

MUNICIPAL DISTRICT OF BIGHORN NO. 8

MUNICIPAL PLANNING COMMISSION MEETING

HELD MARCH 17, 2010 AT THE MUNICIPAL OFFICE IN EXSHAW

- PRESENT:** CAROLYN MONTGOMERY CHAIRPERSON
PAUL ADAMS MPC MEMBER (Council)
JOHN HAASEN MPC MEMBER
RHODY LITSCHKE MPC MEMBER
- ABSENT:** MARIA DUNKI MPC MEMBER (Council)
- STAFF:** JANICE THOMPSON DEVELOPMENT OFFICER
ULRIKA GILLESPIE MANAGEMENT ASSISTANT, PLANNING &
DEVELOPMENT
- GUESTS:** Jacqueline Albert, Travis Coates, Anita McFeeters, Robin Slater. Attendance varied throughout the meeting.

I. CALL TO ORDER

The Chair 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.

Chairperson Montgomery explained that the legal opinion that the MPC members had been waiting for has been received and should be available at the April meeting.

II. APPROVAL OF AGENDA

The Chair asked if there were any additions or deletions to the agenda. None were proposed by either the MPC members or by staff.

MOTION 01.03.10 LITSCHKE THAT

the Municipal Planning Commission approve the agenda as presented.

CARRIED UNANIMOUSLY

III. APPROVAL OF MINUTES

A. February 17, 2010 - Regular

The Chair asked if there were any errors or omissions to the February 17, 2010 MPC minutes. No errors or omissions were noted by either the MPC members or by staff.

MOTION 02.03.10 HAASEN THAT

the Municipal Planning Commission approve the minutes of the February 17, 2010 Municipal Planning Commission meeting as presented.

CARRIED UNANIMOUSLY

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The MPC members agreed to move to item V.A.1. on the agenda given that the applicants were in attendance.

V. DEVELOPMENT APPLICATIONS

A. Applications Referred to the Municipal Planning Commission

1. Amendment to Development Permit No. 53/09

Jacqueline Albert and Travis Coates joined MPC at the table. Chairperson Montgomery introduced the applicants to the MPC members and then asked Ms. Thompson to outline the background information of the proposal. Ms. Thompson began by stating that the proposal of Lafarge is to add the use of Construction Materials Recycling to Lafarge's existing Gravel Extraction, Crushing and Washing operation located near the 1X Highway. She reminded the MPC members that they had approved the renewal of this gravel extraction operation at their December, 2009 meeting and that it was during this review that it was discovered by Lafarge that the recycling element had erroneously not been included with the renewal application. She said that it was the MPC's decision that a separate amendment application needs to be submitted for this use and that this subject application is Lafarge's request for the recycling element. She continued to explain that the materials proposed to be recycled at this site are concrete and asphalt (to be stockpiled and then crushed and processed) and she drew the MPC members' attention to the site plan that was within their agenda material. She corrected that the site plan shows two possible locations for the recycling element of which only the westernmost site would be utilized. She elaborated to say that the Province of Alberta regulates accessory uses such as this recycling use by way of Temporary Field Authorization and that Lafarge had applied for and received approval from the Province. She said that the Province approved of the westernmost area for the use and did not approve of the easterly area, which is near the front of the lease. She said that at the time the MPC agenda package was being sent out Lafarge's explanatory letter had not been received. She said that the Lafarge representatives provided this yesterday and that she has a copy of it for the members and then proceeded to pass this out. She ended with stating that staff's recommendation is for approval subject to the four conditions outlined.

Chairperson Montgomery asked the applicants if they had anything further to add. Travis Coates responded that he agreed with Ms. Thompson's statement earlier that the recycling element was an oversight at the renewal stage and that he had nothing further to add.

