SMOKY LAKE COUNTY

AGENDA: MUNICIPAL PLANNING COMMISSION to be held on

Thursday, April 13, 2023, at 2:00 p.m.

In County Council Chambers, or virtually, via Telus Business Connect Platform:

1. CALL TO ORDER

2. AGENDA

3. MINUTES

3.1 Adopt Minutes of February 21, 2023.

4. **REQUEST FOR DECISION**

- 4.1 **Development Permit(s) to be Considered:**
 - 4.1.1 DP 006-23: Garage Suite

5. ISSUES FOR INFORMATION

5.1 Nil.

6. CORRESPONDANCE

6.1 Nil.

7. DELEGATON(S)

- 7.1 Nil.
- 8. ADJOURNMENT

SMOKY LAKE COUNTY

Minutes of the **Municipal Planning Commission** meeting from **Tuesday, February 21, 2023,** held in Smoky Lake County Council Chambers as well as Virtually online through Zoom Meeting.

The meeting was Called to Order at 2:03 p.m. by the Chairperson, Dominique Cere, in the presence of the following persons:

Attendance:

Dan Gawalko, Deputy Reeve	Councillor Div. 1	Present in Chambers
Linda Fenerty	Councillor Div. 2	Present in Chambers
Dominique Cere	Councillor Div. 3	Present in Chambers
Lorne Halisky, Reeve	Councillor Div. 4	Present in Chambers
Jered Serben	Councillor Div. 5	Present in Chambers
Gene Sobolewski	CAO Present in Chambers @2:06 p.m	
Jordan Ruegg	P&D Manager	Virtually Present
Kyle Schole	Planning Tech.	Present in Chambers
Patti Priest	Recording Secretary	Virtually Present

No Members of the Public were virtually present.

2.0 ADOPTION OF AGENDA

MPC23.016: Halisky That the Agenda for the Municipal Planning Commission meeting for Tuesday, February 21, 2023, be adopted as presented.

CARRIED UNANIMOUSLY.

3.0 MINUTES

MPC23.017: Serben That the Minutes of Municipal Planning Commission meeting held on Monday, November 7, 2022, be adopted as presented.

CARRIED.

4.0 REQUEST FOR DECISION

4.1 Development Permits to be Considered:

4.1.1 DP 002-23: Kennel (Animal Breeding and/or Boarding Facility)

MPC23.018: Fenerty That the Municipal Planning Commission <u>APPROVE</u> Development Permit No. 002-23: PLAN 0722038, BLOCK 1, LOT 1 (PT. SW-26-59-13-W4M) for the development of a Kennel (Animal Breeding and/or Boarding Facility), subject to the following conditions:

- 1. The proposed Kennel (Animal Breeding and/or Boarding Facility) shall be sited and constructed as per the Site Plan, dated February 2, 2023, attached to, and forming part of, this Development Permit.
 - a. Minimum Front Yard Setback: 40.8 meters (134.0 feet).
 - b. Minimum Rear Yard Setback: 25.0 meters (82.0 feet).
 - c. Minimum Side Yard Setbacks: 25.0 meters (82.0 feet).
- 2. The maximum number of dogs (excluding pups less than six-months of age) permitted for the Kennel (Animal Breeding and/or Boarding Facility) shall not exceed 30.
- 3. Each exercise area (run) shall be a minimum of 4.6 square meters (50.0 square feet) in area.
- 4. All exterior exercise areas (runs) shall be enclosed with an acceptable fence with a minimum height of 1.8 meters (6.0 feet).
- 5. All dogs shall be kept within buildings or a fenced area at all times when not leashed.
- 6. All dog facilities shall be cleaned on a daily basis, and all feces shall be stored in an enclosed container and disposed of in a sanitary manner.

- 7. Pens, rooms, exercise areas (runs) and holding stalls shall be soundproofed wherever possible, to the satisfaction of the Development Authority.
- 8. A separate air extractor system shall be provided in the animal shelter or holding area where heating and air conditioning are necessary.
- 9. All facilities and kennel operations shall be in compliance with the applicable Provincial regulations.

CARRIED.

