

# Responses to the 'What We Heard Report'

Draft Land Use Bylaw 2024/2025

January 7, 2024



**Overview**

The Town of Oyen is working with Palliser Regional Municipal Services (PRMS) to update the Town’s Land Use Bylaw (LUB) in collaboration with the Town Council and its residents.

An open house was held from 6 p.m. to 8 p.m. on November 27, 2024 at the Oyen FCSS Centre to gather feedback from the wider community. Following the open house, a 'What We Heard Report' was prepared to provide an overview of the feedback received from the open house, returned surveys and other written responses.

This report provides responses to the comments received in the 'What We Heard Report' and a recommendation from PRMS and Town Administration to amend the draft Land Use Bylaw prior to being presented to Council for the first of three readings of a bylaw.

Note that only 16 persons responded to the surveys out of a total population around 900 persons, therefore the surveys provide only a limited view of opinions and is not a statistically significant data set. The survey results are used with caution in preparing the recommendations.

**General Comments Received at the Open House**

The primary discussions at the workshop followed a number of themes.

General Comments Received at the Open House		
Section #	Comment	Response and Recommendation
	Lack of understanding and lack of trust in the development process and Land Use Bylaw amendment process	The Land Use Bylaw itself cannot directly address this concern, it must be addressed by the Town Council and it’s CAO. The development process has been clarified through the land use bylaw review, including the requirements of the MGA. Starting in 2024, PRMS has also been offering training, tools and resources for its member municipalities in processing development permits. PRMS also prepares or offers assistance in processing applications for land use bylaw amendments.
Section #	Comment	Response and Recommendation
	Lack of enforcement	The Land Use Bylaw itself cannot directly address this concern, it must be addressed by the Town Council and it’s CAO. It is a matter of budgeting and resource allocation. PRMS will work with the Town Council through this process to ensure it does not adopt rules in the Land Use Bylaw that it is not willing to enforce.
Section #	Comment	Response and Recommendation
13 & 25	New Residential Acreage District and other Land Use District Changes	There were concerns from the owners of lands or the adjacent owners regarding the proposed changes to the Land Use District map and the addition of the new Residential Acreage District. Based on these comments and concerns, the Land Use District map is recommended to be changed as shown on Page 12.

### Survey Responses

#### Question 1

Place a check mark beside the developments listed below if you feel that a development permit **is** required.

- |   |  |
|---|--|
| <input type="checkbox"/> fences                             | <input type="checkbox"/> renting a residential dwelling unit for short-term occupancy (i.e. less than 30 days) |
| <input type="checkbox"/> accessory buildings such as a shed | <input type="checkbox"/> a sign advertising a business   |
| <input type="checkbox"/> solar panels on a roof of a house  | <input type="checkbox"/> others: please specify _____  |
| <input type="checkbox"/> operating a business from home     |  |

#### Responses

Development	# of Responses	% of Total Responses	Recommendation:
Fences	11 (of 16 responses)	69	The draft LUB requires fences to have a Development Permit, see Section 3.1.4. The survey responses generally support this result. While no change is recommended, PRMS does caution the Town on the limited control that Development Permits have on fences, the significant increase in time for fence construction to commence, and the effort to process a permit for a fence (i.e. permit fees would not cover the cost of processing the permit). PRMS recommends that the Town do an evaluation of the time/expense required to process fence permits, the effectiveness of permit issuance, and the revenue of the permit application and consider this requirement further in the future. <b>No change recommended.</b>
Accessory buildings such as a shed	7 (of 16 responses)	44	Section 3.1.4(h) of the draft LUB excludes one Accessory Building per parcel which does not exceed 9.29 m <sup>2</sup> (100.0 ft <sup>2</sup> ) in floor area. The survey responses do not clearly support a change in this requirement. <b>No change recommended.</b>
Solar panels on a roof	10 (of 16 responses)	63	The draft LUB exempts 'renewable energy systems' from requiring a Development Permit in Section 3.1.4(k). While the majority of responses indicated that a permit should be required, it is not strong support. <b>No change recommended.</b>
Operating a business from home	11 (of 16 responses)	69	Section 3.1.4(e) of the draft LUB excludes Home Occupations from requiring a permit. The survey results are more supportive to not exclude Home Occupations from requiring a permit. Town Administration indicates that although Home Occupations currently require permit approval, no permits have been issued in recent times and has not been a concern for residents. However, should Council wish to implement stronger rules for Home Occupations, it is recommended that two classes of Home Occupations are included in the Land Use Bylaw. - Major: requires a permit, discretionary use (i.e. for businesses that could have impact on neighbours) - Minor: no permit, a permitted use (i.e. for desk and phone businesses, or where there would be limited impact on neighbours). <b>No change recommended.</b>
Renting a residential dwelling unit for short-term occupancy (i.e. less than 30 days)	10 (of 16 responses)	63	The current LUB 891-22 defines a dwelling unit as "intended to be used as a permanent or semi-permanent domicile" (i.e. not for short-term or nightly rentals) and a permit cannot be issued for such. The draft LUB has proposed a new "Short-Term Rental" use of a dwelling which would require development permit approval. <b>No change recommended.</b>
Signs	7 (of 16 responses)	44	Section 3.1.4(l) of the draft LUB exempts signs from requiring development permit approval. <b>No change recommended.</b>

