

MUNICIPAL DISTRICT OF BIGHORN NO. 8

MUNICIPAL PLANNING COMMISSION MEETING

HELD OCTOBER 21, 2009 AT THE MUNICIPAL OFFICE IN EXSHAW

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

STAFF: JANICE THOMPSON DEVELOPMENT OFFICER

GUESTS: PATRICK GRIFFITH. Attendance varied throughout the meeting.

I. CALL TO ORDER

The Chairman called the meeting to order at 9:02 a.m.

Discussion on Site Inspections

The MPC members acknowledged that no site inspections had been arranged for this meeting.

II. APPROVAL OF AGENDA

The Chair asked if there were any additions or deletions to the agenda. There were no items proposed by either the MPC members or staff.

MOTION 01.10.09 DUNKI THAT

the Municipal Planning Commission approve the agenda as presented.

CARRIED UNANIMOUSLY

III. APPROVAL OF MINUTES

A. September 16, 2009 - Regular

The Chair asked if there were any errors or omissions to the September 16th MPC minutes. No errors or omissions were noted by either the MPC members or by staff.

MOTION 02.10.09 MONTGOMERY THAT

the Municipal Planning Commission approve the minutes of the September 16, 2009 Municipal Planning Commission meeting as presented.

CARRIED UNANIMOUSLY

IV. BUSINESS ARISING FROM MINUTES

1. S/DAB Decision – No. 35/09

Ms. Thompson explained that the Subdivision and Development Appeal Board (S/DAB) had convened regarding an appeal by the applicants of a refusal by the development officer for a second single family dwelling in the Transfer of Subdivision Density (TSD) District. She said that the application was refused because the proposed dwelling was under the minimum dwelling size. She said that additionally only one dwelling is allowed per TSD lot and the subject application would have resulted in a second dwelling.

She said that the decision of the S/DAB was to overturn the refusal and allow the development with one condition. She then read out loud the condition imposed and summarized that the owner cannot sell the new dwelling until such time as the lands are subdivided and the second dwelling unit sits on a parcel of land with a separate title. Following this summary the MPC members accepted the submitted decision as information.

The MPC members agreed to move to item V.A.2 on the agenda given that the applicant was present.

V. DEVELOPMENT APPLICATIONS

A. Applications Referred to the Municipal Planning Commission

2. DP Application No. 43/09 – Patrick Griffith – Modco Structures Ltd.

Patrick Griffith joined the MPC members at the table. Janice Thompson outlined the background information of the application as per the Development Officer's Report. She said that Modco Structures Ltd. is the landowner and that Patrick Griffith, as director of Modco Structures Ltd., is making the application. She said that there is a letter to this effect in the members' agenda package. She explained that the subject property was located in the Exshaw Industrial Park at #5 Cougar Mountain Crescent. She provided history of the property stating that there is an existing industrial bay building on the site approved through Development Permit No. 42/02. She said a previous owner had undertaken a bareland condominium subdivision and created five units, and that the subject Units 1 and 2 are two of those five units. She summarized the application reiterating that the application was, in essence, for four things. She said the first part of the application is for the storage and handling of trucks, construction equipment and building materials both outside on Unit 1 and inside on the main level of the building situated on Unit 2. She said secondly, a small private repair shop would be set up in the back corner on the main level for servicing the company vehicles. She described the storage element on Unit 1 as being the storage of modular structures that hold the company's tools and equipment. She said that the applicant has described that these modular structures get loaded onto a trailer and then transported to various construction sites. When the job is complete the modular structures are brought back to the storage lot in Exshaw until they are needed again. She said the inside storage on Unit 2 would be storage of the company's vehicles and equipment. Ms. Thompson then continued stating that the third and fourth parts of the application are related. She said the applicant would like to construct a second floor within the industrial building. On this second floor she said there would be four small offices, a reception and waiting area, a meeting room, washroom, and coffee area. She said this development would be towards the front half of the proposed upper area. She said on the back part of the upper area there would be an office storage area, a mechanical room, and a washroom with a shower. She said access to the proposed upper area would be by way of an internal stairway. Ms. Thompson stated that parking for the development was calculated as per Section 12.9.0 of the LUB and that a total of 7 parking stalls plus one loading area was required. She continued to state that some of the parking for the development on Unit 2 was being accommodated on Unit 1. She said in this regard an easement is being suggested, with the MD listed as a third party, so that if Unit 1 is ever sold independent of Unit 2 then the parking could still be accommodated. Ms. Thompson continued outlining that a previous landowner had installed a sewage holding tank. She said that the subject new landowner would use this tank in the interim but it is staff recommendation that a clause be added to the approval requiring connection to the MD's municipal system within the next six months. Ms. Thompson stated that there is no municipal water system as yet so the applicant will be hauling potable water to the site and once the municipal water system is operational then they will connect to it. She said a condition has been added to the staff recommendation to deal with this element as well. Ms. Thompson ended her summary with a willingness to answer any questions.