5.0 ISSUES FOR INFORMATION

5.1 Nil.

6.0 CORRESPONDENCE

6.1 Nil.

7.0 DELEGATION

7.1 Nil.

NEXT MEETING

The next Municipal Planning Commission Meeting will be at the call of Chairperson and Public Notice of the next meeting be provided at least 24 hours in advance in accordance with the *Municipal Government Act, RSA 200, cM-26.1 s195,* by posting the information on the Smoky Lake County website.

8.0 ADJOURNMENT

MPC22.019: Halisky

That the Municipal Planning Commission Meeting of February 21, 2023, adjourn at 2:22 p.m.

CARRIED.

Dominique Cere, Chairperson

SEAL

Gene Sobolewski, CAO



MUNICIPAL PLANNING COMMISSION DEVELOPMENT REPORT

AGENDA ITEM 4.1.1

MEETING DATE	APRIL 13, 2023
FILE NO.	DP 006-23
LEGAL DESCRIPTION	PLAN 0322248, BLOCK 1, LOT 31 (PT. SW-29-62-13-W4M)
LOT AREA	+/- 22,500 SQUARE FEET
APPLICANT	LEANNE & JAMES SHANNON
LANDOWNER	LEANNE & JAMES SHANNON
PROPOSED DEVELOPMENT	DETACHED GARAGE (ACCESSORY BUILDING) & GARAGE SUITE
ZONING	MULTI-LOT COUNTRY RESIDENTIAL (R1) DISTRICT
DEVELOPMENT TYPE	DISCRETIONARY USE
ROLL NO.	41400131
DIVISION	1 – HILLSIDE ACRES

RECOMMENDATION

That the Municipal Planning Commission <u>APPROVE</u> Development Permit No. 006-23: PLAN 0322248, BLOCK 1, LOT 31 (PT. SW-29-62-13-W4M) for the development of a Detached Garage (Accessory Building) & Garage Suite, subject to the following conditions:

- 1. The proposed Development shall be constructed and sited as per the Site Plan, dated March 12, 2023, attached to, and forming part of, this Development Permit.
 - a. Minimum Front Yard Setback: 7.6 meters (25.0 feet).
 - b. Minimum Rear Yard Setback: 0.6 meters (2.0 feet).
 - c. Minimum Side Yard Setbacks: 0.9 meters (3.0 feet).
- 2. The proposed Development shall not exceed a maximum of 7.3 meters (24.0 feet) above grade. Grade shall be calculated based on the average grade of the subject lands.
- 3. The proposed Development shall not be located within 2.0 meters (6.56 feet) of a residence.
- 4. The proposed Development shall not encroach upon any easement or right-of-way.
- 5. The proposed Garage Suite shall remain accessory and subordinate to the use of the garage.
- 6. The minimum floor area of the proposed Garage Suite shall be 30.0 square meters (322.9 square feet).
- 7. The maximum floor area of the Garage Suite shall not exceed 104.0 square meters (1120.0 square feet). <u>VARIANCE GRANTED TO MAXIMUM FLOOR AREA FROM 80.0 SQUARE METERS (861.1 SQUARE FEET).</u> Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- 8. The proposed Garage Suite shall have a separate entrance from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- 9. The proposed garage suite shall include, but not be limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring, and a toilet with bathing facilities.
- **10.** Lot grade elevations shall ensure that the subject lands do not drain onto an adjacent property.
- **11.** A minimum of three (3) onsite parking spaces are required. Tandem parking may be permitted at the discretion of the Development Authority.
- **12.** The proposed Development shall commence within one (1) year from the date of issuance of this Development Permit and shall be completed within five (5) years from the date of issuance.

BACKGROUND

- 1. The reason this application is being referred to the Municipal Planning Commission is that a "Garage Suite", is listed as a Discretionary Use, under Section 8.4.3, of Smoky Lake County Land Use Bylaw No. 1272-14.
- Section 2.11.1.B Decisions on Development Permit Applications, of Smoky Lake County Land Use Bylaw No. 1272-14, states that the Development Authority Officer shall refer their recommendations to the Municipal Planning Commission for its consideration and decision regarding all applications for a Discretionary Use.

LAND USE BYLAW NO. 1272-14 - RELEVANT PROVISIONS

Section 1.7 – Interpretations/Definitions

118. "Garage Suite" means a self-contained dwelling located above a detached garage which is accessory to a single detached house. Garage suites have a separate entrance from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. Garage suites do not include secondary suites or garden suites.