Others: Sea Cans	1 (of 16 responses)	6	Accessory Buildings – Shipping Containers are not exempted from requiring a development permit in the draft LUB. <b>No change recommended.</b>
Others: Additions to houses	1 (of 16 responses)	6	Additions to and structural work on a building does require a development permit in the draft LUB. <b>No change recommended.</b>

**Additional Comments**

**Response/Recommendation:**

<ul style="list-style-type: none"> <li>Fences: new construction only, not to replace existing</li> </ul>	<p>An existing fence may not be on property line, meet the bylaw requirements, etc. Also, if replacing an existing fence, must it be the exact same (color, height, design)? Recommend that either a permit is required or not, but not based on replacing an existing fence or new construction.</p> <p><b>No change recommended.</b></p>
<ul style="list-style-type: none"> <li>Sheds: only if shed is larger than 150 sqft</li> </ul>	<p>Section 3.1.4(h) of the draft LUB excludes one Accessory Building per parcel which does not exceed 9.29 m<sup>2</sup> (100.0 ft<sup>2</sup>) in floor area. The Building Code also does not require a building permit for sheds/accessory buildings of this size.</p> <p><b>No change recommended.</b></p>
<ul style="list-style-type: none"> <li>Home Business: Should be a business licence</li> </ul>	<p>Municipalities may choose to require business licences. This would be through a separate Business License Bylaw. It is unrelated to a Land Use Bylaw.</p> <p>Signs must be on a private property (i.e. cannot be on municipal lands or road without approval of the Town or Alberta Transportation).</p> <p><b>No change recommended.</b></p>
<ul style="list-style-type: none"> <li>A sign on a business should included in your business licence. If sign is off the business you need a permit.</li> </ul>	
<ul style="list-style-type: none"> <li>Short term rentals: if allowed</li> </ul>	<p>The draft LUB requires a development permit for Short-Term Rentals.</p> <p><b>No change recommended.</b></p>

Question 2

Do you agree with increasing the variance power of the Development Officer to 20%?

- No
- Yes

Response	# of Reponses	% of Total Responses	Recommendation:
No	10 (of 16 responses)	63	The current LUB 891-22 does not allow the development officer any power to grant variances, and all variance decisions must be made by the MPC or the ISDAB. There is greater support from the survey respondents that the variance power of the development officer is not increased to 20%. However, it is recommended that the development officer does have some power to grant variances so that not all permits with variances require decisions of the Municipal Planning Commission or upon appeal to the Subdivision and Development Appeal Board. Note that any variance granted requires a notice to be circulated to potentially affected persons subject to Section 5.5.2 of the draft LUB (a notice mailed to all adjacent owners of land) and that the permit is appealable for 21-days following the circulation notice (Section 5.5.3). <b>Recommended change:</b> Decrease the variance power of the Development Officer to 10% in Section 4.3.2.
Yes	5 (of 16 responses)	31	

Do you agree with increasing the variance power of the Municipal Planning Commission to 20% or greater?

