

MINUTES OF THE REGULAR MUNICIPAL PLANNING COMMISSION MEETING OF THE COUNTY OF STETTLER NO. 6, HELD ON WEDNESDAY, MARCH 23, 2022 COMMENCING AT 1:01 P.M. IN COUNCIL CHAMBERS OF THE COUNTY ADMINISTRATION BUILDING, STETTLER, ALBERTA AND VIA TELECONFERENCE

PRESENT: James Nibourg (Chairperson)
Les Stulberg (Vice Chairperson)
Larry Clarke
Ernie Gendre
Dave Grover
Paul McKay
Justin Stevens

ALSO PRESENT: Yvette Cassidy (CAO)
Jacinta Donovan, Director of Planning Services
Rich Fitzgerald, GIS Coordinator/Development Officer
Niki Thorsteinsson, Director of Communications (Joined at 1:06 p.m.)
Jarrett Kushner, Manager of Information Systems
Marlene Hanson, Executive Assistant

Applicants: Roxanne Wooden (by Teleconference)
Barry Green

CALL TO ORDER

The meeting was called to order at 1:01 p.m. by Chairperson James Nibourg.

Introductions were completed with Barry Green joining the meeting.

AGENDA ADDITIONS AND APPROVAL

28.03.23.22

Moved by Larry Clarke

“that the March 23, 2022 agenda for the County of Stettler No. 6 Municipal Planning Commission Meeting be approved with the addition of:

- Mooring Regulations Update.”

CARRIED UNANIMOUSLY

MINUTE APPROVAL

29.03.23.22

Moved by Justin Stevens

“that the minutes of the February 23, 2022 Regular County of Stettler No. 6 Municipal Planning Commission Meeting be approved as presented.”

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM THE MINUTES

None

DEVELOPMENT PERMITS

DP 21099 Lot 54 Block 2 Plan 0522242 (Wooden)

Applicant: Roxanne Wooden

Owner: Roxanne Wooden

Legal Description: Lot 54 Block 2 Plan 052242

Division: Erskine – Buffalo Lake

Niki Thorsteinsson joined the meeting at 1:06 p.m.

Through discussion the following was identified:

- If the existing development is deemed legal non-conforming, it would allow the structure to remain as is, however, if the structure was destroyed or damaged to the extent of 75% or more of its value it must not be repaired or reconstructed in its current location.

- The applicant submitted to the County an inspection report prepared by a Certified Home Inspector that she had obtained at the time of purchase of the subject property.
- Safety Code permits were not made available when the purchaser bought the property.
- It was noted that the new homeowner was not involved in the initial building of this structure.
- The structure was built 14 years ago, the Board questioned if the home owners report is sufficient as it is not equivalent to a safety codes inspection.
- Three options were proposed:
 - Deny the permit and relocate the house to comply with the minimum yard setbacks;
 - Allow a variance; or
 - Issue a Certificate of Non Compliance (property non-conforming) – doesn't affect the value of the property and transfers to the next owner; if destroyed would need to be built according to standards; and that safety code inspections may be added as a condition.
- It was noted that some financial agencies may not lend funds for a non-conforming property.
- The Board sympathized with the current landowner's situation as she believed she had done her due diligence by obtaining a home inspection report and utilizing a real estate agency for the sales transaction, but was unaware the building was not conforming with the County Land Use Bylaw.
- Ms. Wooden noted that she would prefer that a non compliant certificate be issued.