MOTION 03.03.10 LITSCHKE THAT

the Municipal Planning Commission APPROVE an Amendment to Development Permit No. 53/09 for the recycling of concrete and asphalt material at Lafarge's Gravel Pit site subject to the following conditions:

1. The conditions outlined in this amendment approval form part of Development Permit No. 53/09.
2. The stockpiles of concrete and asphalt material for recycling shall be positioned as shown on the submitted site plan and as much as possible screened from view of the 1A Highway.
3. The applicant shall maintain approval from the landowner (the Province of Alberta) for the recycling element of this amendment.
4. The conditions of approval listed in Development Permit No. 53/09 remain applicable to this subject amendment.

CARRIED UNANIMOUSLY

CAJ. TZA

The MPC members agreed to move to item V.A.5 on the agenda given that the applicant was present.

5. DP Application No. 12/10 – McFeeters

Anita McFeeters was present and joined MPC at the table. Chairperson Montgomery introduced the applicant to the MPC members and then asked Ms. Thompson to outline the background information. Ms. Thompson began by describing where the property was located in the Hamlet of Exshaw. She said that the applicants are the landowners of the property and are selling the property. She explained that the applicants are seeking a side yard setback variance for an existing deck which is attached to the dwelling on the property so that it would be considered to be conforming in order to facilitate the sale. She said that it is only on one side, the westernmost, that is affected. She said the deck otherwise complies with the Land Use Bylaw. She drew the MPC members' attention to the Real Property Report (RPR) that had been submitted showing where the encroachment was and also to a number of pictures that the landowners had taken from several angles showing the deck and where it appears on the property. She said that the applicants are in need of a 45% variance, approximately 0.54 m, and that section 4.3.3 (a) of LUB 19/96 provides the MPC with up to a 60% capability to allow variances if, in the MPC's opinion, the granting of the variance would not interfere with amenities of the neighbourhood or the enjoyment of the neighbouring parcels of land. She said that staff's recommendation is for approval.

The Chair asked Mrs. McFeeters if she had anything further to add. Mrs. McFeeters stated that they also own the property to the west (on the affected side) and that the deck is approximately 70' from the existing house on that adjacent property. MPC member Rhody Litschke noted that there is no fence between the two properties and Mrs. McFeeters confirmed this.

MOTION 04.03.10 HAASEN THAT

the Municipal Planning Commission **APPROVE** Development Permit Application No. 12/10 subject to the following conditions:

1. Pursuant to Section 4.3.3 (a) of the MD of Bighorn Land Use Bylaw, the Municipal Planning Commission grants a 45% side yard setback variance for the existing dwelling thereby allowing the deck on the west side of it to be as close as 0.66 m (2.16 feet) from the side property boundary, thus making the dwelling a conforming building.

CARRIED UNANIMOUSLY

The MPC members agreed to move back to item IV.1 on the agenda and continue with the normal flow.

IV. BUSINESS ARISING FROM MINUTES

1. DP Application No. 03/10 – Donnelly

Ms. Thompson stated that the applicants have responded to Bighorn CAO's inquiry as to status of progress in terms of revised wording for the Release and Hold Harmless Agreement that forms part of Council Policy T-16. She said that apparently the applicant's solicitor is working on some draft wording changes but they will not be ready for this MPC meeting. She said that an email was sent to the CAO that they would like to request a second tabling motion. She said that after the MPC package was sent out, she had received an email from Alberta Health Services, Canmore office. She said that Alberta Health Services outlined that they have been experiencing difficulty in reaching the applicants with respect to Provincial requirements that are applicable to bed and breakfast operations. They have asked

that if the MPC approves the renewal application, to require that the applicants contact Alberta Health Services and comply with its requirements, or else table the renewal application until such time as they have had a chance to contact the applicants. The members asked that Ms. Thompson read this email out loud and this was done. She said that also there seems to be some confusion as to whether the bed and breakfast was operating or not. Ms. Thompson stated that in light of the two matters above that staff are now suggesting a different recommendation than that which is outlined in the agenda material. She read out loud a revised recommendation regarding tabling the application to a future MPC meeting when the applicants are in a position to comply with Policy T-16 and when Alberta Health Services has had an opportunity to contact the operators regarding Provincial requirements. Rhody Litschke asked that any motion also include a statement that the bed and breakfast operation be suspended in the meantime as the permit technically expired December 31, 2009. There was a brief discussion of this renewal application and the reasons for tabling.