- No
- Yes

Response	# of Reponses	% of Total Responses	Recommendation:
No	13 (of 16 responses)	81	The current LUB 891-22 allows the Municipal Planning Commission power to grant variances up to 20% for front, side, rear yards and/or floor area requirements only. There is greater support from the survey respondents that the variance power of the Municipal Planning Commission is not increased beyond 20%. However, it is recommended that the Municipal Planning Commission does have power to grant variances so that not all permits with variances require approval upon appeal to the Subdivision and Development Appeal Board. Note that any variance granted requires a notice to be circulated to potentially affected persons subject to Section 5.5.2 of the draft LUB (a notice mailed to all adjacent owners of land) and that the permit is appealable for 21-days following the circulation notice (Section 5.5.3). <b>Recommended change:</b> Change the variance power of the Municipal Planning Commission to 10% or greater in Section 4.3.3.
Yes	2 (of 16 responses)	13	

Additional Comments:

Response/Recommendation:

<ul style="list-style-type: none"> <li>• Yes as each application may have its own merit for variance, not all applications are cookie cutter</li> <li>• If the municipal planning commission wants more than the 20% variance it already has, then the existing Bylaw should be changed. Checks and balances must be kept in line.</li> <li>• I don't agree with increasing the variance power of the Development Officer. The current bylaws aren't always followed right now. Giving the Development Officer a 20% variance would make current permitted uses 20% larger with no public notification or input. This inconsistency in using the 20% variance could lead to a patch work of approvals and denials for separate projects that are asking for the same variance.</li> <li>• MPC should have upper limit rather than just "greater".</li> </ul>	<p>As noted above, the Subdivision and Development Appeal Board can also issue variances of any amount upon appeal of a development permit. However, once the SDAB makes a decision there is no further appeal (unless to the Provincial Court of Appeal).</p> <p>The Town of Oyen is part of the Palliser Intermunicipal Subdivision and Appeal Board, which means that appeals would be considered by ISDAB members who are available to hear the appeal within the 30-day time limit, likely not by residents of the Town of Oyen. Allowing the MPC to make decisions on larger variances allows for the local decision-making authority to make the decision, and there is still a right to an appeal the MPC decision to the ISDAB. This is the reason that no upper limit to the MPC variance power has been recommended. This is important to consider in context with the remainder of the Bylaw, in particular front yard setbacks and the number of existing "non-conforming buildings" in Oyen.</p> <p><b>Recommended change:</b> No change recommended to the upper limit of the MPC variance power, but reduce the variance power of the Development Officer up to 10%.</p>
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**Question 3**

The Town is proposing to allow "sea cans" ("shipping containers") to be used as an Accessory Building (i.e. a shed) in residential districts.

Please place a check mark beside the statements below that you agree with:

\_\_\_\_\_ Shipping containers should not be allowed in residential districts.

\_\_\_\_\_ Only one shipping container is allowed per parcel.

\_\_\_\_\_ The maximum size of a shipping container is 15 m<sup>2</sup> (161.5 ft<sup>2</sup>).

\_\_\_\_\_ A shipping container in a residential district must be screened from view or finished (i.e. painted or covered in siding that matches the dwelling).

**Responses**

Statement	# of Responses	% of Total Responses	Recommendation:
Shipping containers should not be allowed in residential districts.	9 (of 16 responses)	56	"Storage Structures" are not currently allowed in residential districts in the LUB 891-22. Approximately half of the survey respondents do not support allowing shipping containers in residential districts. <b>No change recommended.</b>
Only one shipping container is allowed per parcel.	6 (of 16 responses)	38	
The maximum size of a shipping container is 15 m <sup>2</sup> (161.5 ft <sup>2</sup> ).	3 (of 16 responses)	19	
A shipping container in a residential district must be screened from view or finished (i.e. painted or covered in siding that matches the dwelling).	5 (of 16 responses)	31	

