

1.0 PUBLIC CONSULTATION IN THE SPECIAL AREAS - GENERAL

The Special Areas recognizes meaningful public consultation is a critical part of the municipal decision-making process and is committed to creating opportunities for public participation in municipal decisions which directly affect ratepayers.

The key principles of engagement which frame public consultation in the Special Areas include:

Clarity	What is and what is not a part of the consultation process will be clearly outlined for the public to help them understand their role in the decision process.
Accountability	The information gathered as a part of public consultation will be used by the Special Areas to guide their decision-making process, including any potential amendments or changes to the proposed Land Use Order.
Transparency	The information gathered as a part of this public consultation will be documented, reviewed, and shared with the public. Relevant information, including the draft Land Use Order and public meeting minutes will be publicly available through the Special Areas website.
Respectful	The public consultation process will be respectful of all participant's comments, inputs, questions, and concerns. The Special Areas will moderate and monitor any public forums related to the public consultation to support respectful interactions and communications by all participants.
Responsive	The Special Areas is committed to being accessible and responsive to stakeholder concerns, whether expressed in-person, through email, or phone.

2.0 PUBLIC CONSULTATION – SPECIAL AREAS LAND USE ORDER (LUO)

Public engagement and consultation related to proposed changes to the Special Areas Land Use Order (LUO) has been underway since fall 2023.

Public engagement activities were completed throughout the fall of 2023 to help elected officials and administration better understand public feedback related to proposed changes. This feedback was used to update the draft LUO document ahead of first reading.

Public consultation activities began in January 2024 after first reading of the LUO was held on January 23. Formal public consultation activities included accepting formal written submissions and hosting a formal public hearing on March 12 where members of the public could present to the Board. This feedback was used to help revise the draft LUO document ahead of second reading.

2.1 SUMMARY OF INITIAL ENGAGEMENT (FALL 2023)

Special Areas undertook engagement activities related to proposed changes to the LUO from September to December 2023. This engagement included both digital and in-person activities, including open house information sessions hosted in each Special Area.

In addition to these engagement opportunities, municipal and industry stakeholders were informed of this engagement and invited to provide feedback on the proposed changes. Over four hundred letters were sent to property owners identified as having property affected by the proposed changes. Property

owners were invited to attend local in-person open house sessions or contact Special Areas Board Communications for more information and to provide feedback.

Communications advertised public engagement opportunities through local media and digital channels. Digital engagement activities included the publication of a dedicated project website which shared key documents including the draft LUO, major changes report, project background and timeline, frequently asked questions, and a feedback form. A summary of the communication tools used during first public engagement is presented in *Appendix 1*.

There were twelve unique digital interactions during the first engagement period.

In-person engagement activities included three open house information sessions (November 21 to 23) in each of the Special Areas: Cereal, Consort, Hanna. Sessions averaged fifteen attendees, primarily residential/agricultural landowners. During these sessions, attendees provided feedback via a survey and interactive feedback frames. In addition, informal feedback provided to administration and planning staff was also collected for the What We Heard report.

2.1.1 WHAT WE HEARD – INITIAL ENGAGEMENT (FALL 2023)

Feedback collected during the public engagement period for the draft LUO was summarized and shared with the Special Areas Advisory Council in December 2023. After discussing this feedback, and reviewing the changes proposed to the LUO, the Advisory Council recommended the Board take the draft document forward into the formal public consultation process, including readings and a public hearing.

In January 2024, Special Areas and Palliser Regional Municipal Services staff reviewed feedback provided during the fall 2023 public engagement. Based on feedback, the following changes to the draft LUO document were recommended to the Board.

CHANGES	RATIONALE FOR CHANGES	LUO SECTION(S)
Minor changes to Home Occupation – Minor and Day Home terminology were made to add clarifications on when and where these uses do not require a permit	Lack of clarity on when and where these uses were exempted from a permit	Section 1.10.3 (n) (o)
Clarification on terminology and definition of secondary suites	Language is not clear enough in the definitions	Section 3.5
Added Bed & Breakfast as a discretionary use to the following districts: <ul style="list-style-type: none"> A – Agricultural GCR – Grouped Country Residential H – Hamlet RC – Rural Commercial RMU – Rural Mixed-Use 	Bed & Breakfast use was not included in draft LUO document	Section 4.5.4, 4.6.4, 4.7.4, 4.9.4, 4.10.4 Section 5
Added provision for farmstead subdivisions for the GCR and RMU districts, by adding the following statement in the parcel area regulations:	This information was missing in draft LUO document	Section 4.9.6 (c), 4.10.6 (c)

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|---|--|--|
| <ul style="list-style-type: none"> “Notwithstanding the above, the maximum parcel area may be increased to accommodate an existing dwelling and related improvements (shelterbelts, corrals, barns, sheds, wells, septic system, etc.) which normally are associated with an existing farmstead or residential yard site.” | | |
|---|--|--|

In addition to the proposed changes, other feedback received during the public engagement was reviewed by Special Areas and Palliser Regional Municipal Services staff.

Feedback related to the notification processes used by the Development Authority was reviewed. Notification processes outlined in the draft LUO document were identified as providing adequate notification, and no changes to the draft LUO document were recommended. In addition to legislated requirements, Section 1.11.3 (o) provides the Development Authority the discretion to request additional public engagement be undertaken by the applicant for the Development Permit.

Feedback related to the setbacks for solar and wind energy systems was reviewed. As the Alberta Utility Commission (AUC) is the provincial regulator with jurisdiction over large-scale energy projects in the province, the draft LUO document recognizes the approving authority of the AUC. The draft LUO document asks proponents to apply for a municipal development permit to ensure there is proper public process (for example public information meetings held by the applicant) and that municipal concerns have been addressed. Under current provincial legislation, if any of the development permit requirements conflict with an approval from the AUC, then the AUC approval would prevail. No changes to the draft LUO document were recommended based on this feedback.

Feedback related to lot sizes was reviewed, along with lot sizes shown in the draft LUO document. No changes to the draft LUO document were recommended as lot sizes were identified as meeting the requirements for most development applications. If an applicant were looking for a deviation from permitted lot sizes, there is a venue to request a variance through the development process.

The updated “What We Heard” report was published on the Special Areas Board website and emailed to individuals who requested updates on the LUO review.

2.2 FIRST READING – SPECIAL AREAS LAND USE ORDER

On January 23, 2024, the draft LUO was presented to the Board for consideration of first reading. The Board went ahead with giving first reading to the draft LUO and set a public hearing date for March 12, 2024.

2.3 SUMMARY OF FORMAL PUBLIC CONSULTATION (JANUARY - MARCH 2024)

Formal public consultation activities related to proposed changes to the LUO were completed January to March 2024.

These included both digital and in-person activities. Information about the public hearing and the opportunity to provide written feedback were posted at local district offices. Communications advertised public engagement opportunities through local media and digital channels. Digital engagement activities included the publication of the updated “What We Heard” report (December 2023), updates to the dedicated project website, and advertising of the public hearing and written submission deadline. A public hearing was scheduled for March 12, 2024, at 1:30 pm in Youngstown, AB at the Special Areas Board Youngstown Service Centre. Notifications of the public hearing were

published in local newspapers on a weekly basis from February 12 to March 7. A summary of the communication tools used to advertise formal public consultation (including the public hearing) is presented in *Appendix 2*. Direction to send formal public feedback through established channels was provided in all Special Areas responses throughout the online public consultation.

A copy of the January 2024 “What We Heard” report was emailed to the 11 individuals who had provided written feedback during the first public engagement (fall 2023). In addition, 14 industry stakeholders were sent a copy with an invitation to attend and provide feedback at the public hearing planned for March 12, as well as the opportunity to send written feedback in advance.

Formal public feedback included all written submissions provided to the Special Areas Board by February 29, 2024. This submission deadline was well communicated in advance through paper advertising, digital posts, and direct communications (email) to individuals requesting updates. Formal written feedback was accepted via email (public.input@specialareas.ab.ca) and by mail.

2.3.1 WHAT WE HEARD – FORMAL PUBLIC CONSULTATION

Written submissions were accepted electronically and via mail until Thursday, February 29, 2024. Three written submissions were received, including one set of comments from Mr. Dave McKinstry, one set of comments from Mr. Jim Valiant, and a series of comments from Mr. Stan Hutton. Copies of written submissions are presented in *Appendix 3*.

Seven information packages were requested from local district offices during the public consultation period. No formal written feedback was provided/sent to local district offices during the public consultation period ahead of the public hearing. Any social media comments on posts are considered as not “formal public feedback;” however, no comments were received on social media posts related to this public consultation.

An interim report on public consultation was shared with the Board in advance of the public hearing to allow adequate time for review. This report included all feedback received during public consultation period, including written submissions.

A formal public hearing was held on March 12, 2024, at 1:30 PM in Youngstown. This public hearing allowed individuals affected by proposed changes to the LUO to attend and provide feedback directly to the Board through oral presentations at the public hearing. Public hearing minutes are presented in *Appendix 4*.

Nine members of the public attended the public hearing, along with the Board, Special Areas Board (SAB) administration, and Palliser Regional Municipal Services. Two members of the public provided verbal submissions, and one member of the public sent in an additional written submission to be read into the record as they were not able to attend in person. The table below summarizes feedback from residents and stakeholders that sent comments (written and/or verbal) as part of the public hearing process. This summary is not exhaustive; however, copies of written submissions are presented in *Appendix 3*.