MOTION 05.03.10 ADAMS THAT

the Municipal Planning Commission table Development Permit Application No. 03/10 to a future MPC meeting when the applicants are in a position to comply with the requirements of Council Policy T-16 and when Alberta Health Services has had an opportunity to contact the operators regarding Provincial requirements for bed and breakfast operations; AND, in the meantime, the operation of the bed and breakfast be suspended until approvals have been granted.

CARRIED UNANIMOUSLY

Ms. Thompson assured the MPC members that this application will remain on the agenda until it has been dealt with and that staff would keep them informed of the progress.

V. DEVELOPMENT APPLICATIONS

A. Applications Referred to the Municipal Planning Commission

2. Extension to DP 11/05 – McGinn

Ms. Thompson reported that this development has been on the books for some time now. She said that the Development Officer's Report provides a complete summary of the project but that she would just highlight some of the points for the record. She said that in 2005 the MPC gave approval for the construction of a new single family dwelling with attached garage and with a setback variance to a slope. She said that originally Condition No. 8 of DP 11/05 granted approval for the applicants to live in the attached garage portion of the proposed new dwelling until February 1, 2007. She said that the landowners had requested an extension to that date as the garage portion of the new dwelling had not been ready to be moved into. She said that the first extension request sought an amended date to live in the garage portion until August 31, 2008. Ms. Thompson stated that she contacted the landowners around September 9, 2008 and discussed the time frames. She said that she was told that the landowners still had not moved out of the existing home into the garage portion. Ms. Thompson explained that the landowners needed, then, to request another extension and was told that one would be coming right away. The request was never submitted and upon review of the file some time later it was noted that this extension was not received. The landowners were contacted again and requested to submit the required extension request. The subject of today's request is this second extension. She said that the landowners have outlined that the garage portion of the new dwelling is very close to completion and explained that with the decline in the market economy that they have been experiencing some financial complications and are requesting an extension to June, 2011. Ms. Thompson explained that if one reads carefully Condition No. 8 of DP 11/05 it gives approval to live in the garage portion of the new dwelling. She said that the existing dwelling should have already been removed or demolished from the

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property, but that the landowners were still living in it as the garage is not ready to be occupied yet. Ms. Thompson stated that she also wanted to correct an error in the Development Officer's Report. She said that in the fifth bullet it outlines that the existing detached garage on the property would remain. She corrected saying that it would remain but only during construction. Ms. Thompson ended with stating that when the remainder of the dwelling is completed and occupied, the garage portion of the dwelling that contained the temporary living accommodation would be removed and the area converted back to storage/workshop purposes so that only one dwelling unit existed on the property.

Carolyn Montgomery asked the MPC members if there were any questions. There was a discussion amongst members and staff regarding whether an extension of June 30, 2011 was enough time or whether the extended date should be later, to the fall, to take advantage of the full construction season. A discussion about the five year period the project has taken thus far and how many more extensions the Commission will be asked to grant was discussed. Condition No. 8 was read out loud by Ms. Thompson and the members discussed altering Condition No. 8 to remove the deadline date that the garage could be occupied, to add a new No. 9 with an expiry date that the existing dwelling must be removed by, and then renumbering the existing No. 9. There was a discussion regarding the drawings for the replacement house which the landowners mentioned in their extension letter. Ms. Thompson stated that there are already approved drawings for the replacement dwelling so the landowners must be considering changing them. It was reported by Ms. Thompson that if these suggested replacement drawings are substantially different from those already approved by the MPC then they would be submitted to the MPC for approval. She cautioned that also the slope stability report outlines that any new dwelling must be 10 m back from the top of the slope that exists on the property and that this would need reviewing as well. Paul Adams asked that a letter be sent with any amendment decision that outlines any amended drawings that are different from those previously approved would need to be submitted to the MPC for approval prior to commencement of construction.

