

**SUMMER VILLAGE OF NAKAMUN PARK
LAND USE BYLAW 2022-4
PUBLIC HEARING**

**7:00 PM AUGUST 17th, 2022
ONOWAY HERITAGE CENTRE – ONOWAY, B
AGENDA**

(Note: please sign-In if you wish the speak during the hearing)

1. Call to Order:

2. Adoption of Agenda for Public Hearing LUB 2022-4, August 17th, 2022:

3. Opening Remarks:

4. Open the Public Hearing:

- a. Statement by the Secretary
- b. Opening Remarks from Administration

5. Public Testimony:

a. Written Submissions received before the deadline

- i. 5 Written Submission Received
- ii. Filing of Survey Responses (and summary of same)

b. Written Submissions Received after the deadline

i. If any

1. Motion to receive written submissions into the record

c. Request to make oral presentations received prior to the deadline

- i. None received

d. Oral Presentations from the floor

- i. In order as listed on the sign-up sheet

6. Closing Discussions:

- a. Closing questions from Council
- b. Final Comments from the Gallery

7. Close the Public Hearing

DATE: August 14th, 2022

ATTENTION: SV of Nakamun Park, COUNCIL, CAO and BYLAW OFFICER

RE: BYLAW No. 2022-4.

Our Summer Village of Nakamun Park is a "GEM" where we tax paying full time residents and weekenders spend some good time enjoying the outdoors, neighbors, friends and family.

*Bylaws are for the betterment of the Village as a whole, and NOT just a select few. The Council Code of Conduct states that while maintaining the highest standard of quality and transparency, members of council shall carry out their duties with impartiality, putting the interests of residents and ratepayers above personal interests... seek the common good!

Against proposed year round RV bylaw because:

*First of all, let's do a visual and drive down Nakamun Drive and a few side streets...if even 1/3 of village residents have 2 RVs on their lots in summer and winter, what would the SV of Nakamun Park look like???

Simple answer...An eyesore RV park and a RV storage park!!!! Not good esthetics for current property owners or potential new property owners who, by purchasing and/or building, would add to SV tax base.

*By looking like a "trailer park" it is VERY reasonable to assume our property values will not increase as they should, but rather **DECREASE!!**

*Lets protect our expensive investment in our homes and cabins!
...RESIDENTS contribute to taxes for SV... RV trailers on lots do NOT!

*We have been at SV of Nakamun Park for over 20 years. We started as a cabin owner weekender, then built our permanent residence retirement home at Nakamun, and our decision was based on the current bylaws.

*TWO trailers on SV lots year round equals more people for an extended period! That equals increased lake traffic thus more disturbance...more traffic on our roads that taxpayers maintain, more parking congestion, and more noise for our community.

*Council strongly opposed RV development adjacent to SV several years ago. What are reasons for a change of Bylaw of this magnitude NOW?

* Current RV bylaw allows ONE only on a developed property not two or more, and at present there are **empty lots** with several RVs. **THIS IS NOT ENFORCED** throughout the Village as well as other non-enforced bylaws as derelict vehicles and unsightly lots. How would enforcing new bylaw be any different???

DO NOT PASS BYLAW 2022-4!!!!

WHAT'S RIGHT IS RIGHT, WHAT'S WRONG IS WRONG!

Regards,

Bob Charter

Elsie Charter

RR1, Site 3, Box 59

Onoway, AB T0E1V0

5096-4th Street

Summer Village of Nakamun Park

Date Fri, 12 Aug, 22 3:38:58PM
From William Burrell
wburrell@mcsnet.ca
To Dwight Moskalyk
cao@svnakamun.com
Subject By-law change 2022-4