John Haasen asked where on the floor plan the second washroom was located. Patrick Griffith answered saying that Ms. Thompson was correct in saying that there were two washrooms (one on the main level and the other a proposed new one on the upper area) but that they had revised the plan and removed the washroom on the lower portion. He said it was very important for them to have a washroom on the upper area so they removed the existing, older washroom on the main level. Mr. Griffith then continued and explained that since he purchased the property and today, the water tank and sewage holding tank went missing. He said that he has Bow Kor Construction working with Al Hogarth (Bighorn's Utilities Foreman) and the sewage connection to the municipal system will be happening in the very near future. He added that they will also tie into the municipal water system even though there is no water and will do all the preparatory work for this during the construction.

Ms. Thompson requested of the Chairman to ask a clarification question. Ms. Thompson then asked Mr. Griffith if he would still be installing a water tank and hauling potable water to the site? Mr. Griffith stated yes and that the structural engineer will determine whether this tank should be situated on the upper floor or on the main level.

John Haasen then asked why the jog in the property line between Units 1 and 2? Ms. Thompson stated that she was not sure why but thought it was to perhaps accommodate parking stalls on Unit 2. Patrick Griffith stated that it could also have been done to facilitate a side door on the building. He added that it was his intention to consolidate the two units because he would rather have the interior stairs on the outside of the building (east side) but due to proximity of the property line this was not possible. Ms. Thompson added that the applicant would need to come back before the MPC with an amendment application prior to moving the stairs to the exterior.

Paul Adams asked what Modco Structures Ltd. does. Patrick Griffith responded that they are general contractors and also do project management. He said they work with modular units, have them built, and then reassemble them on a site. He then outlined some of the projects they have worked on, including the recreation centre development in Canmore and other projects in Banff. Paul Adams then asked if the offices would be used for Mr. Griffith's staff or be sublet. Mr. Griffith responded that the offices were for his staff and there would be no subletting. He added that the company is a very small operation and not a lot of staff. He said that one of the offices would be for his project manager. He said originally they worked out of his home. Paul Adams then asked if there were any structural issues with respect to constructing the second level. Patrick Griffith responded that he has Reid Costly, a structural engineer in Canmore, involved. He said that Reid would be reviewing the original building permit drawings and that they intend to do whatever is necessary to accomplish this. He said that the second floor will be totally self supporting, independent of the building.

John Haasen asked Ms. Thompson if, in relation to the municipal sewage connection, the MD is providing the grades to landowners. Ms. Thompson stated that she believed so, that the MD's engineers were involved in the installation and that this information is available. Mr. Griffith spoke up saying that there is a problem and his lot is likely the only one on Cougar Mountain Crescent that can easily connect. Ms. Thompson stated that she was not aware that there was a problem and would look into it. Chairman Litschke asked if there was any further discussion or questions for staff. There were no further questions.

