

**MUNICIPAL DISTRICT OF BIGHORN NO. 8**

**MUNICIPAL PLANNING COMMISSION MEETING**

**HELD JANUARY 17, 2018 AT THE MUNICIPAL OFFICE IN EXSHAW**

**PRESENT:** TERRY JEVNE MPC MEMBER (Chair)  
PAUL CLARK MPC MEMBER (Council)  
KEVIN HEBB MPC MEMBER  
LYNN RALSTON MPC MEMBER  
PAUL RYAN MPC MEMBER (Council)

**STAFF:** JANICE THOMPSON DEVELOPMENT OFFICER  
DARLENE PARANAQUE DEVELOPMENT PLANNER  
KATY STEWART RECORDING SECRETARY

**REGRETS:** NONE

**GUESTS:** Julie Irwin, Joanna McCallum. Attendance varied throughout meeting.

**I. CALL TO ORDER**

The Chairperson called the meeting to order at 9:05 am. The Chair provided a brief introduction on the procedures to the audience members attending the meeting.

**II. APPROVAL OF AGENDA**

The Chair asked members if there were any additions or deletions to the submitted agenda. There was a question about whether the MD had received any decision on the Municipal Government Board hearing with respect to the Carriage Ridge Subdivision. Ms. Thompson said there had been a decision just recently rendered. Members asked that a copy of that decision be provided to members for information and asked that an item be added to the agenda to reflect this. There were no other suggestions or new items to be added.

**MOTION 01.01.18 RALSTON THAT**  
the Municipal Planning Commission **APPROVE** the agenda with the following addition:

Item IV.3 MGB Decision – Carraig Ridge Subdivision Appeal.

CARRIED UNANIMOUSLY

**III. APPROVAL OF MINUTES**

The Chair asked the members if there were any errors or omissions to the submitted December 20, 2017 regular Municipal Planning Commission minutes. There were none.

**MOTION 02.01.18 CLARK THAT**  
the Municipal Planning Commission **APPROVE** the minutes of the December 20, 2017 regular Municipal Planning Commission meeting as presented.

CARRIED UNANIMOUSLY



#### IV. BUSINESS ARISING FROM MINUTES

##### 1. Development Permit Application No. 122/17 – Hamlet of Exshaw (Previously Tabled)

The Chair invited the applicant, Julie Irwin, to the presentation table. Development Officer, Janice Thompson, provided the background information as per the Development Officer's Report:

- *This application was previously submitted by the applicant for consideration by MPC at the December 2017 meeting. The applicant is Julie Irwin. Ms. Irwin is one of the owners of the subject property. The other two landowners have consented to the application and letters are attached evidencing this.*
- *The MPC considered the Major Home-based business application and the elements included with that home-based business. In general, the applicant wished to hire an employee, expand her existing second kitchen in the basement (previously approved for the minor catering business), put up a small sign, and install a deep fryer in that kitchen. These elements moved the "minor" catering business into the "major" category, and thus now requiring a permit for the catering business.*
- *At the December meeting the members discussed these elements. Concerns were expressed with respect to odours from the exhaust system for the deep fryer and those odours carrying through the community. It was acknowledged that there would be the need for an exhaust system, a fire suppression system, fire walls, and possibly other home modifications. MPC was concerned that this catering business may not be suitable for a residential area. They wondered if it was too intense for the residential community. The members wondered if they should consider an approval with several conditions, or refuse the application. In the end, the members decided to table the application to its next meeting in January so that the applicant could make arrangements to attend the meeting. Members asked that administration provide the applicant with MPC's concerns with the application so that they could be addressed at the next meeting. Members felt that by tabling the application it would give the applicant an opportunity to attend the meeting and have a discussion with them.*
- *In accordance with MPC's tabling motion, a letter was written to the applicant outlining MPC's concerns and outlining the tabling decision (attached).*
- *During preparation of the January 2018 agenda package, the applicant contacted administration and verbally stated that the deep fryer element would be removed from the application because she decided that it would not longer be pursued. The reasoning was that the requirements needed were too great and too expensive. A written letter explaining this deep fryer removal from the application was requested and is attached.*
- *The applicant has stated that she will attend the January meeting to answer any additional questions.*
- *Below, for information and refresher purposes, is the background information from last month's agenda package. The minutes within the agenda package outline the discussion from last month:*



