

# **Response to June 26, 2024 Public Hearing Feedback**

**Town of Falher  
Proposed Land Use Bylaw 24-04**



## Purpose

This document is being presented to Council for further review, feedback and direction on items presented at the Public Hearing for Proposed Land Use Bylaw 24-04, held on June 25, 2024, in the Council Chambers for the Town of Falher.

As the Public Hearing was held relatively soon following the Open House held by the Town of Falher, which included (among other items) information related to the Proposed Land Use Bylaw, some items included here were discussed in both venues. Below are responses and information as they relate to specific items presented by individual residents at the Open House and Public Hearing. Also included in this document are general items that Administration addresses further.

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As contained in the Minutes of the Public Hearing for Proposed Land Use Bylaw 24-04, held on June 25, 2024, the following written submission was received:

Would like to see talk about stipulations on being able to put older mobile homes on land within the town as long as proper inspections for safety and structural as well as making sure things are up to code.

Response: The current LUB draft enables Manufactured Homes in Town up to a maximum age of 15 years. This relaxes the current legislation of 5 year maximum (with stipulations up to 10 years). After consultations with Council, a 15 year maximum was agreed upon, given ongoing quality improvements within the manufactured home industry. That is to say, a manufactured home from 15 years ago, matches or exceeds the quality of a manufactured home that was 5 years old at the time when the previous legislation was passed.



A resident provided a lengthy submission outlining various concerns with the Land Use Bylaw which received first reading. Below are the resident's concerns with Administration's responses included:

1. Definitions

a. Additional Dwelling Unit (ADO)

i. I do not agree with having a second dwelling on the same lot. It gives the potential for conflicts further down such as parking, ownership, services (Water, gas, power) It is very open ended.

**Response:** Subject to other setbacks and other requirements & regulations (ex: parking) Utilities would be dealt with in the utility bylaw. Town of Falher has ability to refuse development based on technical matters of water and sewer capacity etc. Objection is noted.

b. Adult Entertainment Facility

i. There are no permitted uses or discretionary uses in any of the districts so why have the definition.

**Response:** Not every definition in the bylaw constitutes a use; however, every use requires a definition. This use is not enabled in any zoning district. It is simply included to further clarify the definition of Amusement Facility. Objection is noted.

c. Agricultural Use

i. There are no permitted uses or discretionary uses in any of the districts so why have the definition.

**Response:** Not every definition in the bylaw constitutes a use; however, every use requires a definition. To clarify: this is enabled in the Urban Reserve District. (We do have some land that is currently farmed. Both private ownership and public ownership leased to private).

d. Child Care Facility

i. Although the definition of the use and building are fine, the regulatory numbers are not within the towns authority and should be removed. ie: means the use of a building or portions thereof for the provision of childcare services.

**Response:** We are not regulating the numbers of children allowed, we are simply using it as a threshold to understand the size and scope of the development. 6 or fewer children is a (in the words of the Province) Day Home, and does not require a development permit application (DPA). 7 or more children constitutes a Child Care Facility and would require a DPA due to neighborhood impact and other factors.

e. Construct

i. Does the town have a building bylaw. You do not issue building permits but rather development permits.

**Response:** The Town of Falher does not have the ability to issue "Building Permits", as this is a Provincial matter. However, it is within our right to require one as a condition



development permit approval. Second, not all construction requires a building permit. (Ex: Shed, Deck, Road/Parking).

f. Crude Oil

i. Not required

**Response:** Mentioned under the definition of Bulk Fuel/Chemical Depot in order to provide further clarification.

g. Cultural Facility

i. Remove" but does not include adult entertainment facility"

**Response:** to remove the verbiage in question would remove clarification on the examples/purposes/forms of Cultural Facilities. The inclusion is specifically intended to prevent prospective applicants and the public from construing Adult Entertainment Facility as a type of Cultural Facility; therefore, retaining the verbiage is advised.

h. Development Officer

i. In accordance with the MGA

**Response:** MGA does not define a Development Officer. Rather, the term used in the MGA is Development Authority. The MGA clarifies that a municipality MUST, by bylaw, provide for a development authority to exercise development powers and perform duties on behalf of the municipality. The Town of Falher has BYLAW No. 19-03 (Development Authority Bylaw) which provides this duty and assigns the term Development Officer.

