



MPC AGENDA

Meeting: September 10, 2018 6:30 p.m.
Council Chambers
502 – 2 Avenue Bassano

1. CALL TO ORDER
2. EXCUSED FROM MEETING
3. ADOPTION OF AGENDA
4. ADOPTION OF MINUTES
 - 4.1 August 20, 2018 MPC Meeting
5. DEVELOPMENT REPORT
 - 5.1 September 10, 2018
6. DEVELOPMENT PERMITS/REQUESTS
 - 6.1 Variance Request – Legal-Non-Conforming – Plan 051 0383, Block 29, Lot 41
7. SUBDIVISIONS

n/a
8. INFORMATION ITEMS

n/a
9. QUESTION PERIOD
10. IN CAMERA

n/a
11. ADJOURNMENT



MINUTES OF THE MUNICIPAL PLANNING COMMISSION
MEETING OF THE TOWN OF BASSANO HELD IN COUNCIL
CHAMBERS ON AUGUST 20, 2018

PRESENT

CHAIR: Tom Rose
BOARD MEMBERS: Kevin Jones
Ron Wickson
John Slomp
Wanda Wallace
Doug Barlow
Lynn MacWilliams

STAFF: Amanda Davis – Development Officer

1. **CALL TO ORDER**

Chair Rose called the meeting to order at 6:34 p.m.

2. **EXCUSED FROM MEETING**

2.1 Lynn MacWilliams

3. **ADOPTION OF AGENDA**

024/18 Moved by **MEMBER JONES** that the agenda be approved as presented.

CARRIED

4. **ADOPTION OF MINUTES**

4.1 **Adoption of minutes from the Municipal Planning Commission meeting on June 4, 2018.**

025/18 Moved by **MEMBER SLOMP** that Municipal Planning Commission minutes of June 4, 2018 are approved with the amendment that Member Barlow was present at the meeting.

CARRIED

5. DEVELOPMENT REPORT

5.1 Adoption of the development report for the period ending August 20, 2018.

026/18 Moved by **MEMBER WICKSON** that the development report for the period ending August 20, 2018 is approved as presented.

CARRIED

6. DEVELOPMENT PERMITS/REQUESTS

6.1 Basement redevelopment – legal non-conforming – Plan 3872T; Block 7, Lot 7

027/18 Moved by **MEMBER WALLACE** that the Municipal Planning Commission approves Development Permit TOB-D-13/18, allowing for a waiver for the minimum setback from the northeast property line with the following conditions:

1. That the applicant secures the perimeter of the property with snow fence or chain link fence during construction.
2. That safety signage is erected on the site to indicate an open excavation.
3. That the applicant obtains all secondary permit disciplines.
4. That the applicant completes an Alberta OneCall prior to any construction.
5. That the applicant and the towns public works department arranges for the temporary disconnection of municipal services.
6. That all construction debris is removed from the property by October 31, 2018. Construction debris is defined as dirt piles and excess building material.

CARRIED

7. SUBDIVISIONS

None

8. INFORMATION ITEMS

None

9. QUESTION PERIOD

None

10. IN CAMERA

None

11. ADJOURNMENT

Chair Rose adjourned the regular Municipal Planning Commission meeting of August 20, 2018 at 6:48 p.m.

Chairperson

Chief Administrative Officer



DEVELOPMENT REPORT

Meeting: September 10, 2018 MPC

Agenda Item: 5.1

Amanda Davis, Interim Chief Administrative Officer

The following development permits were issued between August 21, 2018 – September 10, 2018:

PERMIT NUMBER	LOCATION	DEVELOPMENT
<i>none</i>		

As recommended by the Development Officer, the MCP approved development permit TOB-D-13/18 (basement redevelopment – legal non-conforming) on August 20, 2018.

Moved by **MEMBER WALLACE** that the Municipal Planning Commission approves Development Permit TOB-D-13/18, allowing for a waiver for the minimum setback from the northeast property line with the following conditions:

1. That the applicant secures the perimeter of the property with snow fence or chain link fence during construction.
2. That safety signage is erected on the site to indicate an open excavation.
3. That the applicant obtains all secondary permit disciplines.
4. That the applicant completes an Alberta OneCall prior to any construction.
5. That the applicant and the towns public works department arranges for the temporary disconnection of municipal services.
6. That all construction debris is removed from the property by October 31, 2018. Construction debris is defined as dirt piles and excess building material.

