

Minutes of the Land Use Bylaw Amendments Bylaw #202-18 Public Hearing of the Summer Village of Birchcliff, Province of Alberta, held April 24, 2018 in the Summer Village Administration Office at Sylvan Lake, Alberta.

CALL TO ORDER: The Meeting was called to order at 10:05 a.m. by Deputy Mayor Dufresne with the following being present:

Deputy Mayor:	Roger Dufresne
Councillor:	Ann Zacharias
Administrator:	Phyllis Forsyth
Recording Secretary:	Teri Musseau
Public:	Rita Johnson
	Steven Johnson
	Marjorie Brewer
	Lawrence McCallum
	Milton Lemke
	Val Viala
	Jack Sproat
	Anne Sproat
	Miranda Cooper

PLANNING AND DEVELOPMENT

1. Land Use Bylaw Amendment Bylaw #202-18

Deputy Mayor Dufresne explained the purpose of Hearing was to hear comments regarding the Land Use Bylaw Amendment Bylaw #202-18.

Emergency exits, muster point and washrooms were noted.

Introductions were made and the meeting and the process for the hearing explained.

Phyllis gave her presentation outlining the 16 proposed Land Use Bylaw Amendments.

Hard Landscaped Area (Part One – Definitions)

Proposed Regulation:

“Hard Landscaped Area” in R1, R2 and R3 Districts, means the use of non-vegetative material, such as but not limited to concrete or asphalt. In the CC1 District, means the use of non-vegetative material, other than concrete or asphalt.

Holding Tank (Part One – Definitions)

Proposed Regulation:

Remove from Bylaw.

Tourist Home (Part One – Definitions)

Proposed Regulation:



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“Tourist Home” – means a dwelling unit operated as a temporary place to stay, with or without compensation, and includes all vacation rentals of a dwelling unit. The characteristics that distinguish a tourist home from a dwelling unit used as a residence may include any of the following: the intent of the occupant to stay for short-term (30 days or less) vacation purposes rather than use the property as a residence, the commercial nature of a tourist home, the management or advertising of the dwelling unit as a tourist home or “vacation rental”, on website such as AirBnB or VRBO, the use of a system of reservations deposits, confirmation, credit cards, or other forms of electronic payment etc. No recreation vehicle or guest house shall be used as a Tourist Home.

Private Wastewater (Part Two – Permission for Development)

Proposed Regulation:

Remove from Bylaw.

Application Deemed Complete (Part Two – Permission for Development)

Proposed Regulation:

After receipt of a development permit application, the Development Authority shall give notice to the applicant by email as per the email address listed on the Development Permit Application, that the application is deemed complete or incomplete.

- (a) If the application is deemed incomplete, the notice shall contain any outstanding documents and information required, and a date the outstanding documents and information shall be submitted, set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.
- (b) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in the email, the application is deemed to be refused. The development authority must issue to the application a notice by ordinary mail.

Variance Requests (Part Two)

Proposed Regulation:

The Municipal Planning Commission may approve an application for Development Permit....

In approving an application for development pursuant to... the Municipal Planning Commission shall...

21 Day Appeal Period (Part Two – Development Permits and Notices)

Proposed Regulation:



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A development permit issued pursuant to this Part does not come into effect until twenty-one (21) days after the date on which notice of issuance of the permit is given under subsection 4(a) or (b). Any development proceeded with the applicant prior to the expiry of this period is done solely at the risk of the applicant.

Notice of Decisions (Part Two – Development Permits and Notices)

Proposed Regulation:

For permitted and discretionary uses:

- (i) Mail a notice of decision to all persons whose use, enjoyment or value of property may, in the option of the Development Authority, be affected; and
- (ii) Post a notice of the decision on the Summer Villages website.

21 Day Appeal Period (Part Two – Appealing a Decision)

Proposed Regulation:

An appeal by an applicant must be commenced within twenty-one (21) days of the notification on the decision or when the forty (40) day period or any time extension expires. An appeal by any other affected person must be made within twenty-one (21) days of the notice of the issuance of the permit was given.

Hot Tubs (Part Three – Private Pools and Decorate Ponds)

Proposed Regulation:

Draining private pools other than directly into the sewer line in the basement drain of your home, is prohibited (in accordance with the Sanitary Sewage Bylaw #192-16). Pool and hot tub water and their associated maintenance products contain chemicals that may seriously harm aquatic plants, fish, birds, and animals when disposed of improperly.

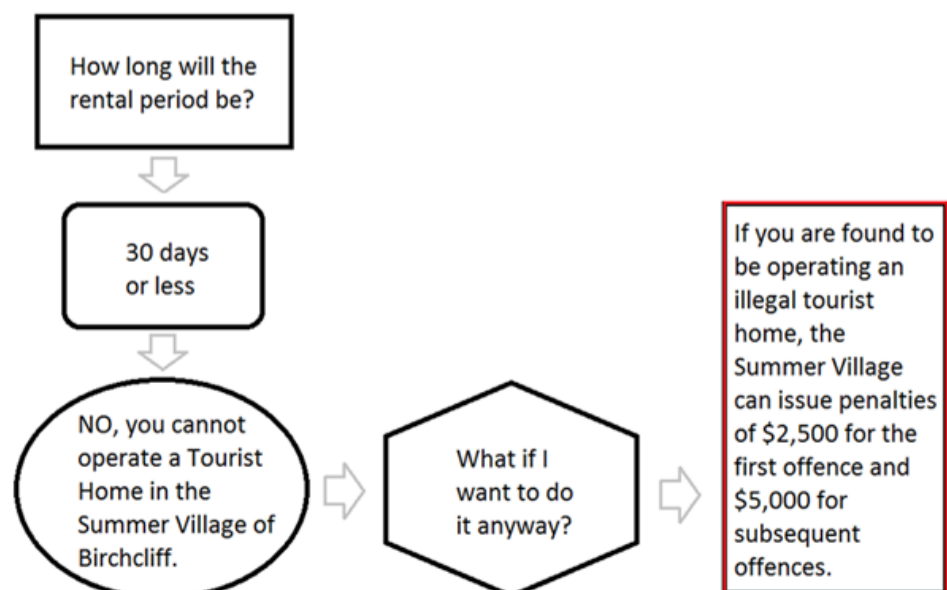
Tourist Homes (Part Four – Land Use Districts R1, R2 & R3)