- *The subject property is located in the Hamlet of Exshaw at #16 Barrier Mountain Drive.*
- *Ms. Irwin currently operates a catering business. Her catering business fell under the minor home-based business definition, so a permit was not required for it. However, for the existing catering business, Ms. Irwin previously applied for a development and building permit to install a second kitchen in her basement to support the catering business. This second kitchen was approved under Development Permit No. 61/16, and treated as a change in intensity (install commercial kitchen in basement to support catering business). DP 61/16 expires on January 13, 2020. A condition of that approval outlined that if the catering business was no longer operating, then the second kitchen must be removed. The applicant has stated that the second kitchen has been inspected and approved by Alberta Health Services.*
- *Since that time, the applicant now wishes to apply for a Major Home-Based Business because she would like to put up a small sign and hire an employee to help her. She also would like to make her second kitchen in the basement a little bigger so she has more prep room. Ms. Irwin would also like to install a deep fryer in the second kitchen. It is due to these specifics that her catering business is now considered to be a major home-based business and a permit is now required. This second kitchen will become part of the major home-based business with the same requirement for it to be removed if the major home-based business is not renewed (unless approval has been granted for it to remain). DP 61/16 will be cancelled as part of any approval of the major home-based business.*
- *The installation of a deep fryer in a kitchen within a dwelling will require some rigorous and likely very costly installations. The MD's Safety Codes Officers for Building and Fire have been involved. There will be the need for fire suppression facilities to be installed, along with applicable ventilation infrastructure and fire separation requirements. Skepticism has been expressed as to whether this type of installation is appropriate in a residential area.*
- *The application outlines that there will be no clients visiting the property but there will be 2 – 3 deliveries a week. Ms. Irwin delivers the catering to her clients, they do not come to pick up the items. In terms of odours, with the deep fryer there will likely be some odour from that as well as the smell of baked goods. As stated previously, Ms. Irwin would like a sign and to hire an employee. The sign specifications have been drafted by the applicant and a rendering is attached. The size is regulated in the LUB and those regulations have been added to the staff recommendation. In terms of the kitchen expansion, attached are floor plan renderings of the current layout and then a new proposed layout for the kitchen, including the deep fryer installation. While outlined as part of the application, a washroom had been roughed-in within the*

*basement area and the applicant wishes to finish it. This element could have been accomplished without a permit, but Ms. Irwin added it to her background information so all modifications she was considering have been outlined in this report for information.*

- *The applicant/owner has provided letters of support from a few of her neighbours. Attached are those letters and a map showing where the letters had been obtained from in relation to the subject property.*

Ms. Thompson stated that the staff recommendation was for approval and stated that she could answer any questions that the members may have regarding the application. There was discussion on whether the washroom was a newly proposed feature that was part of the expansion of the kitchen. The applicant clarified that the washroom was already part of the dwelling when they had purchased it, and it was not a new feature – it was just included in the floor plans presented to MPC. They are not developing a new bathroom as part of the kitchen expansion. The members suggested that Recommendation No. 14 be removed from the staff recommendation as it is not relevant.

The Chair asked if the applicant had anything to add to the Development Officer's presentation. Ms. Irwin stated that everything presented was accurate, and that the deep fryer was removed from the project due to it being too expensive of an item to add to the kitchen. The whole purpose of this expansion was to provide extra room for food preparation and room for larger appliances to be added to the catering kitchen. She verified that the deep fryer element has been excluded from the application proposal.

There was discussion on how many landowners, besides the adjacent landowners, the applicant had contacted and spoken to regarding her catering business. Ms. Irwin mentioned that she had contacted a few neighbours on the street that she was already acquainted with because her food deliveries may affect them, plus she said she also contacted one neighbour behind her property. She said she had all good responses and no one opposing her catering business.

The members inquired if she currently had a commercial vehicle and if she had enough on-site parking. Ms. Irwin mentioned that she does not have a commercial vehicle to date, however, she is considering having one in the future so that she is not using her personal vehicle. She said that the property has plenty of room for extra parking spaces in the front driveway. Development Officer, Janice Thompson, reaffirmed that no parking along the street would be permitted, all parking for the catering business and associated vehicles and employees would have to be on-site.

