

MUNICIPAL DISTRICT OF BIGHORN NO. 8

MUNICIPAL PLANNING COMMISSION MEETING

HELD JULY 21, 2010 AT THE MUNICIPAL OFFICE IN EXSHAW

PRESENT: CAROLYN MONTGOMERY CHAIRPERSON
 MARIA DUNKI MPC MEMBER (Council)
 PAUL ADAMS MPC MEMBER (Council)
 JOHN HAASEN MPC MEMBER
 RHODY LITSCHKE MPC MEMBER

STAFF: TRACY WOITENKO PLANNING AND DEVELOPMENT OFFICER
 RACHELLE HONEYMAN ADMINISTRATION

GUESTS: KEVIN MCDONALD, MARINA KRAINER, ARND SALINSKY, DON STEEDMAN,
 ANDREW PRATT, ROGER BERNARD, LINDA BERNARD.

I. CALL TO ORDER

The Chair called the meeting to order at 9:04 a.m.

II. APPROVAL OF AGENDA

The Chair asked if there were any additions or deletions to the agenda. Ms. Woitenko stated that there were two items proposed by staff to be added to the MPC agenda if the members choose to accept them. The first item was Development Permit Application No. 44/10, for Roger Bernard applying for an addition (extension to sun/mud room) and variance to rear and side yard set back. The second item presented was Development Permit Application No. 45/10 for Bill Hunt, applying for an addition to dwelling (porch and wheelchair ramp).

MOTION 01.07.10 ADAMS THAT

the Municipal Planning Commission approve the agenda with the addition of items V.A.6. DP Application No. 44/10 – Bernard, and item V.A.7. DP Application No. 45/10 – Hunt.

CARRIED UNANIMOUSLY

III. APPROVAL OF MINUTES

A. June 16, 2010 - Regular

The Chairperson asked if there were any errors or omissions to the June 16, 2010 MPC minutes. No errors or omissions were noted by either the MPC members or by staff.

MOTION 02.07.10 LITSCHKE THAT

the Municipal Planning Commission approve the minutes of the June 16, 2010 Municipal Planning Commission meeting as presented.

CARRIED UNANIMOUSLY

cm. 76B

IV. BUSINESS ARISING FROM MINUTES

1. DP Application No. 33/10 – Kevin McDonald

Ms. Woitenko stated that information had been received after the agenda package had been sent out and she then distributed to the members updated drawings, comments from the adjacent landowners, and a letter of intent from Mr. McDonald.

Kevin McDonald was present and joined the MPC at the table. Members of the MPC introduced themselves and Tracy Woitenko outlined the background information as per the Development Officer's Report and the new information. She said this application is submitted by Kevin McDonald, one of three owners and who is authorized to represent all owners of the subject property. Ms. Woitenko stated the application was tabled at the June 16, 2010 meeting due to concerns of the MPC. The applicant was requested to provide more information and to attend this meeting to answer any questions. She said the site is located in the Hamlet of Benchlands on the middle bench in the R-1 District. The application is for an accessory building (garage) to be located on the east side of the lot, as shown on the site plan. Although accessory buildings are listed as permitted uses in the R-1 District, the application has been referred to the MPC due to the proximity to an escarpment and a request for a reduction of the required setback from the escarpment. Ms. Woitenko stated the proposed garage meets the requirements of the R-1 District for setbacks from property lines, site coverage and building height. The garage is very large (approximately 10 m by 14.5 m) and originally contained a spray booth, a small office area, and a washroom. The spray booth and washroom has since been removed as shown on the updated drawings provided. She said the garage is proposed to be located approximately 3 m (10 ft) from the top of the escarpment which has a grade between 25% and 45%. Section 12.5.6 of the Land Use Bylaw states that a building must be located at least 30 m from the top or toe of an escarpment which has a slope of 15% or greater. The applicant has provided a slope stability report dated May 28, 2010 that was undertaken by Sabatini Earth Technologies Inc. The report concludes that only a nominal building setback is recommended, and the setback of the proposed garage should be no less than 3 m. The report also contains other recommendations, such as that the lower slope is maintained, that vegetation is not disturbed and water should be drained properly. She said the finishing of the garage is proposed to match the house, and will be log siding with a green tin roof. Pictures of the site and the house are contained on Plate 1 of the slope stability report. Ms. Woitenko stated the applicant has been notified that the garage must not be used or set up to be used as a second dwelling, as there is only the provision for a single dwelling in this district. The applicant has also stated that the garage is to be used for storage and personal hobbies. The applicant works in and has a shop/showroom in Calgary where he operates his business, Rustick Woodworks, for building and selling log furniture. Staff is recommending that the MPC approve Development Permit Application No. 33/10 subject to the conditions provided.

Chairperson Montgomery asked Mr. McDonald if he had anything to add. Mr. McDonald stated that the letter provided to the MPC summed up his intention.

Chairperson Montgomery asked MPC Members if they had any questions for Mr. McDonald.