The applicant received notice from the Building Inspector, that the Building Permit application made to Superior Safety Codes was non-complaint as well. To proceed with the project, the applicant was required to:

- a. Build a fire wall if the house was to remain within a two-foot side yard setback, OR
- b. Move the house and foundation a minimum of four feet from the property line.

The applicant chose option b. The house still does not conform with the minimum side-yard setback within the town's LUB. However, the motion authorized by the MPC enables the applicant to proceed per the variance.

Land Use Bylaw (LUB) Update

Two LUB revisions are being considered by council on September 10, 2018.

1. Land Use Bylaw #880/18 – this will repeal LUB #845/13 and it addresses required administrative changes.

Overview

Recent amendments to the *Municipal Government Act* aim to provide a record of communication between applicants and municipalities. Also, the changes introduce timelines when specific communication occurs. The proposed amendment to the LUB consists of revised administrative requirements.

The current Administration section is deficient in complying with many of the new *Municipal Government Act* requirements. The proposed revisions are intended to administer the land use bylaw in a manner that complies with the *Municipal Government Act* and provides better guidance for the Development Officer and the general public.

2. Land Use Bylaw Amendment #881/18 addresses recreational marijuana.

Background

The Federal government will make recreational cannabis legal on October 17th, 2018 throughout the country. Each province is responsible for non-medical sales, licensing, public consumption, safety and enforcement related to cannabis.

In Alberta, the *Alberta Gaming and Liquor Commission (AGLC)* is responsible for managing the distribution and sale of recreation cannabis. The Government of Alberta has introduced its regulations on cannabis which include details on the licensing requirements for cannabis retailers and the various aspects of regulation as managed through the *Alberta Gaming and Liquor Commission (AGLC)*. The Regulations provide criteria that can be addressed through the development standards in the LUB.

As a follow-up to earlier discussions, the proposed changes to the land use bylaw will guide the distribution of recreational cannabis in Bassano. These changes are as follows:

- Allow retail cannabis as a "Discretionary Use" in the Commercial C1, Highway Commercial C2 and Industrial Commercial IC Districts in the town;
- Prohibit retail cannabis within a 75m buffered area from schools and hospitals;
- The number of stores will not be restricted and will be determined by the market

The details regarding the proposed LUB's is included as information only. An update regarding the outcome of the proposed changed will be presented at the next MPC meeting.

Regional Projects

As of August 20, 2018, the Town of Bassano is a participating member of the regional Subdivision and Development Appeal Board (SDAB) committee. Participating members include:

- City of Brooks
- County of Newell
- Town of Bassano
- Village of Rosemary
- Village of Duchess

Attachments:

1. n/a



REQUEST FOR DECISION

Meeting: September 10, 2018 MPC
Agenda Item: 6.1

Variance Request – Legal Non-Conforming – Plan 051 0383, Block 29, Lot 41 Development Permit Application TOB-D-15-18

BACKGROUND:

The town completed a compliance certificate on Plan 051 0383, Block 29, Lot 41 (301 – 9th Avenue, Bassano) as requested by Leis & Fischer.

As stated within the compliance certificate, there is one deficiency. The development does not meet the minimum front yard setback. The deck is located 6.49 meters. The minimum front yard setback is 7.6 meters pursuant to Land Use Bylaw 845/13.

To complete the sale of this property, a variance has been requested. The variance would allow the front deck to remain in place. Otherwise, the deck would have to be removed/reduced in size to bring it into compliance.

Considerations:

1. The development is existing.
2. Any future development would have to conform to the town's Land Use Bylaw. Simply put, the purchaser would not be permitted to make any changes to the deck unless it conforms to the bylaw.

Development timeline: n/a

OPTIONS:

#1 – Approve Development Permit TOB-D-15-18, allowing for a waiver for the minimum setback from the east property line from 7.6 meters to 6.49 meters with the following conditions:

1. That any future development (demolition or new) must be in compliance with the Town of Bassano's Land Use Bylaw which is subject to change from time to time.

#2 – Reject Development Permit TOB-D-15-18, until the applicant achieves compliance with Land Use Bylaw #845/13.

PROPOSED RESOLUTION:

That the Municipal Planning Commission approves Development Permit TOB-D-15-18 allowing for a waiver for the minimum setback from the east property line from 7.6 meters to 6.49 meters with the following conditions:

1. That any future development (demolition or new) must be in compliance with the Town of Bassano's Land Use Bylaw which is subject to change from time to time.