30.03.23.22

Moved by Justin Stevens

“that the County of Stettler No. 6 Municipal Planning Commission issue a Certificate of Non Compliance for the existing Detached Dwelling outlining the variance to the rear (44% relaxation) and side yard (70% relaxation) on Lot 54 Block 2 Plan 0522242, subject to the following conditions:

1. The applicant shall obtain a safety code report from an accredited safety code agency confirming the existing dwelling complies with the Safety Code Act. “

In Favour: James Nibourg, Les Stulberg, Justin Stevens, Paul McKay, Ernie Gendre and Larry Clarke

**Opposed: Dave Grover
CARRIED**

Discussion took place regarding where responsibility lies to verify that structures are compliant with Land Use Bylaws with the following comments:

- Ernie Gendre noted that Real Estate Agents may not always be fully informed and may provide purchasers with false or inaccurate information/ documentation in regard to developed properties that are listed and consequently the purchaser becomes blindsided at a later date.
- Justin Stevens is curious on what Real Estate Agents obligations are as members of the Real Estate Council/Association Board regarding issues that arise from advertising the inaccurate information.
- James Nibourg suggested that County Connections do an informative information section sharing as a County what we are dealing with on a regular basis and maybe send a letter to the realtors inviting them to come to a future meeting to discuss this issue and the consequences of advertising properties that may be inhabitable or subject to demolition due to non-conforming issues.

31.03.23.22

Moved by Larry Clarke

“that the County of Stettler No. 6 Municipal Planning Commission instruct Administration to draft an educational item and/or a letter addressing concerns that the County of Stettler is dealing with regarding the accuracy in properties listed for sale and an invitation for the local Real Estate Agencies to come in for a discussion, to present at a County of Stettler No. 6 Council Meeting.”

CARRIED UNANIMOUSLY

DP 22017 Lot 26 Block 1 Plan 8222364 (Green)

Applicant: Barry Green
Owner: Jean Marie and Madalyn Vachon
Legal Description: Lot 26 Block 1 Plan 8222364
 35 MacDonald Drive, Scenic Sands
Division: Erskine – Buffalo Lake

The following was identified:

- The size of the Ancillary Building has been changed from 824 square feet to 880 square feet .
- The 5.84 building is an Ancillary Building that was approved by MPC in the fall of 2021 to bring the building into compliance with the Land Use Bylaw.
- East edge setback – 1.25 meters with a 2 foot overhang, being 3 feet – noted there is an overhead power line. (Barry Green informed that he has not checked into that.) This could be made a condition to check with the Utility Company. (Barry Green noted that the power line would go to the garage then run underground to the house – this is a private powerline). The Applicant was cautioned to make sure that the proper overhang distance is there.
- Land titles does not have an easement for the power line.
- Slope stability – issue is on the (17.5% slope grade) where the garage would be built. If greater than 15% a slope stability is required. The slope is not on the lake side.
- It was suggested that some areas be built up. Noted that this is an expense that has to be completed with a Geo Technical report to ensure the slope is not negatively impacted.
- Noted the West boundary is all treed and suggests to move the structure toward the other building, due to the overhang.
- The applicant, Barry Green, is the contractor for all but the site preparation and dirt work.

32.03.23.22

Moved by Justin Stevens

“that the County of Stettler No. 6 Municipal Planning Commission approve the permitted use development permit application DP 22017 (Green) for an Ancillary Building (880 ft²) with a variance to provide for the placement of the building in the front yard of Lot 26 Block 1 Plan 8222364 and a 65% variance to the front yard setback from 25 feet (7.62 meters) to 10 feet (3.05 meters), subject to the following conditions:

1. The proposed development shall be undertaken and completed in accordance with the site plan.
2. The location of the buildings must meet the minimum setback requirements of the Resort Residential District of the County of Stettler No. 6 Land Use Bylaw as follows:

FRONT	SIDE	REAR
All Buildings: 10 feet (3.05 meters)	Ancillary Building: 3 feet (0.91 metres)	Ancillary Building: 3 feet (0.91 metres)
From the property boundaries		

If a greater distance is required by the Alberta Building Code, that Code's requirements shall be the minimum yard distance.