Paul Adams referred to the room where the Spray Booth was originally shown and asked Mr. McDonald if he was replacing the exhaust fan area with windows. Mr. McDonald stated that was correct. Paul Adams asked Mr. McDonald about the old bathroom. The original woodstove was gone, and asked if he planned to install heating. Mr. McDonald replied that the drawings were a speculation of what he may do. Mr. McDonald asked what would be required if he chose to installed a woodstove in the future. Tracy Woitenko stated that he would need a Building Permit to ensure it was installed in accordance

with the Alberta Building Code, and that it would need to be inspected to ensure that it was. Paul Adams, referring to the layout of the garage, asked about the water well location in reference to the entrance to the garage door, and the door size. Mr. McDonald replied that the door was 14' with 2' of clearance. Mr. McDonald stated that he would place a pile, or some sort of barrier in front of his water well in order to protect it in the "worst care scenario" that it could be backed in to. Paul Adams asked if the door was to the left. Mr. McDonald stated that if facing the garage then yes, the door is to the left with a 2' clearance. Mr. Adams asked how far from the edge of the building is the wall of the water well. Mr. McDonald stated it was 9'. Paul Adams confirmed the width of the building was 32', and it was.

Rhody Litschke asked Mr. McDonald where the septic field was located. Mr. McDonald stated he did not know if there was a septic field or not. He stated it was his understanding that the septic tank close to the house was for solids, while the one in question, was for grey water. Mr. Litschke wanted to confirm again that there was no septic field, but instead two septic tanks. Mr. McDonald said that was correct to his knowledge. Mr. Litschke stated that the drawings from Sabitini seemed deceptive, and asked Mr. McDonald to clarify the location on drawings of the water well. Mr. McDonald stated that the water well was 9' out. Mr. Litschke stated that for all Mr. McDonald knows he could be building a garage on his septic field. Mr. McDonald agreed, and stated he has been trying to get in contact with the previous landowners for clarification of this information.

John Haasen asked Mr. McDonald if the slope was uphill to the east. This was clarified on the drawings provided by Sabitini Earth Technologies. Mr. Haasen asked to convert the 1.78 m showing on the garage door height to imperial. It was discovered at this time that 1.78 m converts to approximately 5'8", and it was determined that the elevations marked on the drawing are incorrect.

Rhody Litschke asked if there was any connection between the spray booth and his occupation. Mr. McDonald stated that his hobby is his occupation, and that his intention was to utilize his skills around his home as well as for personal reasons. Mr. Litschke stated that he wanted to clarify the intention of the building, which his revised drawings have done. Mr. Litschke stated that after talking with Mr. McDonald and having the chance for clarification, he felt that he now had a strong sense of what the MPC was approving.

MOTION 03.07.10 ADAMS THAT

the Municipal Planning Commission APPROVE Development Permit application No. 33/10, 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. Pursuant to Section 12.5.8 of Land Use Bylaw No. 19/96, the Municipal Planning Commission hereby grants a variance to the normal 30 metre setback requirement from a slope, thereby allowing the accessory building to be located no less than 3 m from the top of the escarpment, as proposed in the Development Permit Application. The Planning Commission grants this variance on the basis of the May 28, 2010 letter from Sabatini Earth Technologies Inc. to Kevin McDonald titled "Slope Stability, Lot 3 Plan 8567EM, 3 Manning Road, Hamlet of Benchlands, Alberta".
4. The developer shall enter into a Development Agreement with the MD of Bighorn which ensures, among other things, that the recommendations listed in the slope stability report

- prepared by Sabatini Earth Technologies Ltd. are followed and that future property owners are aware of the building constraints that exist on the property.
5. Pursuant to Council Bylaw 01-Z/07, in order to allow for recycling the developer shall endeavour to sort the construction waste generated as a result of the development prior to transporting the waste material to an approved facility, such as the Francis Cooke Regional Landfill. As a minimum, the MD of Bighorn expects the following materials to be sorted for recycling purposes: metal, cardboard and kiln-dried lumber.
 6. The applicants should consider using Fire Smart construction materials for the exterior of the buildings and, in particular, should use roofing materials with a Class A or B Underwriter's Laboratories of Canada (ULC) fire rating.
 7. Pursuant to Section 12.7.5 of the Land Use Bylaw 19/96, the accessory building shall not be constructed to be used or be used as a dwelling (including a studio suite).
 8. There shall be no washroom installed within the Accessory Building unless prior approval is obtained from the MD of Bighorn No. 8.

CARRIED UNANIMOUSLY

Chairperson Montgomery asked if there was representative for item V.A.1. DP Application No. 37/10. Ms. Woitenko stated there was not. Chairperson Montgomery suggested MPC move ahead to item V.A.3 DP Application No. 40/10 and the members agreed.

V. DEVELOPMENT APPLICATIONS

A. Applications Referred to the Municipal Planning Commission

3. DP Application No. 40/10 – Krainer/Salinsky

Marina Krainer and Arnd Salinsky were present and joined the MPC at the table. Tracy Woitenko outlined the background information as per the Development Officer's Report. She said this renewal application is submitted by Marina Krainer and Arnd Salinsky, of Red Cougar Enterprises. She said the applicants are tenants and full-time residents of the property. She said the applicants received approval from the landowner to apply for the home occupations. Ms. Woitenko stated the subject property is located at #2 Furthur Drive, in the Hamlet of Benchlands. She said the application is to renew two existing home occupations: one for a vehicle import business & minor vehicle repairs, and a second for a construction consulting business (woodwork and timberframing) within an accessory building, along with an associated office for these businesses. Home occupations are listed as discretionary uses in the R-1 District and accordingly the application has been referred to the MPC for a decision. Development Permit No. 12/09 issued for these home occupations expired on June 1, 2010. The applicants outline in the renewal letter that there have been no changes to either business. Ms. Woitenko said the applicants stated that the vehicle import and repair business remains a very small scale operation. In addition, the applicants stated that the yard will not be cluttered with equipment or other items resulting in a messy property. They use a few vehicles associated with the construction contracting business, and some minor storage of materials. She said there are no other employees associated with the businesses. She said there have been no complaints or concerns received from the neighbours with regards to either of the businesses. The applicants have requested a renewal for 3 years. Staff is recommending renewal of Development Permit Application No. 40/10 for 3 years subject to conditions 1-10.