Section 7.10 – Garage Suites

- 1. A garage suite shall be restricted to a site occupied by a single detached dwelling.
- 3. A maximum of one (1) garage suite is permitted on any single detached dwelling or semi-detached lot.
- 4. A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 sq. (861.1 sq ft.).
- 7. The minimum floor area for an above grade garage suite is 30.0 sq. m (322.9 sq. ft.).
- 8. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- 9. A garage suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring, and toilet with bathing facilities.
- 10. A garage suite has an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- 13. A minimum of three (3) onsite parking spaces are required. Tandem parking may be permitted at the discretion of the Development Authority.

SUPPORTING DOCUMENTS

APPENDIX A	BYLAW NO 1272-14: SECTION 8.4: R1 DISTRICT	PAGE 4
APPENDIX B	DEVELOPMENT PERMIT APPLICATION	PAGE 9
APPENDIX C	GENERAL LOCATION MAP	PAGE 15

Prepared by: _________ Jordan Ruegg, Development Officer

March 28, 2023 Date

APPENDIX A - LAND USE BYLAW NO 1272-14: SECTION 8.4 MULTI-LOT COUNTRY RESIDENTIAL (R1) DISTRICT

R1

MULTI-LOT COUNTRY RESIDENTIAL (R1) DISTRICT 8.4

1. Purpose

The general purpose of this District is to provide opportunities for the development of a variety of multi-lot country residential subdivisions and bareland condominiums.

- 2 Permitted Uses
 - A. Accessory Buildings and Uses
 - B. Basement Suite
 - C. Buildings and Uses Accessory to Permitted Uses
 - D. Cottage
 - E. Day Home
 - F. Dwelling Single Detached
 - G. Dwelling, single detached, tiny
 - H. Extensive Agriculture
 - I. Home Occupation, Minor J. Home Occupation, Major

 - K. Secondary Suite
 - L. Solar Energy Conversion System
 - M. Wind Energy Conversion System, Micro
- **Discretionary Uses** 3.
 - A. Bed & Breakfast Establishments
 - B. Buildings and Uses Accessory to Discretionary Uses
 - C. Day Care Facility
 - D. Duplexes (Side-By-Side and Vertical)
 - E. Family Care Facility
 - F. Garage Suite
 - G. Garden Suite
 - H. Group Care Facility
 - I. Guest House
 - J. In law Suite
 - K. Manufactured Home
 - L. Modular Home
 - M. Multi-Unit Dwelling
 - N. Natural Area
 - O. Neighbourhood Convenience Store
 - P. Neighbourhood Park
 - Q. Places of Worship
 - R. Public Park
 - S. Public and Quasi-Public Services
 - T. Public Utilities
 - U. Recreational Buildings and use
 - V. Shipping Container
 - W. Wind Energy Conversion System, Small

Smoky Lake County - Land Use Bylaw No. 1272-14

- X. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses
- 4. Subdivision Regulations
 - A. Minimum & Maximum Lot Area for Residential Uses

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum and maximum lot dimensions for residential uses shall be as follows:

	Minimum Lot Area	Maximum Lot Area
Within 304.8 m (1,000 ft.) of a lake	1860.0 sq. m (20,000.0 sq. ft.)	1.21 ha (3.0 ac.)
All other parcels (excluding fragments)	0.4 ha (1.0 ac.)	1.21 ha (3.0 ac.)
Fragmented parcels	0.4 ha (1.0 ac.)	At the Discretion of the Subdivision Authority

- B. Minimum & Maximum Lot Dimensions for Other Uses As required by the Subdivision Authority
- C. Minimum Frontage Requirement 30.5 m (100.0 ft) or as required by the Development and Subdivision Authority
- 5. Development Regulations
 - A. Minimum Ground Floor Area for Residential Uses

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum ground floor area for residential developments shall be as follows:

	Minimum Ground Floor Area
Within 304.8 m (1000 ft.) of a lake	55.7 sq. m (600.0 sq. ft.)
All other parcels – for single detached dwellings	69.7 sq. m (750.0 sq. ft.)
All other parcels – for manufactured	65.0 sq. m (700.0 sq. ft.)