MOTION 03.10.09 ADAMS THAT

the Municipal Planning Commission **APPROVE** Development Permit Application No. 43/09 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. A total of Seven (7) parking stalls plus One (1) stall for loading purposes shall be provided for the development in a manner consistent with Section 12.9.0 of the MD of Bighorn Land Use Bylaw and there shall be no reliance on Cougar Mountain Crescent or other nearby municipal roads for parking purposes.
4. Given that some of the parking requirement outlined in Condition No. 3 above will be facilitated on Unit 1, Plan 0610910, the developer shall register an easement, or caveat, with the MD listed as a third party, on Unit 1, Plan 0610910 which secures the parking area on the subject Unit 1 for use by Unit 2, Plan 0610910.
5. The developer shall not drill a water well on-site. Instead, potable water may be hauled to the individual bay (Unit 2) from an appropriate off-site source. This potable water shall be provided in a manner found acceptable to the Alberta Health Services or other applicable government authority and the developer may install a temporary water holding tank on the site.
6. The developer shall be aware that the MD of Bighorn intends to provide municipal water service to the Exshaw Industrial Park in the next few years, and the developer should be aware that connection to this municipal water system will be required. Any water connections that the developer installs on the property should be constructed with future linkage possibilities in mind.
7. The developer shall connect at his sole cost and within six months of this development approval, the subject Unit 2, through coordination and consultation with the Condominium Association, to the MD of Bighorn municipal sewage system in a manner deemed acceptable to Bighorn's Director of Operations or his designate. In this regard, all sewer connections shall be developed to the City of Calgary specifications and be inspected by an MD of Bighorn representative prior to backfill.
8. No inside or outside storage of hazardous materials such as chemicals, explosives, flammable liquids, toxic or waste materials shall be kept on the subject property that cannot be readily removed (based on volume or other handling criteria) in the event of a flood.
9. All equipment, vehicles and materials stored on site shall be kept in an orderly manner, and the applicant shall respond promptly to any reasonable requests by the MD of Bighorn to improve site aesthetics. No old, dilapidated vehicles or other equipment that is in an obvious state of disrepair, or similar unsightly items, shall be kept on the site.
10. The applicant shall ensure that any maintenance of vehicles, such as oil changes, is done in a responsible fashion to ensure that soil or groundwater contamination does not occur. All used oil, other hydrocarbons or similarly hazardous products are to be disposed of at an approved facility at the applicant's expense.
11. In accordance with Bylaw 15/05, the applicant shall install low-water-use plumbing fixtures. As applicable, these fixtures shall have the following features:
 - i. toilets shall have a water capacity no greater than 6.0 litres per flush;
 - ii. urinals shall have a water capacity no greater than 3.8 litres per flush;
 - iii. shower heads shall have a water flow capacity of not more than 9.5 litres per minute; and
 - iv. faucets in public restrooms shall have a water flow no greater than 1.8 litres per minute.
12. All garbage and recyclables resulting from the development shall be removed from the site and disposed of at an approved facility. The MD of Bighorn residential garbage bins shall not be utilized.

13. Pursuant to Council Bylaw 01-Z/07, in order to allow for recycling the applicant shall endeavour to sort the construction waste generated as a result of the development prior to transporting the waste material to the Francis Cooke Regional Landfill. As a minimum, the MD of Bighorn expects the following materials to be sorted for recycling purposes: cardboard, kiln-dried lumber, and metal.
14. Careful attention shall be paid by the applicant to the exterior lighting for this development in order to provide safe working conditions while also recognizing, and attempting to preserve, the low ambient brightness in this area. To this end, the developer shall ensure that all exterior light fixtures with an output of up to 2,000 lumens are directed to the ground, with a 45⁰ or lower down tilt. (Note: a typical 100 watt standard incandescent light produces about 2,000 lumens). All lights with an output of more than 2,000 lumens shall be shielded so that the light fixture emits no light above the horizontal plane of the fixture. Further, all light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries. A maximum of 50,000 lumens per net acre should be sought, and low pressure sodium lighting should be considered.
15. The industrial bay building on Unit 2 shall not be utilized to provide any form of residential dwelling accommodation.
16. Any future development or changes in use, including signage, shall be the subject of a separate development permit application.