Chairperson Montgomery asked Mrs. Krainer and Mr. Salinsky if they had anything to add. Mr. Salinsky asked what the conditions were. Tracy Woitenko stated that the conditions remained the same as their previous Development Permit, and asked if they would like them read over. Mr. Salinsky did not think that was necessary.

G.M. 163

Rhody Litschke noted that there was one more staff recommendation that was not part of the previous approval. Paul Adams stated it was Condition No. 9. Tracy Woitenko clarified that the original development permit that was approved last year had since been amended. MPC members had recalled this. Maria Dunki inquired about the condition in question, No. 9, which reads "There shall be only one activity related to the home occupation businesses operating at any one time, either automotive import and maintenance or the contracting business, not both.", and what it meant specifically. Chairperson Montgomery stated that the intention seemed to be so that the businesses are not to operate together. Ms. Dunki noted that there is no way to enforce such a condition. Rhody Litschke stated that the condition did not seem practical. John Haasen asked the applicants in reference to the two home occupations, if they were operating both. Arnd Salinsky stated that he is doing a little of both, but at the same time he is keeping the import business operations minimal, only helping out a few customers. MPC Members agreed to strike Staff Recommendation No.9.

Chairperson Montgomery asked if there were any further questions. John Haasen noted that one of the staff recommendations, Condition No. 4, is there to ensure attention to aesthetics. Mr. Haasen asked about the progress of the roof of the Accessory Building under construction. Arnd Salinsky stated that the tiles were supposed to be ready for pickup this day in Calgary. Marina Krainer continued to explain that the tiles were being delivered from Germany and that they originally arrived last November, however, because the shipment arrived on un-treated wood pallets Canada Customs had sent the shipment back, postponing the renovation. John Haasen inquired about an email to Ms. Jan Thompson regarding a J Wagon and Pickup Truck. He also noted that there were two "Eagles" parked on the property as well. Marina Krainer stated those were personal vehicles, as one of their vehicles was in a car accident and the second eagle is there for parts and repairs, which should be gone soon.

Chairperson Montgomery asked the applicants about the storage of their lumber. Arnd Salinsky said that they currently have a large tent for storage where the lumber dries and the wood is much nicer to work with. Ms. Montgomery asked if it was just the one tent. Mr. Salinsky confirmed that. Ms. Montgomery asked the size of the tent. Mr. Salinsky stated that the tent he currently using is 18' x 36'.

Chairperson Montgomery asked administration for clarification regarding rental situations and home occupations. Tracy Woitenko stated that the regulations require that they must be full time residents, with landowner approval, which these applicants have. Ms. Montgomery asked the applicants about the renewal of their rental agreement coming up in the fall of 2011. Arnd Salinsky stated that they feel their rental is secure, however, nothing has been formally put in writing. Ms. Montgomery expressed her concerns if the Development Permit is approved for 3 years, and the applicants leave that property, if the Development Permit runs with the land. Tracy Woitenko stated that yes the permit does run with the land, however, landowner approval is still required. Rhody Litschke clarified that the approval runs concurrent with lease owners consent. Ms. Woitenko agreed.

MOTION 04.07.10 HAASEN THAT

the Municipal Planning Commission APPROVE Development Permit Application No. 40/10, subject to the following amended conditions:

1. The Home Occupation offices for the foreign vehicle import & minor vehicle repair business and for the contracting business (wood-working, timber framing, etc.) shall be operated in accordance with Section 12.13.0 of the MD of Bighorn No. 8 Land Use Bylaw.

2. There shall be no outdoor storage of equipment associated with the contracting business stored on the site. In particular, there shall be no piles of wood or timber kept outdoors on the property, no vehicles that are under repair, and no parts or equipment for either the vehicle importing and minor repair business or the wood-working contracting business.
3. Notwithstanding condition No. 2 above, a maximum of two vehicles associated with the home occupation for the vehicle import business may be kept outdoors on the property at any one time.
4. There shall be a high level of attention paid by the developers to the aesthetics of this property given its location in a residential area and its proximity to Highway #40. The development permit for this home occupation may be subject to revocation if the property becomes unsightly as a result of the home occupation activities.
5. The Home Occupations for an office may include uses that would generally take place in an office, such as telephone, mail, scheduling, book-keeping or similar activities.
6. Any future business signage shall require separate development approval by the MD of Bighorn.
7. Minor body work and mechanical repair of vehicles, and timber framing and wood working shall be no more than a minor component of the home occupations, and to ensure that this is done appropriately the developer shall adhere to the following conditions:
 - a) There shall be no burning of debris or waste material on-site. Waste material and products shall be disposed of at an approved government facility.
 - b) Any and all solvents are to be stored in an approved cabinet designed for such storage complete with a secondary containment area to hold 110% of the stored volume.
 - c) The landowner shall allow random fire inspections of the development by Bighorn's Fire Safety Codes Officers at least annually in order to ensure that the home occupation is operated in accordance with the Alberta Fire Code.
8. The developer shall at all times control the level of noise produced at the site and control dust produced from the home occupation activities so as to not cause a nuisance to the neighbouring community.
9. This Home Occupation approval shall be subject to consideration for renewal but shall otherwise expire on **August 5, 2013**.

