

Summer Village of Birchcliff
Regular Meeting Minutes
September 15, 2022

Minutes of a Regular Council Meeting of the Summer Village of Birchcliff,
Province of Alberta, held September 15, 2022, in the Summer Villages on Sylvan
Lake Administration Office at Sylvan Lake, Alberta.

IN ATTENDANCE	Mayor:	Roger Dufresne
	Deputy Mayor:	Ann Zacharias
	Councillor:	Frank Tirpak
	CAO:	Tanner Evans
	Development Officer:	Kara Kashuba
	Recording Secretary:	Teri Musseau

CALL TO ORDER The Meeting was called to order at 9:00 a.m. by Mayor Dufresne.

AGENDA APPROVAL

BCC-22-103 MOVED by Deputy Mayor Zacharias that the agenda be adopted as presented.
CARRIED

CONFIRMATION OF MINUTES

BCC-22-104 MOVED by Councillor Tirpak that the minutes of the regular meeting of Council held on August 18, 2022, be approved as presented.
CARRIED

INFORMATION ITEMS

- 1) Accounts Payable
- 2) Development Update
- 3) CAO Report
- 4) Open Space Letters

BCC-22-105 MOVED by Deputy Mayor Zacharias that Council accept the information items as presented.
CARRIED

TABLED ITEMS

COUNCIL & LEGISLATION

BCC-22-106 Pier Policy
MOVED by Deputy Mayor Zacharias that Council adopt the 2022 Pier Policy as presented and Administration send policy out to all pier captains.
CARRIED

REQUEST FOR DECISION

FINANCE & ADMINISTRATION

BCC-22-107 Audit Engagement 2022
MOVED by Councillor Tirpak that Council sign the Audit Engagement Letter as presented.
CARRIED

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BCC-22-108

Tax Penalty Removal Request

MOVED by Mayor Dufresne that Council defer the conversation until after the public hearing.

CARRIED

PUBLIC HEARING

Mayor Dufresne declared the Public Hearing for Bylaw #235-22, Land Use Bylaw Amendment Bylaw, open at 10:00 a.m.

Mayor Dufresne provided the procedure for the public hearing.

Kara Kashuba, Development Officer, provided the background on the requested bylaw amendments.

PROPOSED REGULATION:

1. Part One: General 1.3 Definitions

Proposed Regulation:

“temporary use or building means a use or development for which a development permit has been issued and which is to exist for a timeframe of up to (but not exceeding) two years, as determined by the Development Authority.”

2. Part One: General 1.3 Definitions

Proposed Definition:

“breezeway(s) means a roofed open passage connecting two or more buildings. An accessory building connected to a principal building by way of a breezeway shall not be considered part of the principal building.

3. Part One: General 1.3 Definitions

Add Definition:

“Development Design Plan means a non-statutory plan prepared by a development proponent in support of a proposal for development. The purpose of a development design plan is to mitigate negative impacts on watershed health as required in the Sylvan Lake Intermunicipal Development Plan. A development design plan includes the following details to the satisfaction of the development authority:

- A planting plan including native vegetation;
- A sediment control plan;
- A drainage plan; and
- Information about site coverage.

A development design plan shall be required at the discretion of the Development Authority and will be enforced as a condition of development approval.”

4. Part One: General 1.3 Definitions

Proposed Definition:

“development means:

(a) An excavation or stockpile and the creation of either of them; or

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(b) A building or an addition to, or replacement or repair of a building and the construction or placing in, on, over and under land of any of them; or

(c) A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

(d) A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

and without restricting the generality of the foregoing, includes:

(e) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit;

(f) in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot;

(g) the display of advertisements or signs on the exterior of a building or on any land;

(h) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered;

(i) any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site;

(j) the placing of refuse or waste material on any land;

(k) the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months;

(l) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect;

(m) the demolition or removal of a building;

(n) the placement of an already constructed or a partially constructed building on a parcel of land;

(o) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way;

(p) the removal of topsoil from land;

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(q) the use of land for storage purposes or for the repair of equipment, vehicles, or other kinds of machinery;

(r) the installation of any type of sewage disposal system including but not limited to holding tanks; or

(s) the digging of a well or installation of a water cistern.”

5. Part One: General 1.3 Definitions

Proposed Definition:

“grade means the ground elevation established for the purpose of determining building height. In determining grade, the Development Authority shall select from the following methodologies, whichever one best ensures compatibility with neighbouring developments:

(a) Grade shall be determined by calculating the average of the pre-development elevations at the corners of the building as shown on a reliable survey.