**Additional Comments:**

**Response/Recommendation:**

<ul style="list-style-type: none"> <li>Think size should not be more than 20 ft.</li> </ul>	<b>No change recommended.</b>
<ul style="list-style-type: none"> <li>Maximum size allowed 10 feet.</li> </ul>	
<ul style="list-style-type: none"> <li>As long as sea cans are made to be part of the yards overall, layout and color coded to same as fence to blend in. But should not be in front yard.</li> </ul>	
<ul style="list-style-type: none"> <li>Should be allowed only adjacent to back alley, or half of the lot adjacent to back alley. Not front of lots.</li> </ul>	
<ul style="list-style-type: none"> <li>If shipping containers are allowed, then the rules should apply.</li> </ul>	These suggestions are not related to the Land Use Bylaw review (opening a business). <b>No change recommended.</b>
<ul style="list-style-type: none"> <li>There is ample room in the Town of Oyen to set up a storage area for seacans where they can be located. We don't need to have 'eyesores' spread around in residential areas, lowering property values and making the town unattractive.</li> </ul>	
<ul style="list-style-type: none"> <li>My preference is no c-cans permitted in R1 areas. I believe they are more suited to commercial or industrial areas. It is my opinion that c-cans do nothing to enhance a neighbourhood and could interfere or affect the value of properties in that neighbourhood. There is nothing homey or inviting about them.</li> </ul>	
<ul style="list-style-type: none"> <li>They can put them over in the compound north of town.</li> </ul>	
<ul style="list-style-type: none"> <li>Sea cans only in commercial area only with restrictions.</li> </ul>	

**Question 4**

The Town is considering a new use to be added to the LUB called 'Short-Term Rentals' with the following definition:

"means a use where a Dwelling Unit is operated as a temporary place to stay and includes vacation rentals of a Dwelling Unit. The characteristics of a Short-Term Rental may include, but is not limited to: the intent of the occupant to stay for short-term purposes rather than as a residence; the management and advertising of the property as a short-term accommodation property; and/or the use of a system for reservations, deposits, confirmations, credit cards or other forms of electronic payment."

**Question:** If you do not agree with adding Short-Term Rentals, please place a check mark here:

# of Reponses	% of Total Responses	Recommendation:
8 (of 16 responses)	50	There is not a strong support or non-support for allowing the Short-Term Rental use in Oyen. <b>No change recommended.</b>

**Question:** If you agree with allowing Short-Term Rentals, please answer the following question.

For how long does a development permit approval stay in effect for the Short-Term Rental of a residential dwelling?

- Never expires
- Needs to be renewed each year
- Multiple years

Response	# of Reponses	% of Total Responses	Recommendation:
Never Expires	0 (of 16 responses)	0	Recommended renewal every 3 years. <b>Recommended change:</b> Amend 10.5.2 to state a maximum of 3 years.
Needs to be renewed each year or every two years	5 (of 16 responses)	31	
Multiple years	1 (of 16 responses)	6	

**Additional Comments:**

**Response/Recommendation:**

<ul style="list-style-type: none"> <li>• We already have hotels and other short term rentals. Potential problems with short term renters, upkeep of residences, extra traffic and noise are also concerns.</li> </ul>	Hotels, motels and BnB's are currently allowed pursuant to the Land Use Bylaw 891-22. The use of a dwelling unit as defined in "Short-Term Rentals" is not currently allowed, but does exist in the Town. Traffic and noise are concerns that can be addressed at the development permit approval, or the permit may be refused if the impact would be too great on the adjacent residents. <b>No change recommended.</b>
<ul style="list-style-type: none"> <li>• Short-term rentals needs to be defined as to location. Basement suite?</li> </ul>	It is defined as using the entire dwelling unit. This may be the principal dwelling unit, or an Accessory Dwelling Unit, like a suite. It is different than a Bed and Breakfast, which requires an owner to be present on the site. <b>No change recommended.</b>
<ul style="list-style-type: none"> <li>• If allowed, needs to be renewed each year.</li> </ul>	<b>Recommended change:</b> As per the above, amend 10.5.2 to state a maximum of 3 years.
<ul style="list-style-type: none"> <li>• Need more information as to how this affects stakeholders.</li> </ul>	<b>No change recommended.</b>
<ul style="list-style-type: none"> <li>• That's a question that needs a lot of thought. What about squatters they can't get rid of them.</li> </ul>	