CARRIED UNANIMOUSLY

MPC members agreed to move to back to item V.A.2 on the agenda.

2. DP Application No. 38/10 – LKRUA (Jacklin)

Don Steedman with Canadian Rockies Rafting was present and joined the MPC at the table. MPC members introduced themselves. Tracy Woitenko outlined the background information as per the Development Officer's Report. She said this application has been submitted by Tom Jacklin, the Chairperson and representative of the Lower Kananaskis River Users Association. She said the site is located on a portion of NW-33-24-8-W5M, within the Highway 1X right-of-way (Plan 241JK) on the west bank of the Kananaskis River near the Bailey Bridge. Ms. Woitenko stated the applicant is also the lessee of the site and is currently in the process of obtaining a License of Occupation 402N-01B from Alberta Transportation at the same time as the development permit application. This application is for the renewal of a recreational river access/staging area and associated temporary structures. While the boat launch, parking and staging areas have been constructed, their on-going use and maintenance remain as part of the permit approval. Ms. Woitenko stated, as described in the letter from the applicant requesting the permit renewal, that there are only a few changes to the previous development permit.

CRN TBB

The development contains buildings located on the site, including a trailer for use as a change room and a portable toilet. However, Condition No. 6 of the original Development Permit No. 16/05 requested that the LKRUA organization attempt to gain approval from Alberta Transportation for more permanent structures than the temporary trailer and portable toilet. As stated in the letter from the applicant, Alberta Transportation will not allow more permanent structures to be placed on the site. Therefore, the buildings must be moved on and off the site at the beginning and end of each season and Condition No. 6 of DP 16/05 will be changed to reflect this (see condition No. 7 of DP 38/10). She said the applicant is requesting a five-year renewal period which will expire concurrently with the LOC from Alberta Transportation. She said attached in the agenda material provided is the application letter requesting renewal, the original DP 16/05 and Amendment #1, associated application information, and site plans. Staff is recommending the approval of the 5 year renewal subject to the conditions outlined.

Chairperson Montgomery asked Mr. Steedman if he had anything to add. Mr Steedman asked if there was a way to apply for a more permanent structure. Tracy Woitenko replied that she felt, and the MPC agreed, that it is the Alberta Transportation's lease agreement which does not allow the more permanent structures. Mr Steedman said that his company would like to have a shelter for customers. Ms. Woitenko replied that that is not the Municipality's decision to make. Maria Dunki stated that she agreed. She said that she feels the Municipality would like the applicant to have that option – for aesthetics and to make the site look nice. Ms. Dunki suggested that a recommendation to Council could be made, to secure a more permanent LOC and talk to Alberta Transportation. She stated historically there are permanent structures on Crown Land. Paul Adams stated that the other rafting site across the road is a lease on private land which is why they have more permanent structures. Mr. Adams asked Ms. Woitenko if this were MD land, if it could be done differently. Ms. Woitenko stated that that was correct. She also stated that the site where the applicant is located is part of a road plan.

Chairperson Montgomery asked if there were any further questions.

MOTION 05.07.10 DUNKI THAT

the Municipal Planning Commission make a recommendation to Council to open a dialog with Alberta Transportation regarding a more permanent structure at location NW 33-24-8-W5M – which would allow the applicants to provide a more aesthetically pleasing atmosphere for their customers and the community.

CARRIED UNANIMOUSLY.

MOTION 06.07.10 DUNKI THAT

the Municipal Planning Commission APPROVE Development Permit Application No. 38/10, subject to the following conditions:

1. All construction shall conform to the Alberta Building Code.
2. All new electrical wiring shall be approved by a Safety Codes Officer, Electrical.
3. The developer shall comply with any requirements of Alberta Transportation, particularly with regards to the property LOC, proximity to Highway 1X, and access.
4. A copy of the LOC and any approvals from Alberta Transportation shall be submitted upon issuance, and failure to obtain the landowner's approval shall result in the cancellation of this development approval.

CM 7/25

5. The developer shall comply with any requirements of Alberta Sustainable Resource Development, Public Lands, particularly with regards to the boat launch on the Kananaskis River.
6. The developer shall comply with any requirements of the Department of Fisheries and Oceans, particularly with regards to the boat launch on the Kananaskis River.
7. The trailer and portable toilet shall be located on the site generally as shown in the attached site plan. The trailer and portable toilet shall be removed from the site at the end of the business season and may be re-installed at the beginning of subsequent rafting seasons.
8. Pursuant to Section 4.3.5 of the MD of Bighorn Land Use Bylaw 19/96, the Municipal Planning Commission grants approval for the proposed change trailer to be located as close as 3.0 m (9.8 ft) from any LOC boundary.
9. The applicant shall make application to the MD prior to re-installation of the trailer each year for Building Permits.
10. The trailer is to be used for customers to change clothing and associated uses such as storage by LKRUA members, employees and customers. The trailer is not to be used as a sales office although souvenirs directly related to LKRUA business activities, such as shirts or hats, may be sold to customers.
11. The trailer shall not be used for overnight accommodation.
12. Minor modifications to the size of the proposed trailer or its floor plan are allowed provided these differences are found acceptable to the MD of Bighorn Planning and Development Officer.
13. The portable toilet shall be emptied on a regular basis and the contents disposed of at a provincially approved sewage treatment facility.
14. The lease area and associated development shall be maintained in an orderly and attractive manner. Similarly, the trailer shall be kept in a good state of repair and the portable toilet shall be screened by lattice or a similar material if it is easily seen from Highway 1X.
15. The developer shall ensure that dust from the site does not become an issue for others using the area, such as fishers, private boaters or adjacent land owners.
16. Any future changes or modifications to the site shall be the subject of a separate development permit application.
17. This permit is subject to consideration for renewal but shall otherwise expire on **March 1, 2015**.

