

**TOWN OF SMOKY LAKE
PUBLIC HEARING MEETING
TOWN COUNCIL CHAMBERS
September 4, 2018 4:00 p.m.**

PRESENT:	Hank Holowaychuk Daniel Kotylak Terry Makowichuk Ross Whitelaw	Mayor Deputy Mayor Councillor Councillor
STAFF IN ATTENDANCE:	Adam Kozakiewicz Crystal Letwin Joan Prusak	Chief Administrative Officer Finance Assistant / Legislative Services Account Payable/Development Officer
REGRETS:	Melody Morton	Councillor

PUBLIC HEARING:

Town of Smoky Lake - Land Use Bylaw 007-18

Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd. in attendance.

General Public: 1 member of the Public in attendance.

Bylaw No. 007-18: The Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used, and buildings can be either constructed or relocated) in the Town of Smoky Lake. Regulations vary depending on the location and types of development.

1. OPENING

Mayor Holowaychuk declared the Public Hearing open at 4:12 p.m. The Mayor stated he will Chair the Public Hearing, introduced the Council to the Public and welcomed all persons in attendance.

The Mayor outlined the ground rules and the order of speaking will be:

Procedure Outline:

1. The Council is here to listen to the information presented, and to make decisions on the matter that is the subject of the hearing.
2. This is a formal hearing and is not a debate. Everyone wishing to speak will be given an opportunity to speak once to the matter.
3. All persons wishing to be heard at this public hearing should sign in on the sign in sheet (located on the table at the front of the Council Chambers) giving their name and address.
4. The Chair shall call upon those individuals who have pre-registered on the sign-in sheet giving their names will speak first.



5. Persons who do not sign in shall speak only after all those who signed in have given their presentations. We ask that anyone who wishes to speak but has not yet signed in, please sign in now.
6. An individual who does not identify himself or herself will not be given the opportunity to speak.
7. Public Hearing Presentations – will proceed as follows:
 - 7.1 those speaking in support (in favour);
 - 7.2 those speaking opposed (against);
 - 7.3 follow up questions from Members;
 - 7.4 questions of the Administration from Members.
8. Councillors will be given the opportunity to ask questions,
9. Council will then end the Hearing and consider the information received at the public hearing,
10. Only Councillors may ask questions of speakers during the Hearing. If any persons wish to ask questions of a speaker, they must ask Council to ask the question on their behalf during their presentation, and Council will only ask the question if a Councillor wishes to have an answer.

The Mayor at this time asked Chief Administrative Officer, Kozakiewicz to confirm that the Public Hearing has been advertised and notice has been provided in accordance with applicable legislation.

Chief Administrative Officer, Kozakiewicz replied: Yes, it has Mr. Chairman. The Public Hearing Notice for Land Use Bylaw No. 007-18 was advertised in the Smoky Lake Signal during the week of August 21, August 28 and September 4, 2018. The deadline to receive public written submissions was Thursday, August 30, 2018 at 12:00 p.m.

**2.0 STAFF
PRESENTATION**

The Mayor asked the Chief Administrative Officer, Kozakiewicz to summarize the purpose of the Hearing.

Chief Administrative Officer, Kozakiewicz replied: The purpose of this hearing is for the Town of Smoky Lake to obtain public input, in favour and opposed to proposed Land Use Bylaw No. 007-18: to establish regulations on how land can be developed (that is, how land can be used, and buildings can be either constructed or relocated) in the Town of Smoky Lake. Regulations vary depending on the location and types of development.

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: I have been working on the Town of Smoky Lake's Land Use Bylaw with Town Council and Administration for a few years now to reflect the needs of the community. As part of the public consultation requirements to ensure Town




Council and Administration have provided input from the public, a Public Open House was held on Tuesday, July 31, 2018 to notify the community and stakeholders of the project.

Additionally, the last round of review, Town Council and Administration noted that there were some properties that should be re-districted as a result of improvements to infrastructure in the community specifically from Urban Reserve to R1 (Residential) District as it has developed over time and our office has contacted the residents to clarify what is being proposed. The biggest concern of the residents was that if they have their property re-zoned does that mean their taxes will increase and I assured them it would not have a direct effect on their property taxes.

Administration also noted to me that there were a couple of properties (UFA and Centex area) that historically have not been in the right district, if something were to happen to their property they would be unable to re-build due to the incorrect zoning so they are least likely to have any concerns but currently have not been able to get a response back from whether they have any concerns.