3. A detached Ancillary Building shall not be used as a dwelling unit as defined in Section 9 of the Land Use Bylaw, however, only if a Detached Dwelling exists on the same parcel of land, portions or the whole of the detached Ancillary Building may be used as a guest unit that contains bedroom(s) or recreational room(s) and/or sanitary facilities.
4. The applicant shall obtain a slope stability assessment report prepared by a professional geotechnical engineer registered in the Province of Alberta by the Association of Professional Engineers and Geoscientists of Alberta confirming:
 - a) the site is suitable for the proposed development
 - b) the development would not be at risk from slope failure or contribute to slope failure in the future.
5. If and when the applicant, the landowner or their successor in title applies for a building permit under the Safety Codes Act in respect of the use approved under this development permit, that person must submit a copy of the building permit application (including application form, floor plan and site plan) and a copy of the Building Permit upon being issued by the Safety Codes Council or

other accredited agency (including the issued Building Permit, the floor plan and the site plan) to the Development Officer to demonstrate compliance with this development permit.

6. Failure to comply with the aforementioned conditions will result in the development or use being deemed illegal and/or being reflected on a Real Property Report as non-conforming, or the development permit being revoked and/or the issuance of a stop order.
7. Notification of the Development Authority's decision on the development permit to be published in the Stettler Independent.
8. Notification of the Development Authority's decision on the development permit to be mailed to adjacent property owners.
9. An appeal period of twenty-one days from the date of notification of the Development Authority's decision applies and if any appeals are submitted pursuant to s. 686 of the Municipal Government Act the development permit shall not be issued until such appeals are dealt with by the Subdivision and Development Appeal Board or the Municipal Government Board, as may be applicable.

Important information and notes:

- a. The issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the County of Stettler No. 6 Land Use Bylaw and does in no way relieve or excuse the Development Permit holder from obtaining any other permit (including safety codes permits e.g. building, electrical, gas, plumbing, etc.), license, or other authorization required by any Federal or Provincial Act or regulation, or under any Bylaw of the County, or complying with the conditions of any easement, covenant, agreement, or other instrument affecting the building or land. It remains the developer's or applicant's responsibility to ensure compliance with these matters. Further, the issuance of this development permit specifically does not absolve the applicant or the landowner from their responsibility to comply with the Environmental Protection and Enhancement Act, the Water Act or the Public Lands Act, for example, relative to impacting a wetland on the subject property, but not excluding other provisions. It is the applicant or landowner's responsibility to undertake a wetland assessment of the subject property by a Qualified Wetland Science Practitioner to determine if any of the activities permitted under this development permit may impact a wetland.
- b. The Land Use Bylaw contains development standards and regulations that apply to but cannot be listed in this development permit due to limited space. These regulations address matters relating to many aspects of the approved development or use, such as access points, lines of sight, public safety setbacks, to mention a few. It is the applicant's or developer's responsibility to ensure that they are fully aware of all the applicable development standards and regulations in the Land Use Bylaw that may apply to the proposed development or use by contacting the County's Planning and Development department.
- c. The applicant/property owner is responsible for:
 - (i) determining the legal property boundaries and any applicable easements through a survey by an Alberta Land Surveyor;
 - (ii) ensuring that any structures approved under this development permit are constructed such that they are correctly set back from the property boundaries in compliance with the front, rear and side yard setbacks approved in this development permit;
 - (iii) ensuring that the development approved under this development permit shall not disturb, affect or alter conditions of all utilities and appurtenances, drainage rights-of-way, utility rights-of-way, access rights-of-way and any easements as they may exist, over, under, or through the Lands;
 - (iv) ensuring that the construction activity approved under this Development Permit is undertaken in a manner that does not cause a disturbance or damage to adjacent properties;
 - (v) making suitable arrangements with utility companies for provision of all services and/or necessary easements for utility rights-of-way;

- (vi) notifying Alberta 1st Call at 1-800-242-3447 to arrange for field locating prior to construction, should any excavations be required near utility lines;
- (vii) ensuring that permanent structures are located outside the 1:100-year flood plain of any body of water;
- (viii) ensuring that foundation and drainage systems are constructed under the supervision of a qualified geo-technical engineer on any slope exceeding 15% to protect the bank from erosion and to ensure slope stability;
- (ix) ensuring that a 2-meter separation is provided between the water table and footings for the buildings;
- (x) ensuring that the property is graded in such a manner that the rate and volume of surface runoff from storm water drainage do not exceed that which existed prior to the issuance of this Development Permit. Where an approved storm water management plan exists, the property must be graded in accordance with the storm water management plan.”