CARRIED UNANIMOUSLY

Don Steedman confirmed with MPC members that the 5 year lease with Alberta Transportation remains the same. Tracy Woitenko confirmed that fact, and stated that Building Permits will still be required seasonally to move the structures back on the property. Maria Dunki stated that the motion made will be on the Council agenda sometime in the future and suggested to administration that we contact the applicant when it is on the agenda. Administration agreed.

MOTION 07.07.10 DUNKI THAT

the Municipal Planning Commission recess at 9:55 a.m.

CARRIED UNANIMOUSLY

The Chairperson called the meeting back to order at 10:04. a.m. and the members agreed to move to item V.A.4. on the agenda.

cmj T65

4. DP. Application No. 41/10 – Kananaskis River Adventures Ltd. (Andrew Pratt)

Andrew Pratt was present and joined the MPC at the table. MPC members introduced themselves. Tracy Woitenko outlined the background information as per the Development Officer's Report. She said the application is submitted by Andrew Pratt, owner of Kananaskis River Adventures, a guided river rafting operation. She said the application is to renew DP 15/09 for the recreational river access/staging use and associated buildings and signs, which are listed as discretionary uses in the Recreation District and thus the application has been referred to the MPC for decision. Ms. Woitenko stated the property is located on privately held land owned by TransAlta Utilities, and the land is located within a registered Right-of-Way (Plan 486). Specifically, the land is located off of the 1X Highway, across the Bailey Bridge, and immediately to the right the subject pull out area can be found. This area can be seen from the 1X Highway, looking east. She said the applicant has a lease of the site from TransAlta Utilities and is able to keep the buildings on the site on a year-round basis. She said a copy of the site plan and pictures of the site have been provided in the agenda package. Ms. Woitenko stated the previous approval by the Municipal Planning Commission was limited to a one-year period due to the lack of pictures of the site. MPC decided to approve the permit on the condition that better pictures would be provided upon renewal and the applicant would consider how to make the development look more aesthetically pleasing. She said the renewal letter from the applicant states that the colour of the buildings could be changed if necessary; however, MPC should consider that the landowner, TransAlta had requested that the buildings be painted forest green. Staff are recommending that the Municipal Planning Commission approve the development permit for a period of approximately 5 years, similar to the approval for the adjacent site (DP Application 38/10) until March 1, 2015. The reason that staff are suggesting this is that the site is kept in a very clean and tidy state, the buildings are also well maintained and integrated into the site. The aesthetics are similar to the adjacent site as well. Ms. Woitenko stated the development proposal meets the requirements of the Recreation District of the Land Use Bylaw, including setbacks and building heights. She said fascia signs are a discretionary use, and may be up to 20% in area of the building to which they are attached. She said there is background information attached, including the letter requesting renewal, a site plan and pictures of the site, including buildings and signs, and a copy of DP 15/09.

Chairperson Montgomery asked if there were any questions.

Paul Adams asked if the rafts were stored in these structures held on site. Mr. Pratt stated yes, right now they are. He also said that they previously had kept their rafts at Tim Hortons Childrens Camp, however, they are developing that site. Mr. Pratt said that they are looking for other places to store the rafts, such as Brewsters Kananaskis Guest Ranch. He said the buses were stored off site.

John Haasen asked Mr. Pratt if there were three sea containers. Mr. Pratt clarified that there was one sea container, and two trailers: one is for a change room and the other one is for an office/shop. Mr. Pratt went on to say that there has been talk with TransAlta about limiting access to the Horseshoe Lands area. He said that their company is currently looking into alternative routes to access, possibly through Stoney Nakoda lands. Mr. Pratt stated that he is on the LKRUA Committee and there has been discussion about looking to beautify the area. He said that they have provided washroom facilities, which the general public has access to and uses regularly, along with the garbage facilities.

Maria Dunki stated that she was not supporting more than one year due to what Mr. Pratt just stated, only to support the opportunity to change the aesthetics. She said that she would prefer a one year renewal.

Andrew Pratt said that the staff recommendations were for the colour of the buildings, and that they have been painted green at request of the leaseholder. He said that they mow the grass, they have put out flower pots, and added a Tipi structure for shelter. Mr. Pratt stated that the site is aesthetic as it could really get, and also pointed out that some of the structures, like the gazebo, are permanent and pre-existing.

Paul Adams said he had no problem with the length of renewal. Mr. Adams felt that the site in fact has been kept very tidy and that is as aesthetic as it probably will get. Mr. Adams also said that he felt the green was a well suited colour, and that it worked. He said he was prepared to support the Staff Recommendation as is.