The discussion returned to food deliveries, and Ms. Irwin mentioned that there would be 3 deliveries per week, during week days only, and no weekend deliveries. There would not be large delivery trucks, as the food suppliers she uses are local companies within the Bow Valley Area. She said if there was to be a large delivery truck she could always arrange to meet the truck elsewhere, to avoid any issues with the larger commercial vehicles driving through the residential area.

There was no further discussion, except confirmation that Recommendation No. 14 is to be removed from any approval motion.



**MOTION 03.01.18****CLARK THAT**

the Municipal Planning Commission **APPROVE** Development Permit No. 122/17 for a Major Home-Based Business (catering operation), the Expansion of the Second Kitchen for the Catering Business, and for Signage as per the application and subject to the following amended conditions:

1. The business shall be limited to the catering functions associated with the major home-based business, a second kitchen and associated expansion in the basement of the dwelling, the installation of a small sign, and office-type uses that generally take place at a desk and include telephone, computer, mail, scheduling, book-keeping or similar activities. The deep fryer proposed to be installed in the second kitchen is **not approved** and shall not be installed given it was removed as an element of the application by the landowner.
2. The home-based business shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood, and shall be incidental and subordinate to the principal residential use.
3. The commercial kitchen upgrades shall comply with the Alberta Building Code, and a building permit shall be obtained. Such building permit shall be completed to the satisfaction of Bighorn's Building Safety Codes Officer.
4. The applicant/owner shall allow for and arrange annual inspection of the commercial kitchen as required by the Alberta Fire Code.
5. Any modifications to electrical wiring and plumbing, to natural gas or propane connections, or to any sewage installations shall be approved by Alberta-registered Safety Codes Officers.
6. The applicant shall maintain approval, and comply with the requirements of Alberta Health Services as it relates to the commercial kitchen and catering element of this approval.
7. The home-based business shall not create nuisance by way of dust, noise, odour, smoke or traffic generation.
8. If complaints are received, the M.D. reserves the right to require mitigation of any complaints to the satisfaction of the municipality and failure to resolve complaints may result in cancellation of the permit.
9. The home-based business shall be operated by the permanent residents of the dwelling and may employ no more than one (1) person in addition to the residents of the property.
10. The MD of Bighorn reserves the right to limit the number of deliveries or customers visiting the property for business purposes if the volume of traffic becomes an issue in the area.
11. No more than one (1) commercial vehicle associated with the operation of the home-based business shall be parked on the subject site.
12. One additional on-site parking stall shall be provided for the major home-based business, and such parking stall shall be of a size and installed in accordance with Section 3.12 of Bighorn's Land Use Bylaw No. 04/10. A minimum of three on-site parking stalls shall be provided for the dwelling and the associated employee for the major home-based business. Additional stalls may be required for any commercial vehicle to be parked on the site. In no case shall there be street parking for any vehicles.
13. Signage (freestanding, wall, fence or window) may be installed as submitted identifying the home-based business in accordance with Section 4.3.9 of the M.D. of Bighorn Land Use Bylaw No. 04/10, but in no case shall any sign be larger than 0.4 m<sup>2</sup> (4.3 ft<sup>2</sup>) in size.



14. The operators of the business shall at all times it is operating on the property comply with the MD of Bighorn Land Use Bylaw, specifically, but not limited to Section 4.3.
15. This development permit may revoked or a stop order issued if the operators of the home-based business have violated any provisions of the Land Use Bylaw 04/10 or any conditions within this development permit.
16. Development Permit No. 61/16 issued for the second kitchen in the dwelling is hereby **cancelled** and the approval transferred to this current permit.
17. This permit is subject to consideration for renewal but shall otherwise expire on January 12, 2019.
18. If the catering business is no longer operating or it's municipal approval not renewed, then the second (commercial) kitchen within the basement area must be removed in it's entirety to the satisfaction of the Development Authority, unless a separate approval is granted that would allow the second kitchen to remain (such as the approval of a secondary suite or other approved development or use).

CARRIED UNANIMOUSLY

### **2. S/DAB Decision – Refusal of Development Application No. 105/17 – Hamlet of Exshaw**

Ms. Thompson provided a brief background on the Development Application Refusal and the S/DAB decision of that refusal. The members accepted the decision as information.