Proposed Regulation:

Tourist homes are not permitted within the Summer Village of Birchcliff. Can you rent your home for an evening, a weekend, a week, or a few weeks at a time?



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Parcel Servicing (Part Four – Land Use Districts R1, R2 & R3)

Proposed Regulation:

No building may be erected or development commenced on parcels which are not proposed to be served by a piped water or sewerage system until arrangements satisfactory to the Provincial Plumbing Inspector, Alberta Labour and the Public Health Unit, have been made for collection, storage, if any, and disposal of sewage.

Parcel Coverage (Part Four – Land Use District R1)

Proposed Regulation:

Maximum Parcel Coverage: Fifty (50) percent, other fifty (50) percent shall remain as is or contain native grasses, trees, shrubs, or ornamental planting, satisfactory to the Development Authority.

Parcel Coverage (Part Four – Land Use District R2)

Proposed Regulation:

Maximum Parcel Coverage: Thirty (30) percent, other seventy (70) percent shall remain as it or contain native grasses, trees, shrubs, or ornamental planting, satisfactory to the Development Authority.

Parcel Coverage (Part Four – Land Use District R3)

Proposed Regulation:

Maximum Parcel Coverage: Twenty-five (25) percent, other seventy-five (75) percent shall remain as is or contain native grasses, trees, shrubs, or ornamental plantings, satisfactory to the Development Authority.

Church Camp Holding Tanks (Part Four – Land Use District CC2)

Proposed Regulation:

The location of the water well for the proposed development as well as the location of all existing water wells for the existing cottages identified within a 10m (32.90 ft.) radius.

Deputy Mayor Dufresne asked if there were any written comments received.

Phyllis Forsyth read written comments from:

Toupie Goodacre – 185 Birchcliff Road:

- Opposed to having bed and breakfast in Birchcliff



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Don & Nancy Neilsen – 405 Birchcliff Road

- Not in favor of permitting tourist homes in the summer village

Dan & Cheryl Murdock – 102 Birchcliff Lane

- Opposed to permit for tourist homes

Allan & Jacqueline Kay – 395 & 397 Birchcliff Road

- In favor of not permitting tourist homes in Summer Village

Russ & Heather Yard – 439 Birchcliff Road

- Opposed to permit for tourist homes

Steven & Rita Johnson – 415 Birchcliff Road

- Want notice to continue to be posted on property
- Change wording for hot tub draining to “draining private pools other than directing into the property sewer line is prohibited”
- Support not allowing tourist homes

Terri & Larry Cameron – 383 Birchcliff Road

- In favor of permitting tourist homes

Frank Tirpak – 27 Birchcliff Road

- Want name of holding tank changed to discharge tank

Ron & Kelly Rowbotham – 39 Birchcliff Drive

- Hard landscaping – would like consideration for natural materials which should not be including in parcel coverage
- Holding Tanks – storage tanks are used with a grinder pump as per recommendation by Administration. Bylaw should address requirements for new developments to install a system that ties into the main sewer line. Should allow for holding tanks for residents who have little use at lake.
- Parcel Coverage – need to define exactly the items/terms of these regulations.
- Tourist homes – should allow tourist homes to help people offset costs of lakefront home.



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Deputy Mayor Dufresne asked if anyone in attendance wished to make comments. Comments were received from:

Val Viala – 413 Birchcliff Road

- In favor of tourist homes
- Feels great way for people to generate income while away
- Good for insurance purposes – deters crime
- Instead of banning wants limit set to maximum of 15-30 days
- Suggested licensing
- Suggested allowing secondary suites to be rented
- Inquired about bed and breakfast requirements

Milton Lemke – 202 Birchcliff Road

- Wondered why tourist homes were not included in CC1

Steven Johnson – 415 Birchcliff Road

- Wants to continue to see development notices posted
- Inquired about discretion of development officer in mailing out notices

Dwight & Brenda Field – email submission read by Steven Johnson

- Against permitting of tourist homes

Jack Sproat – 57 & 59 Birchcliff Road

- Inquired about why family & friends can't come stay if tourist homes are banned

Miranda Cooper – 427 Birchcliff Road

- Opposed to short term rentals
- Marina Bay has bylaw stating no rentals shorter than 30 days
- Not opposed to family and friends staying when owners away but people must be known to the property owners

Marjorie Brown

- Has holding tank – pumped once a year
- Can't connect to sewer line for financial reasons
- Gone 6 months of year
- Inquired about difference between tourist house and guest house



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Deputy Mayor Dufresne thanked everyone for coming.

Closed the Public Hearing at 10:42 a.m.

ROGER DUFRESNE
DEPUTY MAYOR

PHYLLIS FORSYTH
C.A.O.



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