<ul style="list-style-type: none"><li>• These units should meet code for protection of the owners if nothing else, many renovations are completed and not completed to code which puts occupants at risk.</li></ul>	Building Code is regulated and implemented separately, not in the Land Use Bylaw. <b>No change recommended.</b>
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**Question 5**

The Town's Municipal Development Plan (MDP) encourages a variety of dwelling types throughout the Town. To support this direction, the following uses have been added as permitted uses to the Residential Districts. See Sections 14-16 of the proposed Land Use Bylaw.

Do you agree with adding the following uses as a permitted use?

**Responses**

**Accessory Dwelling Units (i.e. a secondary or garden suite) in R-1 District**

Response	# of Reponses	% of Total Responses	Recommendation:
Yes	3 (of 16 responses)	19	<b>Recommended change:</b> Move Accessory Dwelling Units – Attached and Accessory Dwelling Units – Detached from permitted uses to the list of discretionary uses in the R-1 District.
No	11 (of 16 responses)	69	

**Attached Housing in R-2 District**

Response	# of Reponses	% of Total Responses	Recommendation:
Yes	5 (of 16 responses)	31	<b>No change recommended.</b>
No	8 (of 16 responses)	50	

**Manufactured Dwelling Park in MD District**

Response	# of Reponses	% of Total Responses	Recommendation:
Yes	8 (of 16 responses)	50	<b>No change recommended.</b>
No	4 (of 16 responses)	25	

**Additional Comments:**

**Response/Recommendation:**

<ul style="list-style-type: none"> <li>To me this is part of evolution and progression.</li> </ul>	<b>No change recommended.</b>
<ul style="list-style-type: none"> <li>Secondary suites could overwhelm parking and make congested areas. Lowering property values next it these could also be a concern.</li> </ul>	<b>Recommended change:</b> Move Accessory Dwelling Units – Attached and Accessory Dwelling Units – Detached from permitted uses to the list of discretionary uses in the R-1 District.

**Question 6**

*In addition to #5 above, the Town is proposing that there are no minimum sizes of a dwelling in the Residential Districts (see Sections 13-16). This would enable smaller homes, or 'Tiny Homes' to be built on any parcel in a residential district.*

*Do you agree with eliminating the minimum size requirement of a dwelling in the residential districts?*

- No
- Yes

**Responses**

Response	# of Reponses	% of Total Responses	Recommendation:
No	14 (of 16 responses)	88	In LUB 891-22, the current minimum gross floor area of a dwelling unit in the R-1 District is 92.9 m <sup>2</sup> (1000.0 ft <sup>2</sup> ). In the R-2 District, it is 78.97 m <sup>2</sup> (850 ft <sup>2</sup> ) for detached dwellings and 55.71 m <sup>2</sup> (600 ft <sup>2</sup> ) in duplexes. The survey results indicate that Oyen residents do not support eliminating the minimum floor area of a dwelling unit in all residential districts. <b>Recommended changes:</b> <ul style="list-style-type: none"> <li>- R-1 District - add a minimum dwelling floor area of 92.9 m<sup>2</sup> (1000.0 ft<sup>2</sup>).</li> <li>- R-2 District - add a minimum dwelling floor area of 78.97 m<sup>2</sup> (850 ft<sup>2</sup>) for detached dwellings, 55.71 m<sup>2</sup> (600 ft<sup>2</sup>) in duplexes and attached housing.</li> </ul>
Yes	2 (of 16 responses)	13	