SUMMARY OF FEEDBACK – PUBLIC HEARING

Dave McKinstry- Pre-public hearing written submission and written letter for the public hearing:

- **Inquired regarding setbacks for Wind Energy Conversion Systems and Solar Energy Systems, along with observations about the lack of changes to these setbacks.**
- **Inquired on the public hearing process.**
- **Not in favour of LUO in current state.**

- Expressed concerns on setbacks not being increased for wind and solar projects.
- Would like to see setbacks for wind turbines increased from 800m to 1600m.

Feels that renewable energy setbacks in the proposed LUO are less than what is seen in other municipalities and would like the LUO to follow other communities with increasing setbacks.

Jim Valian - Pre-public hearing written submission:

- Submission expressing gratitude for the good work put into updating and simplifying the LUO.

Stan Hutton- Pre-public hearing written submissions, verbal presentation at public hearing and

- Provided more written notes at public hearing.
- Inquired how feedback through the public hearing process will be considered by the Board, what changes will be made, and how will this be communicated back to the Public.
- Overall, does not support the LUO in its current state. Feels it is not as progressive as it could be.
- Multiple written and verbal presentation included detailed questions, comments, and recommendations regarding various sections of the LUO including topics such as (but not limited to):
 - Development approval process and enforcement
 - Would like to see more discretion given to decision makers such as the Subdivision and Development Authorities to allow more flexibility.
 - Would like to see more flexibility across the bylaw (more discretion and less shall statements) that would allow each application to be reviewed based on merits and not based on strict requirements.
 - Would like more clarity on rules around drainage, private sewage regulations, development near water and lakeside development.
 - Questions on variance powers.
 - Would like to see more flexible rules for dwelling types, setbacks, lots sizes and increased density. Feels that SAB is missing an opportunity for increased density in locations such as hamlets and are not being proactive with housing trends

Duncan Lucas (EDP Renewables)- Verbal presentation at public hearing:

- In favour of draft LUO and the current setbacks for renewable energy projects.
- Feels the draft LUO strikes the right balance between protecting landowners and working with industry.
- Felt renewable energy setbacks are comparable to other communities, although 800m from dwellings is larger than some.

2.3.2 HOW FEEDBACK WAS USED

The Board thoroughly reviewed and considered the written submissions and verbal comments, including feedback received through the public consultation process and public hearing. After reviewing and considering input, the Board determined to postpone second reading of the LUO and directed administration to:

1. Review the implications of reducing lot sizes in hamlets and bring a recommendation regarding reduced lot sizes to the Board for consideration.
2. Review the appendices included in the current LUO MSL: 007/15 and determine if they should be incorporated into the new proposed LUO (as requested by administration).

Administration reviewed the LUO document based on these motions and made the following recommendations for the Board's consideration:

1. IMPLICATIONS OF REDUCING LOTS SIZES IN HAMLETS

Changes to proposed lot sizes in the hamlets was discussed by administration. Administration recommended the Board *does not* make further changes to the LUO regarding lots sizes in Hamlets.

The main reasons for this recommendation included:

- The proposed hamlet lot sizes have not changed from the current LUO and would also standardize Cereal into the same lot sizes that have been applied to all other Hamlets in Special Areas.
- There are several lots on Main Street in Cereal that are less than the minimum 5000 ft². However, majority of these lots are either owned by SAB or the landowners own multiple lots next to each other. As such, limited constraints to development are anticipated from the proposed minimum lot size. If there is a lot less than 5000 ft² that a landowner wished to develop, they would still be able to apply to Municipal Planning Commission for a variance or appeal a refusal to the Subdivision and Development Appeal Board.
- An open house was held in Cereal and no concerns have been raised by any *residents* of Cereal (or other hamlets) regarding the proposed lot sizes.
- Overall, availability of land and affordable lots is not an issue faced in Special Areas Hamlets. In most cases, landowners are looking to consolidate lots together to create bigger parcels rather than subdividing out smaller lots.

2. REVIEW APPENDICES IN CURRENT LUO AND DETERMINE IF THEY SHOULD BE INCORPORATED INTO UPDATED LUO

After review of the appendices in the Current LUO MSL:007/15, the only appendix determined to be necessary to include was the Country Residential Declaration Forms (Appendix 5 of current LUO). Administration updated the forms and recommended they be included in the LUO.

2.4 SECOND READING

The Board made a motion to include appendices for country residential declarations in the LUO prior to second reading. The Board proceeded with giving second reading to the draft LUO as amended by the preceding motion and recommended to the Minister of Municipal Affairs that it be adopted.

2.5 THIRD READING / ADOPTION

The Land Use Order is called an “order” instead of a bylaw because as a Crown agency governed by the *Special Areas Act*, the Special Areas Board does not have municipal bylaws. Instead, Special Areas uses ministerial orders in place of municipal bylaws.

Just like traditional municipal bylaws, ministerial orders provide Special Areas the authority to govern activities in the Special Areas. This is the same type of authority municipal bylaws create in municipalities throughout the province. As the Special Areas Board is responsible for providing local municipal government services in Special Area No. 2, 3 & 4, a public consultation process is used for any draft ministerial orders which are intended to act like municipal bylaws. The public consultation process is outlined in the *Municipal Government Act (MGA)*, the same process used by other municipal councils. It includes a public hearing and multiple readings of the proposed document which has been drafted by the municipality.

Once the Board has held first and second reading, they recommend the adoption of the draft document to the Minister of Municipal Affairs. The signed Ministerial Order is considered the third reading. Once the document has had three readings, it is adopted and posted on the Special Areas Board website similar to other municipal bylaws.

3.0 BACKGROUND - SPECIAL AREAS LAND USE ORDER (LUO)

3.1 PURPOSE OF LUO

The Special Areas Land Use Order (LUO) is a document that regulates development within the Special Areas. Every municipality in Alberta must have one under the *Municipal Government Act*. The LUO categorizes all properties in the municipality into various land use districts and prescribes how land and buildings can be used in those districts. It establishes a system for issuing development permits and talks about the appeal process.

3.2 UPDATING THE SPECIAL AREAS LUO

The process to update the Land Use Order first began in 2021 and has included members from Special Areas Board Property Administration, Development Officers, and planning staff from Palliser Regional Municipal Services.

The research and drafting work completed by the project team has taken into consideration a wide variety of current and potential uses by businesses and residents in the Special Areas. Ongoing consultation with members of the Municipal Planning Commission has been an important part of this process to ensure the draft Land Use Order aligns with development needs and community direction.

The draft Land Use Order was shared with the Advisory Council at the end of March 2023. The Advisory Council shared feedback on the draft document, and directed that it be shared with the public so individuals could review these documents and send questions or concerns. Public engagement activities were completed in fall 2023 which allowed the public and other stakeholders to engage with project team members, ask questions, and share feedback.

Feedback received during the public engagement process was reviewed by the project team and summarized in a “What We Heard” report presented to Advisory Council in December 2023. Based on feedback received, the draft Land Use Order document was revised ahead of first reading. Special Areas public consultation process for municipal bylaws, including a formal public hearing, was used for the Land Use Order.

The LUO was reviewed by the Special Areas Board on January 23, 2024, at the regularly scheduled Board Meeting, with the first reading held. A public hearing was scheduled for March 12, 2024, in Youngstown, AB.

The formal public consultation period began after first reading in January, with written submissions accepted online and by mail until February 29. All formal feedback received during the public consultation was summarized in the interim public consultation report provided to the Board ahead of the March 12, 2024, public hearing.

Amendments to the LUO document were made by the Board ahead of second reading based on feedback received during the public consultation process. Second reading of the LUO was held on April 23, 2024, and it was recommended for adoption by the Minister of Municipal Affairs. If the Minister approves the document for adoption, a ministerial order will be created and is considered third reading. If adopted, the LUO document will be posted on the Special Areas Board website, along with other statutory documents.

APPENDIX 1 – INITIAL PUBLIC ENGAGEMENT (FALL 2023)

Communication activities to support initial public engagement related to proposed changes to the Special Areas Land Use Order (LUO) included:

- A social media campaign via Facebook, Twitter and Instagram channels highlighting public engagement opportunity for the proposed LUO (weekly posts from September 13 to November 22)
- Information on changes being proposed to the LUO on the SAB website including:
 - Information on the proposed changes
 - Copy of draft LUO document
 - Information on ways to provide feedback (email, online form, information sessions, etc.)
 - Background on the LUO review & project timelines
- Targeted letters to property owners and other key stakeholders to advise of the engagement opportunity, upcoming open house(s), and mechanism to provide feedback on proposed changes to LUO document.
 - 51 industrial/municipal/agency stakeholders
 - 400+ property owners (primarily hamlets)
- Public information sessions (open houses) in each Special Areas to allow for in-person feedback – November.
 - Advertisements placed for two weeks (November 7, 14) in local newspapers (Brooks Bulletin, Consort Enterprise, Hanna Sentinel, Oyen Echo, ECA Review).

All public feedback was documented in a transparent, respectful, and systematic manner.