In reference to the below new proposed by-law, who brought this forward, as I would like to object if it is 2 sitting councilors on lots 5041 and 5055, who are in violation of the current by-law and would appear to be a conflict of interest. SECTION 42 RECREATIONAL VEHICLES AND TEMPORARY LIVING ACCOMMODATIONS a) A maximum of two (2) Recreation vehicle, holiday trailer, motor home, camper or tent trailer may be situated and occupied on a developed lot provided that it: 1. is located within a required parking stall or on the site in a manner satisfactory to the Development Officer, and 2. is occupied where on-site access to an approved sewage collection system is present; b) At no time are recreation vehicles to be used as a permanent place of residence. c) Notwithstanding the foregoing, a recreation vehicle may be maintained on a site during periods of dwelling construction for a maximum of one (1) year where approved by the Development Authority. In extenuating circumstances, at the discretion of the Development Authority, a longer permitted temporary living accommodation may be granted, or an extension of an additional 6 months to an existing permit may be considered. d) A maximum of two (2) unoccupied recreational vehicle may be kept on a developed parcel for storage purposes where the same is kept in a neat and tidy condition and in a location that respects the privacy and appearance of neighbouring properties. e) At no time may a person store any derelict recreation vehicle on a property. Dereliction may be assessed by inoperability, immobility, excessive rust, decay or damage, fluid leaks, abandonment, lack of registration, or any or all of these. f) Notwithstanding the foregoing, no time may a person use, store or maintain on a parcel, or allow to be used, stored or maintained on any parcel, more than a maximum of two (2) recreation vehicles.

Regards
Eileen Burrell

Dwight and Leona Barton
RR1, Site 3, Box 43
Onoway, Alberta TOE 1V0

5102 and 5103 - 4 th Street
S.V. of Nakamun Park

- We purchased out here because the Village had great possibilities, nice homes and cottages were being built and existing cottages were being modernized, yards cleaned up etc. It gave a welcoming feel when driving through the Village.

- If you pass this bylaw allowing 2 Permanent RV's on each lot, that welcoming feeling will be gone and people might think we are an RVPark / Storage yard.
- We don't understand when everyone including council were against the RV's South of the drive, now all of a sudden its o.k. to have them in our Village.
- The same reasons to oppose having it there would apply here.
 - Traffic, Lake is to busy as it is, Upkeep of boat launch, roads and Park Also noise
- As regards to : Pleasing to the eye ; one has to wonder how you plan to police this, as to this point council has been unsuccessful in accomplishing removal of RV's on the empty lots. If people can just put there RV on a friends lot, that discourages them from purchasing a lot of there own and building a cottage which in turn adds to our tax base.
- Property Values would go down, Who wants a nice home in an RV Park / Storage yard.
- We have built 4 homes / cottages here as it was regulated by previous council to keep values up.
- Council is elected for the betterment of the community, also to try and retain and improve Values is a great part of that.
- We trust council will make a decision for the best interest of our community.

Thank you
Dwight and Leona Barton

Dwight Barton
Leona Barton
780-967-5859.

Legals : LOT 22, BLK 5, Plan 2302mc
LOT 23, BLK 5, Plan 2302mc

August 14 – 2022

SV of Nakamun Park

Re: Proposed Land Use Bylaw 2022-4
Section 42 – Recreational Vehicles

To Whom it may Concern,

We just wanted to comment on the suggestion to increase the maximum allowed RVs to a total of two. Frankly, we can see no good reason to allow this to be changed from the present limit of one.

We believe this will just invite elevated presence of such vehicles in general. It allows for lot owners to store friends and family's units, possibly leaving units there for family to come stay for extended periods, etc. The result of which will be to certainly give the wrong impression to visitors and ultimately will result in a depreciation of property values.

We already have several lots where the existing limit of one unit is not being adhered to, and our time / effort would be better spent correcting those situations and keep consistency to all lot owners. One unit on a developed lot is sufficient to serve the purpose.

Thank you for your time,

Randy & Darlene Oltmann

5094 – 4th Street

Date Tue, 02 Aug, 22 12:11:58PM
Sender Mark Miller <outlook_45ADD986E3BC6B2F@outlook.com>
From mark@millers.ca
To cao@svnakamun.com
cao@svnakamun.com
Subject Land Use Bylaw draft 2022-4 feedback

Hi Dwight, here is my feedback on the draft Land Use Bylaw. I may have additional comments as I spend more time reviewing it.

Page 24/60: (w) A fire pits; *(need to split onto separate line)*

Page 39/60: Higher than 0.91 m (3.0 ft.) (Note: Current Bylaw is 1.83m front or back I think) *(should validate and remove comment)*

- I am not keen on this section for waterfront property. From what I understand, a waterfront property can build a 6' fence along the road (e.g. Nakamun Drive). IMHO this is very unwelcoming in a village and blocks the view through to the lake, which is a shared resource for our community. If many residents build their fence based on this, the waterfront side of Nakamun Drive would look like a penitentiary.