CARRIED UNANIMOUSLY

Barry Green left the meeting at 1:41 p.m.

DP 22018 Lot 1 Block 1 Plan 0840757 (Sommerville)

Applicant: John and Cathy Sommerville

Owner: John and Cathy Sommerville

Legal Description: Lot 1 Block 1 Plan 0840757

Division: Stettler

- As the use of this structure is for storage and a workshop, it does not fall under Agricultural land uses

33.03.23.22

Moved by Ernie Gende

“that the County of Stettler No. 6 Municipal Planning Commission approve the discretionary use development permit application DP22018 (Sommerville) for an Ancillary Building (Residential Oversize) on Lot 1 Block 1 Plan 0840757, subject to the following conditions:

1. A development permit shall not be issued and construction of the development shall not commence until all conditions, except those conditions of a continuing nature, have been met or fulfilled.
2. The proposed development shall be undertaken and completed in accordance with the site plan.
3. The location of the buildings must meet the minimum setback requirements of the Agricultural District of the County of Stettler No. 6 Land Use Bylaw as follows:

FRONT	SIDE	REAR
All Buildings: 125 feet (38 metres)	Ancillary Building –Garage: 3 feet (0.91 metres)	Ancillary Building – Garage: 3 feet (0.91 metres)
From the centerline of the County road	From the property boundaries	

If a greater distance is required by the Alberta Building Code, that Code’s requirements shall be the minimum yard distance.

4. Construction shall be started within one year and the exterior finishing of the building shall be completed within two years of the date of issue of the development permit.
5. A detached Ancillary Building shall not be used as a dwelling unit as defined in Section 9 of the Land Use Bylaw, however, only if a Detached Dwelling exists on the same parcel of land, portions or the whole of the detached Ancillary Building may be used as a guest unit that contains bedroom(s) or recreational room(s) and/or sanitary facilities.
6. The height of the eaves on a pitched roof building shall be a maximum of 22 feet (6.7 meters) above grade and the height of the parapet on a flat roof building shall be a maximum of 22 feet (6.7 meters) above grade.
7. If and when the applicant, the landowner or their successor in title applies for a building permit under the Safety Codes Act in respect of the use approved under this development permit, that person must submit a copy of the building permit application (including application form, floor plan and site plan) and a

copy of the Building Permit upon being issued by the Safety Codes Council or other accredited agency (including the issued Building Permit, the floor plan and the site plan) to the Development Officer to demonstrate compliance with this development permit.

8. Failure to comply with the aforementioned conditions will result in the development or use being deemed illegal and/or being reflected on a Real Property Report as non-conforming, or the development permit being revoked and/or the issuance of a stop order.
9. Notification of the Development Authority's decision on the development permit to be published in the Stettler Independent.
10. Notification of the Development Authority's decision on the development permit to be mailed to adjacent property owners.
11. An appeal period of twenty-one days from the date of notification of the Development Authority's decision applies and if any appeals are submitted pursuant to s. 686 of the Municipal Government Act the development permit shall not be issued until such appeals are dealt with by the Subdivision and Development Appeal Board or the Municipal Government Board, as may be applicable.