i. Dwelling Group

i. Shorten and clarification is required

**Response:** Definition and length are appropriate.

j. Dwelling Unit

i. Garage Suite - a 2nd municipal service is required for this use; conform with A.B.C

ii. Garden Suite - Same as Garage Suite

**Response:** Incorrect. 2nd Municipal Service (beyond solid waste/garbage) is not required nor advisable. Doing so may encourage or insinuate the possibility of subdivision. Utility connection to secondary properties would be clarified in the Utility Bylaw. Garage/Garden suites are enabled in the current LUB and a 2nd connection is not required.

iii. Semi Detached

1. Party wall is not the correct terminology. It should be referred to as a "common wall" this term should be changed throughout the document. Common wall extends through the ceiling to the roof line and acts as a fire rate wall (Fire Code) see Figure 1



**Response:** The terminology is not always interchangeable. There are distinctions made in the current definition that relate to property lines. This is an important distinction, as not all semi-detached homes are separated by a property line.

k. Easements

- i. Should be a registered easement by caveat on title.

**Response:** Definition has been revised to include “registered on the certificate of title”.

l. Education Facility

- i. Should end at, "by the Province of Alberta" to lengthy

**Response:** The additional verbiage is provided for clarification, which is one of the main purposes of the LUB Refresh.

m. Finished Grade

- i. Spelling error on Building

**Response:** Addressed.

n. Geotechnical Assessment

- i. Is this def. necessary?

**Response:** Provided for clarification, which is one of the main purposes of the LUB Refresh. This has been added in the event that it is required for a development proposal.

o. Home Occupation (Home based business)

- i. Is this home occupation or home-based business

**Response:** Interchangeable. HBB was the original term, more frequently in other markets, the term home occupation is more favourable.

- ii. Should be where the customer goes to the proprietor

**Response:** Unsure of the request.

- iii. Lot (1) Quarter Section C21 River Lot

**Response:** Unsure of the request.

p. Manufacturing (Light)

- i. Change to Minor

q. Manufacturing Heavy

- i. Change to Major

**Response:** Light & Heavy are currently accepted terms within the planning profession.

r. Natural Resources Extraction

- i. Remove - no need this is for gravel pits etc ...



**Response:** This has been removed.

s. Party Wall

i. Rename to Common Wall

**Response:** See above notes for Dwelling Group Semi Detached/Party Wall.

t. Permanent Foundation

i. What is "raft"

**Response:** Colloquially known as a "slab foundation"

u. Personal Services Establishment

i. Way too lengthy

ii. "a development relating to personal users such as but not restricted to; hair stylists, laundromats, small appliance repair etc ...

**Response:** The additional verbiage is provided for clarification, which is one of the main purposes of the LUB Refresh.

iii. Remove adult entertainment facilities or escort services

**Response:** Further clarification "DOES NOT INCLUDE"

v. Protective and Emergency Services

i. Change people to public on second line.

**Response:** This change has been made.

w. The definition of Recreational Vehicle, recreational vehicle and equipment, sales and service, recreational vehicle park, recreational vehicle site: are all too lengthy and need some clarification

**Response:** Definitions are of suitable length; however, OHVs sales and service have been incorporated into definitions for Auto Sales & Rentals; and Auto Service.

Spin off: Administration felt the need to add auto sales & rental & auto service as well as RV sales and service as discretionary uses to C-1 & C-2.

x. Retail establishment

i. General- error on 2nd line: word omitted, should be limited.

**Response:** This change has been made.

ii. Cannabis: the words" who attend the premisses" should be removed.

**Response:** Removed and replaced with "individuals".

y. Satellite dish

i. Definition is too wordy and technical



**Response:** No action required. Objection noted.

z. Salvage Yard

i. What does trans-shipped mean?

**Response:** It clarifies an example where the items may change the transportation / shipping methods. IE, arrive by rail and move to trucking (as example, vice versa).

aa. Senior Citizen Housing

i. Senior lodges (villa) nursing home, should be "extended care facilities"

ii. Add self contained housing (manoir)

**Response:** This change has been made; nursing home has been changed to other forms of assisted care housing.

bb. Shouse (Barndominium)

i. The definition should be changed by omitting the sentence "a shouse ending@ primary frontage"

**Response:** No action required. Objection noted.

cc. Solar Energy Micro

i. Definition is too technical: It should read" s small scale solar power system designed for a single family dwelling, These systems are to be mounted on a roof or rear/side wall.

