



## Speargrass Open House

January 16, 2020

### What We Heard Summary

#### Background

The Speargrass Community Association submitted an application to the County to amend the Speargrass land use districts to:

- remove Dwelling, Secondary Suite as a discretionary use;
- address RV parking on site; and
- address the style of fencing that is permitted.

As the application affects the entire Speargrass Community, Administration is presenting the proposed amendments to the community to inform the residents of the proposed changes, answer any questions or concerns, and to receive comments. A community meeting was held on January 16, 2020 at the Carseland Community Hall.

#### Consultation Process

**Purpose:** To inform residents of the proposed land use bylaw amendments and to allow residents an opportunity to ask questions and provide comments about the proposed changes.

**Process:** The comments received will be reviewed and summarized. The summary will be provided to the community and to the Applicant and additional changes to the proposed amendments will be made if appropriate. Residents will have an opportunity to provide further comments on the proposed amendments as part of the public hearing process.

#### What We Asked

Residents were provided an opportunity to ask questions and provide comments on the following proposed amendments:

- 1) Dwelling, Secondary Suite: an amendment was proposed to remove “Dwelling, Secondary Suite” as a discretionary use from the Speargrass Low Density Residential and Speargrass Medium Residential Districts.
- 2) RV Storage: an amendment was proposed to restrict the storage (parking) of RVs on private property to five (5) days or less.
- 3) Fencing: an amendment was proposed to restrict the style of fencing to corral or black chain link fencing with a maximum height of five (5) feet.

## What We Heard

### Process - Proposed Amendments

- The three amendments, are they one package to Council?
  - They go together for Council's consideration, but it is up to Council as to whether they approve one, two, all, or possibly none. Council could also make changes to the amendments proposed in the application.
- When is the Public Hearing?
  - Megan explained the public hearing process;
    - i. After compiling the open house comments, a complete review and evaluation of the application will occur;
    - ii. A meeting with the Applicant will be scheduled to provide feedback, and see how the Applicant would like to proceed (any changes to the proposed amendments);
    - iii. Schedule a Public Hearing;
    - iv. Residents will have an opportunity to provide comments or speak at the public hearing.
- A concern was shared that some of the residents are away during this time and not able to attend the open house or won't have an opportunity to speak.
  - Megan advised that emails or letters could be submitted for the Public Hearing.

### Dwelling, Secondary Suites

- A question was asked if they could vote on whether or not they supported the amendment to remove Secondary Suites as a use.
  - Response: Voting would not be necessary as the open house is intended to provide information and gather feedback. Once the proposed amendments are finalized, application evaluation completed, and Public Hearing report prepared, all letters or emails received regarding the amendments will be included in the Public Hearing package and a tally of all those in 'support' or in 'opposition' will be presented to Council.
- Are there any legal secondary suites in Speargrass?
  - Response: No
- Where are Secondary Suites currently permitted?
  - Secondary Suites are a discretionary use currently in medium and low, but not special med.
  - Megan pointed out the areas on a map (PowerPoint presentation).
- Request for clarification on removing secondary suites in the Speargrass Land Use Districts:
  - If it is prohibited in Land Use Bylaw (LUB), then they couldn't apply for a development permit (DP);
  - But if it remains in the LUB, they would have to submit a DP application, which would require approval by MPC.
- Does constructing a secondary suite require a Building Permit? Or just for constructing a house?
  - If the construction /building plans for a house show a secondary suite within the plans, it would raise questions as to whether or not a Development Permit had first been issued for a Secondary Suite.

- There was discussion as to what defines a secondary suite, which would include a space with cooking facilities.
  - A question was asked that if the cooking facilities were removed, couldn't the space still be rented out?
- Parking requirements for secondary suites – is it included?
  - Is not specified within the definition. But the Development Officer can require that parking on the property be provided as a condition of approval.
  - Concern that the cars would park on the road due to lack of space in the driveway or garage.
  - No space for the additional cars and blocking fire emergency access is a concern.
  - Blocking snow removal or plowing a concern if parking is on the street.
  - Request that the parking issue within the area be addressed.
- Some residents indicated that they bought into the area, as it was a golf course community, and are concerned that if secondary suites are allowed, then the density of the area increases along with an increase in cars and traffic.
- Comments and concerns were expressed in regard to property devaluation, however, some in the room disagree with this statement.
  - Comment that Speargrass is not growing at this time. It is a wonderful community but need to find a way to draw more residents into the community.
- Concern about the previous DP application for secondary suites that was refused by MPC.
  - The concerns with the initial application was the precedent would be set to allow them; some indicated that they would not have bought in the area if they had known secondary suites were permitted.
- Concern about absentee owners renting out their properties and that with secondary suites being permitted, they could possibly have two renters in one house.
  - Many agree with this concern.
- Objections to the secondary suites – not just about parking, garbage, renters. What are the specific concerns and objections?
  - Golf community and not what they bought into.
  - Concern with absentee landowners (renters on site) and could have two sets of renters;
  - Changes the fabric of the community;
  - Don't want a transient community;
  - Not looking for an increase in the density that comes with 2 dwellings within 1 building;
  - Concern about property value, increase in crime may occur.