John Haasen said that he had no problems. He asked if things were to change with TransAlta, would the applicant need to amend this application? Tracy Woitenko stated that in regards to any new structures, yes they would.

MOTION 08.07.10 ADAMS THAT

the Municipal Planning Commission APPROVE Development Permit application No. 41/10, subject to the following conditions:

1. All construction shall conform to the Alberta Building Code.
2. All new electrical wiring shall be approved by a Safety Codes Officer, Electrical.
3. The developer shall comply with any requirements of Alberta Sustainable Resource Development, Public Lands, and with the Department of Fisheries and Oceans, prior to any modification of the existing boat launch on the Kananaskis River.
4. The two trailers and the sea container shall be located on the site generally as shown in the application.
5. The two trailers are to be used for customers to change clothing in, and for associated uses such as storage of Kananaskis River Adventures gear and the sale of novelties associated with the river rafting business (souvenirs , shirts, hats and CD's).
6. The trailers shall not be used for overnight accommodation.
7. The portable toilet shall be emptied on a regular basis and the contents disposed of at a provincially approved sewage treatment facility.
8. The lease area and associated development and signs shall be maintained in an orderly and attractive manner. Similarly, the trailers and sea container shall be kept in a good state of repair.
9. The developer shall ensure that dust from the site does not become an issue for others using the area, such as fishers, private boaters or adjacent land owners.
10. Any future changes or modifications to the site shall be the subject of a separate development permit application.
11. This approval is valid only so long as the applicant has approval from the landowner to occupy the land.
12. This permit is subject to consideration for renewal but shall otherwise expire on **March 1, 2015.**

CARRIED UNANIMOUSLY

cm. TCB

MPC members agreed to move back to item V.A.1 on the agenda.

1. DP. Application No. 37/10 – Sovereign

Ms. Woitenko gave the background information. She stated that this application is submitted by Raeanne Sovereign, an owner of the property. The site is located at #15 Loder Mtn. Drive in Exshaw, which is south of the railway lines. She said the application is for a home occupation for a bookkeeping business. As described on the application and information form, the business will be operated by the owner and full-time resident of the property; will not require outside business activities or storage; and will not have clients visiting the site. Staff recommended that a one year renewal in accordance with the Land Use Bylaw, be approved.

MOTION 09.07.10 LITSCHKE THAT

the Municipal Planning Commission APPROVE Development Permit application No. 37/10, subject to the following conditions:

1. The home occupation shall be operated in accordance with Section 12.13.0 of the MD of Bighorn's Land Use Bylaw.
2. The MD of Bighorn reserves the right to limit the number of customers visiting the property for business purposes if the volume of traffic or use of the land becomes an issue in the area.
3. The home occupation may also include office-type uses that generally take place at a desk and include telephone, mail, scheduling, book-keeping or similar activities.
4. Signage shall be the subject of a separate development permit application.
5. This development permit is subject to consideration for renewal but shall otherwise expire on **August 15, 2011.**

CARRIED UNANIMOUSLY

MPC members agreed to move to item V.A.5 on the agenda.

5. DP Application No. 43/10 – Scott

Tracy Woitenko outlined the background information as per the Development Officer's Report. This application is submitted by Sue Scott, an owner and full-time resident of the property. She said the site is located at #1 Ghost Country Place, which is in the eastern portion of the Ghost Country Residential Subdivision near Highway 40. Ms. Woitenko stated that the application is for a home office related to a roofing contractor business. As described on the application and information form, the business will be operated by the owner and full-time resident of the property; will not require outside business activities or storage; and will not have clients visiting the site.

Chairperson Montgomery asked why Condition No. 2 needs to be in place if no clients are visiting. Tracy Woitenko stated that this was merely a condition on home occupation permits, but that it could be removed. Chairperson Montgomery asked for clarification about putting conditions in to match for what they applied for. Paul Adams stated that the condition would give the applicant a little bit of flexibility. Tracy Woitenko said that although clients may not be visiting, the applicant may still be receiving deliveries.

Rhody Litschke stated that there could be a condition added regarding no on site storage because the home occupation is related to a roofing contractor business, and the site is in a residential

neighbourhood. He said that the MPC does not know whether or not they have a yard for storage, and it should be stated that storage is not supported, whether or not the applicant is asking for it. Mr. Litschke said this suggestion comes from the nature of the business and the potential that storage could arise. MPC Members agreed.

Tracy Woitenko pointed out Condition No. 2 of Development Permit Application No. 40/10 – Salinsky, which could be used as a sample format for the additional condition which states there shall be no outdoor storage. MPC agreed to add this condition to the approval.