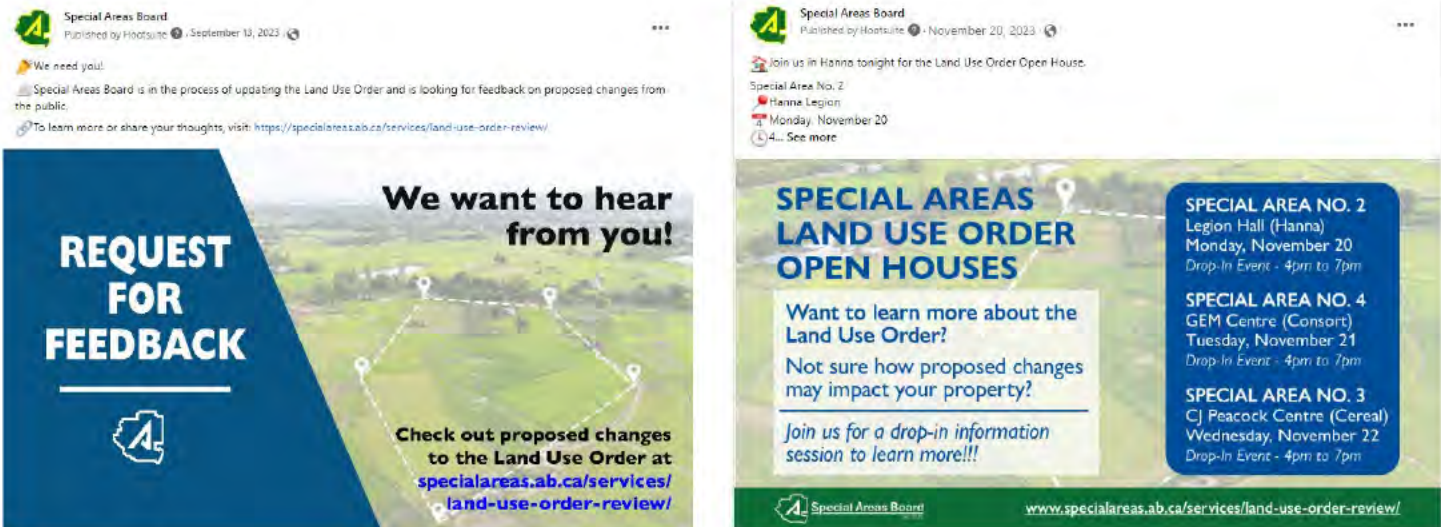
Type	Active Dates	Tool*	Audience	Channel	Frequency
On-line/Digital	September 13 to November 22	Social Media Poster and/or Open House Information	All Stakeholders	Facebook, Twitter, Instagram, website	Weekly (SM)/static (website)
		Standardized “thank you for your feedback” email	Any active participant	Email	Upon receipt of the email
Information Session Advertisements	November 7, 14	Advertisement re: open houses & drop in events	All Stakeholders	Local Print media	Two consecutive weeks

Public Input Email – Generic

A generic municipal email (public.input@specialareas.ab.ca) was used to receive all emails related to public engagement, including the submission form located on the SAB project website. A summary of feedback received via email was presented to Advisory Council in December 2023 as a part of the “What We Heard” report.

SOCIAL MEDIA POSTS

Posts were made to SAB social media channels over the online phase of the public consultation to ensure this opportunity was regularly appearing in user newsfeeds.



ANALYTICS:

	Total Reach	Average Reach per post	Average Engagement Rate per post
Facebook (general post)	9343 views	1038 views/post	2.81%
Twitter (general post)	499 views	55 views/post	2.56%
Facebook (open house)	1897 views	379 views/post	0.83%
Twitter (open house)	202 views	40 views/post	3.44%

WEBSITE – LAND USE ORDER REVIEW PROJECT PAGE

A dedicated page within the Special Areas website was developed for the Land Use Order Review project (<https://specialareas.ab.ca/services/land-use-order-review/>). This page was used to host all current materials related to the LUO review, including public engagement reports. A feedback form was created to allow feedback to be sent directly from this page to the public.input@specialareas.ab.ca email.

Currently, the Special Areas Land Use Order public consultation is showing as an Active Public Consultation. Content related to the process and timelines for the public consultation, as well as a copy of the proposed LUO, are included in this section. It will be moved to a Past Public Consultation if the Special Areas Board were to recommend to the Minister to approve the proposed LUO.

Page Title	Pageviews	Active Users
Land Use Order Review	573 views	428 users
News Post re: LUO review period opens	82 views	62 users
News Post re: LUO open houses	55 views	41 users

APPENDIX 2 – FORMAL PUBLIC CONSULTATION

Communication activities to support formal public consultation (including the public hearing) related to proposed changes to the Special Areas Land Use Order (LUO) included:

- A social media campaign via Facebook, Twitter and Instagram channels highlighting the public hearing for the proposed LUO and opportunities for the public to supply feedback on the draft document (January 31 to March 5).
- Information on changes being proposed to the LUO on the SAB website including:
 - Advertisement for public hearing
 - Information on the proposed changes
 - Copy of draft LUO document
 - Information on ways to provide feedback (email, online form, information sessions, etc.)
 - Background on the LUO review & project timelines
- A public hearing to allow for in-person feedback is set for March 12 in conjunction with the regularly scheduled Board Meeting.
 - Information about the proposed LUO was advertised in compliance with requirements set out in Section 606.1(1) of the MGA, including:
 - A statement of the general purpose of the proposed LUO
 - The address or website where a copy of the proposed LUO may be examined, and
 - An outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed LUO.
 - Advertisements was placed for four consecutive weeks (February 12 to March 5) in local regional newspapers/publications (Consort Enterprise, Hanna Coffee Break, Oyen Echo, ECA Review) to allow adequate notice of written submission deadline (February 29).

All public feedback was documented in a transparent, respectful, and systematic manner.

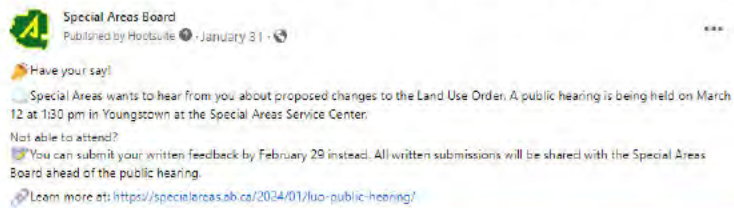
Type	Active Dates	Tool*	Audience	Channel	Frequency
On-line/Digital	January 30 to March 11	Social Media Poster and/or Public Hearing Ad	All Stakeholders	Facebook, Twitter, Instagram, website	Weekly (SM)/static (website)
		Standardized response email	Any active participant	Email	Upon receipt of the email
Public Hearing Advertisements	February 12 to March 7	Advertisement re: March 12 public hearing & written submission deadline	All Stakeholders	Local Print media	24consecutive weeks
Public Hearing	March 12	Open public meeting for feedback/consultation on proposed LUO	Attendees of public hearing	In-person	Once

A generic municipal email (public.input@specialareas.ab.ca) was used to receive all emails related to public engagement, including the submission form located on the SAB project website.

Formal written submissions provided prior to March 1, 2024, were circulated to the Special Areas Board in advance of the March 12, 2024, public hearing. A summary of written submissions received will be presented at the public hearing.

SOCIAL MEDIA POSTS

Posts were made to SAB social media channels over the online phase of the public consultation to ensure this opportunity was regularly appearing in user newsfeeds.



ANALYTICS:

	Total Reach	Average Reach per post	Average Engagement Rate per post
Facebook (up to Feb 28)	1897 views	379 views/post	0.83%
Twitter (up to Feb 28)	202 views	40 views/post	3.44%

WEBSITE – LAND USE ORDER REVIEW PROJECT PAGE

A dedicated page within the Special Areas website was developed for the Land Use Order Review project (<https://specialareas.ab.ca/services/land-use-order-review/>). This page was used to host all current materials related to the LUO review, including public engagement reports. A feedback form was created to allow feedback to be sent directly from this page to the public.input@specialareas.ab.ca email.

Individual news posts were created based on individual topics/notices, including posting the updated “What We Heard” report in January and advertising for the public hearing.

Page Title	Pageviews	Active Users
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Land Use Order Review (Jan 1 to March 2)	121 views	80 users
News Post re: LUO What We Heard	30 views	26 users
News Post re: LUO Public Hearing	34 views	25 users

Currently, the Special Areas Land Use Order public consultation is showing as an Active Public Consultation. Content related to the process and timelines for the public consultation, as well as a copy of the proposed LUO, are included in this section. It will be moved to a Past Public Consultation if the Special Areas Board were to recommend to the Minister to approve the proposed LUO.

NOTICE OF PUBLIC HEARING – LOCAL PUBLICATIONS (NEWSPAPERS)

The notice of public hearing was advertised in local papers based on the legislated requirements outlined in the *Municipal Government Act*. The publications included:

- Oyen Echo
- Consort Enterprise
- ECA Review
- Coffee Break (Hanna)

It was advertised for four weeks preceding the public hearing (February 12 to March 7). A copy of the public hearing notice was shared on Special Areas digital channels.

**NOTICE OF PUBLIC HEARING**
SPECIAL AREAS BOARD - LAND USE ORDER

**A PUBLIC HEARING WILL BE HELD TUESDAY,
MARCH 12, 2024 BEGINNING AT 1:30 PM**

**PLACE: SPECIAL AREAS YOUNGSTOWN SERVICE CENTRE,
MAIN BOARDROOM, 404-2ND AVE NE, YOUNGSTOWN, AB**

As per the *Municipal Government Act*, the Minister of Municipal Affairs and the Special Areas Board has drafted and proposed an updated Special Areas Land Use Order to replace the current Special Areas—2, 3 and 4 Land Use Order (MSL:007/15).

The Land Use Order (LUO) is a statutory document that regulates the use and development of land within Special Area 2, 3, and 4. The LUO regulates how land can be used, including what uses are appropriate and where they can be located.

Some of the key changes proposed include:

- Aligning the LUO with changes to applicable legislation and regulations
- Reducing red tape, streamlining development processes, and making the LUO easier to read and understand
- Increasing the number of permitted uses that are considered compatible in different land districts
- Merging all existing hamlet districts (residential, industrial, commercial and general) into a single Hamlet District
- In Agricultural District, increasing the number of allowable dwellings per parcel and increasing the maximum number of parcels per quarter that do not require a rezoning (from 2 to 3)

Copies of the proposed LUO are available at Special Areas district offices during regular business hours and online at www.specialareas.ab.ca

Any person adversely or otherwise affected by this action, and wishing to address the Board relating to this matter, may attend the public hearing at 1:30 PM on March 12, 2024. Time limit of oral presentations is subject to the Chair's discretion.