**Additional Comments:**

**Response/Recommendation:**

<ul style="list-style-type: none"> <li>• Need to not allow monster homes.</li> </ul>	There was not wide-spread concern with the maximum size of dwellings. <b>No change recommended.</b>
<ul style="list-style-type: none"> <li>• Affordability should be at the foremost, and many smaller homes are what people want for seasonal homes to winter in south.</li> </ul>	The survey responses strongly indicate there should be a minimum dwelling size regulation. The minimum sizes recommended in the R-1 and R-2 Districts are not large dwellings, and reflect the current minimum standard. The survey comments indicate that smaller homes would be supported in a district that is specific for smaller homes, the MD Manufactured Dwelling District. <b>Recommended changes:</b> <ul style="list-style-type: none"> <li>- R-1 District: add a minimum dwelling floor area of 92.9 m<sup>2</sup> (1000.0 ft<sup>2</sup>) to Section 14.4.</li> <li>- R-2 District: add a minimum dwelling floor area of 78.9 m<sup>2</sup> (850 ft<sup>2</sup>) for detached dwellings, 55.71 m<sup>2</sup> (600 ft<sup>2</sup>) in duplexes and attached housing to Section 15.4.</li> </ul>
<ul style="list-style-type: none"> <li>• Should only be specific districts.</li> </ul>	
<ul style="list-style-type: none"> <li>• Tiny homes should be in a designated area (like trailer court areas). No to small houses in R1 areas.</li> </ul>	
<ul style="list-style-type: none"> <li>• Mini houses should be put in one subdivision like the trailer park. Putting those with larger houses will decrease the value of the larger homes.</li> </ul>	
<ul style="list-style-type: none"> <li>• Just what we need - more squatter shacks!! If going to put shacks how about on 4/2879JK.</li> </ul>	
<ul style="list-style-type: none"> <li>• Keep our town beautiful. Don't need 'Tiny Homes'. Build nice ones to add value to our town. Don't allow businesses in Residential areas. Lots of room on Main Street for businesses.</li> </ul>	
<ul style="list-style-type: none"> <li>• No tiny homes.</li> </ul>	

Question 7

*Do you have any other general comments you would like to share about the proposed new Land Use Bylaw?*