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and modular home units

- B. Minimum Floor Area for Other Uses At the discretion of the Development Authority.
- C. Minimum Yard Setback Requirements

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

i. Minimum Front Yard Setback

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line

ii. Minimum Side Yard Setback

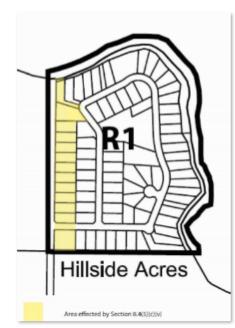
From municipal road allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an Internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to another Parcel	1.5 m (5.0 ft.) from the property line

iii. Minimum Rear Yard Setback

From Municipal Road	18.3 m (60.0 ft.) from the property line
Allowances	
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required
	by Alberta Transportation
When adjacent to an	7.6 m (25.0 ft.) from the property line
internal subdivision road	
When adjacent to	7.6 m (25.0 ft.) from the property line
another parcel	

Smoky Lake County - Land Use Bylaw No. 1272-14

- iv. Notwithstanding subsections (i), (ii), and (iii) above, where there is an intersection or sharp curve, the minimum yard requirements shown on Figures 20 and 21 of this Bylaw shall apply.
- v. Notwithstanding any other provision in subsection (C), within the Hillside Acres subdivision, located within SW 9-62-13-W4 on the following lots:



Lot 1, Blk 1 Plan	Lot 44, Blk 1, Plan
0120707	0421556
Lot 45, Blk 1, Plan	Lot 46, Blk 1, Plan
0421556	0421556
Lot 47, Blk 1, Plan	Lot 48, Blk 1, Plan
0421556	0421556
Lot 49, Blk 1, Plan	Lot 50, Blk 1, Plan
0421556	0421556
Lot 51, Blk 1, Plan	Lot 52, Blk 1, Plan
0421556	0421556
Lot 53, Blk 1, Plan	Lot 54, Blk 1, Plan
0421556	0421556
Lot 1, Blk 1, 0222047	

Figure 24: side and Rear Yard Setbacks in Hillside Acres

the following front and rear yard setbacks shall apply:

From Municipal Road	7.6 m (25.0 ft.) from the property line
Allowances	
Internal Subdivision	7.6 m (25.0 ft.) from the property line
Road	

D. Maximum Site Coverage - 45%.

Smoky Lake County - Land Use Bylaw No. 1272-14

Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.

- E. Maximum Height
 - i. 10.0 m (33.0 ft.)
 - In the case of buildings which are accessory to discretionary uses, the maximum height shall be at the discretion of the Development Authority.
- 6. Other Regulations
 - A. Residential parcels will not be allowed:
 - within required setbacks from a sewage treatment plant or lagoon or solid waste disposal site as specified by the appropriate guidelines or authority;
 - ii. within required setbacks from sour gas wells, pipelines and ancillary facilities;
 - within an area likely to be subject to high levels of noise or emissions from industry, transportation facilities, or other sources; or
 - iv. within a 1 in 100 year flood plain;
 - B. A development permit for a dwelling shall be issued only on condition that approval of the proposed sewage disposal system is received in accordance with provincial regulations.
 - C. Development proposals adjacent to a primary highway shall comply with any relevant provincial regulations.
 - D. Fences shall be developed in accordance with Section 7.7 of this Bylaw.
 - E. Landscaping shall be provided in accordance with Section 6.11 of this Bylaw.
 - F. The keeping of recreational vehicles shall be provided in accordance with Section 7.23 of this Bylaw.
 - G. Shipping containers shall be developed in accordance with Section 7.31 of this Bylaw
 - H. Accessory buildings shall be developed in accordance with Section 6.1 of this Bylaw.