Written comments and suggestions are invited and should be addressed to proposed Special Areas Board Land Use Order. Submissions may be mailed to:

Maeghan Chostner, Communications Officer
Special Areas Board
Box 820, 212-2nd Ave. W.
Hanna, AB T0J 1P0

Submissions may be emailed to:
public.input@specialareas.ab.ca

**Written submissions must be received
by 4:30 pm on Thursday, February 29,
2024.** Written comments will be presented publicly to the Board at the above hearing date.

This notice is given pursuant to Sections 606 and 692 of the *Municipal Government Act*.

**Publication Dates: February 12, 19 & 26, 2024
March 4, 2024**

APPENDIX 3 - SUMMARY OF PUBLIC CONSULTATION (WRITTEN FEEDBACK)

Date	Name	Comment Summary
February 8, 2024	Dave McKinstry	Concerns related to setbacks for Wind and Solar energy development. Request for information related to public hearing structure/submissions.
February 27, 2024	Jim Valian	Positive comments related to the Land Use Order review work (simplify & updating).
February 29, 2024	Stan Hutton	Multiple submissions. Summary comments with some recommended changes to LUO attached as submission 1 from Mr. Hutton. More submissions also provided as multiple submissions were received from Mr. Hutton.

Special Areas Board
Box 820
Hanna, Ab.
T0J 1P0

To the Land Use Order Committee Hearing,

Mr. Chairman,

My name is David McKinstry.

Due to circumstances arising, I simply cannot attend the hearing today March 12, 2024. I had full intentions of attending this hearing as the Land Use Review the Board and staff are undertaking will affect development for the next several years.

In the Special Areas Mandate and Roles document dated March of 2023 and signed by the Minister and the Chair, the document states on page 1:

Mission

The Special Areas Board is dedicated to improving the quality of life of the residents of the Special Areas through the provision of cost effective, proactive, and responsive municipal services and effective long-term land and water management. The Board actively works to increase the population of the Special Areas and works to offer diverse opportunities to facilitate the growth of the region.

Additionally on page three the document reads:

The Special Areas Board:

The Board is responsible for the overall governance and management of its business and affairs. The Board guides the strategic direction; approves and monitors the business plan; and financial results, and is ultimately accountable to the Minister. Board members must act ethically, honestly and in good faith, leaving aside personal interests to advance the public interest and the mandate of the Board.

Soon we will have the third reading of the land use order. Many thanks should go out to the Board and their staff and resource people, many hours on the computer and the phone and attendance after hours to the three public open houses that were held earlier.

Most proposed amendments to the land use order are merely housekeeping addressing redundancies in the document. However there is one section that has missed the boat.

Renewable energy setbacks.

We were one of the first farms in our area to be approached by the wind industry some 15 years ago. We were curious but wary. The met towers on our land were farmed around for about 7 years. One was promptly reclaimed once the agreement terminated but one lay on a slough for some 5 years totally forgotten. I luckily did an internet search and somehow contacted the right guy who saw that it was reclaimed.

Then about 10 years ago RES introduced or imposed themselves upon the Oyen area farmers. I championed and was successful in getting a good legal contract so the industry wouldn't do to us what they've done to almost everyone else....taken advantage of landowners.

I'm not going to say I'm in favour of the renewables or green energy because I'm not. The industry is neither renewable or green. They're merely siphons of taxpayers money....subsidies. They provide or not provide at all an intermittent, unreliable and expensive source of electricity. Single handed the industry was responsible for grid alert emergencies during the cold weather in January.

I also know a few of us aren't going to stop these projects either.

So this is where the hearing comes into play.

I've asked many questions to the Board Chair, the Director of Municipal Services and the Director of Property Administration. We've had some frank discussion on these topics.

I've been told almost dismissively "well we can't do anything because the AUC trumps our land use order" and "if it's too close to you about the only thing you can contest them on is the noise levels they create and the sound frequency".

A question to administration is what level of taxation do these turbines contribute to our coffers and how quickly does the rate of depreciation kick in and affect the Special Areas tax base? In Vulcan County the industry has asked for a tax break, after promising ratepayers stability for their tax base.

As someone who didn't sign up for this how do road use agreements affect our roads which are in overall excellent shape? I can ask and say this due to my 22 years of serving on the road committee.

This is where your amendments have missed the boat.

No place I see in the document is a referral to increasing setbacks for wind energy conversion systems in section 3.

Having had a proposal for a turbine to be placed 812m from my house has me a bit wound up.

Now the company has moved that tower to an adjacent quarter so no there will be 2 turbines, one 1100m and the other 1300m. They expect me to be "happy" with their change.

These structures are to be Calgary Tower height with the blade tips even higher.

When the old LUO came into effect in 2015, wind turbines were half this size. Now they've doubled in height.

In our new LUO I propose setbacks for WEC towers be 1600m or 1 mile from a residence. Better yet, 1600m from a residential quarter.

Our neighbour the MD of Provost has a setback of a mile. The least we can do is catch up, be proactive. They support our quiet way of life and our views.

Soon Minister Neudorf will be adding even more regulations for wind and solar. I really hope he will implement the AUC respects local LUO's.

I ask the Special Areas respect my request and increase setbacks to a distance we can live with.

Thanks for your time
David McKinstry

From: [Maeghan Chostner](#)
To: [David McKinstry](#)
Cc: [Trent Caskey](#); [Devin Diano](#)
Bcc: [Darran Dick](#); [Brett Richards](#); [Taryl Abt](#); [Morgan Fullerton](#)
Subject: RE: land use order review
Date: February 9, 2024 3:21:00 PM

Hi Dave,

Thanks for reaching out – appreciate being able to provide information on the upcoming public hearing.

The public hearing planned will take place in Youngstown on March 12 beginning at 1:30 pm. You can learn more at [Public Hearing for Land Use Order – March 12, 2024 - Special Areas Board](#). We will be in the larger boardroom of the facility close to public parking area.

The general structure of the public hearing is expected to include the following components:

- Call to Order
- Summary of LUO review project & background
- Review of public feedback received during public consultation period prior to public hearing (*note – this will include a report that summarizes the written submissions received by February 29*)
 - Generally, this report is circulated in advance to Board Members, so they are able to review written submissions and engagement process report ahead of the public hearing
- The Chair will invite members of the public in attendance to speak to the item the public hearing is about (in this case the draft LUO document & proposed changes).
 - All members of the public who wish to speak are afforded an opportunity to do so.
 - The Chair reserves the right to limit the time of oral presentations.
 - Speakers on an item should (as a matter of process) indicate if they are in favor, neutral or opposed to the matter being considered.
- Administration/Communications will read into the record the names of anyone who provided written submissions before the advertised deadline
- The Chair will invite administration to answer any questions from the Board/or as directed
- Closing comments from administration (if requested)
- Adjournment of public hearing

I hope this information is what you are looking for? Please reach out if you have any additional questions – I am happy to help!

Maeghan Chostner

Communications Officer | Special Areas Board
m: (403) 857-8047/**p:** (403) 854-5611

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From: David McKinstry [REDACTED]
Sent: Thursday, February 8, 2024 3:30 PM
To: Public Input <public.input@specialareas.ab.ca>
Subject: land use order review

Hi Maeghan,

After reviewing the land use review document, I've noticed increased setbacks for WEC have not been entertained in the review. I would understand they remain at a minimum of 800 m to a residence. Additionally, solar arrays on adjacent quarters are some 25 feet.

At the hearing in Youngstown what is the structure of the meeting and who all is involved with the meeting? When are submissions allowed, oral or written?

Concerned,
Dave McKinstry

Maeghan Chostner

From: jim valian [REDACTED] >
Sent: February 27, 2024 11:05 AM
To: Public Input
Subject: new Land Use Order comment

Writing to express my gratitude for the good work updating and simplifying the Land Use Order. Thanks!
-Jim Valiant, Jenner AB

Section 1

Recommended Changes

1.12.8 change to

If a decision is not made on a Development Permit within 40-days after it is deemed complete by the Development Authority, then the applicant may deem it to be **approved** at the end of the 40-day period, **unless the Development Authority requests an extension**. (There should be no fee charged to the applicant. Both the Development Authority and the applicant can mutually agree to extend the timeframe to deal with the Development Permit should additional information be required to properly assess it.)

1.18 Enforcement

Question: is there a fee schedule for any fines?

Section 2

General Land Use Regulations

2.2 DRAINAGE/STORMWATER

General comments on this section.

2.2.1 General accepted practice of not causing drainage to neighbouring properties

- Doesn't address sloped sites where natural grades are not altered by development

2.2.2 (b) is likely applicable in all circumstances and demonstrates to the Development Authority that either the grade is natural or if altered does not adversely impact the neighbouring properties.

(c) this requirement is unlikely to be applied in any existing Hamlet

Suggest simplifying this section to speak to intent and leave it up to the discretion of the Planning Authority.

2.3 DEVELOPMENT NEAR WATER

2.3.1 Add definition for permanent water body

Differentiate between man-made, smaller water bodies (ie sloughs, dugouts, drainage ditches, irrigation canals, etc.) and a permanent natural water body.

2.3.2 Private Sewage Disposal Regulations

Direct applicants to web site for Provincial regulations and/or have handouts available at Special Areas and Palliser Planning

2.3.3 Presumably the Development Authority would not have the expertise to refuse a proposed development. Recommend changing the wording as follows:

The Development Authority **shall** consider the potential risk of groundwater contamination when reviewing proposed developments and **may** require the developer to have a water study undertaken by a qualified professional to determine the potential risk of groundwater contamination. The Development Authority **shall** refuse any developments that can not meet the conditions recommended by the professional.