**Additional Comments:**

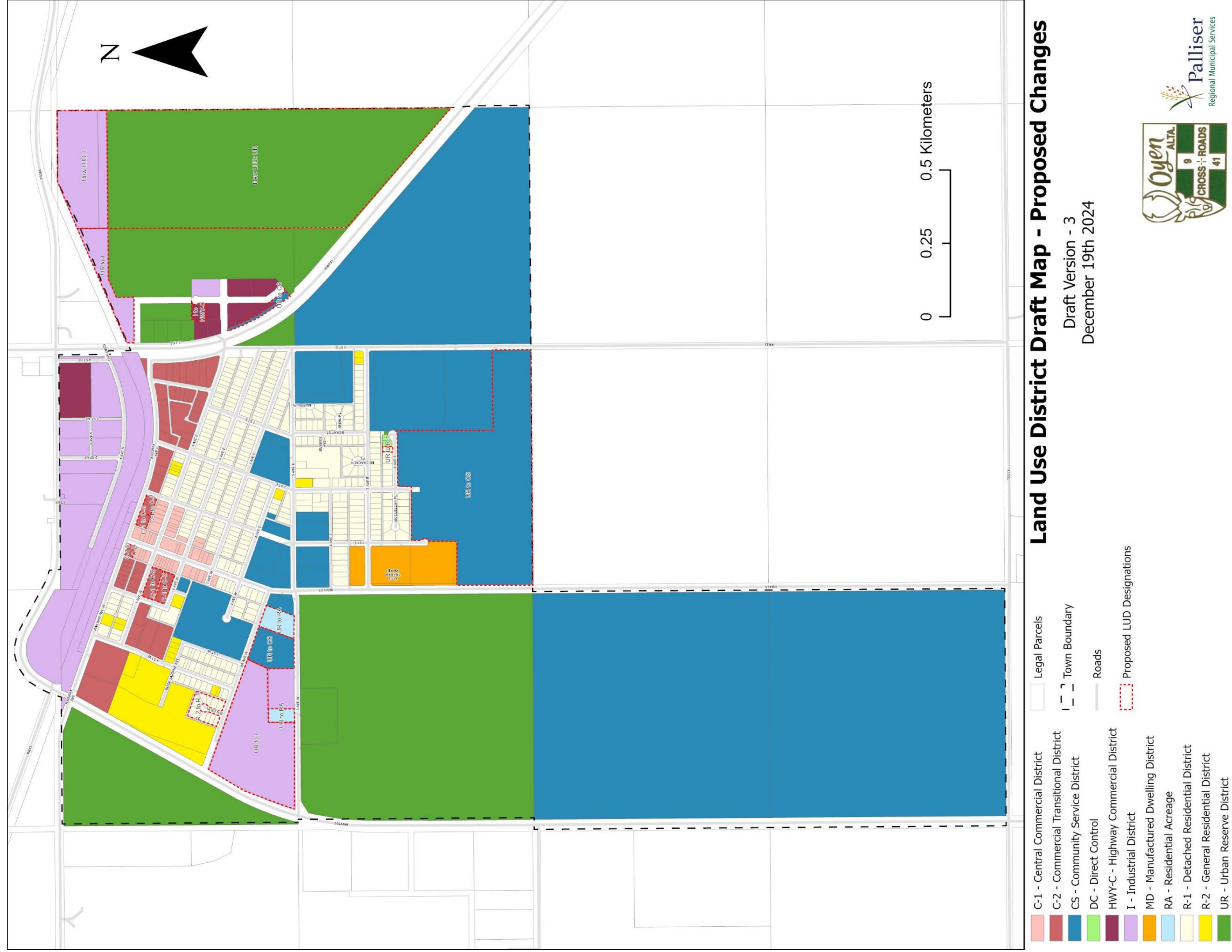
**Response/Recommendation:**

<p>Why? Why are they doing this? What is the purpose? Does this affect zoning of properties?</p>	<p>Palliser Regional Municipal Services (PRMS) provides planning, subdivision, safety codes and GIS services to a number of municipalities in southeastern Alberta. PRMS works on a rotating cycle to update its members planning documents, including Municipal Development Plans and Land Use Bylaws, on a regular basis. A Land Use Bylaw may be updated approximately every 10 years. The last major review of the Land Use Bylaw in Oyen was in 2013. The Land Use Bylaw establishes the 'zoning' of properties. A comprehensive review of the Oyen Land Use Bylaw is required at this time to be in conformance with provincial updates to the Municipal Government Act (MGA) with respect to the issuance of development permits. Comprehensive reviews are also a good time to consider the community's opinion on new trends and pressures in development, such as tiny homes, short-term rentals (i.e. AirBnB), and shipping containers for storage.</p> <p>The Land Use Bylaw must be approved by Bylaw, which requires three readings of a bylaw and a public hearing prior to second reading. The public hearing will be advertised to the public on the Oyen website and social media, and the newspaper. Persons claiming to be affected by the proposed Land Use Bylaw are welcome to attend the public hearing or provide a written response directly to the Town Council.</p> <p>This Land Use Bylaw review enables the Town to "check in" with its residents and businesses on land use and development matters.</p>
<p>Good to see that we are updating the LUB and moving forward.</p>	
<p>Look forward to the next, well advertised, bylaw meeting where we continue to discuss our concerns.</p>	
<p>We live in a very vibrant, friendly, clean town so why do we have to change anything?</p>	
<p>After the results are completed from this survey I look forward to having a meeting to discuss plans to move forward to make Oyen into the town the residents want to live in not having to use bylaws dictated to us by municipal and federal governments.</p>	<p>Canadian Provinces are delegated jurisdiction over property rights and civil rights and matters of a local nature in the Federal Constitution Act. The Province in turn delegates planning and development authority to municipalities. The legislative framework in Alberta for making land use and development decisions includes the Municipal Government Act and the Alberta Land Stewardship Act. Municipalities are delegated control over development through the Municipal Government Act, except where the Federal or Provincial governments have retained control.</p> <p>This Land Use Bylaw review must ensure that the provincial legislation and requirements of the Municipal Government Act are being adhered to.</p>
<p>Don't agree putting Business in Residential district. Have enough empty buildings downtown. Understand a petition was taken for a purposed business on 7th Ave. Has Council even considered the hazards. This road used by farm machinery grain trucks even town trucks hauling snow from roads in town. Using so they don't have to go past school zones or fire hall. If we are going to put business in residential maybe council wouldn't mind if someone put a hotel in their backyard. Just remember councillors voting this in are not always going to be on council - could be in your back yard.</p>	<p>Home Occupations are currently allowed in Residential districts in Oyen, and a development permit for the operation of such Home Occupation is required. They are also listed as a discretionary use, meaning that it may not be approved and it can be appealed by a potentially affected neighbour.</p> <p>The proposed LUB would not require a development permit and Home Occupations would be listed as a permitted use. If a business does not meet the definition of a Home Occupation, it must locate in a commercial area of Oyen.</p>
<p>If Council decides to allow shipping containers in Residential areas, I feel the updated LUB is a good compromise for those who want to have c-cans and those who do not. That being said, I will never have a c-can in my backyard and always wish they were not allowed. Shipping containers used in Residential Areas are not the image I would like to see for Oyen.</p>	<p>The proposed Land Use Bylaw continues to allow Shipping Containers for Accessory Buildings in residential districts, with the requirements for size and design.</p>