(b) If the applicant can show by reference to legal surveys that the predevelopment elevation of the subject parcel varies by no more than 1 m in 30 lineal metres, the Development Authority may determine grade by calculating the average of the highest and lowest elevation on the parcel or above top of bank. Amended by Bylaw #199/17; or

(c) The Development Authority may determine grade by calculating the average of the pre-development elevations at the corners of the parcel as shown on a reliable survey; or

(d) The Development Authority may determine grade by calculating the average elevation of the corners of the main buildings on all properties abutting the subject parcel.”

6. Part One: General 1.3 Definitions

Proposed Definition:

“church camp cottage(s) means a dwelling unit which is separate from any other building but does not include a manufactured dwelling unit, guest house or temporary building.”

7. Part One: General 1.3 Definitions

Proposed Definition:

“parcel coverage means the total percentage of the parcel area covered by buildings or Structures, including but not limited to the main building and any additions to it (e.g. covered decks), hard-surfaced parking facilities, driveways, outdoor storage and display areas, hard landscaped areas including gravel, reclaimed pavement, crushed rock, artificial turf, and all impervious surfaces but does not include steps, eaves, or similar projections permitted in this Land Use Bylaw.”

8. Part One: General 1.3 Definitions

Proposed Definition:

“guest house means an accessory building containing sleeping facilities for

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temporary usage only and can include bedrooms, bathrooms, and a kitchen. A guest house provides overflow accommodation for a detached dwelling located on the same parcel, is not available for rent by a third party, and does not include recreational vehicles and sea cans.”

9. Part One: General 1.3 Definitions

Remove Current Definition:

“Permanent resident means a person, excluding a person(s) who occupies a cottage in the Church Camp Cottage District:

- (a) with a valid Alberta driver’s license and/or any government issued identification which shows an address situate in the Summer Village of Birchcliff;
- or
- (b) whose usual mailing address is in the Summer Village of Birchcliff; or
- (d) whose place of residence pursuant to the Local Authorities Elections Act is the Summer Village of Birchcliff;

10. Part One: General 1.7 Establishment of Fees

Proposed Regulation:

“Development Permit application fees and fees for other matters arising through this Land Use Bylaw will be established by Council in the Summer Village of Birchcliff Fees Bylaw. Council may amend the bylaw to increase, decrease or establish new fees by an amendment bylaw.”

**11. Part Two: Development Permits, Contravention & Appeal 2.2
Development Not Requiring a Development Permit**

Add Regulation:

(12) “Provided the zoning setbacks are met a development permit is not required for a non-enclosed and/or 3-sided building such as but not limited to, pergolas, woodsheds, and arbours with a floor area of 9.94 m² (107ft.²) or less and height of 2.50m (8.20ft.) or less.”

**12. Part Two: Development Permits, Contravention & Appeal 2.3
Permission for Development**

Add Regulation:

(k) “Where a proposed development or redevelopment is within 30.0 m (98.4 ft.) of the top of bank or high-water mark of Sylvan Lake, a Development Design Plan shall be submitted as part of a development permit application and enforced as a condition of approval. Determining which feature (top of bank or the high-water mark of Sylvan Lake) is appropriate will be at the discretion of the Development Authority. Submission of the Development Design Plan shall be in accordance with the applicable policies of the Sylvan Lake Intermunicipal Development Plan.”

13. Part Three: Supplementary Regulations 2.3 Objects Prohibited or Restricted in Yards

Add Regulation:

(f) “No person shall allow a sea can to be placed on a parcel other than during construction with an approved development permit.”

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14. Part Three: Supplementary Regulations 2.3 Objects Prohibited or Restricted in Yards

Remove Regulation:

(d) “No person shall allow a vehicle of more than 1,000 kg (2,204.62 lbs) Gross Vehicle Weight to be parked or stored in residential districts, except boats, boat trailers, school buses and recreational vehicles.”

15. Part Three: Miscellaneous 4(5) Landscaping, Environmental Conservation & Development

Add Regulation:

(f) As a condition of subdivision or development approval, a security in the form of an irrevocable letter of credit may be required by the Development Authority, up to the value of one hundred fifty percent (150%) of the estimated cost of the proposed landscaping to ensure that the landscaping is carried out with reasonable diligence (in accordance with the approved landscaping plan), to the satisfaction of the Development Authority. A condition of the security shall be that the landscaping shall be completed in accordance with this Bylaw and the plan within (1) growing season after the completion of the development. If the landscaping does not survive a two (2) year maintenance period, the amount shall be paid to the Summer Village to complete the landscaping.