MOTION 10.07.10 ADAMS THAT

the Municipal Planning Commission APPROVE Development Permit application No. 43/10, subject to the following amended conditions:

1. The home occupation shall be operated in accordance with Section 12.13.0 of the MD of Bighorn's Land Use Bylaw.
2. The MD of Bighorn reserves the right to limit the number of customers visiting the property for business purposes if the volume of traffic or use of the land becomes an issue in the area.
3. The home occupation may also include office-type uses that generally take place at a desk and include telephone, mail, scheduling, book-keeping or similar activities.
4. There shall be no outdoor storage of materials or equipment related to the business stored on the site.
5. Signage shall be the subject of a separate development permit application.
6. This development permit is subject to consideration for renewal but shall otherwise expire on **August 15, 2011.**

CARRIED UNANIMOUSLY

6. DP Application No. 44/10 – Bernard

Mr. and Mrs. Bernard were present and joined the MPC at the table. MPC Members introduced themselves. Tracy Woitenko outlined the background information as per the Development Officer's Report. She said the application is submitted by Roger Bernard, owner of the subject property. Due to the applicant trying to get compliance on the property for a potential sale of the dwelling, the applicant has requested that the Municipal Planning Commission accept the application as a walk-on agenda item. Ms. Woitenko stated that the applicant was notified that even if the MPC accepts the application for discussion, there may not be enough information for the MPC to make a decision and the application may need to be considered at the August meeting instead when additional materials can be provided. However, the applicants stated they would attend the MPC meeting today to answer any questions.

Ms. Woitenko said that the site is located in the Hamlet of Harvie Heights in the R-1 District. The applicant is requesting approval for an addition which has already been constructed on the dwelling without a permit. The addition is an extension to the sun/mud room at the rear of the dwelling. Ms. Woitenko stated the applicant is also requesting approval for a variance to the rear and side yard setbacks, and thus the application has been referred to the MPC for decision. She said the dwelling had an addition constructed on to it (an attached garage with living space on second floor) under Development Permit No. 28/98. At that time, the MPC granted a variance to the rear yard setback to be 5.56 m from the property line so that the addition could be built onto the existing non-conforming structure. The new garage was stated on the application for DP 28/98 to be built 1.68 m from the side

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property line. Ms. Woitenko stated the applicants have provided the MD of Bighorn with a recent Real Property Report that shows that the garage does not meet the required 1.5 m side yard setback or the previous approval, and that an additional extension has been constructed onto the rear: a sun/mud room. This extension reduced the rear yard setback from the approved 5.56 m to 4.36 m.

No pictures or drawings were provided at the time of application showing either of the additions to the dwelling, although the applicants had brought pictures with them to the meeting today. Additionally, the applicants did not have time to ask the neighbours for letters of support. She said that the background information, including the application, Real Property Report and DP 28/98 are in the agenda package.

Maria Dunki asked for clarification that the addition was already built. Tracy Woitenko confirmed that was correct. Ms. Dunki asked if they were applying for two permits. Ms. Woitenko stated that one already had a permit, one did not. Ms. Dunki asked how would MPC know if it conforms with Alberta Building Code. Ms. Woitenko stated that, if approved, the applicant will still have to go through the Building Permit process, and would also require an inspection.

Rhody Litschke asked where the rear yard and front yard setbacks were. Ms. Woitenko stated that on the location plan, Lot 8 was MR land, and the rear yard setback was adjacent to the lane. Mr. Litschke asked since there is already a permit, and applicants are asking for a setback variance, that the development which was approved under Development Permit 28/98 was not built according. Ms. Woitenko answered yes, the garage was not built according to the approved Development Permit 28/98 and that the building was already existing non-conforming. The rear yard setback was approved with a variance of a minimum of 5.6 m so that the garage addition could be built. Now, this application is for the porch/mudroom showing on the north side of the drawings where the walls were not straight, and have since been straightened which has further reduced the yard setback.

Roger Bernard stated that the house in question is 60 years old. He said the back piece of the house, the mudroom, was started through renovating a leaky roof. Mr. Bernard said that when they started renovations they found second hand materials within the un-even wall. He said they replaced the material, and straightened the wall not realizing at the time that it may affect the rear setback.

John Haasen stated that the applicant had a permit for the garage in 1998, and then asked if the addition was a recent build. Mr. Bernard stated that the build was done approximately 5 years ago. Mr. Haasen asked why the applicant did not think he needed a permit. Mr. Bernard said that the addition started out as a simple renovation.

Rhody Litschke stated that the rear yard setback is now 4.56 m.

Paul Adams asked if the mudroom was indoors. Mr. Bernard stated that it was. Paul Adams asked the width of the addition in question. Mr. Bernard stated that it was approximately 1ft wide and 7-8' deep.

Rhody Litschke noted that notwithstanding the size of the addition, the MPC needs to deal with the setback issue. He said that 4.6 m is the issue, not the square footage. Mr. Litschke asked the members if there is any reason why the MPC could not grant relaxation on the setbacks.

Maria Dunki asked to confirm that the rear and side setbacks both require a variance. Tracy Woitenko stated yes. She said that this is shown on the most recent Real Property Report. The garage is not compliant, even though it was approved by a Development Permit.

Maria Dunki asked what the bylaw regulations state for the setbacks. Ms. Woitenko stated that the bylaw requires 1.5 m from the side property line to the building. She stated that this distance depends on where a surveyor measures to. Ms. Dunki asked if we do not say to the surveyor where to measure to. Ms. Woitenko stated that no, the surveyor has their own set of guidelines to which they do their measurements, and that the MD of Bighorn bases its compliance reports on the measurements provided by a surveyor on a Real Property Report. Ms. Dunki asked if the garage was non-compliant, and if it was not built accordingly, what the variance was. Ms. Woitenko stated that the setback should be 1.5 m and it actually is 1.44 m as shown on the Real Property Report. Mr. Bernard stated that 1.5 m is the bylaw, and that the difference is just 2" short. These 2" are close to what the trim is, and he felt that where the measurements were taken may have played a factor in those 2".