MOTION 06.03.10 ADAMS THAT

the Municipal Planning Commission approve an amendment to existing Condition No. 8 of Development Permit No. 11/05 to remove the words "...and this shall be accomplished by February 1, 2007"; to amend Development Permit No. 11/05 to add a new Condition No. 9 to read "The existing dwelling shall be removed from the property by June 30, 2011." and to renumber the existing Condition No. 9 of Development Permit No. 11/05.

CARRIED UNANIMOUSLY

MOTION 07.03.10 LITSCHKE THAT

the Municipal Planning Commission recess at 10:10 a.m.

CARRIED UNANIMOUSLY

The Chair called the meeting back to order at 10:23 a.m. and the MPC members continued with the flow of the agenda.

3. DP Application No. 07/10 - Pearson

Ms. Thompson outlined that the subject application is for a home occupation, an office, in an existing residence in the Hamlet of Harvie Heights. She said that the applicant is a tenant of the property and that the landowner has consented to the application and provided a letter to that effect. She said that the landowner has specifically outlined that only an office may be established in the dwelling and that the property may not be used for any other business purposes. Ms. Thompson stated that she would take

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this to mean that no traffic or storage and no visitors associated with the business are to come to the site. She said that the application outlines that there would not be any of this activity. She said that staff are recommending a one year approval subject to the conditions outlined in the staff recommendation and she drew the MPC attention to staff recommendation No. 4 and No. 5.

Chairperson Montgomery asked the members if there were any comments. None were expressed by members but Ms. Montgomery stated that she had a comment. She said she noticed that a red bus has been parked on the property and wondered if it was to facilitate this new business. She said in light of the wording of the landowners consent letter (that the property not be used for business purposes) she wondered if the bus should be removed. Mr. Litschke commented that if there is no advertising on the bus then how would the MPC know if it is being used for business purposes? There was a discussion regarding this and the decision of the MPC was to send a letter along with the decision that outlines any vehicles, including the red bus, and any other items related to the business be removed from the property immediately. Ms. Thompson added that according to the LUB commercial vehicles are not allowed to be parked on residential properties unless a development permit has been issued to allow them. She ended with stating that given the recommendation is for a one year approval, if there are complaints over this period, then they can be addressed at any renewal.

MOTION 08.03.10 MONTGOMERY THAT

the Municipal Planning Commission APPROVE Development Permit Application No. 07/10 subject to the following conditions:

1. The home occupation shall be limited to office-type uses that generally take place at a desk and may include telephone, computer, mail, scheduling, book-keeping or similar activities.
2. The home occupation shall be operated in accordance with Section 12.13.0 of M.D. of Bighorn Land Use Bylaw.
3. Any future signage shall be the subject of a separate development permit application.
4. There shall be no storage of rafts, materials, or vehicles at the property that are associated with the rafting business.
5. The property shall not be used as a staging area for the rafting business and no customers or others associated with the business shall come to the site.
6. This approval is valid only so long as the applicant has approval from the landowner to occupy the property.
7. This Development Permit is subject to consideration for renewal but shall otherwise expire on **April 9, 2011.**

CARRIED UNANIMOUSLY

4. DP Application No. 10/10 – Bow Kor Excavating

Ms. Thompson outlined the background information as per the Development Officer’s Report. She reiterated that the property is located at the end of a cul-de-sac on Cougar Mountain Crescent in the Exshaw Industrial Park. She said that the subject application is a renewal of an existing operation but because the old permit has expired it is technically a new application. She said the old approval was granted through Development Permit No. 55/05. She said that DP 55/05 had an expiry because the land was previously owned by the MD of Bighorn and the expiry date of the permit coincided with the expiry of the lease. In any event she said the application is for a number of uses: 1) Storage and Handling of Trucks, Construction Equipment & Materials (such as fill, loam, rock); 2) Firewood Storage, Splitting and Resale; 3) Sand and Rock Screening; and 4) the Storage of Accessory Buildings (two site office trailers). She said these are the same uses that had been previously approved. She said some of them

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are Permitted Uses and some are Discretionary Uses so the entire application has been referred to the MPC for approval. She went on to describe that there is an existing shop building on the property, previously approved through Development Permit No. 08/07. She said that once municipal water and sewage service is functional this shop building will be connected to it, although, she said, the shop may already be connected to sewer. Ms. Thompson said that the site is fenced and that with respect to the storage of accessory buildings that these are site office trailers that go to respective job sites and when no longer needed are brought back to the site until the next time they are needed. She ended with stating that staff's recommendation is for approval with mostly the same conditions as previously imposed except with no expiry date.