Prepared By: Amanda Davis, Development Officer

Attachments:

1. Development Permit Application TOB-D-15-18
2. Compliance Certificate dated August 27, 2018

Date of Application: August 29, 2018

Development Permit Application No. [REDACTED]

IMPORTANT NOTICE: This application does not permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If approval has not been received within 40 days of the date the application is deemed complete, you have the right to file an appeal to the Subdivision and Development Appeal Board.

**THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.**

APPLICANT INFORMATION

Name of Applicant: [REDACTED]
Mailing Address: [REDACTED] Phone: [REDACTED]
Phone (alternate): _____
City: Medicine Hat, AB Fax: [REDACTED]
Postal Code: T1B 4E7 Email: [REDACTED]

Is the applicant the owner of the property? Yes No
IF "NO"

Name of Owner:	<u>[REDACTED]</u>	Phone:	<u>[REDACTED]</u>
Mailing Address:	<u>[REDACTED]</u>	Phone (alternate):	<u>[REDACTED]</u>
City:	<u>Passano, AB</u>	Fax:	_____
Postal Code:	<u>T0J 0B0</u>	Email:	<u>[REDACTED]</u>
Applicant's Interest in the property:	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Contractor <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____		

PROPERTY INFORMATION

Municipal Address: 301-9 Avenue Roll Number: 444000
Legal Description: Lot(s) 41 Block 29 Plan 0510383
Land Use District: Residential - R1
What is the existing use? single family dwelling

DEVELOPMENT INFORMATION

This application is for: (Check all that apply)

- Construct a new dwelling (if greater than 500 ft² see abandoned well information section)

The dwelling is a:

- Single-unit dwelling
 2 unit, 3 unit or 4 unit dwelling
 Manufactured home
 Moved-in dwelling
 Other _____

- Alter/renovate the existing building

The renovation is a:

- Addition (if greater than 500 ft² see abandoned well information section)
 Deck(s) (if greater than 500 ft² see abandoned well information section)
 Other _____

- Other _____

Describe the proposed use, any changes from existing use, and any work to be done.

BUILDING REQUIREMENTS

Principal Building		Accessory Building	
Parcel Size	<input type="checkbox"/> m ² <input type="checkbox"/> sq. ft.	<input type="checkbox"/> m <input type="checkbox"/> sq. ft.	
Building Size	<input type="checkbox"/> m ² <input type="checkbox"/> sq. ft.	<input type="checkbox"/> m <input type="checkbox"/> sq. ft.	
Height of Building	<input type="checkbox"/> m <input type="checkbox"/> ft.	<input type="checkbox"/> m <input type="checkbox"/> ft.	
Proposed Setbacks from Property Lines			
Front	<input type="checkbox"/> m <input type="checkbox"/> ft.	<input type="checkbox"/> m <input type="checkbox"/> ft.	
Rear	<input type="checkbox"/> m <input type="checkbox"/> ft.	<input type="checkbox"/> m <input type="checkbox"/> ft.	
Side	<input type="checkbox"/> m <input type="checkbox"/> ft.	<input type="checkbox"/> m <input type="checkbox"/> ft.	
Side	<input type="checkbox"/> m <input type="checkbox"/> ft.	<input type="checkbox"/> m <input type="checkbox"/> ft.	
Parcel Type:	<input type="checkbox"/> Interior Lot	<input type="checkbox"/> Corner Lot	

WAIVERS

Is a waiver of one or more standards of the Land Use Bylaw being requested?

Yes No

If yes, please specify: variance to reduce the front setback from 7.6 meters to 6.49 meters.

ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 sq. ft. (47 sq. m.), or
- additions to buildings that will result in the building being this size or larger.

If your development proposal fits the criteria above, you are required to do the following:

1. Obtain map and well information

Please go to the ERCB's Abandoned Well Viewer (viewer) on the ERCB website at www.ercb.ca. The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

If you do not have Internet access or have questions about the information provided by the viewer, you may contact:

- the ERCB Customer Contact Centre by telephone at: 1-855-297-8311 (toll-free), or
- by e-mail at: inquiries@ercb.ca, or
- the ERCB Information Services by mail at: Suite 1000, 250 - 5 Street SW, Calgary, Alberta T2P 0R4.

2. Submit the following as part of your development permit application

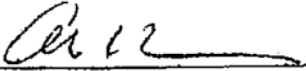
- the ERCB information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or ERCB Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the ERCB Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.


DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).