Maria Dunki asked to clarify what the living space above the garage was used for. Mr. Bernard stated that there was in fact a bedroom.

Rhody Litschke asked if the 1.44 m on the corner of the garage was measured from the base of the trim. He stated that it looks like 1.2 m is shown as the side property line setback from the eave. Ms. Woitenko stated that the permitted overhang of an eave is 0.6 m.

John Haasen asked Mr. Bernard if his trim was in fact 2.5" wide. Mr. Bernard stated that it was approximately 1 3/4 ". Mr. Haasen asked if the trim carried on underground. Mr. Bernard said that it did not.

Maria Dunki expressed concern if the buildings on Lot 2 were going to be impacted by the variance. She asked how close to the property line are any adjacent buildings. Mr. Bernard stated 6-8'. Ms. Dunki stated her concern of pushing boundaries, and if the neighbours were to push boundaries, that the setbacks become useless. Ms. Dunki asked what the conditions were in accordance with the Alberta Building Code. Ms. Woitenko stated that the applicant will still be required to go through the Building Permit application process. Ms. Dunki asked if an inspection was a part of that process. Ms. Woitenko stated that yes it was. Ms. Dunki stated she wanted to be sure they were not going to approve something that may not be up to Code.

MOTION 11.07.10 ADAMS THAT

the Municipal Planning Commission APPROVE Development Permit application No. 44/10, 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. Pursuant to Section 4.3.3 of the MD of Bighorn Land Use Bylaw, the Municipal Planning Commission grants a 46% setback variance for the development, thereby allowing the single family dwelling to have a minimum rear yard setback distance of 4.36 m.
4. Pursuant to Section 4.3.3 of the MD of Bighorn Land Use Bylaw, the Municipal Planning Commission grants a 7% setback variance for the development, thereby allowing the single family dwelling to have a minimum side yard setback distance of 1.4 m.

CARRIED UNANIMOUSLY

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7. DP Application No.45/10 – Hunt

Tracy Woitenko outlined the background information as per the Development Officer's Report and that the application is submitted by Bill Hunt, an owner of the subject property. The site is located in the Hamlet of Harvie Heights along Bow River Drive which has an unusual lot orientation, because the property line that fronts onto Bow River Drive is considered to be the rear lot line. The front is to the powerline right-of-way.

The application is for an addition to the front of the house (which is considered the rear yard for setback purposes) consisting of a covered porch connecting to a wheelchair ramp. Ms. Woitenko stated as shown on the site plan, the porch extends from the existing house and will connect to a new doorway to be constructed. The porch is proposed to be setback approximately 5.0 m from the property line.

She said the applicant is thus requesting a 38% variance to the rear yard setback from the required 8.0 m to 5.0 m. The Municipal Planning Commission may, subject to Section 4.3.3 of the Land Use Bylaw 19/96, reduce the rear yard setback by a maximum of 60%. The application has therefore been referred to the Municipal Planning Commission for decision. As shown on the Plan View, the house will also be modified to accommodate a wheelchair accessible interior. Ms. Woitenko stated the porch will be constructed and finished in materials to match the existing dwelling. The addition is not creating additional living space and therefore does not require an assessment of the capacity/functioning of the existing sewage disposal system. Attached is the background information, including the application, a location plan, a site plan and building elevations.

Chairperson Montgomery asked if there were any questions.

MOTION 12.07.10 ADAMS THAT

the Municipal Planning Commission APPROVE Development Permit application No. 45/10, 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. Pursuant to Section 4.3.3 of the MD of Bighorn Land Use Bylaw, the Municipal Planning Commission grants a 38% setback variance for the development, thereby allowing the single family dwelling to have a minimum rear yard setback distance of 5.0 m.
4. Pursuant to Council Bylaw 01-Z/07, in order to allow for recycling the developer shall endeavour to sort the construction waste generated as a result of the development prior to transporting the waste material to an approved facility, such as the Francis Cooke Regional Landfill. As a minimum, the MD of Bighorn expects the following materials to be sorted for recycling purposes: metal, cardboard and kiln-dried lumber.
5. The applicants should consider using Fire Smart construction materials for the exterior of the buildings and, in particular, should use roofing materials with a Class A or B Underwriter's Laboratories of Canada (ULC) fire rating.

CARRIED UNANIMOUSLY

V. DEVELOPMENT APPLICATIONS

B. Applications Processed by Development Officers

1. DP Application No. 39/10 – Kruger (CTFO)

2. DP Application No. 52/07 Extension #3 - Pettigrew
3. DP Application No. 36/10 – Graymont
4. DP Application No. 35/10 – Reid

Tracy Woitenko gave a brief explanation of each of the above V.B.1 through V.B.4. Following this explanation the MPC members accepted the submitted decisions as information.

VI. NEW BUSINESS

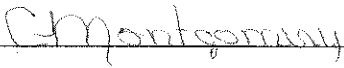
1. Council Minutes – Regular – June 8, 2010

The MPC members accepted the submitted Council minutes as information.

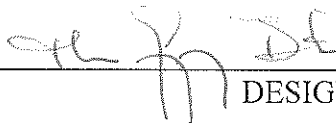
MOTION 13.07.10 ADAMS THAT

the Municipal Planning Commission meeting adjourn at 11:14 a.m.

CARRIED UNANIMOUSLY



CHAIR



DESIGNATED OFFICER