**Response:** Current definition properly addresses aspect of sizing (small scale, micro). However, the comments are inaccurate in terms of "single family dwelling" as they may be installed in a commercial or high density residential development. Second, these items can be ground/post mounted, not just wall or roof.

dd. Specialty Food Store

i. Rename to retail establishment

**Response:** No action required. Objection noted.

ee. Swimming Pool

i. Too Lengthy

**Response:** Clarification is with intent.

ff. Temporary

i. 5 years is not temporary; this should be changed to 1 year. This change will align with the definition with uses further proposed in the bylaw.

**Response:** Discussed at the steering committee level. 5 years was decided as compromise to allow flexibility. Temporary is defined as something with a defined end date: IE, limited time period. Reduction of the 5 years may lead to an increase in administrative workload.

gg. Transloading Facility

1. Remove as the is no use listed in Industrial district for transloading facility.



**Response:** Added in for additional clarification. May come up in the future. Use has been added to M-2 and M-1 districts as discretionary uses.

hh. Treatment, Recovery, and Disposal

i. Remove, not listed in any district

**Response:** Could possibly list as use.

ii. Work Camp

i."Means a temporary" current definition means up to 5 years.

**Response:** Correct, no action required. (Ex: Peace River Bridge)

2.Bylaw

a. Development Officer- Remove Dev. Authority bylaw and replace with MGA

**Response:** Response: Correct, no action required.

b. refer discretionary applications not "all"

**Response:** Removed. IDP specifically requires the MD to refer applications to the Town.

c. remove "for uses"

**Response:** This change has been made.

d. Direct control means Council does not have to consider or have regards to Statutory Plans.  
Definition should end in a direct control district.

**Response:** Not correct. MGA (s. 641(2)) requires that it is subject to statutory plans.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

e. Add "excepting roadway setbacks"

**Response:** This may be common practice in certain rural scenarios; however, in our case, this is non-applicable

3.2.i The requirement of having to obtain a dev. permit in a site before being allowed to remove a abandoned structure is not proper. This should be removed as this is a tax purpose only.

**Response:** The following developments shall not require a development permit, provided they otherwise comply with other applicable provisions of this Bylaw: Demolition of a building or structure where a development permit has been issued for a new development on the same site

3.3(3) Received should be changed to complete

3.3(4) Received should be changed to complete

**Response:** Current verbiage was chosen with intent. No action required. IE, this section outlines regulations for RECEIVING DPAs, there is another section for COMPLETED DPAs.





3.8 Notice of decisions -Where do you publish the decisions? Website and Face book? Notice of decisions must also be given to the abutting landowners as per the MGA

**Response:** Public Notification Bylaw allows the Town to publish decisions via newspaper, Town website, social media sites or bulletin boards. Abutting landowners are not required to be notified per the MGA. Abutting landowners are not currently notified, such a change would be a noticeable increase in administrative workload/processes.

3.8(6)Temporary- refer to definition

**Response:** This item is here to clarify timelines for temporary DPAs <12 months. No action required.

5.1(2) Not all uses require municipal Services such as but not limited to RV storage yards.

**Response:** Has been modified to include a statement of “unless otherwise exempted”.

5.4 Additional dwelling units is too broad; must be more specific

**Response:** Objection noted. No action required.

5.7 Just a side note - The Falher West Drainage Project is the cause of flooding in specific subdivisions.

**Response:** Objection noted.

5.15(l)(d) Temporary- Ensure definitions of temporary is changed to 1 year.

**Response:** Objection noted. No action required (see above)

f. should read recreational vehicles. Remove parks.

**Response:** Removed.

g. Remove party wall, insert common wall.

**Response:** See above, no action required.

5.18 (7) Last line on page 61, remove electricity and replace with 'service'.

**Response:** Removed.

6.1 Accessory buildings, structures uses

6.1(3) include solar arrays, wind tower.

**Response:** Unclear on what the respondent is requesting. In the current draft, these items are not permitted in the front.

6.2 Additional Dwelling units.

This whole section needs to be reviewed by Council and not just a committee. This section can have a lot of unintended consequences.

**Response:** Objection Noted.

6.3 This section also needs to be reviewed by Council as a whole. Notification to abutting landowners prior to an approval is a MUST!