APPENDIX B – DEVELOPMENT PERMIT APPLICATION -DP-006-23

Section 61	SCHEDULE "A"	03-05
DEVELOPME	NT PERMIT APPLICATION FORM	
Internal Use Only		
Our File Number: Roll Nur	nber: Your File Number:	
Applicant Information		
Applicant/Agent: James Shannon	Phone: 780 531 0232	
Address: 132 Waniandy Way	Cell Phone:	
City/Prov. Fort McMurray AB Postal Code: T9H5L	.8 Fax:	
Email address: gshannon@hotmail.com	Cell Phone:	
Applicant/Agent Authorization: I am the applican	t/agent authorized to act on behalf of the registered owne and is, to the best of my knowledge, a true statement of t	r and that the he facts relating
Registered Landowner Information	Owner same as app	olicant
Registered Owner:	Phone:	
Address:	Fax:	
City/Prov Postal Code	Signature:	
Section A - Property Information	Divisio	n SW
Legal: Lot 31 Block 1 Plan 0322248	<u>and</u> Part of <u>9</u> ½ Sec <u>62</u> Twp <u>13</u> Rge <u>4</u>	W4M
Subdivision Name (if applicable) or Area of Develo	pment Hillside Acres	x -
Rural Address/Street Address 169 62103 RG	BE RD 133A Parcel Size 0.52 Acres	
Number of existing dwellings on property (please of Cabin 1147 Square Feet		
Has any previous application been filed in connect If yes, please describe the details of the application		
Is the subject property near a steep slope (exceeding is the subject property near or bounded by a body is the subject property within 800m of a provincial is the subject property near a Confined Feeding Op is the subject property within 1.5km of a sour gas. Is the subject property within 1.5km of a sewage to the subject property	of water? X Yes □ No highway? □ Yes No peration? □ Yes No Distance: facility? □ Yes X No Distance:	

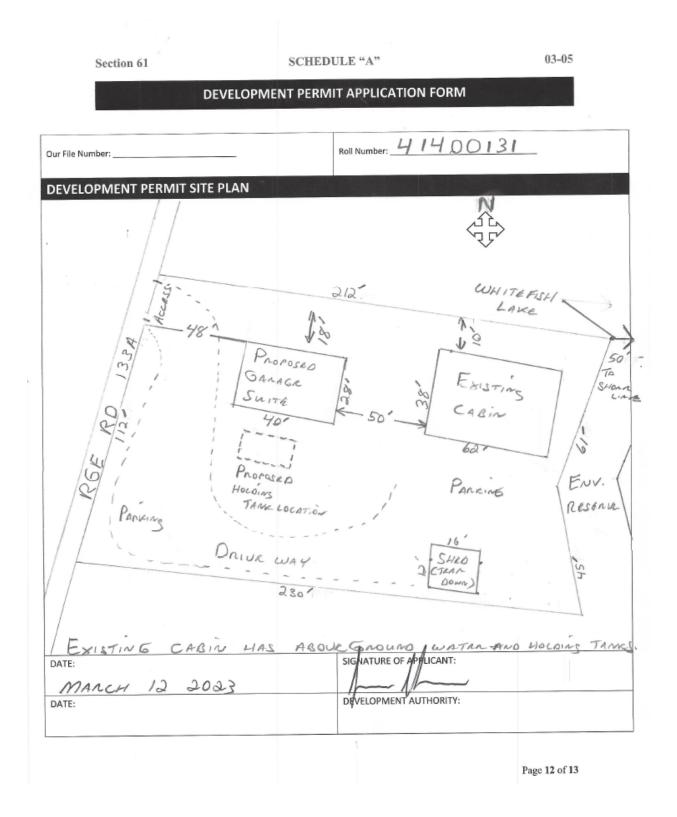
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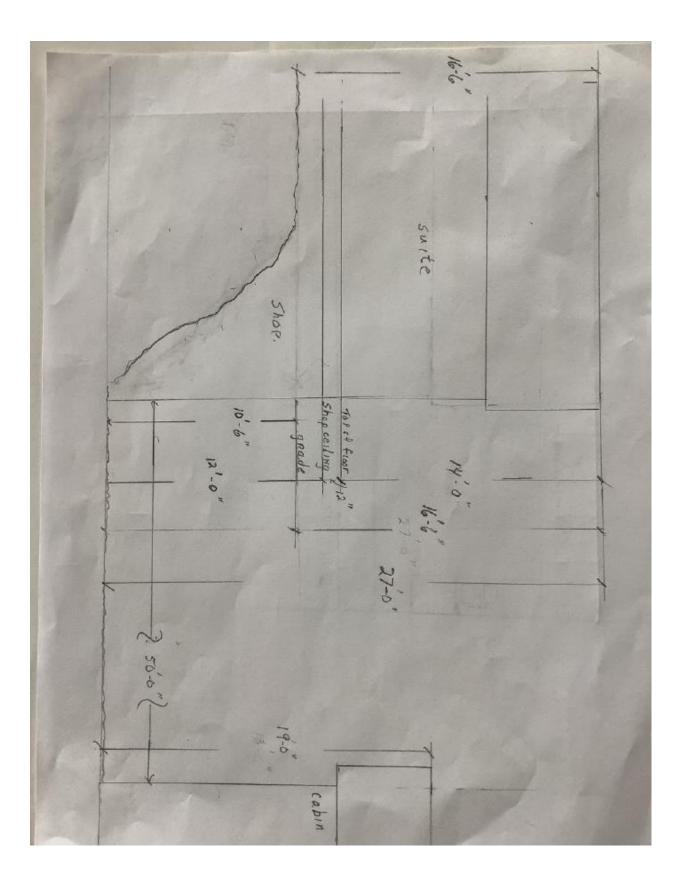
Section 61	SCHEDULE "A"	03-05	
Is the property the subject of a licence, permit, approval, or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission?			
If yes, please describe:			
Is the property the subject of the application is the the Minister of Environment or granted under any Organization Act*? No If yes, please describe:	e subject of a licence, permit, approval, Act the Minister is responsible for unde	or other authorization granted by er s.16 of the Government □ Yes 又	
Is the subject property immediately adjacent to the If yes, the adjoining municipality is:	and Stewardship Act, Environmental Protec	tion Act, Public Lands Act, Surveys Act,	
Section B – Proposed Development Informat	ion		
Estimated Cost of Project \$_180,000			
Estimated Commencement Date May 1st 20	23 Estimated Completi	on Date	
Dwelling: Floor Areasq. ft. %	of Lot Occupied Hei	ght of Dwelling $\frac{16.5 \text{FT}}{\text{ft}}$ ft / m	
Accessory Building: Floor Area 1120sq. ft. %	of Lot Occupied Heig	th of Acc. Bldg 27 FT ft / m	
Parking: # of Off-Street Parking Stalls (if a	pplicable)	×	
Land Use District (Zoning) of Property: Country Residential			
Description of Work: Garage built into hillside with suite on the second level. Heigh	t at upper level will be 16.5 ft and height at lover le	vel will be 27ft_	
Shop access at the lower level and the garage suit acess at upper level.			
Section C – Preferred Method of Communication			
When a decision has been made on your file, do you wish for us to:			
acall you for pick up mail the decision email the decision			
Section 608(1) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended states:			