Important information and notes:

- a. The applicant/property owner for a residential development permit adjacent to or in the Agricultural District is hereby notified that the purpose of the Agricultural District is to provide landowners with the right to farm, and that agricultural activities in the District have precedence.
- b. Where a municipal sewage disposal system is not available, it is the landowner or applicant's responsibility to comply with the regulatory approval requirements of Alberta Environment and Parks and/or with the Private Sewage Disposal Systems Regulation (Alberta Regulations 229/1997) and the Alberta Private Sewage Systems Standard of Practice under the Safety Codes Act, relative to the servicing of any development in this District by means of a private sewage disposal system.
- c. If the applicant intends to apply to participate in the County's residential laneway snow plowing program it is the applicant's responsibility to construct and maintain at no cost to the County a laneway that complies with the County's access requirements for snow plowing equipment. Please contact the County for further details. The laneway snow plowing program does not apply to commercial and industrial properties or to properties in a hamlet or a multi-lot subdivision.
- d. An abandoned well search indicated that there are either no abandoned wells on the property or if there are, that the proposed subdivision area, project site or building site is located outside of the required setback distance from any abandoned well on the property.
- e. The issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the County of Stettler No. 6 Land Use Bylaw and does in no way relieve or excuse the Development Permit holder from obtaining any other permit (including safety codes permits e.g. building, electrical, gas, plumbing, etc.), license, or other authorization required by any Federal or Provincial Act or regulation, or under any Bylaw of the County, or complying with the conditions of any easement, covenant, agreement, or other instrument affecting the building or land. It remains the developer's or applicant's responsibility to ensure compliance with these matters. Further, the issuance of this development permit specifically does not absolve the applicant or the landowner from their responsibility to comply with the Environmental Protection and Enhancement Act, the Water Act or the Public Lands Act, for example, relative to impacting a wetland on the subject property, but not excluding other provisions. It is the applicant or landowner's responsibility to undertake a wetland assessment of the subject property by a Qualified Wetland Science Practitioner to determine if any of the activities permitted under this development permit may impact a wetland.
- f. The Land Use Bylaw contains development standards and regulations that apply to but cannot be listed in this development permit due to limited space. These regulations address matters relating to many aspects of the approved development or use, such as access points, lines of sight, public safety setbacks,

to mention a few. It is the applicant's or developer's responsibility to ensure that they are fully aware of all the applicable development standards and regulations in the Land Use Bylaw that may apply to the proposed development or use by contacting the County's Planning and Development department.

- g. The applicant/property owner is responsible for:
- (i) determining the legal property boundaries and any applicable easements through a survey by an Alberta Land Surveyor;
 - (ii) ensuring that any structures approved under this development permit are constructed such that they are correctly set back from the property boundaries in compliance with the front, rear and side yard setbacks approved in this development permit;
 - (iii) ensuring that the development approved under this development permit shall not disturb, affect or alter conditions of all utilities and appurtenances, drainage rights-of-way, utility rights-of-way, access rights-of-way and any easements as they may exist, over, under, or through the Lands;
 - (iv) ensuring that the construction activity approved under this Development Permit is undertaken in a manner that does not cause a disturbance or damage to adjacent properties;
 - (v) making suitable arrangements with utility companies for provision of all services and/or necessary easements for utility rights-of-way;
 - (vi) notifying Alberta 1st Call at 1-800-242-3447 to arrange for field locating prior to construction, should any excavations be required near utility lines;
 - (vii) ensuring that permanent structures are located outside the 1:100-year flood plain of any body of water;
 - (viii) ensuring that foundation and drainage systems are constructed under the supervision of a qualified geo-technical engineer on any slope exceeding 15% to protect the bank from erosion and to ensure slope stability;
 - (ix) ensuring that a 2-meter separation is provided between the water table and footings for the buildings;
 - (x) ensuring that the property is graded in such a manner that the rate and volume of surface runoff from storm water drainage do not exceed that which existed prior to the issuance of this Development Permit. Where an approved storm water management plan exists, the property must be graded in accordance with the storm water management plan."

CARRIED UNANIMOUSLY

REPORTS

Jacinta Donovan presented the Development Officer's Report for the past month.