*Janice Thompson and Darlene Paranaque left the meeting at 9:23 am to retrieve MGB copies of the subdivision decision that is the next item on the agenda.*

*Darlene Paranaque and Janice Thompson re-joined the meeting at 9:25 am.*

### **3. Municipal Government Board Decision – Carraig Ridge Subdivision Refusal**

Ms. Paranaque provided copies of the Municipal Government Board Decision to each member. She informed the MPC members that the MD had presented to the MGB in November 2017 regarding the subdivision appeal. The Applicants and the MD had disagreements regarding Municipal Reserve dedication on the subject lands for the subdivision. However, prior to the MGB meeting, the applicants and the MD Administration brought forward to the MGB a joint submission proposal, which both parties agreed upon. The cash-in-lieu is required for the 44 lots to be developed, and the balance of the MR will be deferred to balance of the property. Municipal reserve will be triggered in the future if the balance of the lands are ever proposed to be subdivided further. As part of the negotiations, the applicants cannot put a Conservation Easement on the subject lands, as it contradicts a municipal reserve deferment.

The subdivision consists of 44 lots, plus the existing Quinn residence (45 in total). The negotiations took place over several months where all the options proposed by the applicants were evaluated. The CAO, Martin Buckley, became involved in the negotiations in the latter part of the process.

Members discussed that the Transfer of Density Credits (TDC) concept was new territory for the Municipal Government Board (MGB) and for the MD as well. MPC asked if in the future the Planning Department would approach the municipal reserve dedication the same way as the Carraig Ridge subdivision? Ms. Paranaque noted that decisions are not precedent bound, and that every project is evaluated on a case-by-case basis. Ms. Paranaque mentioned that Administration and Planning



departments will be reevaluating the documents and policies to ensure they consider the TDC program and provide accurate direction. It was also mentioned that there were inconsistent policies in the Area Structure Plan so the method of dedication of municipal reserves was not clear.

*Darlene Paranaque left the meeting at 9:35 am.*

## **V. DEVELOPMENT APPLICATIONS**

### **A. Applications referred to the Municipal Planning Commission.**

#### **1. Amendment to Development Permit No. 108/17 – Hamlet of Dead Man’s Flats**

The Applicant was not present for this meeting. Ms. Thompson provided the background information as per the Development Officer’s Report below:

- *This amendment application is submitted by the landowners of the property.*
- *The subject property is located in the Hamlet of Dead Man’s Flats, at The Bays development located at #2 Limestone Valley Road. The subject unit is situated within Building #3 on that property.*
- *The amendment application is for a change in Use from Contractor Services to Warehousing, including the Installation of a Washroom.*
- *To provide some background information, the applicants previously applied for and were approved for a Contractor Service use, with the Installation of a Washroom, within the subject Unit 26. “Contractor Service” is listed as a Permitted Use in the HI District so the approval was granted by a Development Officer. At the time the unit was owned by the Developers of The Bays and landowner consent had been received. Development Permit No. 108/17 was approved and subsequently issued. The applicants at the time outlined that they were in the process of purchasing the unit from Dead Man’s Holdings and intended on renting the unit out to a tenant. Around the beginning of December 2017, the condominium unit ownership changed into the names of today’s applicants.*
- *During review of the building permit application for the new use, the Alberta Building Code regulations were explained, along with the modification requirements that would be required to be made to the unit (for the “Contractor Service” use).*
- *Afterwards, the owners stated that the costs to upgrade the unit for the contractor use were more than they wished to spend at this time. The owners explained that they want the use for the bay to be for only storage now. Accordingly, a discussion/meeting occurred, with administration outlining that in order to change the use to another use, a “Change in Use” application would need to be submitted. The application before MPC today is for that change in use from Contractor Services to Warehousing. For clarity, the warehousing use allows for only storage within the bay unit, but would allow for those stored items to be “warehoused”. This means that there is the expectation that stored items would come and go from the unit, but no business activity: such as assembly of products, development of any offices, or any employees working within the unit are allowed. Similarly, the owners will be applying for an exemption to the installation of a*



*barrier-free washroom. This may only be allowed by the Building Safety Codes Officer for "storage" purposes. If there will be any uses other than storage within the unit then the exemption may not be granted (as per Municipal Affairs and the Alberta Building Code).*

- *The above requirements and implications with respect to the unit use pursuant to both the Land Use Bylaw and the Alberta Building Code have been made clear to the applicants. They understand the implications and limits to use within the bay by changing the use to storage.*
- *There is background information attached.*

The Chair asked the members if they had any questions or concerns for the development officer. A member noticed that Recommendation No. 5 was duplicated later in the staff recommendation in Recommendation No. 15. The Development Officer agreed and apologized for the duplication. She said that any approval motion can reflect that the duplicate recommended condition be removed.