**Response:** Objection Noted. Although the neighbouring municipalities (namely MD Smoky River 130) have had a large development be explored, this is not the intent of this regulation. In Town we deal with Micro development.

#### Solar Panel Collectors

- i. Front should be removed or replaced with 'side'

**Response:** This change has been made.

- ii. Definition for the acronym SWEC should be added

**Response:** This change has been made.

- iii. Add F - Notification to abutting land/lot owners

**Response:** already there. "shall consider [...] Inputs and feedback comments received from[...], adjacent landowners and the public, if applicable"

- iv. Spelling error 'communications'

**Response:** This change has been made.

- 6.12 5) Replace water supply/sewage system with municipal services

**Response:** it may not always be municipal, IE home owner may own their own system, ex:depending on municipal technical requirements

- v. what is a substandard lot

**Response:** explained (lot with lot area and width less than required in the LUB district)

- vi. add tiny house to this

**Response:** item has been removed, research was done and confirmed that Secondary suites can be built onto Manufactured Homes, so long as they meet building code. Same would apply to tiny home.

- 6.13 (2) This is a minimum size but no maximum.

**Response:** The minimum is of interest here, to ensure adequacy. Maximum would be dictated by site coverage, etc.

- 6.13 (3) Parking spaces can't be in front yard. If you have a 3 bedroom secondary suite will the current municipal services be sufficient? Will this conform to the ABC for services. Section 6.13 need to be reviewed by Council as a whole.

**Response:** Currently there are no residential parking placement standards that regulate yard location. Typically, we mandate # of spaces. Parking in the front would often be encouraged.

- 6.14 Needs to be reviewed by Council. Concerned that you can have a tiny home on a lot with an accessory building with substantially more square footage than the principle dwelling.

**Response:** Yes and no, you can have a development with an increased square footage; however, it would likely no longer be classified as a tiny home.

- 6 There is no need for this to be in the bylaw

**Response:** This change has been made.



## 7 Sea-cans

- i. Should end after principal use. "Unless it is used for a self storage development means it has a use"

**Response:** No change required. They could be used for self-storage.

- ii. Sea cans cannot be used as a dwelling unit. Remove the remaining sentences.

**Response:** not action required. Objection noted.

## 8 Signs

The definition of temporary must be changed to 1 year.

**Response:** Objection noted. CAO will review SIGNS section.

## 9 Shouse

There is no maximum size of the residential portion of the building. How is this going to affect parking requirements? Will the shouse require a separate connection to municipal services? Should be reviewed by Council as a Whole.

**Response:** Max is dependent on site coverage, setbacks etc.

Dwelling portion has to meet code.

No separate connection requirements.

Parking requirements would be dependent on a case by case basis.

## 10 Work camp

Work Camps (1) Definition of temporary must be changed to 1 year.

**Response:** no action required. Objection noted.

11. Sea Can: Temporary- change definition to 1 year

**Response:** Response: no action required. Objection noted.

12. No use in discretionary for satellite dish yet you have height restrictions for it 7.4.(5).

**Response:** Added to R-1 and R-2.

13. Dwelling group has to have a definition

**Response:** No action required, already defined.

## 7.6 Downtown Commercial District

Shouse should be in the permitted uses in this district. The commercial portion of the shouse on the ground floor and the residential portion on the upper floor. This would give more traffic in the 'downtown' often hours. This was done in the 50's, 60's and 70's. Mixed uses are now part of downtown revitalization projects.

**Response:** Council direction through MDP was to limit residential development in commercial/industrial districts. If Council supported this change, likely an MDP review would be needed.

7.7 c-2 - Shouse should be added in this district also, if a developer can have a shouse in the commercial district they may be inclined to build.



**Response:** Could be explored, again, an MDP review may be required.

Direct Control 7.12

**Response:** Objection Noted. Town's use is very limited, not abused.

8.2 Enforcement

(c) the development permit was issued in error. How does this happen? The developer may have spent thousands of dollars on the development and then have it revoked. Could cost our municipality monetarily.

**Response:** Error could mean that it was issued based on misrepresented facts/information. If it was refused based on misrepresentation or "error" as well, it could be re-issued at no additional cost to the developer.

Side Notes:

LUB form such as permit applications, notice of decision, diagrams, etc. Should be in your policy handbooks in a section called forms changes to the form can be changed without a bylaw amendment.

Sizes and uses of additional dwelling units can cause other problems if not properly defined and regulatory provisions be put in place.