- In regard to a non compliant structure that has been removed, the lot is now non compliant. It was noted that purchasers are to be cautious. It was suggested that a strongly worded letter be sent out, informing that the lot must be brought into compliance by removing the structure.
- Jacinta noted a meeting was scheduled on March 29, 2022 with Parkland Community Planning Services to discuss updates to the County's Land Use Bylaw and Municipal Development Plan. She questioned the Commission on whether there were any concerns with the current Land Use Bylaw that need to be addressed in the review.
- Discussion took place regarding ancillary buildings being in the front yard. (Jacinta noted that this has been flagged and will be considered.)

34.03.23.22

Moved by Les Stulberg

"that the Planning and Development Officer's Monthly Report dated March, 2022 be received for information."

CARRIED UNANIMOUSLY

Mooring Regulations Update

Justin Stevens inquired on an update in regard to a Docking and Mooring fact sheet and what the processes were. Jacinta Donovan noted that Alberta Environment and Parks have not finalized the fact sheet. Jacinta Donovan noted this item is on tomorrow's Committee of the Whole Meeting agenda and will work on drafting an information bulletin for distribution to property owners.

SUBDIVISION FILES

None

NEW BUSINESS

- 35.03.23.22** Referral – Lacombe County- Public Hearing Update LUB and MDP
Moved by Ernie Gendre
“that the County of Stettler No. 6 Municipal Planning Commission receive for information the Lacombe County’s notification of a Public Hearing for proposed amendments to the County’s Municipal Development Plan (MDP) and the Land Use Bylaw (LUB) scheduled for April 14, 2022 at 9:30 a.m. at the Lacombe County Office or as a Virtual Meeting.”
CARRIED UNANIMOUSLY
- 36.03.23.22** NRCB Application RA 22013 SW 23-38-20W4M
Moved by Les Stulberg
“that the County of Stettler No. 6 Municipal Planning Commission receive for information Natural Resources Conservation Board (NRCB) Application RA22013 – Determined Complete – Peter Nooijen – SW 23-38-20 W4M to convert the existing swine barn into a sheep (738 ewes/rams) barn.”
CARRIED UNANIMOUSLY
- 37.03.23.22** LPRT Notice of Decision = Avila Exploration
Moved by Paul McKay
“that the County of Stettler No. 6 Municipal Planning Commission receive for information the Land and Property Rights Tribunal (LPRT) decision letter in regard to a Stop Order issued by the County of Stettler’s Development Authority to Avila Exploration and Development Canada Ltd. regarding a development without the benefit of a development permit on Plan 71TR Lot OT, with the appellant being granted an additional postponement (Appellant to provide an update by April 4, 2022 and the Development Authority to provide a response by April 22, 2022) and that both parties be prepared to attend the Appeal Hearing which will be scheduled after consultation with the parties.”
CARRIED UNANIMOUSLY
- OLD BUSINESS**
None
- 38.03.23.22** **IN-CAMERA SESSION**
Moved by Larry Clarke
“that the County of Stettler No. 6 Municipal Planning Commission enter into an in-camera session at 2:01 p.m.”
CARRIED UNANIMOUSLY
- 39.03.23.22** **Moved by Dave Grover**
“that the County of Stettler No. 6 Municipal Planning Commission exit out of in-camera at 2:30 p.m.”
CARRIED UNANIMOUSLY
- The meeting reconvened.
- 40.03.23.22** **Moved by Justin Stevens**
“that the County of Stettler No. 6 Municipal Planning Commission direct Administration to forward to a future County of Stettler No. 6 Council Meeting an amendment to the Land Use Bylaw to provide for the addition of crypto currency mining/data processing centre as a discretionary use in multiple land use districts.”
CARRIED UNANIMOUSLY

NEXT MEETING

The date for the next Municipal Planning Commission is scheduled for April 27, 2022 at 1:00 p.m. in the County of Stettler Council Chambers.

ADJOURNMENT

41.03.23.22

Moved by Les Stulberg

“that the County of Stettler No. 6 Municipal Planning Commission Meeting be adjourned at 2:31 p.m.”

CARRIED UNANIMOUSLY

Chairperson

Chief Administrative Officer