16. Part Three: Supplementary Regulations 4.1 Miscellaneous

Proposed Regulation:

4(7)(a) “As a condition of subdivision approval, Environmental Reserves can be taken according to Section 664 of the Act; either in the form of a lot (ownership transferred to the Summer Village) or as an Environmental Reserve Easement (private ownership is retained). The Summer Village may require that the proponent provide hazard land as Environmental Reserve as a condition of subdivision approval.”

17. Part Four: Land Use District Regulations, Back-Lot Residential (R2)

Proposed Regulation:

Site Development: 1(b)(i) “7.62 m (25 ft.) to the habitable dwelling unit from the side parcel boundary”

18. Part Four: Land Use District Regulations, Church Camp Cottage District (CC2)

Proposed Regulation:

“To provide an area for residential accommodation for the members of the Alberta and the Northwest Territories District of the Pentecostal Assemblies of Canada and their affiliates.”

Written submissions received were read into the record by the Development Officer from:

Steven Johnson, 415 Birchcliff Road
– not in support of item

#6: 1.3 Definitions – “Church Camp Cottage”

Item #10: 1.3 Definitions – Removing “Permanent Resident”

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Item #18: Land Use District Regulations – Church Camp Cottage District (CC2)

Margaret Phelan, 131 Birchcliff Road

- not in support of amendments for Church Camp items #6, #10, and #18.

The floor was opened to comments from the public.

Rod Peake, Church Camp

- supports proposed amendments

Thom Jewell, 385 Birchcliff Road

- not in support of amendments to Church Camp

Steven Johnson, 415 Birchcliff Road

- nothing to add

David Harink, Church Camp

- in support of amendments

Mayor Dufresne asked if anyone else would like to speak. Seeing there were no further comments, Mayor Dufresne thanked everyone for coming and those who provided written and verbal comments.

Mayor Dufresne declared the Public Hearing for Bylaw 235-22 closed at 10:33 a.m. and cautioned that no further comments or submissions would be received.

Council break at 10:33 a.m.

Council reconvened at 10:40 a.m.

BCC-22-109 Tax Penalty Removal Request Continued
MOVED by Mayor Dufresne that Council approve the request to cancel tax penalties for the properties located at 365 Birchcliff Road, 367 Birchcliff Road, and 375 Birchcliff Road, with Administration to apply credit to next year's taxes.

CARRIED

COUNCIL & LEGISLATION

BCC-22-110 Strategic Planning
MOVED by Deputy Mayor Zacharias that Administration seek cost estimates on potential projects for 2023 and 2024.

CARRIED

BCC-22- 111 Resident Letter
MOVED by Mayor Dufresne that Council accept the resident letter regarding the Adeara's Addition Recovery Centre as information and Administration to send information about public meeting to residents and post on the website.

CARRIED

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PLANNING & DEVELOPMENT

Bylaw #235-22 Land Use Bylaw
BCC-22- 112 MOVED by Mayor Dufresne that Council revisit the proposed Church Camp revisions in 2023 and remove them from Bylaw #235-22.
CARRIED

BCC-22-113 MOVED by Mayor Dufresne that Council give second reading to the Land Use Bylaw Amendments Bylaw #235-22 as amended.
CARRIED

BCC-22-114 MOVED by Deputy Mayor Zacharias that Council give third and final reading to the Land Use Bylaw Amendments Bylaw #235-22 as amended.
CARRIED

COUNCIL REPORTS

Deputy Mayor Zacharias

- No reports

Mayor Dufresne

- Meeting with people from Climate Caucus

Councillor Tirpak

- No reports

COMMITTEE REPORTS

Julie Maplethorpe, Summer Village of Jarvis Bay

- Town of Sylvan Lake Library Board

BCC-22-115 MOVED by Deputy Mayor Zacharias that Council accept the Council and Committee reports as information.
CARRIED

NEXT MEETING

BCC-22-116 MOVED by Mayor Dufresne that the next meeting of Council be held October 13, 2022, at 1:00 p.m.
CARRIED

Council break at 12:40 p.m.

Council reconvened at 12:45 p.m.

CLOSED SESSION

BCC-22-117 MOVED by Mayor Dufresne that Council move to a closed session as per FOIP section 25 at 12:46 p.m.
CARRIED

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BCC-22-118 MOVED by Mayor Dufresne that Council return to an open meeting at 1:50 p.m.

CARRIED

ADJOURNMENT

BCC-22-119 MOVED by Mayor Dufresne that being the agenda matters have been concluded, the meeting adjourned at 1:50 p.m.

ROGER DUFRESNE, MAYOR

TANNER EVANS, CAO