2.5 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

Comments:

- Not an unreasonable intent and often the cause of conflict with neighbours
Question: Who is going to enforce the 14 day period?
- (b) if the Development Authority's opinion is that the object or chattel is unsightly then is there a period to remove? (ie 14 days)
- (c) most wouldn't even consider a permit to get a load of top soil or gravel for their property. Presumably, it would be an issue if the storage were not temporary (specify time frame?) but semi-permanent and interfering with views, etc.

My feeling is that there must be examples of infractions in Special Areas that need to be corrected. What are they? Consider modifying clause.

2.6 PROJECTIONS INTO SETBACKS

General Comments on this section

I expect that every Hamlet in Special Areas has no definable character (i.e. patterns of front yard alignments and little relationship to any streetscape).

Viable streetscapes do have lots of modulation and variety in their facades to create character and a relationship to the sidewalk (if there is one), the boulevard (if there is one) and the character of the opposite side of the street.

Suggest considering the front yard setback be measured to the majority of the mass of the building and that such add-on elements identified in 2.6(a) be encouraged rather than prohibited.

2.6(b) delete **unenclosed** because covered landings almost always improve a front elevation and provide protection and safety for residents.

2.7 DWELLING UNITS ON A PARCEL

2.7.1 Provisions should be made for a secondary dwelling on a parcel if is tiny home, or detached secondary suite

2.9 DEVELOPMENT ADJACENT TO RURAL MUNICIPAL ROADS & INTERSECTIONS (EXCLUDING HAMLETS)

Provisions should be made to relax these requirements on roads with little or no traffic or when Special Areas can use calcium chloride to reduce the dust to any parcel or development.

Other municipalities reduce the setback requirements where the roads are paved.

Another option would be to reduce the speed.

Recommendations:

1. That the **shall** be changed to **may** so that the developer has the option of working with the Planning Authority to satisfy any concerns.

Note: in the case of the quarter section that I own at the west end of Fox Lake there are curves and the speed could be posted lower than normal, for example.

2. That this entire section be treated as a guideline that speaks to the intent, and the decisions left to the Development Authority if the suggested guidelines are not met.

2.11 SINGLE LOT SUBDIVISION

Really like the inclusion of the Comprehensively Planned Area and Master Site Plan in the body of the document.

Recommend where there are other references to Acts or Standards, they also be included in the LUO.

2.12 MULTI-LOT SUBDIVISION & AREA PLANNING

2.12.1 The Municipality may require multi-lot subdivisions that propose to create between two and four new parcels.

Change to “up to 4 new parcels”.

2.13 RESIDENTIAL DEVELOPMENT

2.13.2

Question: what is the intent of minimums?

Comments:

- Most dwellings would normally exceed the 700 sq ft minimum floor area.
- So what if they did not?

Section 3

Specific Use Regulations

3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

Comment: With the separation of 3.3 ft stated in 3.1.3, one could build an Accessory Building with the walls 3.3 feet apart yet the standard roof eaves could overlap or come within one inch of one another and technically not be attached.

3.7 FARM ANIMAL UNITS

Comments: Provision of this section makes no sense to me. The number of cow/calf units is relatively small for the Special Areas. Beef producers tend not to overgraze because it is not in their long term interests to do so.

I expect enforcement of these provisions will not happen and if there was enforcement there would be major push back directed to the Board of Special Areas.

Note: the provisions may be relevant where A abuts other districts

- If this is deemed to be the case, then the section should be changed to reference those circumstances
- What came first? The livestock or the housing? If new housing in a context of farm land vs ranch for example, then limits would serve the interests of the residents.
- If however the housing is built near a feedlot, then the residents had prior knowledge of the adjacent land use.

3.8 FENCING, HEDGES AND SCREENING

3.8.1 height of fences in yards standard in most municipalities

May want to delete the exemption for livestock fences.

What if there are buffalo, elk, or others and you are looking at an 8 foot fence and it is electrified?

3.9 HOME OCCUPATIONS

3.9.1 Comments:

- How does one enforce phone and desk?
- It more likely no landline but cell phone and maybe not a desk but the kitchen table

Recommend deleting the reference to phone and desk.

Applicants should outline the nature of their home occupation and there should be the discretion to approve.

Table e: Home Occupation Requirements

Recommend:

1. Delete phone and desk (no permit is required anyway in all categories).
 - (d) Minor category should be yes to commercial deliveries. Many of us order household and business from Amazon and others....it has become the rule rather than the exception.
 - (f) On-site storage of commercial vehicles (where does the 14 day period kick in for stored vehicle labeled storage?
 - (g) Food prep
 - Is the home occupation consistent with Tourist Lodge Facility or...?

(h) Off-site employees? Really only has implications in cities and towns with restricted parking. Having just come through COVID when most people were working remotely from home I think the category should either be deleted or discretionary rather than no or yes.

(i) this category should be discretionary as well with home owners required to disclose in advance any products or goods to be stored or displayed outside

(j) on-site advertising

Comment: a permitted sign of the maximum size of 32 sq. ft. (think sheet of plywood size) or small billboard would not be appropriate in the majority of the cases. If this is to be considered, then I would recommend that it be discretionary as well and definitely not permitted as a matter of right.

3.9.4 and 3.9.5 outline potential impact and all are valid concerns

Suggest that the home occupation section delete the table and make everything discretionary with renewable terms of 1 year and minimal fees.

3.13 MANUFACTURED HOME PARK

3.13.3

(b) consider min. road width of less than 33 feet

One-way access for drive thru sites

Discretion of the Planning Authority with input from Fire Chiefs to deal with access for fire protection.

3.18 SECONDARY SUITES

3.18.1 A secondary suite dwelling unit may be developed only in a single-detached dwelling.

- By definition it “may be developed within the same building or **in a separate building from the principal use.**

Either the definition or 3.18.1 needs to be amended.

3.18.2 & 3.18.3 are OK

3.18.4 where the limit of the secondary suite to be 400 sq ft or more then within a dwelling of a minimum of 700 sq ft the primary could conceivably be less than the secondary suite.

In a 2 storey with the entire basement able to be used as a secondary suite then the dwelling would have to be a minimum of 800 sq ft (to satisfy the min. Secondary requirement.

Question: why the minimum for the secondary suite? If habitable and safe with basic necessities. If tiny homes can be 300 sq. ft and separate from the dwelling then why not secondary suites (consistent with the definition)?

3.19 SHIPPING CONTAINERS

Comments:

- I understand the gist of this section because of the rampant use of containers for storage due to economy, convenience and security of contents
- However, shipping containers have been utilized creatively by architects throughout the world and are often used as the base for tiny homes
- It would be unfortunate to dismiss containers out of hand

Recommendation

- That use of shipping containers for storage during construction be considered a temporary use and that they be required to be removed within 15 days.
- That provision be made for shipping containers to be modified as dwelling units and permits may be accepted by the Development Authority

3.20 SIGNS

General Comments:

3.20.1 Permits required for all signs

3.20.2 thru 3.20.11 are guidelines for applicants to adhere to in submitting applications

3.20.12

(a),(d), and (e) relate to safety issues, sidewalk cleaning, min, heights and setbacks to street
Suggest that they be bundled together

(b), (c), (f) relate to design criteria (I am inclined to think are excessive)

Recommend Development Authority have discretion to vary a lower size, etc.

3.23 TINY HOMES

3.23.2

- (a) Sites shall be designed to fit within the surrounding neighbourhood with a preference for a well-landscaped and/or treed property that minimizes the visual difference between the tiny home and other surrounding larger homes.

Comments:

- In Hamlets where the lots are larger and have accessory structures the scale of tiny homes on larger lots can not help but be inconsistent with the context.
- No amount of landscaping and trees are going to correct that within any reasonable timeframe

Recommendation:

1. Delete (a)
2. Change the minimum lot size in at least those Hamlets where you feel that there may be some interest and demand for tiny homes (either as starter homes, Airbnb's, secondary suites, Tourist Lodge Facility or other).

20,000 sq ft lots should be able to be split into as many as 20 lots with a 300 sq ft cottage/home, meeting all the National Building Code requirements with a minimum 25 foot wide lot.

Dorothy as a Hamlet comes to mind because of its proximity to the Red Deer River; the badlands with Dinosaur Museum; increased tourism; Drumheller as a major centre for services and employment; other attractions such as the "Last Chance Saloon" in Wayne and the 11 bridges....

Increased density would mean renewed interest in development and opportunity for existing landowners to profit or see an upswing in the marketability of their property. If no piped services exist then splitting lots to increase density would make the cost of servicing less onerous on the Hamlet.

Until there was sufficient development to justify the cost of services, holding tanks and cisterns could be installed at lower cost on either a temporary or permanent basis.

If piped services are not in place currently or not economically practical then Special Areas could increase the minimum lot size to 2000 sq ft and still dramatically grow the Hamlet.

Section 4 Land Use Districts

A Agricultural District

4.5.6

(c) Vacant Parcel

1. I recommend deleting shall be a minimum of 2 ac
2. It could be left as a guideline but most of the uses are discretionary. The decision on whether an application is appropriate should be as well.

If kept as is, then I would recommend that the latitude is given for both in the approval process to subdivide a 2 acre parcel in the future into 3 or more $\frac{2}{3}$ acre parcels.

If the language in much of the LUO is changed from must or shall to **may** then it opens the door and the Special Areas to developments that can and should be supported and the general intent of Palliser Planning and Special Areas can be met.