John Haasen asked if the site had been graded to drain water away. Ms. Thompson responded that when the shop building was approved the building site was required to be at or above the flood fringe level. She said it was actually when the adjacent lot was subdivided that the natural drainage area was formalized, she thought by easement, between the two lots and that this area must be left in a vegetated state.

MOTION 09.03.10 HAASEN THAT

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

1. No storage of hazardous materials such as chemicals, explosives, flammable liquids, toxic or waste materials that cannot readily be removed in the event of a flood (based on volume or other handling criteria) shall be kept on the subject property.
2. 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.
3. Outside storage shall be in accordance with the Hamlet Industrial District regulations, in particular Section 23.6.2, of the MD of Bighorn Land Use Bylaw (attached).
4. All use of the site shall be in accordance with section 12.5.5, Flood Fringe Regulations, of the M.D. of Bighorn No. 8 Land Use Bylaw No. 19/96, as amended.
5. The exterior lighting for the project shall be compatible with "dark sky" lighting principles and strive to preserve the night environment through the reduction of light pollution. All light fixtures shall be designed to not emit light above the horizontal plane or cause light trespass onto adjacent properties.
6. The applicant shall at all times control the amount of noise and dust generated at the site so as to not cause a nuisance to the area. The MD of Bighorn reserves the right to require dust proofing if dust generated from the development site becomes a concern, or require noise abatement procedures if noise becomes an issue.
7. 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.
8. Any future development or changes in use, including signage, shall be the subject of a separate development permit application.

CARRIED UNANIMOUSLY

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Paul Adams excused himself as an MPC member and joined the MPC members at the table as the applicant.

6. DP Application No. 13/10 – Adams

Ms. Thompson outlined the background information for the subject application as per the Development Officer's Report. She reiterated that the property is in Lac des Arcs at #14 Des Arcs Road. She said that the applicants are seeking approval for a small wind energy system, a turbine. She said that these types of systems are not currently addressed in the MD's Land Use Bylaw so staff have processed the application as a Similar and Compatible Use as per Section 4.3.1 (c) of the Land Use Bylaw. She explained that this section outlines that the MPC shall consider and decide on applications for those uses which, in the opinion of the MPC, are similar to those uses listed in the "Permitted and Discretionary Uses" of the applicable district and which conform to the general Purpose and Intent of the District. She said that the property is designated as Hamlet Single Family Residential District so any similar or compatible use would have to be in keeping with this district. She said that first, though, members need to agree with the way staff have processed the application. She continued to explain that the turbine is proposed to be a maximum of 10 m (32.8 feet) which she said the applicant states is just slightly higher than the existing home. She added, though, that the specifications for the tower that accompanied the application outline the height would be, as a minimum, 12.3 m. She continued to explain that the turbine is proposed to be situated on the west side of the property near the rear property boundary. She said that the applicant has submitted pictures of this area for information. Ms. Thompson continued explaining that the application shows that the turbine is proposed to be approximately 6 m (20 feet) from the rear property line and that MPC should consider whether this is enough of a setback. As a guide, she noted that the draft LUB currently under review requires that there be a setback from property boundaries of at least a distance equal to the height of the tower, in those areas where small wind energy systems are allowed. She said, however, the draft LUB has established that small wind energy systems shall not be allowed in Hamlet Residential Districts. On the topic of setbacks, she drew MPC members' attention to an aerial photograph from 2008 that was in their agenda package. She said that a comparison of the hand-drawn site plan and this aerial photograph would indicate that perhaps a verification of the rear yard setback distance should be obtained. She said that the staff recommendation addresses this. Ms. Thompson continued to reiterate that the applicant outlines the decibel level of the turbine would be 41 and that the applicant will likely elaborate on decibel ratings later, adding that the applicant outlines that the decibel rating of the "cement plant across the river" generates sound at 50 – 55 decibels constantly. Ms. Thompson stated that the manufacturer's specifications attached to the application outline that the decibel level would be 45 at a 12 m distance and not 41 as outlined in the application. She continued to state that the applicant outlines that they chose the location of the turbine with the welfare of the neighbours in mind and stated that the turbine cannot be seen by adjacent landowners to the west or east of the subject site. She said that Mr. Adams had provided a number of pictures taken from both directions and that these had been provided in the agenda material. She gave a brief explanation of each one. Ms. Thompson said that staff felt that residents in South Exshaw may be affected by the turbine location so she said that she took a couple of pictures from two areas in South Exshaw. She said that these pictures plus a map indicating where the pictures were taken from had been included in the agenda package. At this point Paul Adams asked if he could get a copy of these pictures. Ulrika Gillespie provided Mr. Adams with her copy. Ms. Thompson stated that the applicant outlines that the turbine base will be fenced with a locked gate. She said that the location of the proposed turbine would be near the top of the river slope that exists near the property. She said the location chosen is likely to take advantage of the wind. She said that while a stable slope stability report was prepared in 1997 when an addition to the dwelling was undertaken she said that if an approval is considered it would likely be prudent to have this stability confirmed by a geotechnical engineer given