Our office has not received any written submissions of Land Use Bylaw 007-18. Generally speaking our recommendation to Town Council at a public hearing is that if you do have people speaking in favour or against the bylaw that you postpone second and third readings until your next meeting to give you the opportunity to carefully consider what you hear at the hearing.

During the first reading, you had questions that have not yet been addressed specifically to the width of manufactured homes and RMH 1 District, so we may need to amend the first motion of the bylaw to address the considerations.



Background:

- The Public Open House was held at the Smoky Lake Curling Club on Tuesday, July 31, 2018.
- A notice has also been posted on the Town of Smoky Lake's website.
- First reading took place at the August 21, 2018 Regular Council Meeting (Motion no. 3528/18)
- The Public Hearing Notices were advertised in the Smoky Lake Signal on August 21 & 28, 2018 and September 4, 2018. The proposed Bylaw was advertised, and notice has been provided in accordance with the applicable legislation.
- The deadline to receive public written submissions was Thursday, August 30, 2018 at 12:00 p.m.
- This hearing has been scheduled to obtain public input on proposed Bylaw in accordance with Section 230 of the Municipal Government Act on September 4, 2018 at 4:00 p.m. in the Town Council Chambers.

**3.0 PUBLIC
PRESENTATION:
WRITTEN
SUBMISSIONS**

The Mayor asked Chief Administrative Officer, Kozakiewicz if there were any written submissions received.

Chief Administrative Officer, Kozakiewicz replied: No, we have not.

The Mayor asked if Council has any questions or points of clarification they wish to ask CAO, Adam Kozakiewicz or Planner, Jane Dauphinee.

Question: Councillor Makowichuk: The people that never responded in the highway commercial, was the notice sent to the title address?

Comment: Joan Prusak: I provided Municipal Planning Services with what was on the land title.

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: Our office also called and left messages with the larger company and never returned our calls.

Comment: Chief Administrative Officer, Kozakiewicz: Both of those changes we made were to make those businesses comply with what they're doing. Not sure how they ever received development permits in the past as they are zoned incorrectly, so we want to correct them moving forward.

Question: Chair, Mayor Holowaychuk: Regarding the UFA and Centex properties that we are discussing, what were they previously zoned at versus what we are amending them to be?

Handwritten initials of the Mayor and CAO. The Mayor's initials are 'AH' and the CAO's initials are 'JK'.

Comment: Chief Administrative Officer, Kozakiewicz: I do believe it was industrial.

Question: Chair, Mayor Holowaychuk: Jane, you mentioned if something happened that they had to re-build the previous zoning would not allow them to do that?

Comment: Chief Administrative Officer, Kozakiewicz: In our bylaw it states that if their business was damaged more than 40 or 60 percent, they wouldn't be able to re-build without special rezoning process.

Chair, Mayor Holowaychuk addressed the room and asked if anyone had anymore questions? Consensus was no.

**4.0 PUBLIC
PRESENTATION:
AT THE PUBLIC
HEARING**

In Favour:

Member of the General Public, Don Rothnie, Town of Smoky Lake Tax Payer - I am not for or against, I just have concerns:

- Why did I receive my notice in August when the Open House was scheduled for July 31, 2018?
- My second concern is the 12 ft width for the RMH1 District
- The terminology is unclear "utilities shall be provided" to me means you shall provide all utilities to me for free. My concern is you need to clarify the bylaw so people purchasing understand.

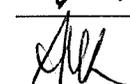
Against:

There were no members of the public against.

Question: Councillor Makowichuk: Regarding your first concern of the Public Open House, when did you receive notification?

Comment: Don Rothnie: August 3, by mail. The paper was unclear to me as to what piece of land it was referring to.

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: Originally, we were not going to directly notify persons of the community through mail and then had a discussion with Administration a little late regarding the mapping amendments. We recommended everyone else would be directly notified of the proposed mapping amendment and the letter was sent July 26, 2018. I agree it was not a lot of time before the Open House. The wording of the letter was to advise folks of the open house and request landowners provide comments regarding the proposed changes to Municipal Planning Services by September 14, 2018. So, it did provide a lot of time to provide comment.



There was an invitation and opportunity to continue to have dialogue with us after the Public Open House before the documents were presented for first reading.

Question: Councillor Makowichuk: So, was it mailed out from Edmonton or Smoky Lake?