Page 39/60: Privies

- Can we change the wording to ban any privies that do not use a sealed holding tank (rather than just new ones)?

Page 45/60: Notwithstanding subsection (a), above *(typo, subsection)*

Page 46: Sea Cans. Are there any plans to enforce this?

Section 44: Where does an AirBNB fit in here? What is defined as a "short term rental" vs BNB?

Section 42 RVs. I do not like the idea of expanding the bylaws to allow 2 RVs on a lot in the SV. There are only 2 reasons for having multiple RVs on a single lot that I can think of:

- Free storage for family and friends that live in the city. Why do we want to turn our SV into a free RV storage lot?
- Free permanent camping for family and friends. If people want to live at the lake and enjoy it, they should be purchasing property.

Also, with allowing multiple RVs on a lot, parking in the village will become a nightmare. We already have people parking on Nakamun Drive just with visitors coming out, if we start allowing multiple RVs it will be much worse. A good example is the congestion at the end of 6th street (in front of Harry Kassians property). They have a small lot with 2 RVs on it, and their visitors block off the public road.

Finally, regarding the new R2 land classification. I like the idea of making it easier to have larger development on these properties, but I am wondering if there will be a separate tax level for R2 vs R1. If we develop these lots the way that is suggested, our taxes will already increase based on the assessed value of the property - will there be a second hit from the SV implementing a higher tax levy (or something similar)?

I read through the survey that is available on the web site and will fill it out separately, but most of my comments for the survey are reflected above.

One more item - is it possible for you to provide a comparison of the old and new Land Use Bylaw documents that shows the changes (e.g. in MS word, this is called a "legal blackline")?

Regards,

Mark

August 17th, 2022

Memo:

**Summer Village of Nakamun Park – Land Use Bylaw 2022-4
Public Engagement – Online/Written Survey Highlights and Notes**

Prepared By: Dwight Moskalyk, CAO

As part of the public engagement process on Land Use Bylaw 2022-4, Council authorized the creation a survey on several particular questions relating to the land use planning process, and proposals under draft LUB 2022-4 (First Reading July 20th, 2022). This was in addition to the required Public Hearing, where formal comments would be received. These survey results would also be accepted into the record.

For the benefit of discussion, Administration has reviewed the submissions and offer the following highlights and summaries:

Response Statistics:

By closing, we had received a total of 52 responses (44 online and 8 in writing). For clarification, as we have done with previous surveys, where a response is given under two names we counted it as two responses, and where two submissions under the same (full) name were given we sought clarification and removed one set of responses.

53% considered themselves full-time residents

63% considered the summer village to not be their primary residence, however.

In total, 94% of respondent have been associated with the community for 5 or more years, as either a property owner or immediate stakeholder in a property.

Section 1 – Short Term Rentals

This is an emerging concept in and use planning for many smaller, and certainly recreational based, communities.

94% of respondents were NOT supportive of permitting Sort Term Rentals at all.

The first consideration was in the creation of a new Residential District. Generally speaking, 55% of respondents were opposed to creating this new district; including 60% (3 of 5) respondents from the subject parcels themselves.

There was significant concern with allowing more intensive use on properties (i.e. Major Home Occupations), with a full 69% opposed, regardless of if in the R1 District, or a hypothetical R2 District.

General Comments:

There were several other written comments in the comment sections of various questions. These are not detailed here, but are being made available as part of the public submissions record for the hearing on August 17th, 2022 and will be viewable once the submissions are scrubbed for any personal or sensitive details, as is the municipality's standard. These will be posted online with other material relevant to the LUB review process.