Is there a provision for horses, goats etc in the bylaw? If there is, there should be a section for this and include the number of animals permitted and other regulations.

The numbering in this draft of the LUB should be revised throughout the document statements after the section heading should not be numbered.

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### **Zoning as it affects land values:**

*Correspondence between CAO and Assessor based on questions at the public hearing.*

#### **CAO:**

A resident posed a question framed around the idea that, to their knowledge, at one time, land values in the Town of Falher were directly related to their zoning. Specifically, that properties with an R1-Restricted Residential Zoning, were assessed with a higher land value than properties with an R2 Low Density Residential Zoning, or even in the MHR-Mobile Home Residential Zoning.

With our newly proposed Land Use Bylaw, we would be deleting the current R1 (Restricted) and MHR zones, and essentially absorbing them into what is currently an R-2, becoming a new R1-Low/Medium Density Residential. The question was would this affect land values in any significant way?

#### **ASSESSOR:**

Yes, zoning does have an effect on land values. There potentially could be value differences between each zoning. Typically, the largest swings would be between residential and non-residential zones. In a municipality the size of Falher the differences between residential zones are negligible. Recent sales have shown even under the existing LUB little variation between residential lots in any zoning class. I would predict that there would be little variance in the assessments under the proposed LUB.

#### **CAO:**

A follow-up question from a resident related to the prediction of “little variance in assessments”. They were looking for a further drill down on what is considered as little variance. Their talking point was that 1-2% might be slight, but could result in a variation of assessment of thousands of dollars. “What does the little change in assessment equate to? Little change to some but maybe not to others.”

If you can elaborate it would be greatly appreciated.

#### **ASSESSOR:**

Agreed, descriptions such as “little” or “slight” are subjective. I cannot predict what percentage/dollar change, if any will occur. Zoning effects the land side of the assessment calculation. In a community the size of Falher the land values do not variate in larger percentages (50-150%) between properties or areas of Town. The land values typically steady with some variation between them. As of right now land values for a typical lot residential lot in Town ranges from \$10,000 to \$14,000. This is a relatively tight value spread, but it represents a 40% variance. My opinion is that under the new proposed zoning the market will not suddenly change, positive or negative. Given current market conditions, even a 100% variance would be \$10,000 or roughly \$171 in taxes (using the current residential mill rate).

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## **General Concerns**

Below are generalizations of repeated topics of concern at the Town of Falher Open House (June 10<sup>th</sup>, 2024), and the Public Hearing (June 25<sup>th</sup>, 2024)

Items more specifically addressed at the Open House or the Public Hearing will not be re-addressed below.

### **1. 'Flat/Open Residential Zoning' & Variety of Housing:**

Administration has combined these topics as they generally relate. Some residents have expressed concerns relating to (what administration is calling) Flat or Open zoning. The general concept that all residential lots are enabled to develop a variety of housing types (exception: separate zoning remains for high density housing). This enables a property owner to develop a typical single family home, or a manufactured home, or even a tiny home. This has been done by the design of Council in order to promote development of our community regardless of which neighborhood you decide to purchase property. Previous zoning regulations limited housing types based on the neighbourhood. Instead, these changes make the Town's Land Use Bylaw less restrictive for ongoing development.

Concerns related to specific housing types reducing the values of more established homes in the neighbourhood was found to be baseless after a discussion relating to local trends with our assessor. Further details of this are available in the minutes of the Public Hearing (attached to this document).

### **2. Sea Cans**

During public consultation, many respondents voiced concern that they "did not want to see sea-cans used for housing". At no time did any drafts of the newly revised Land Use Bylaw contain enabling legislation for such use. Council has explored the option of utilizing sea cans as accessory structures/building solely for the purpose of storage. Current legislation enables such use (with various additional regulations and stipulations) for commercial and industrial uses. Council has explored expanding this use to include residential zones as well. Again, only for the purposes of an accessory structure/building for storage purposes.

### **3. Communications**

Administration went beyond the legislated mandates for public consultation and communication on this project. Including surveys, calls for public nominations for a steering committee, advertising on Facebook, our Website and physical posters in addition to an Open House and a required Public Hearing. This document will be made available to the public through standard means as previously approved by Council in addition to individual letters being sent to those in attendance for the Public Hearing with a link to this document and minutes to the Public Hearing.

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**End of document**

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