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: Edmonton, our office sent those.

Question: Chair, Mayor Holowaychuk: Can you provide more clarification on item 2 regarding 12 ft. width to RMH1 District?

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: In the RMH1 District, there is a regulation that states minimum width of manufactured homes on a lot within that district be 12 feet. I believe the concern is that it may attract older manufactured homes. Currently there aren't many homes in that area so now would be the opportunity to require a larger square footage to keep the character of the neighborhood. It would make more sense to increase the minimum width requirement for a manufactured home in this district to be more consistent with industry standards and if you want to entertain "tiny homes" in the future, to look at that when the opportunity presents itself and perhaps create a special district for it.

Question: Chair, Mayor Holowaychuk: By going to the larger size, would that create any issues with setbacks and variances?

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: It will not as the lots are too small, we spoke to Administration before whether it would make sense to consolidate two (2) lots and because the Town is the owner of the lots, that is something you could do. If you increase the width of manufactured homes, you would almost be compelled to consolidate those lots because they are too narrow.

Comment: Chief Administrative Officer, Kozakiewicz: If I can add to that, it shows online that you can purchase 16-foot-wide manufactured homes brand new from an Alberta builder. What was suggested was perhaps we can change the bylaw that no manufactured home be put in that's less than ten (10) years old. I believe our concern is not necessarily the size of the home, but the age.

Question: Chair, Mayor Holowaychuk: At the Public Open House, your staff indicated something not similar to width but changes in RMA 240 or electrical code?



Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: We used to put a requirement in that said no manufactured home can be in the community unless it meets Z240 standards which are the most current standards. One of the challenges with this construction is the standards change very frequently. This can be frustrating for some municipalities, so they have stated that the home cannot be older than ten (10) years old.

Question: Chair, Mayor Holowaychuk: Can you clarify Don's third concern regarding utilities, Jane?

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: I'm not sure which section he is referring to but makes a good point. If the wording of that provision is not clear to folks, it should be the developer who is responsible for all costs associated with the development. That provision could be reworded to clarify who the "developer" is. After the hearing, Administration can direct Municipal Planning Services to provide recommendations.

5.0 Questions and Answers:

Mayor Holowaychuk asked if any Council have any further questions or points of clarification?

Question: Deputy Mayor Kotylak: Yes, there seems to be a mapping issue that needs to be clarified on page 150.

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: Right, it looks like there needs to be a mapping change on page 150 of the maps. There was a lot that had a shop on it and shows as Residential and it should be shown as Industrial or Commercial which I will clarify after the hearing.

Comment: Don Rothnie: No further questions, just waiting to see the changes you make.

Question: Councillor Makowichuk: Even though industry standard is not 12 feet, what happens if a person wants to put a custom built one that's 12 feet and brand new?

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: If you make the change to larger than 12 feet, they would have to apply for a variance and the development authority could approve the variance.

Question: Councillor Makowichuk: Is there a pre-set twenty (20) percent or ten (10) percent variance?

Comment: Chief Administrative Officer, Kozakiewicz: About twenty-five (25) percent.



Comment: Councillor Makowichuk: I would hate for someone to be discourage if somebody that wants to build whether it be elderly or whoever gets rejected because it's not 16 feet when you can get anything custom built now in RMH. If the twelve (12) foot concern is just for the year, instead of changing the twelve (12) foot, we just go to the year and leave the 12 foot.

Comment: Jane Dauphinee, Principal / Senior Planner, Municipal Planning Services Ltd.: Yes, you could do that, the way your powers and variance are drafted in this document, it's a little bit different than your previous document, and it says that your development officer has the ability to vary up to twenty-five (25) percent. And if someone wanted something greater than twenty-five (25) percent than it gets referred to the Municipal Planning Commissioner. The only thing you cannot vary in a Land Use Bylaw is the use. You can vary height and width. Any time a variance is requested, the permit issued becomes appealable.

**6.0 Closing
Remarks:**

Chair, Mayor Holowaychuk: There being no further presentations. I would like to thank all presenters for their comments. Council will take your comments into consideration when deciding on this matter and will render a decision at the Regular Council Meeting held at 5:00 p.m. on September 4, 2018.

I declare the public hearing on proposed Bylaw No. 007-18: Land Use Bylaw No. 007-18 closed at 4:56 p.m.



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer

Mayor Initials 
CAO Initials 