## RV Storage

- Many were concerned about RVs in the community.
- The proposed amendment would address this by having a five (5) day maximum for RVs to be parked on private property. Question on enforcing this:
  - What happens when someone removes it for a period, then brings it back, to avoid the bylaw?
  - What can the County do about this? Enforcing parked RVs on public roads can work but is more difficult on private property (used the example of chalking tires). Need to have realistic expectations of enforcing the RVs on private property – due to enforcing the removal of the vehicle.
  - Question about the max number of RVs allowed on the property;

- Residents stated that they realize that there will be people who will not follow the bylaw.
- RV parking/storage issue – the wording should be revisited so that the intent of the Bylaw can be followed.
  - Would like a bylaw that they can all agree upon, what works for most people.
- A comment was provided that parking on site should be increased to up to ten (10) days, not more.
  - Another indicated that at least a week or more due to work schedules, doing maintenance on the RVs, etc.
  - Three (3) days maximum was also suggested.

## Fencing

- A question was raised about fencing already in place and whether the proposed amendment would affect them.
  - Response: No, existing fences would be considered legal non-conforming (grandfathered).
- A question was raised about the type of fencing and why the desire to regulate this.
  - It was indicated it was for safety and aesthetic reasons; wanted to see through fences for visibility; didn't want solid wooden fences;
  - Question about someone that had a fence made of chicken wire; it was indicated that this was because the black chain link fence wasn't permitted at the time the fences were constructed, so a few used chicken wire fencing to contain their dogs.
- If the amendment proposed is approved, would all fences require a DP?
  - Yes, in order to enforce the amendments, a development permit would be required for all new fences.
- Was the chain link to be at the rear of the property?
  - Administration indicated that comments and feedback would assist in determining what the residents would like to see.
  - Some indicated that chicken wire should be permitted at the rear of properties.
- Fencing type was defined in Phases I and II, which were different; agree that they should meet these guidelines and leave the rules the same.

## Enforcement Concerns

- What types of concerns are being raised at the County, being enforced, and addressed?
- What are the Peace Officers doing to enforce the bylaws?
  - Megan addressed the RVs and garbage, and that we need written complaints so that Administration could follow up.
- Dean, Peace Officer, outlined how complaints are taken and addressed.
  - Require a statement from the resident with what has happened. Peace Officer will go out to investigate; however, if he doesn't see the offence or violation, he will then rely on a statement from the resident. This is needed in court for enforcing some of the charges.
  - Used a barking dog complaint as an example of when they will need assistance from the residents; may not hear a dog barking when they go out to investigate, so the resident may be asked to log the times that the dog is barking, etc.

### Bylaw Violations:

- County looks for voluntary compliance first; how to resolve the issue without having to issue a fine.
- If voluntary compliance is not achieved, the Peace Officer may issue a violation ticket (fine). The fines increase if the violation is not addressed.
- If all actions taken have not been effective, the County may pursue legal action through the Courts.
- Compliance for a bylaw violation may take time to achieve.

### Presence in the Community:

- Comment on Peace Officer presence in the community.
- Peace Officers are in the community; they schedule their time as to where they are spending their day for enforcement.
- Not empowered by the criminal code and are not armed, so they are limited to how they can respond to some calls; but do respond to bylaw complaints and are available until 8:30 pm and are now providing coverage on weekends.
- The Peace Officers will always take a call (does not need to be in writing) and will respond to the call but may follow up advising that a statement is required. Will never refuse taking a call and responding.
- Commented that in the last 5 to 6 years the Peace Officer only received 2 complaints from Speargrass that he has investigated; but has followed up on issues.
- Other County bylaws – apply to the Speargrass Community as well and are enforced; unsightly (garbage for example).

### County Bylaw Enforcement:

- Is the County complaint based only?
  - i. Not necessarily, dependent on the situation they see when driving by and whether it is an issue.
- County bylaws to deal with broken down cars/vehicles in some communities, why aren't they being enforced?
  - i. Community standards and rights; Peace Officers cannot enter onto your property without permission
- Speeding issues – concern during the golfing season that the speed limit is not observed. Peace Officers do enforce speeding.
- Resident requesting more signage – would need to request that through Public Works, but the signage appears to be adequate; believe that enforcement is important to control speed limits.
- Comment is that the complaints could go to the Community Association – from the memberships.
  - i. Residents were told that they should call the County and they will follow up on the complaint.

## What's next?

- County staff will converse with the applicant to confirm the proposed amendments.
- Staff will take the application to Council for First Reading and to schedule a public hearing. This summary will be included in the package.

- Letters **won't** be sent to Speargrass landowners detailing the First Reading date. The purpose of a bylaw's First Reading is to give Council some information on the proposed amendments. Attendees will not be given an opportunity to speak in favour or against the application at this point.
- If granted First Reading, staff will mail letters to the Speargrass landowners notifying them of the Public Hearing date.
  - The Public Hearing is the opportunity for residents to provide comment either by
    - i. email to [megan.williams@wheatlandcounty.ca](mailto:megan.williams@wheatlandcounty.ca)
    - ii. mailing a letter to the County offices
    - iii. attending the Public Hearing itself and speaking in favour or opposition to the amendment.
- Letters or emails received for the public hearing will be put into the public record and will be given to Council to review. They will be available for the public to view as well.
- If applicable, they will be categorized into whether they oppose or support the application.
- After the public hearing closes, Council will move to grant Second and possibly Third Reading. Once Third Reading has been granted the bylaw is passed and the amendments will be in force.

## Notification

- Once Council has made their decision, staff will mail Speargrass residents to inform them of what the decision was.