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Section 61	SCHEDULE "A"	03-05
608(1) Where this Act or a regulation or byla person, the document may be sent by		ires a document to be sent to a
	site or other electronic address to	
C OFFICE USE ONLY Type of Payment: DEBIT CASH CHEQUE Fee \$ Receipt # Receipt Date Date Received *and deemed complete by Development Authority. Entered into MuniSight PD	Issuing Officer's Signature Date of Approval Date Issued Comments and/or Variances _	Permitted Use Discretionary Use

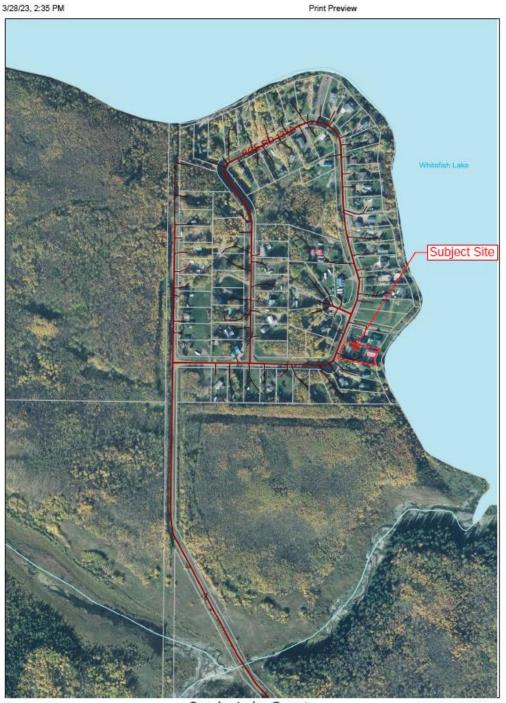
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APPENDIX C – GENERAL LOCATION MAP



Smoky Lake County

Smoky Lake County

Date Created: 3/28/2023

https://app.munisight.com/SmokyLakeRegional/Content/Site/PrintMapPage.aspx?siteId=1