MAYOR'S SCRIPT FOR PUBLIC HEARING

AUGUST 17TH, 2022

Summer Village of Nakamun Park
Bylaw 2022-4 a bylaw being a new Land Use Bylaw

Action	✓	Statements
I. Opening		
CHAIR		<p>I am Marge Hanssen, the Mayor for the Summer Village of Nakamun Park and I will be the Chair of the hearing today. On behalf of Council I would like to welcome you all here.</p> <p>All of Council is present at the hearing today. I would like to take a moment to introduce the other Councilors in attendance.</p> <ul style="list-style-type: none">• Deputy Mayor, Harry Kassian <i>Keith Pederson</i>• Councillor, Keith Pederson <i>Harry Kassian.</i> <p>The Secretary of the Hearing is Dwight Moskalyk, and Dwight is also CAO of the Summer Village</p> <p>All persons wishing to be heard at this public hearing should sign in on the sign-up sheet at the front giving their name.</p> <p>Persons who do not sign in shall speak only after all those who signed in have given their testimony. We ask that anyone who wishes to speak but has not yet signed in, please sign in now.</p> <p>A brief reminder that this public hearing is for Council to hear testimony related to the matter at hand. While there were a number of submissions received and some from the same households or properties, the number of written submissions for or against the bylaw, or parts of the Bylaw, is not the determining factor for the outcome of this bylaw as it is not considered as a vote.</p> <p>(Pause to allow people to sign in if they have not already done so).</p>

Action	✓	Statements
CHAIR		<p>CHAIR: This Public Hearing is held pursuant to the Municipal Government Act.</p> <p>The following rules of conduct will be followed during the public hearing as everyone present will be given an opportunity to be heard.</p> <p>a) Presentations should be brief and to the point.</p> <p>b) Only one person may speak at a time. Each person will be allowed 5 minutes maximum to present to allow time for everyone to be heard. This is the time for presentation of testimony. No debate is allowed.</p> <p>c) We ask that any applause, cheering, clapping or associated noises after speakers have spoken be kept to yourself as this is a time for Council to hear and carefully consider all testimony given. We wish to have all members of the public feel safe in expressing their thoughts.</p> <p>The ground rules of the hearing and the order of presentations will be:</p> <p>a) entry of written submissions into the record,</p> <p>b) late written submissions will be read into the record,</p> <p>c) those who have signed in on the sign-in sheet in support of or opposed to the Bylaw will be given the opportunity to speak in the order they have signed in,</p> <p>d) any other person deemed to be affected by the Bylaw will be given the opportunity to speak,</p> <p>e) anyone else, who did not sign in will be given the opportunity to speak,</p> <p>f) the Chief Administrative Officer will be given the opportunity to present remarks or address any of the issues presented, or any other material of interest (including the results of any other public engagement/surveys),</p> <p>g) Councillors will be given the opportunity to ask questions,</p>

Action	✓	Statements
		<p>i) Council will then end the Hearing and retire to consider the information received at the public hearing,</p> <p>j) Council will only consider matters raised at Hearing,</p> <p>k) Only Councillors may ask questions of speakers during the Hearing. If any persons wish to ask questions of a speaker, they must ask Council to ask the question on their behalf during their presentation and Council will only ask the question if it feels it wishes to have an answer in order to undertake its consideration.</p> <p>I hereby declare the Public Hearing relating to Bylaw 2022-4 open.</p>
SECRETARY		<p>SECRETARY: The purpose of this hearing is for the Council of the Summer Village of Nakamun Park to hear testimony relating to Bylaw 2022-4 which is a bylaw repeal and replace Land Use Bylaw 2007-3 with a new Land Use Bylaw.</p> <p>The LUB Review was initiated (in fact mandated) by the Municipal Accountability Program (MAP) Review. Under this review, Municipal Affair noted a few inconsistencies between LUB 2007-3 and the Municipal Government Act.</p> <p>Recognizing that a LUB Review is an intensive process, regardless of the reason for opening it, and that the existing bylaw is nearly 15 years old and may be in need of some revisions, Council has undertaken a full review of the Land Use Bylaw.</p> <p>First Reading of Bylaw 2022-4 was given by Council on July 20th, 2022. This Bylaw represents in part a recalibration of the language and process for land use decision making, and in part it asks the community to consider several direct character and aesthetic considerations.</p>

Action	✓	Statements
		<p>Notice of this Public Hearing was mailed to all residents and property owners, and stakeholders, on July 27th, 2022, was advertised on the Summer Village's website. Along with the notice of Public Hearing, the municipality also made available a survey to garner feedback on some very specific matters being addressed in the Land Use Bylaw review.</p> <p>The results of the Survey, and written submissions, will be filed as part of the material received during this process. Subject to council's discretion, the results (redacted as necessary) will be made part of the public record.</p>
II. Staff Presentation		
CHAIR		Before hearing from the audience, I would ask Dwight Moskalyk, Chief Administrative Officer, to present an opening overview of the draft Land Use Bylaw 2022-4.
CHAIR		Does Council have any questions or points of clarification they wish to ask of the Development Officer?
III. Public Testimony and Comment		
CHAIR		<p>CHAIR: Are there any written materials that had been submitted prior to the deadline?</p> <p>SECRETARY: Yes, there were a total of 5 written submissions received prior to the deadline of Monday August 15th, 2022 at 12:00 noon. The submissions have all been attached to this meeting agenda. In addition to the 4 written submission, we have received 52 electronic/written survey responses – which will be also recommended to be received by Council.</p> <p>CHAIR: I ask that all of the written submissions be placed into the record for Council's Review.</p>