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the turbine installation would involve digging near the top of the slope. Ms. Thompson stated that the landowner had spoken with some of his neighbours and provided one letter of support with the application and submitted another letter today. She passed around this second letter to the MPC members. She further added that Mr. Adams brought with him today photos taken of a similar turbine installed at a school site in Calgary and she then passed these around to the MPC members. She stated that if an approval is granted for the turbine then she suggests that the MPC members consider sending a copy of the Notice of Decision to affected property owners in both Exshaw and Lac des Arcs, including the Lac des Arcs Community Association. She said that the LUB allows for this circulation in Section 5.4.3 and any approval would be advertised. Ms. Thompson ended with stating that staff were not sure how the MPC would deal with the application so she has provided a recommendation if MPC was considering an approval and also some reasons for refusal should MPC members be considering a refusal. She said both recommendations have been provided in the agenda material.

Chairperson Montgomery asked Paul Adams if he had anything further to add. Mr. Adams stated that in his cover letter he outlines that his application is in the spirit and intent of the Municipal Development Plan where it is outlined in Section 3.3.1 vi) that the MD encourages the conservation of energy resources and the use of alternative energy sources. He added that he wants to be careful not to mislead MPC with any details referenced in the application. He said he spoke with Enmax and was told the decibel level was 41 but he was not sure if Enmax had run their own readings. He reiterated that he had spoken with neighbours, two of which submitted letters and a third neighbour wanted to go and see a tower before commenting. He elaborated on the picture taken of the sign explanation at the Calgary school site noting that it said that turbine was 12.2 m in height. He shared information about decibel readings, such as a conversation between people being at about 60 decibels and a fridge motor is 40 to 50 decibels. He said that with respect to the Lafarge plant there has been a lot of discussion regarding noise and any renewal includes monitoring of noise. He said that experts say that people hear the wind not the turbine. He said that the further one is away from the turbine the less it can be heard. Mr. Adams said that he was not sure how to handle adjacent neighbours in Exshaw. He acknowledged that his home can be seen from the MD office but at what point do site lines end or when is someone an adjacent neighbour. He says that even in the winter months neighbours to the east will not see the turbine. He said that if approved he would need to remove shrubbery on the north side of the house. He said that in terms of height he had no information as to whether he could reduce the height of the turbine.