CARRIED UNANIMOUSLY

The MPC members agreed to move back to item V.A.1 and resume the normal flow of the agenda.

1. DP Application No. 42/09 - Johnson

The Chairman stated that the Development Officer did not need to summarize this application as it was fairly straight-forward, being an application to amend a previous decision. He said that the applicant would like to instead live in the modular home while building the new log home instead of removing it. Ms. Thompson confirmed that this was indeed the application and that the request was to amend Condition No. 2 of DP 42/09. She said that the landowner felt the project would move quicker if he was on site. There was a discussion amongst the members on the log home and its assembly on the site. The Chairman stated that if the applicant wished he could have two dwellings given the parcel of land is over 80 acres in size so he said he does not have any concerns with the amendment. The other MPC members agreed.

MOTION 04.10.09 HAASEN THAT

the Municipal Planning Commission **APPROVE** an amendment to Condition No. 2 of Development Permit No. 42/09, and the subsequent substitution of Condition No. 2, as follows:

2. Permission is hereby granted for the landowner to reside in the existing mobile home residence on the property during construction of a new log home and, accordingly, the mobile home dwelling shall be removed from the property by **October 21, 2010**, and written confirmation of this removal shall be provided to the MD of Bighorn at that time.

CARRIED UNANIMOUSLY

3. DP Application No. 44/09 - Peterson

The Chairman stated, again, that the subject application for a home occupation in the Hamlet of Lac des Arcs was fairly straight-forward and there was no need for the Development Officer to summarize the application. Ms. Thompson confirmed stating the proposal is for a home occupation to do bookkeeping

work in the home for which the landowner picks up and delivers the bookkeeping material to her clients. No sign is being proposed.

MOTION 05.10.09 ADAMS THAT

the Municipal Planning Commission **APPROVE** Development Permit Application No. 44/09 subject to the following conditions:

1. The Home Occupation shall be operated in accordance with Section 12.13.0 of the MD of Bighorn No. 8 Land Use Bylaw (attached).
2. The Home Occupation may include uses that would generally take place in an office, such as telephone, mail, scheduling, book-keeping, research, writing or similar activities.
3. Any future business signage shall require separate development approval by the MD of Bighorn.
4. This Home Occupation approval shall be subject to consideration for renewal but shall otherwise expire on **November 12, 2010**.

CARRIED UNANIMOUSLY

V. DEVELOPMENT APPLICATIONS

B. Applications Processed by Development Officers

1. Notice of Decision No. 41/09 – E Construction Ltd.
2. Notice of Decision No. 42/09 – Johnson

Janice Thompson provided a verbal summary of each of the above two applications processed by the Development Officer and following this summary the MPC members accepted the decisions as information.

VIII. NEW BUSINESS

- A. Council Minutes – September 8, 2009
- B. Council Minutes – Special September 28, 2009

The MPC members accepted the submitted Council minutes as information.

C. Quorum for November 18, 2009 MPC meeting

Maria Dunki said she had asked this item be placed on the agenda because she and Paul Adams would be at the AAMD&C conference when the November 18, 2009 MPC meeting would be held and she wanted to make sure there was a quorum for the meeting or else select a different date. The three members at large (Rhody, Carolyn & John) indicated that they would be attending the November MPC meeting so there is no concern with quorum.

IX. ADJOURNMENT

MOTION 06.10.09 ADAMS THAT

the Municipal Planning Commission meeting adjourn at 9:45 a.m.

CARRIED UNANIMOUSLY

CHAIR

DESIGNATED OFFICER