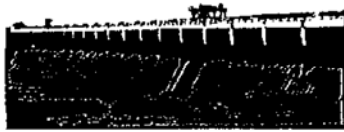
APPLICANT



Registered Owner (if not the same as applicant)
Solicitor for Registered
Owner



"The Best in the West by a Damsite"



Chief Administrative Office
502 - 2nd Avenue
P.O. BOX 299
BASSANO, ALBERTA T0J 0B0

PHONE: 403-641-3788
FAX: 403-641-2585
www.bassano.ca

August 27, 2018

Leis & Fischer
Bassisters & Solicitors
Suite #1, 1364 Southview Drive, SE
Attention: Robert K. Fischer

Dear Mr. Fischer,

Re: Compliance Certificate – Plan 051 0383; Block 29; Lot 41 (301 -9th Avenue)

Please be advised that the above-mentioned property is designated Residential – R1 within the Town of Bassano Land Use Bylaw No. 845/13. A review of the Real Property Report dated August 1, 2018 and signed by Cameron Christianson, Alberta Land Surveyor, which is attached hereto and forms part of this letter shows that the location of the building does **not** comply with the setback requirements of Land Use Bylaw 845/13.

- a. Deficiency - the development does not meet the minimum front yard setback. The deck is located 6.49 meters and the minimum front yard setback is 7.6 meters.

To bring the current building into compliance a permit (variance) application can be applied for to reduce the front setback from 7.6 meters to 6.49 meters.

The position of the Town is based solely on the information contained in the survey document referred to in paragraph(s) above. Only compliance or non-compliance of principle and accessory buildings (larger than 100 sq. ft.) within the subject property shown on the survey document has been addressed in this letter. The Town of Bassano make no representation as to buildings, improvements or measurement incorrectly shown or not shown on the survey document.

The Town has not in any way verified, checked or reviewed any document, plan, affidavit, statutory declaration or letter provided and exclusively and strictly relies upon the author or signatory for accuracy and veracity of all statements and details provided.

If you have any questions in regards to this Compliance Certificate please do not hesitate to contact the undersigned at 403-641-3788.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda Davis', written in a cursive style.

Amanda Davis
Interim CAO

Encl.

ALBERTA LAND SURVEYOR 'S REAL PROPERTY REPORT

BY: CAMERON CHRISTIANSON, A.L.S. 2018

TO: LEIS & FISCHER LAW OFFICE
 SUITE 1, 1364 SOUTHVIEW DRIVE, S.E.
 MEDICINE HAT, ALBERTA
 T1B 4E7

ATTN: KALLE KINGSLEY (FILE: PAULSON)



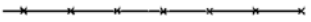
RE: LOT 41
 BLOCK 29, PLAN 961 051 0383

TOWN OF BASSANO

301 Ninth Avenue
 (the "Property")

Date of Survey: July 31, 2018
 Date of Title Search: July 25, 2018
 (A copy of which is attached hereto)

LEGEND

Distances are in metres and decimals of a metre.
 Measurements which pertain to Buildings refer to foundation unless shown otherwise.
 Statutory Iron Post found in the past or with this survey are shown thus .
 Calculated position is shown thus .
 Fences if shown, are shown thus  (No Fences)
 H stands for Height, m stands for Metres,
 PP stands for Power Pole, PA stands for Pole Anchor, UB stands for Utility Box

CERTIFICATION

I hereby certify that this report, which includes the attached plan and related survey was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors' Association and supplements thereto. Accordingly within those standards as of the date of this report, I am of the opinion that:

1. the plan illustrates the boundaries of the property, the improvements as defined in Part D, Section 8.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, registered easements and rights-of-way affecting the extent of the title to the property;
2. the improvements are entirely within the boundaries of the property, except for Concrete Driveway which extends into Road as shown.
3. no visible encroachments exist on the property from any improvements situated on an adjoining property,
4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of property.

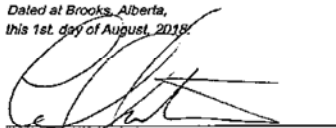
NOTES

No portable sheds existed on the property at time of survey.
 Some or all survey monuments shown found in this report may have been located with a previous survey and referenced to drill holes placed in sidewalks.