Action	✓	Statements
		<p>MOTION</p> <p>I would like to make a motion that due to the number of written submissions received and given that the opportunity for review has been provided, that the submissions not be read aloud by the summer village, however, any person in attendance today be given the opportunity to read their submission aloud if they so choose.</p> <p style="text-align: right;">All in Favour? Carried</p> <p>We will call upon those to read their written submissions later in the meeting.</p> <p>CHAIR: Are there any written materials that had been submitted after the deadline?</p> <p>SECRETARY: No, Administration has not received any written submissions received after the deadline.</p> <p>CHAIR: Are there any requests that were received prior to the hearing to make oral presentations?</p> <p>SECRETARY: No, there were a total of 0 formal requests for an opportunity to speak at today's public hearing, however there are several stakeholders present and they will have an opportunity to speak if they so wish.</p>
CHAIR		<p>I will now call upon the persons signed up on the sign-in sheet.</p> <p><i>(get sign-in sheet from secretary)</i></p>
CHAIR		<p>Is there anyone else who has not spoken and wishes to speak?</p>
CHAIR		<p>Does Council have any questions or points of clarification?</p>
<p>IV. Questions and Answers</p>		

Action	✓	Statements
<i>CHAIR</i>		<p>CHAIR: At this time, does any Council member have any additional questions of any speaker or of the staff or Development Officer?</p> <p>Does everyone in attendance feel that they have had the opportunity to be fairly heard?</p> <p>If NO then.....please raise your hand so that we may give you the opportunity to be heard.</p> <p>If YES then...[proceed to the Section V]</p>
V. Council Discussion		
<i>CHAIR</i>		<p>If YES then...</p> <p>CHAIR: There being no further testimony, I will close the public hearing. It is now in order for the Council to discuss matters and for a Council member to make a motion to:</p> <ul style="list-style-type: none"> a) take action on the matter; b) schedule the matter for later council deliberation; or c) postpone the matter for additional staff work or other reasons.

SUMMER VILLAGE OF NAKAMUN PARK
LUB 2022-4 PUBLIC HEARING

AUGUST 17th, 2022

SIGN-IN SHEET

If you wish to speak during the public hearing, please ensure you have recorded your name on this sheet so that we make sure and call on you for comment:

NAME	ADDRESS
Dwight & Leona Barton	5102 - 4 th St 5103 - 4 th St.
Bob & Elsie Charter	5096 - 4 th St.
Ed & Louise Boelee	5551A NAKAMUN DR
Lona Kassian ✓	5041 - 6 St
* Karen & Mike Tomlinson ✓	5016 Karpo St.
Roy & Rita Creanya, ✓	5043 6 St
Bill & Eileen Barkell ✓	5039 6 St.
Joe / Bernie / Filer Shukarall ✓	5009 + 5008 Karpo Street
Jerry Sumka ✓	5006 Karpo Street
Dale FREGBOLSKI ✓	5040.6 St

SUMMER VILLAGE OF NAKAMUN PARK
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AUGUST 17th, 2022

SIGN-IN SHEET

If you wish to speak during the public hearing, please ensure you have recorded your name on this sheet so that we make sure and call on you for comment:

NAME	ADDRESS
John + Wendy Lavender ✓	5551 C Nakamun Dr.
Brooks ✓	5555 Nak drive
Mark + Laureen Miller ✓	4003 Hillcrest

SUMMER VILLAGE OF NAKAMUN PARK
LUB 2022-4 PUBLIC HEARING

AUGUST 17th, 2022

SIGN-IN SHEET

If you wish to speak during the public hearing, please ensure you have recorded your name on this sheet so that we make sure and call on you for comment:

NAME	ADDRESS