There was discussion based around the Barrier-Free Washroom requirements and that Municipal Affairs has now allowed for the local Safety Codes Officers to grant variances for barrier-free washroom requirements under certain situations as reflected in the STANDATA created and approved by Municipal Affairs. Ms. Thompson said that those exemptions are generally for storage purposes, but she said all other uses require a barrier-free washroom to be installed as per the Alberta Building Code. She said that if any storage use changes within a building, then there would be the requirement for a barrier-free washroom to be re-installed. Ms. Thompson said that the applicants intend to rent the subject unit to a tenant that will be using the bay for storage only. She said that if at any point the business changes (such as an office or unapproved uses are introduced), that Bylaw Enforcement would be commenced. She said the MD does not routinely monitor uses of industrial bays, and that it is likely enforcement would be on a complaint basis. Ms. Thompson mentioned to the members that the staff recommended conditions indicate that the use is strictly for storage purposes only, and that no office or additional uses would be permitted within the bay itself.

There was a discussion on what makes a washroom barrier-free. One of the MPC members described that the most significant differences are that the washroom would contain a wider door, a turning radius within the bathroom for a wheelchair, and a handrail.

The members were concerned that by granting a variance to the installation of a barrier-free washroom the Safety Codes Officer is, in essence, altering an MPC decision (which required the barrier-free washroom installation). However, Ms. Thompson explained that this STANDATA and authority comes from Municipal Affairs and is his authority under the Alberta Building Code and the Safety Codes Act to grant the variance. She said that MPC requires a barrier-free washroom as per the Alberta Building Code to be installed. She said the Safety Codes Officer has been delegated authority to vary the Alberta Building Code, and feels that the MPC authority is not being circumvented.

Ms. Thompson mentioned that she had met with the applicants and discussed with them the limitations of the types of uses they would be able to have in the bay unit without a Barrier-Free Washroom. They would be limiting themselves to only one use which is Warehousing (storage). It was mentioned that all the bays are heated and specifically designed and built for storage purposes.





In answer to a concern about other uses within the bay, such as residential uses, Ms. Thompson stated that Recommendation No. 5 addresses and prohibits any public or residential use.

There was no further discussion other than the confirmation that any approval motion delete the duplicate Recommendation No. 15 from any motion.

**MOTION 04.01.18                      HEBB THAT**

the Municipal Planning Commission **APPROVE** Amendment #1 to Development Permit No. 108/17 for a Change in Use from Contractor Services to a Warehousing Use with the Installation of a Washroom as per the application and subject to the following amended conditions:

1. Approval is granted based on the information provided by the applicant/owner for the “Warehousing Use” and installation of a Washroom only and no other development, expansions, or change in use is permitted unless approved by The M.D. of Bighorn.
2. This Warehousing Use includes “Business Storage” only as outlined by the applicant/owner. There shall be no storage of hazardous materials such as chemicals, explosives, flammable liquids or gases, toxic or waste materials that cannot readily be removed allowed. Any storage and disposal of oils or fluids shall be in accordance with provincial regulations and requirements.
3. The subject bay may be developed as shown on the floor plan layout provided by the applicant/owner and identified as Schedule ‘A’ attached hereto.
4. A Building Permit shall be obtained for the Warehousing Use and the installation of the Washroom and all modifications to the building shall comply with the Alberta Building Code.
5. The bay unit may be used for storage purposes only, shall not be available for public access, and shall not be used for any overnight sleeping accommodation.
6. Pursuant to Section 3.6.3 of Land Use Bylaw No. 04/10, there shall be no discharge of toxic or noxious materials into the municipal sewage system, for example but not limited to, concrete wash out, chemicals, flammable or explosive materials, solvent or petroleum products, materials that may obstruct the system, grit from interceptors, corrosive or toxic wastes, etc.
7. There shall be no storage of hazardous materials such as chemicals, explosives, flammable liquids or gases, toxic or waste materials that cannot readily be removed allowed. Any storage and disposal of oils or fluids shall be in accordance with provincial regulations and requirements.
8. Stored materials shall not obstruct emergency firefighting access to any portion of a building.
9. Any change in tenancy shall require the prior submission of a written description outlining the items to be stored within the bay unit under the “Warehousing Use” for any new tenant. A new Development Permit Application and a new Building Permit Application may be required prior to a change in tenancy and/or use.
10. A barrier free bathroom shall be constructed as required by Alberta Municipal Affairs and Alberta Building Code.
11. 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.
12. Parking related to the “Warehousing Use” shall be accommodated entirely on the subject site and within the assigned parking stalls for the bay unit.