Applicants for dwellings of any type have to provide details on services (septic and water) to demonstrate that there is sufficient area to have a septic field. In 2 acre parcels it is doubtful so better met by holding a tank.

The A District lends itself to larger parcels in the remote rural areas of the Special Areas where 20 acres or less is likely to meet the demand for prospective purchasers looking for acreages sufficient in size to accommodate horses and multiple accessory buildings.

Much of the better land in the Special Areas in closer proximity to Hanna has the A District designation. The development pattern has been to create multiple 2 acre plus parcels that while creating opportunity for Hanna residents and others to escape to the countryside, does take away from the land being used for Agriculture.

The LUO doesn't differentiate between grassland/marginal land and crop/better soils. Consider changing the focus (within a radius of 10 miles) to smaller parcel sizes with division into lots rather than acreages. Satisfy the market for country living in a way that allows for population growth (ie "healthy rural economy")

Setbacks

4.5.8

(a) Front (100 ft)

Change to apply to only development municipal road right-of-ways

Comment

There would be 1000's of miles of right-of-way in Special Areas that are unlikely at this point to be used except as trails, for oil field access, or potential future access to new acreages.

Recommend treating undeveloped right-of-ways as discretionary.

(b) And (c) Same comments as above

H Hamlet District

Purpose

4.6.1 Comments:

First there is no Hamlet in at least Special Area 2 that has a healthy and diverse population.

If that is the purpose then wholesale changes are required to the LUO to create the opportunity for development within the existing infrastructure of roads and services (if there are any).

Remove as many impediments for approvals as possible and permit larger existing parcels to be subdivided as a matter of right.

The LUO would be best served by assessing each Hamlet based on location, desirability and any opportunity for growth and establish individual guidelines for those with potential for growth and diversity and those at least at this point have slim prospects for development.

Minimum Parcel Area

4.6.7 Recommend allowing parcel sizes of 5000 sq ft or less

Comments:

- Parcel sizes be defined if applicant wants to have septic field
- Otherwise, there is no reason that parcel sizes can not be dramatically reduced and the scale of development patterns changed for a host of reasons beyond the economics of servicing. (character, density, the creation of a neighbourhood or even a viable village).
- Perhaps definitions on “piped sewer” and “piped water” are required to explain Special Areas’ intent
- If fields for piped sewer are driving the parcel size then the LUO can give applicants the opportunity to use holding tanks and cisterns to minimize the parcel size and increase the density.
- Minimum parcel sizes can be establish as a must condition if fields
- A maximum may want to be established to increase density and opportunity for growth
- If piped sewer, then how and where is in piped/pumped to because I expect that there are no public lagoons in most of the Hamlets
- Delete the lower density standard of Piped Sewer only (10,000 sq.ft) vs Piped Water & Sewer (not logical)
- For orderly development to occur in any Hamlet then, as in larger centres, there are planned districts for commercial and industrial uses that are not compatible with residential.
- Pleased that the Development Authority is giving itself discretion but suggest that guidelines be added to provide direction to applicants and to form the basis on how any application might be reviewed and approved.
- Making commercial and industrial discretionary is important but parcel size should be discretionary as well. There may or may not be piped water and sewer.
- Recommend that the parcel size is reduced from 20,000 sq ft to 5000. Note: applicants would have the opportunity to combine parcels to create bigger sites if necessary and the Development Authority needs the discretion to accept a wider range of uses from smaller lots to larger lots.
 - Change shall be created to **may** be created

Minimum Parcel Dimensions

4.6.9 parcel dimensions should be changed to reflect different standards for different dwelling types (ie. tiny homes)

Recommend an area requirement rather than absolute minimums on lot width and depth.

Comments:

1. Many residential lots 50 foot wide in urban areas are being split in half to increase density while making more efficient use of existing streets and infrastructure
2. Requirements as it could stay but as a guideline since all these Hamlets were planned and created years ago.
3. We should ask what the standards would be if specific Hamlets were being planned today and what the lot dimensions would be.

4.6.11

Comments:

1. Recommend changing the minimum interior side setback is the typical setback in side yards stemming from National Building Code requirement of separation between dwelling units.
2. Side yards can increase because of limiting distance provisions in the National Building Code (which takes into consideration distance to the property line; height of bldg elevations; length of building elevation; and openings that potentially expose adjacent properties to risk).

GRC GROUPED COUNTRY RESIDENTIAL DISTRICT (basically new Hamlets)

4.9.1 The purpose of this district is for multi-lot country residential developments that are comprehensively planned and designed to be compatible with a rural setting.

Recommend changing to read:

The purpose of this district is for new multi-lot residential developments that are comprehensively planned.

Note: these may include existing Hamlets

Parcel Area and Dimensions

1. Recommend consistency with minimums for Hamlets.
Minimum 1 acre parcels (43,560 sq ft) is not consistent with the standards in existing Hamlets
2. Even in A Districts the parameters provide discretion for 3 lots within a 2 acre parcel.
3. Provision should be made for irregular shaped lots
4. Provide a minimum lot area but leave the door open for parcels that are irregular due to site constraint on lands that one should be sensitive to (ravines, land forms, etc.)

RMU RURAL MIXED-USE DISTRICT

4.10.3 Permitted uses

- (r) Solar Energy System-Microgeneration Stand Alone

Comments:

1. This use is permitted in both RC Rural Commercial and RI Rural Industrial which seems more appropriate. Recommend deleting from RMU. It could be a discretionary use but suggest that it be prohibited.

4.10.4discretionary uses

1. Recommend adding definition for seasonal dwelling cottage and adding dwelling seasonal use cottage to the permitted uses

Parcel Area

4.10.6

- (a) 3 ac

1. **Recommend changing to 5000 sq ft or less rather than 3 acres**
See comments on other sections related to parcel/lot sizes

Comments:

- Permitted uses in A, H, GRC, and RMU are all similar
- The primary intent of A is extensive agriculture but allows 3 parcels as small as 2 acres with up to 3 dwellings
- Seems that Rural Mixed-Use District should be consistent and permit smaller parcels
- The general focus of Special Areas is agriculture primarily ranching but farming on the better lands
- GRC and RMU most likely to be applied for near Hanna as the biggest centre within the Special Areas where there are a full range of amenities and the potential for development within a 10 mile radius of Hanna.

Section 5

Definitions

1. Add Boathouse An accessory building or use to a dwelling on or adjacent to a body of water
2. Add Dock An accessory use to a Boathouse or dwelling on a body of water

Concluding Comments

The Town of Hanna and Special Area have a synergistic relationship with the success of one very much dependent upon the other.

Many of the categories in LUO I expect will have no relevance not because they are not well intentioned but rather because the demand is not there for the bulk of the lands under Special Areas jurisdiction to satisfy most of the provisions in the proposed bylaw.

I am not aware of any “need” studies that Special Areas have initiated that have pointed the planning consultants to structure this Policy document as they have.

New Hamlets (or GCR’s and RMU’s) will offer more potential for Special Areas to reach their objectives than the existing Hamlets (which for the most part have been abandoned for valid reasons).

Thank you Maeghan and others for the opportunity to provide feedback on this important document that is expected to shape development for the foreseeable future.

Stan Hutton
Architect

Maeghan Chostner

From: [REDACTED]
Sent: February 28, 2024 2:38 PM
To: Public Input
Subject: FW: Photos of cottages designed and built by Stan Hutton
Attachments: 20190810_210151.jpg; 20190810_210139.jpg

Treehouse cottage Roblin, Manitoba in Mitchell subdivision

- 2007 construction start
- 1/3 acre lot obtained through a lottery process by Manitoba Conservation, Government of Manitoba
- Shallow well
- 1950 gallon holding tank for septic
- 1750 square feet on 3 levels above grade
- Top of roof in the order of 36 feet above average grade
- Structure built similar to an office building with 2 sets of 3 treated telephone poles set 10 foot deep on concrete pads
 - 12" steel I-beams with steel collar connectors
 - Flange of I-beams notched at 16" centers to accept 2X12 Douglas Fir joists
 - 24 foot long joist cantilever front and back of structure
 - Perimeter walls hung off the edge of the irregular shaped floor plates
 - Wood trusses with 1/12 slope roof structure
 - R22 insulation walls
 - R30 insulation in exposed 2nd floor
 - R 40 insulation in roof

Note: this design is ideally suited to a slope site such as the water edge of Fox Lake.

- The pole structure would be set on pads deep into a edge of any bank to keep any loading off the bank itself.
- A geotechnical engineer would be retained to review the implication of the structure(s) at the water's edge
- It is expected that Palliser Planning would recommend conditions and that any approval would be subject to.
- It is hoped that the Special Area's Board will seriously consider such an application if made and not dismiss it out of hand because it does not fit the ordinary standard of development.

Comment

I am forwarding samples of residential projects that I have designed and built to provide both Palliser and Special Area #2 a preview of what to expect should I proceed with any development at Fox Lake.

As an architect and former city planner with the City of Winnipeg with responsibilities for approving all projects under the urban design provisions for the downtown my interests in creating something special align with yours.

It would be my intent to overlay design standards of my own on top of any Special Area LUO requirements.

These would have to be met by any purchasers of lots in the development.

All buildings would require both an architect and engineer(s).

The new generation 'Hamlet' or village would ideally have multiple smaller lots with smaller buildings and narrower streetscapes not unlike many of the tourist destinations in Europe.

Question #9

Can the planning consultant and team that prepared the LUO speak to how they see the implication of all the “permitted and discretionary uses” in any of the Hamlets and other land use districts? It would be helpful if during the Public Hearing examples can be provided.



