdivision and Development Appeal Board for many years and he recalled how he would express the rules of hearing from people ahead of time to all those in attendance. He suggested that this may be a procedure for the MPC to think about as well. There was general consensus that people should have the right to have input on development in their communities and a process should be developed to provide for this.

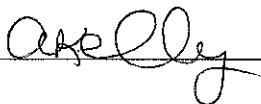
MOTION 04.05.11 KELLY THAT
the Municipal Planning Commission accept the revised and amended Bylaw 11/03 and recommend that Bighorn Council approve of the revisions as presented.

CARRIED UNANIMOUSLY

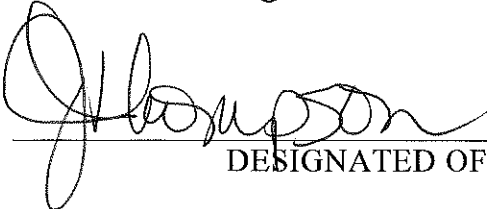
IX. ADJOURNMENT

MOTION 05.05.11 MONTGOMERY THAT
the Municipal Planning Commission meeting adjourn at 10:15 a.m.

CARRIED UNANIMOUSLY



CHAIR



DESIGNATED OFFICER