John Haasen asked about neighbour letters and Mr. Adams said that he had hoped that the third letter from the owner of #9 Des Arcs Road would have been received but it has not. Mr. Haasen asked Mr. Adams if he had obtained any support from the Community Association and commented that the second support letter was from people who did not reside at the property. Mr. Adams stated that the property is rented out and that he did not have anything to submit from the Community Association. John Haasen commented that during the LUB review of which the MPC members were the steering committee of, that it was decided that turbines would not be allowed in higher density residential districts. He added that there is a turbine in his neighbourhood and he could hear the turbine at a distance of 200 m and wondered what Mr. Adams' neighbours would hear at a closer distance. Mr. Haasen said that he was not comfortable with the application and would have suggested that he approach the Community Association as this would affect a large area. He was not convinced that there is community buy-in to the proposal. Mr. Adams responded that his experience on the MPC is that members have asked applicants to approach only adjacent landowners. Mr. Haasen felt that because the turbine will be heard further away than just adjacent neighbours that a wider area should have been contacted. Mr. Adams answered that the turbine will not be heard more than 50 feet away so felt he should not have to contact

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them. Mr. Haasen then asked what the base of the turbine is. Mr. Adams answered concrete with eight big lag bolts.

Rhody Litschke stated that the height of the turbine in the application differs from that in the attached manufacturer's specifications in that the height would be at least 13 m (some 42 feet) or more. He said the manufacturer specifications also recommend that turbines be placed in an area with zoning that allows for them. He asked if the MPC would want something of less height. Mr. Adams said that he forgot to add on the blade height to the overall tower height. Mr. Litschke stated that the tower height of 10 m plus the blade and rotor, plus the base pad will result in a big structure. Mr. Adams said the height would be around 12.2 m and he is not sure if he could reduce the height. Mr. Litschke asked Mr. Adams the size of his lot. Mr. Adams responded 0.68 of an acre. Mr. Litschke stated that the turbine will be a big structure and a very visible structure and agreed that the draft LUB outlines that small wind energy systems not be allowed in residential districts. He noted that the neighbour letter outlines that they live in Barcelona and Toronto and not at the site in Lac des Arcs. Mr. Adams stated three siblings own it, and the third lives in Calgary and she has spoken to the other two siblings and was commenting on their behalf.

Carolyn Montgomery began by saying she had three points to make. The first is that she does not believe that the turbine relates to any Permitted or Discretionary Use listed in the R-1 District. Secondly, she read out loud from Section 3.2.1 (ii) of the Municipal Development Plan wherein it is stated that there be sensitivity to Bighorn's natural environmental setting and that attention to aesthetic appeal should be applied to all developments in Bighorn. Thirdly she read out loud Section 12.22.1 of the Land Use Bylaw wherein it outlines under "Controlled Appearance" that the design, character, location, appearance of any structure proposed in any district must be acceptable to the MPC and that proposed developments shall be reviewed in terms of views, vistas, skyline profiles and so forth. She said that further this clause outlines that MPC must have regard for the amenities and character of existing developments in a district as well as the effect on adjacent districts.

Rhody Litschke summarized his thoughts in that he does not feel the turbine would be compatible with any listed uses in the R-1 District, that the height of the turbine seems to be of question, and that considerable effort had been placed over the past year on developing the draft LUB and that this draft document reveals that turbines are not suited for residential districts. He felt that not enough consideration has been given to the neighbourhood.

There was a brief discussion on the photo and explanation of the turbine that is situated at a school site in Calgary, including its location in relation to existing homes and lack of trees around it.

Rhody Litschke stated that he would be prepared to make a motion to refuse the application as per the staff recommendation plus Ms. Montgomery's two additional reasons with respect to LUB Section 12.22.1 Controlled Appearance and MDP Section 3.2.1 (ii) and any other reasons MPC members would like added. John Haasen wanted it mentioned that he does not feel there is community buy-in and MPC in the past have always felt that this is important when making decisions on development applications. Ms. Thompson asked if Mr. Haasen wanted this to form a reason for refusal. Mr. Haasen stated no, he just wanted it referenced in the minutes.