PURPOSE

This Report and related plan have been prepared for the benefit of the Property owner, subsequent owners and any of their agents for the purpose of a land conveyance, a mortgage application and submittal to the municipality for a compliance certificate.
 Copying is permitted only for the benefit of these parties, and only if the plan remains attached. Where applicable, registered easements and utility rights of way affecting the extent of the property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this report. The attached plan should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user.
 The information shown on this Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

Dated at Brooks, Alberta,
 this 1st. day of August, 2018



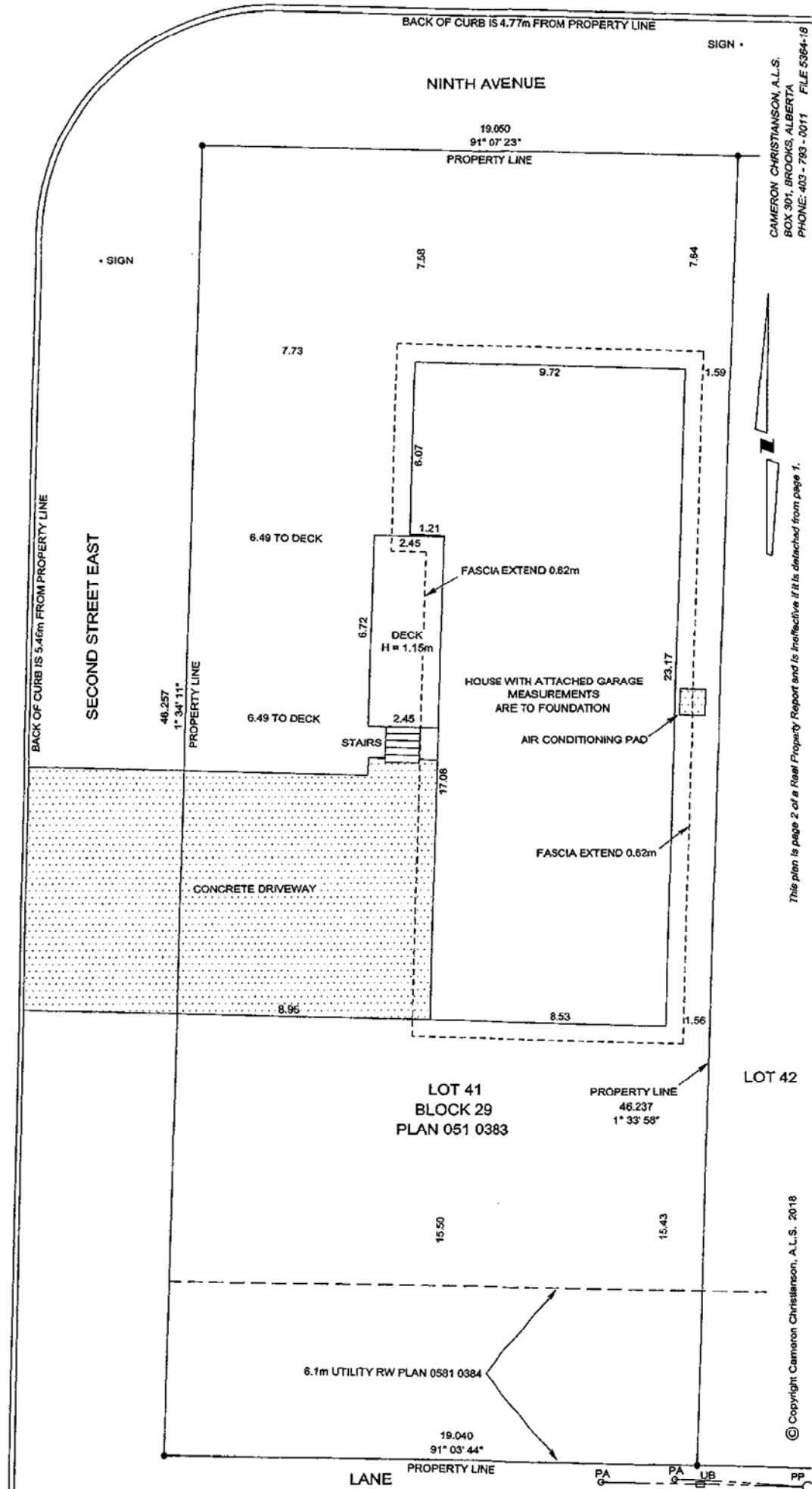
Cameron Christianson, A.L.S.
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This document is not valid unless it bears an original signature in blue ink.

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT PAGE SHOWING PROPERTY FEATURES

BY: CAMERON CHRISTIANSON, A.L.S. 2018

SCALE: 1/125



CAMERON CHRISTIANSON, A.L.S.
BOX 301, BROOKS, ALBERTA
PHONE: 403 - 793 - 0011 FILE 6384-18

This plan is page 2 of a Real Property Report and is ineffective if it is detached from page 1.

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