Maeghan Chostner

From: [REDACTED]
Sent: February 28, 2024 2:41 PM
To: Public Input
Cc: Maeghan Chostner
Subject: FW: Clear Lake Cottage Owner Development in Riding Mountain National Park
Attachments: SnipImage.JPG; 20200113_123215.jpg; 181212_042257_2.jpeg

The attached Google image is the section of RMNP where some 325 cottages have been developed on 25 X 40 foot lots. 2nd photo is a cabin designed for RMNP cottage lot area in 1994 with maximum height provisions of 16 feet and max area of 384 sq ft (main floor area)
3rd floor is also designed for RMNP in 2013 with max ht of 20 feet and area of 748 sq ft (on a 25 x 40 ft lot)

General Background On The Development

- In Prince Albert and Riding Mountain National Parks in the cabin areas the Federal Government required all cabins to be removed to a storage area for the winter
- Public showers were provided (as in the case of many camp grounds and trailer parks) and public washrooms
- By the 70's the National Park permitted the small cabins or trailers to remain over the winter months but the services were shuttered between October and May
- By the 90's new development guidelines allowed for the provision of lofts or mezzanines that met the definitions in the National Building Code and max. height of 16 feet from the top of the main floor to the top of the roof
- In the last 20 years the Parks have installed piped water and sewer and increased the lot size (by reducing lane rights-of-way) to enable a new generation of development
 - Attached bathrooms could be added to existing cabins
 - Common washrooms and showers have been maintained by the Parks so that residents are not obligated to upgrade their properties
 - The average price of properties has skyrocketed which gives you the best indication of the desirability of this compact community (village of tiny homes of 750 sq. ft. or less)
- There are some 325 lots in a parcel of 35 acres (so a density of just under 10 units/acre) in RMNP.

Discussion

Some of the Hamlets in Special Areas are likely no longer desirable places to live for a host of reasons.

It would be positive if Special Areas could choose several that are more desirable because of proximity to services, employment, etc.

If there are any, then existing landowners could be given the option to split their lots to increase the density within the boundaries of the Hamlet.

Cities in Alberta have made provisions for splitting 50 foot lots.

Why is Special Areas holding steadfast to 100 foot wide lots and minimums of 5000.00 sq. ft.?

- The population in the Special Areas continues to erode due to a number of factors including:
 - Farm & ranch size
 - Demographics of population
 - Family size

Special Areas Board Mission Statement

"We are dedicated to improve the quality of life of the residents of the Special Areas through the provision of cost effective, proactive and responsible municipal services and effective long term land and water management. We will actively work to **increase** the population of the Special Areas and work to offer **diverse** opportunities to facilitate that growth."

Comments

I continue to advocate for change that is consistent with the above Mission Statement.

Earlier this afternoon I forwarded a 2nd set of comments to my fall submission on the draft LUO. I am looking to receive feedback from Palliser and Special Areas on the start of a potentially larger development that would be a viable addition to the Special Areas and a potential destination for tourism.

Were the development to be for more than 3 lots of 2/3 acre on one parcel in the A Agricultural District but rather a village of cottages (tiny homes) then the at least the part-time population would increase along with the demands for retail services while not necessarily increasing the need for employment.

It is assumed that many of the owners in such a development would come from outside the Special Areas (just as is the case with Sylvan, Buffalo, Pine and other developments)

Question #7

Can you advise if the planning consultant has been asked to consider any new sub-divisions with smaller lots and increased density?

Question #8

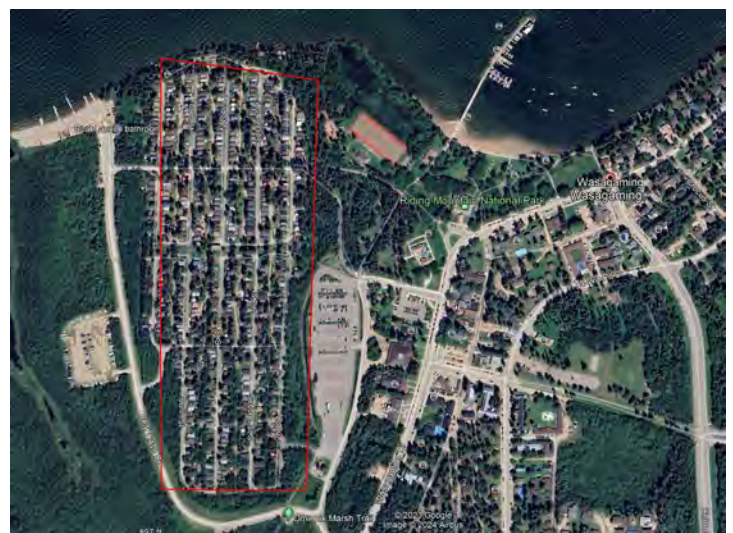
Please advise if Special Areas is open to new sub-divisions with smaller lots and increase density?

Question #8

If the answer is no to either 7 or 8, can you please address the reasons for keeping the density in Hamlets and other districts as low as it is?

Thanks,

Stan Hutton



Maeghan Chostner

From: [REDACTED]
Sent: February 28, 2024 4:35 PM
To: Public Input; Maeghan Chostner
Subject: FW: Lakefront Cottage designed and built by Stan Hutton
Attachments: 20190831_200328_001.jpg

Resending

From: [REDACTED]
Sent: Wednesday, February 28, 2024 3:36 PM
To: public.input@specialareas.ab.ca
Cc: Maeghan Chostner <Maeghan.Chostner@specialareas.ab.ca>
Subject: FW: Lakefront Cottage designed and built by Stan Hutton

Land Use Order or Bylaws are in large measure created out of the necessity for change to modify provisions that are not working as expected and having the desired influence on land use.
I felt it would help the Special Areas Board and well as Palliser Planning to see the nature of some of my project and how they might be accommodated in the LUO.

Lakefront Cottage, Bodnaruk Subdivision Lake-of-the-Prairies near Roblin, Manitoba

- 2010 construction start
- 1/3 acre lot obtained through a lottery process by Manitoba Conservation, Government of Manitoba
- Only deep well possible with iron and Sulphur so opted for 1750 gallon cistern housed in lower level
 - Use as a heat sink (passive solar)
- 1950 gallon holding tank for septic (note: pump out prohibited by Manitoba)
- 950 square foot main level with walk out lower level
- Top of roof in the order of 20 feet above average grade
- Standard construction
 - Perimeter concrete footings
 - Treated wood foundation walls
 - Insulated floor slab with in-floor heat
 - R22 insulated walls
 - R50 insulated ceiling

Note: this is one of 34 lots in the development with lake frontage

- Lake-of-the-Prairies is a man-made body of water created by a PFRA dam at the mouth of the Assinaboine and Shell Rivers
- The lake is some 42 kilometers in length and extends into Saskatchewan as a joint body of water
- There are some 11 major developments on the lake
- Half of these were created in the past 20 year by the Province of Manitoba to support economic development in the Parkland region (which like the Special Areas has seen its population dwindle.
- After the Winnipeg flood by the Red River in 1950, the Duff Roblin Government of Manitoba initiated 3 major projects for flood protection
 1. Red River diversion to direct flood waters around Winnipeg and more directly into Lake Manitoba
 2. Portage diversion to direct flood water of the Assinaboine north (rather than through Winnipeg) to Lake Manitoba

3. The Shellmouth Reservoir which created Lake-of-the-Prairies that could help hold back waters upstream in order to shave the peaks off flood events
- In the first 25 years after completion of the dam and creation of the lake a Provincial Park was established and 4 sub-divisions were created.
 - In the last 25 years 4 private developments have been created along with 4 initiated by the Province
 - The largest private development has some 225 zoning lots with a mix of waterfront and back lots.
 - Roblin and Russell are similar in size with a population of approximately 1500 persons each and are within 35 miles of one another.
 - The village of Inglis is between the 2 towns and in closer to proximity to the Assessippi Ski Resort and the Provincial Park near the bottom or south end of the lake
 - All 3 communities would have difficulty surviving without the resident and non-resident (cottage owners) on the lake which would increase the seasonal population by an estimated 50 plus percent.

Question #10

Does Special Areas recognize the opportunities and see themselves being proactive and initiating cottage lot development in the near future?

Question #11

If so how will the proposed LUO apply and if changes would be required, will Special Areas make these changes before the 2nd and 3rd reading of the order and its adoption?



From: Stan Hutton [REDACTED]
Sent: March 12, 2024 2:29 PM
To: Public Input
Cc: Maeghan Chostner
Subject: Fwd: FW: Trend Across Canada to Allow Multiple Dwellings on Existing Zoning Lots

----- Forwarded message -----

From: <stanhutton1987@gmail.com>
Date: Tue., Mar. 12, 2024, 10:55 a.m.
Subject: FW: Trend Across Canada to Allow Multiple Dwellings on Existing Zoning Lots
To: <stanhutton1987@gmail.com>

Meaghan, Palliser Planning, Planning Consultant, and Special Areas Board,

Find attached a handful of articles related to municipal and provincial governments responding to funding initiative(s) by the Federal Government to address the housing shortage in Canada. The average sized zoning lot across Canada is in the order of 5000 square feet with width of 50 and depth of 100.