13. There shall be no outside storage of materials, equipment or vehicles.
14. Any business signage shall require a separate development permit application, and be approved by the M.D. of Bighorn.
15. Any future development of a mezzanine within the subject bay unit will require a separate development and building permit, and are subject to the limitations as outlined in the Alberta Building Code. Mezzanines which are undeveloped and are used strictly for the storage of the established use of the bay will not require additional parking space.
16. The developer shall install low-water-use plumbing fixtures only. As applicable, these fixtures shall have the following features:
  - a. toilets having a water capacity no greater than 6.0 litres per flush;
  - b. urinals having a water capacity no greater than 3.8 litres per flush;
  - c. shower heads having a water flow capacity of not more than 9.5 litres per minute; and
  - d. faucets in public restrooms having a water flow no greater than 1.8 litres per minute.
17. The developer shall obtain any other government approvals as may be necessary.
18. The developer shall sort construction wastes generated as a result of the development prior to transporting the waste material to a disposal facility, such as the Francis Cooke Regional Landfill. As a minimum, the MD of Bighorn expects to see the following material sorted for recycling purposes: items such as: metal, cardboard, drywall and kiln-dried lumber.
19. This Amendment decision **REPLACES** the original Development Permit No. 108/17 issued for a Contractor Service use within the subject bay and which became effective on December 7, 2017.

CARRIED UNANIMOUSLY

**VI. SUBDIVISION APPLICATION**

None.

**VII. LEASE REFERRALS**

None.

**VIII. NEW BUSINESS**

**1. Council Minutes – December 2017 – Regular Meeting**

The MPC accepted the submitted Council minutes as information.

*Darlene Paranaque joined the meeting at 9:55 am.*

**2. Land Use Bylaw Steering Committee**

Ms. Paranaque provided the MPC members with a summary of the last round of consultation activities as part of the Land Use Bylaw Update process. The two documents for handout were:

1. Copy of Online Survey results
2. Copy of Consultation Comments for 3rd round of LUB consultations – *Confidential Draft*

Ms. Paranaque went through the first document with the members and highlighted some key findings based on the survey questions. At the Steering Committee on January 25, 2018, Ms. Paranaque will be providing a breakdown of the survey results specific to each



hamlet. The handouts provide an overview of results for the entire MD. Overall the results were favourable, and the satisfaction rates were generally positive.

Staff recommended that MPC go in-camera to discuss the second handout related to land and legal comments.

**MOTION 05.01.18                      HEBB THAT**

the Municipal Planning Commission meeting go in-camera at 10:05 am.

CARRIED UNANIMOUSLY

*Paul Clark left the meeting at 10:45 am.*

**MOTION 06.01.18                      HEBB THAT**

the Municipal Planning Commission meeting come out of in-camera at 11:05 am.

CARRIED UNANIMOUSLY

**IX.    IN-CAMERA**


None.

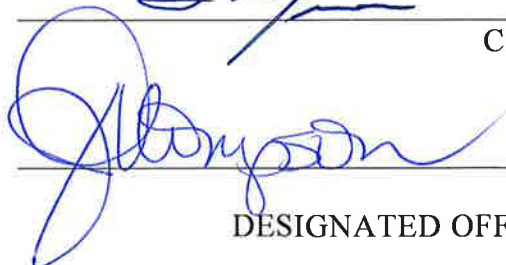
**X.    ADJOURNMENT**

**MOTION 07.01.18                      HEBB THAT**

the Municipal Planning Commission meeting adjourn at 11:13 am.

CARRIED UNANIMOUSLY

  
\_\_\_\_\_  
CHAIR

  
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DESIGNATED OFFICER