MOTION 10.03.10 LITSCHKE THAT

the Municipal Planning Commission REFUSE Development Permit Application No.13/10 for the following reasons:

1. The Municipal Planning Commission believes that the subject 12.3 m high small wind conversion system (turbine) is not suited for the residential area and believes the turbine is not a similar and compatible use to the Hamlet Single Family Residential District "Purpose and Intent" or the "Permitted" or "Discretionary" Uses outlined in the District.
2. While it was outlined in the application that immediate neighbours to the subject property in Lac des Arcs would not be impacted by the development, the Municipal Planning Commission believes that there will be an adverse visual impact on the adjacent community, north of the Bow River, in the Hamlet of Exshaw, as well as other river users.
3. Given the location of the turbine next to the Bow River, the Municipal Planning Commission is not sure that there would not be an impact on water fowl and other migrating birds that are known to frequent the general area.
4. Section 12. 22.1 Controlled Appearance of the MD of Bighorn Land Use Bylaw outlines that the design, character, location, and appearance of any structure proposed in any district must be acceptable to the MPC and that proposed developments shall be reviewed in terms of views, vistas, skyline profiles and that MPC must have regard for the amenities and character of existing developments in a district as well as the effect on adjacent districts. The MPC members feel that the turbine development on the subject property is not consistent with this section of the Land Use Bylaw.
5. Section 3.2.1 (ii) of Bighorn's Municipal Development Plan outlines in the Mission Statement that the MD of Bighorn residents believe that sensitivity to the Bighorn's natural environmental setting and attention to aesthetic appeal should be applied to all developments. The Municipal Planning Commission believes that the subject turbine would not compliment the aesthetics of the neighbourhood or compliment the natural environmental setting of the area.

CARRIED UNANIMOUSLY

Paul Adams returned to the table as an MPC member and the Commission continued with the normal flow of the agenda.

V. DEVELOPMENT APPLICATIONS

B. Applications Processed by Development Officers

1. Notice of Decision No. 02/10
2. Notice of Decision No. 04/10

Janice Thompson gave a brief explanation of each of the above V.B.1 and 2 and following this explanation the MPC members accepted the submitted decisions as information.

VIII. NEW BUSINESS

1. Council Minutes – Regular – February 9, 2010

The MPC members accepted the submitted Council minutes as information.

TEB
C.N.

2. Rocky View Referral

Ms. Thompson explained that the subject referral was received by staff too late to be submitted formally to Council so staff unofficially provided it to Council in their mail baskets at the office. She said that Council were made aware that the MPC would be provided with the referral at its March, 2010 meeting. She described briefly that the referral is for a redesignation and an amendment to a recently adopted new land use district. This is Rocky View's first test of the new district. She said that the details are in the agenda material and that staff thought MPC might find this referral topic interesting in terms of the recent LUB review it had just completed. John Haasen explained to the other MPC members that the proposed development is near Callaway Park and the Trans Canada Highway. Ms. Thompson stated that Bighorn has just completed its review of the LUB and once adopted we will be testing our new bylaw as well.

MOTION 11.03.10 LITSCHKE THAT

the Municipal Planning Commission has no objection to the Municipal District of Rocky View's Referral, described as Application No. 2010-RV-044/File No. 602-5, being a Land Use Bylaw Amendment to Rocky View's Commercial-Regional Commercial District.

CARRIED UNANIMOUSLY

IX. CONFIDENTIAL MATTERS

MOTION 12.03.10 ADAMS THAT

the Municipal Planning Commission go in camera at 11:56 a.m.

CARRIED UNANIMOUSLY

MOTION 13.03.10 ADAMS THAT

the Municipal Planning Commission come out of camera at 12:23 p.m.

CARRIED UNANIMOUSLY

X. ADJOURNMENT

MOTION 14.03.10 ADAMS THAT

the Municipal Planning Commission meeting adjourn at 12:24 p.m.

CARRIED UNANIMOUSLY

C. Montgomery
CHAIR

[Signature]
DESIGNATED OFFICER

C. Montgomery