Comment and recommendations:

1. I have previously suggested (in comments submitted on February 29th) that the minimum lot sizes should be reduced or at the very least made discretionary so that both applicants; Palliser Planning; and Special Areas has more latitude in dealing with development.
2. The Special Areas Board's mission statement speaks about:
 - cost effective
 - proactive
 - responsive
 - effective long term land and water management
 - working actively to increase the population of the Special Areas
 - and work(ing) to offer diverse opportunities to facilitate growth
3. Cities such a Edmonton have increasingly permitted lot splits of 50 wide lots which has increased the density of housing
 - But has come at the expense of existing housing stock that is routinely demolished to create to new narrower houses (2-3 stories) vs bungalows
 - The resulting character of the change has been a most pedestrian-friendly streetscape
 - Increasing the density has resulted in less urban sprawl and more efficient use of existing streets and infrastructure.
4. Special Areas is blessed with an over abundance land but the base issues with existing Hamlets or new development is the same.
 - The more compact development patterns lends themselves to cost-savings in servicing
 - For example, hydro poles are typically set 70 meters apart so minimum lot widths of 100 feet do not lend themselves to this module

5. The minimum dwelling sizes have been changed in the LUO that has received first reading but the parcel sizes have not.
6. It is suggested rather than wait for the Province to exact over riding legislation to permit 3 or 4 dwellings on single parcels that Special Areas be more proactive and allow wholesale lot splits on existing lots.
 - Permit irregularly shaped lots
 - Specific min. lot areas if you want
 - Reduce red tape for servicing of water and sewer
 - Set guidelines to provide direction to applicants and grant discretion
 - Review and adjust planning fees downwards to help stimulate development and growth
7. While landowners are no doubt receptive to the change(s) proposed on every quarter section:
 - What is the anticipated result of this change?
 - Population growth?
 - Facilitation of next generation housing in agriculture?
8. It is consistent with objectives to maintain all the better land in Special Areas for extensive agriculture?
9. If Special Areas intends to prohibit holding tanks (except for seasonal dwelling) then what are the Special Areas minimum lot area requirements?
 - Yard requirements to neighbouring properties
10. If Special Areas defers to the Province and will allow holding tanks for both sewage and water then please advise.

https://beta.ctvnews.ca/local/toronto/2022/10/25/1_6123676.amp.html

https://beta.ctvnews.ca/local/toronto/2022/10/25/1_6123676.amp.html

<https://globalnews.ca/news/10051121/canada-housing-zoning-changes/>

<https://www.theglobeandmail.com/opinion/editorials/article-the-secret-to-lower-housing-prices-its-all-in-the-zoning/>

<https://www.theenergymix.com/canadian-cities-enact-bold-zoning-changes-amid-housing-climate-crises/>

<https://calgaryherald.com/opinion/columnists/opinion-city-should-hold-a-plebiscite-on-whether-to-eliminate-single-family-zoning-city-wide>

<https://www.calgary.ca/planning/projects/rezoning-for-housing.html?redirect=/rezoningforhousing>

<https://www.canadianrealestatemagazine.ca/news/ending-exclusionary-zoning-would-boost-the-housing-supply/>

<https://www.theglobeandmail.com/canada/article-ontario-housing-report-calls-for-end-to-single-unit-zoning/>

Respectfully submitted,

Stan Hutton

From: Stan Hutton [REDACTED]
Sent: March 12, 2024 2:29 PM
To: Public Input
Cc: Maeghan Chostner
Subject: Fwd: Development Adjacent Water Bodies
Attachments: Scan_20240312.pdf

----- Forwarded message -----

[REDACTED]
Date: Tue., Mar. 12, 2024, 11:48 a.m.
Subject: Development Adjacent Water Bodies
To: <stanhutton1987@gmail.com>

Meaghan, Planning Consultant, Palliser Planning, and Special Areas Board,

Re: Interpretation of Land Use Order

1. Please confirm if Special Areas defer to the Town of Hanna (which is the license holder for Fox Lake)
2. Confirm that Fox Lake is not a natural body of water or permanent water body.
3. Does any setback requirement apply?

Note: that setbacks throughout the Province vary and are not standard

If the implied setback is 125 feet, under what circumstances than this be varied by 20%?

Suggest that all setbacks in the LUO be suggested rather than mandatory (so again Applicants; Palliser; and Special Areas give themselves more flexibility)

4. How does the setback requirement apply to roads through or along the edge of water bodies?

Note: in the case of the west end of Fox Lake, the original road hugged the edge of the temporary water body mid-bank with 80 to 100 feet separation between the high water mark and the road allowance.

That road allowance has remained and is ideally suited to provide access to development west to the relocated road and east to the water.

Because of the existing infrastructure of hydro and roads together with the desirability of the lake views and frontages, it makes this location prime for new more intense development.

Any development of this fractured parcel off the quarter allow is consistent with the objectives for extensive farming on viable parcels.

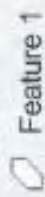
There are no provisions in the proposed LUO for irregular shaped parcels.

Please consider amending to allow so that parcels can be more organic and be sensitive to the context in which they are located.

Regards,

Stan Hutton

Legend



Feature 1



Untitled Path



200 ft

Untitled Map

Parcel(s) between water body and original road

200.43'

93.67'

55.04'

Maeghan March 14, 2024 1/2

- call instead of email travelling
- want to confirm that Board will authorize and instruct Palliser to make changes to the LMO
- can you forward the terms of reference to direct the planning consultant & Palliser?
- confirm that Board will respond to all questions that I asked and others.
- that minutes/meeting notes will be circulated
- Kevin Boisvert not in attendance?
is Kevin still in area 2 rep
- Jordan had asked if I supported the land use order
- it is not as progressive as it needs to be related to housing and parcels
- would ask that Jordan, Trent & Board ~~at~~ respond to the 2 submissions

2/2
that I made at the Public Hearing,

- I had hoped and expected that the Planning Consultant (Nathanial?) would have been at the Public Hearing to respond to questions.
- are the planning consultants no longer engaged?

Thank you Maeghan, Jordan, Trent, Devin and others in advance for your consideration and response.

Regards,

Stan Hutton, ~~MAA~~
Stan Hutton Architect

204-396-9044 cell

stanhutton1907@gmail.com

APPENDIX 4 – PUBLIC HEARING MINUTES

SPECIAL AREAS LAND USE ORDER
Public Hearing – March 12, 2024

1:30 PM

A public hearing was held in the Main Boardroom at the Youngstown Service Centre Tuesday, March 12, 2024 at 1:30 PM with the following in attendance:

Brad Slorstad and Daryl Swenson, Board Members; Jordon Christianson, Chair; Trent Caskey, Shaune Kovitch and Darcy Ferguson (via Teams), Directors; Taryl Abt, Darran Dick, Brett Richards; Administrators; Maeghan Chostner, Communications; Kevin Wilson and Erika Tessier, Advisory Councillors; and Shyanne Jones, Recording Secretary.

Mr. Devin Diano, CEO of Palliser Regional Municipal Services was also in attendance, along with nine members of the public.

The Chair called the Public Hearing to order at 1:30 PM and explained the purpose and process of the hearing. Introductions were made around the room.

Mr. Diano reviewed the history of the Special Areas Land Use Order noting work started on the revision in 2021. After a draft was crafted, the document was reviewed by Advisory Council and then went through a public engagement process in 2023. The updates reflect legislative changes and ensure the Special Areas Board (SAB) aligns with approved Municipal Development Plans. There was also an eye to make the document more user friendly.

Ms. Chostner reviewed the interim public consultation report, noting the final report will be published after the process is completed. SAB recognizes public consultation as an essential part of the Land Use Order review process. There was public engagement completed prior to first reading, including three open houses hosted in November 2023. The LUO and feedback from the public engagement process was reviewed with Advisory Council in Fall 2023. The public consultation process began after first reading, including accepting formal written submissions on the LUO. Three written submissions were received during this period and were summarized.

Ms. Chostner read an emailed submission from Mr. Dave McKinstry who intended to be present but was not able to attend the public hearing. His request was to increase setbacks for Wind Energy Conversion (WEC) systems.

Mr. Stan Hutton requested information on the process to provide Mr. McKinstry with responses to his questions and if those would be published ahead of second reading.

Mr. Christianson noted a What We Heard report will be developed based on the feedback received and outline next steps. The Board has moved past first reading and will consider feedback from this hearing prior to second reading. Third reading in the Special Areas is when the Minister of Municipal Affairs signs a Ministerial Order adopting the SA LUO as drafted.

Mr. Hutton noted he submitted a number of specific questions and is hopeful to get specific answers. He

suggested the questions be compiled and circulated so all interested could see the responses.

Mr. Christianson noted the intent for today is to hear public feedback on the document, and the Board will give due consideration to the impacts on the LUO and balancing the needs of all of Special Areas.

Mr. Hutton brought forward the ability to make smaller lot sizes and increased density as that is a Canadian trend. This could be incorporated in hamlets. Discussion moved to pipe, sewer, septic fields, holding tanks and required provincial standards. Special Areas has water bodies but no cottages within range and that is a missed opportunity.

It was suggested SAB provide more discretion to look at individual applications.

Mr. Duncan Lucas from EDP Renewables thanked the Board for the opportunity to participate and for working with EDP Renewables for projects in the area. There are concerns about renewable energy developments, impacts to homes, noise, frequency, glare and decommissioning projects. There are regulators for those to manage those concerns. The proposed LUO is well balanced.

Discussion moved to setback distance, the current LUO is 800m, it's been suggested to double it and make it 1,600m; having setbacks that distance would make it difficult for projects to be viable.

Mr. Diano noted he investigated other municipal setbacks related to WEC systems, noting some are two or three times the height of the tower and some are based on noise. Special Areas setback requirement is more than Wheatland County and less than the MD of Provost.

There was a question on variance and Mr. Diano noted there is a 20% variance the Municipal Planning Commission can approve; a development officer does not have the authority to grant a variance.

Ms. Chostner noted if the public have additional comments, they can reach out via email to public.input@specialareas.ab.ca in the next few days and the responses will be shared with the Board.

Mr. Christianson thanked the public for coming today and providing insightful feedback. The feedback will be taken into consideration prior to second reading.

The Chair closed the Public Hearing at 2:25 pm.

Chair, Special Areas Board