<p>I disagree with 15.4.3 setback should remain the same as R-1.</p>	<p>There are <u>many</u> properties in Oyen in the R-1 District that do not meet the 7.62 m (25 ft) front yard setback. The front yard setback is not measured from the curb or the back of the sidewalk, but from the front property line. For example, looking at approximate front yard setbacks along 2<sup>nd</sup> Street between Rose Jardine Ave and 44 Ave W, only 5 or 6 of the 17 properties meet the required front yard setback that is currently in effect. The remaining properties are currently non-conforming buildings. Some of these properties are only setback between approximately 2 m and 3 m. Reducing the front yard setback to 4 m would bring almost all but these 2 properties into conformance. 2<sup>nd</sup> Ave is not unique in Oyen – many blocks are similar in their front yard setbacks (see Schedule A for a second example). Note that one letter indicated that the reduced front yard setback is not supported, yet the front yard setback is approximated between 5.5 m and 6 m and is not conforming to the 7.62 m (25 ft) setback. If the front yard setback is not reduced, a non-conforming building will not be able to be added to or structurally modified unless a variance is granted for the front yard setback. If the MPC is limited in its variance power, then an owner of a property with a very small front yard setback will only be able to modify their dwelling upon appeal to the Intermunicipal Subdivision and Development Appeal Board of a refusal of a permit. This is significant amount of time and cost for the applicant and the Town of Oyen.</p>
<p>I have a concern in the R1 and R2 front yard setback. I don't feel 13.1 feet is sufficient and is a deviation from all previous Land Use Bylaws. I am guessing everyone, with few exceptions, has adhered to the front yard setbacks. There are a few non-conforming buildings, let them remain non-conforming. I believe you are trying to fix a very small problem, which people have created by not adhering to the bylaws that were in place. A change such as this affects the entire town. For example, the town has developed a new neighbourhood near the swimming pool. The homes all appear to be setback the standard of at least 25 feet. It is looking awesome. However, under the new bylaw someone could come in and build 13 feet back. This would look horribly out of place and detract from the neighbourhood. In my mind 13 feet is more of a trailer court setback. This looks okay in a trailer court, because everyone is similar, and therefore it does not detract from that neighbourhood.</p>	<p><b>Recommended Changes:</b> Increase the front yard setback to 6 m in Sections 14.4.3 and 15.4.3, but allow the Municipal Planning Commission to have unlimited variance power.</p>
<p>No changes to building setbacks from road. 25' necessary. Not changed to 13 ft. Makes for a disorganized town appearance.</p>	<p><b>No change recommended.</b></p>
<p>West residential is not R-2 but R-1. 1 family dwelling.</p>	<p>This property is currently in the R-1 District and is not proposed to change.</p>
<p>219 Railway Ave W residence is R1 at this time</p>	<p><b>No change recommended.</b></p>
<p>Why are mini-motels/other rentals R-1. This map needs to be revisited, confused. Properties are labelled incorrectly.</p>	<p>The mini-motel properties are currently in the R-1 District of LUB 891-22, which is not currently listed as an allowed use. Question 4 of the survey is intended to get feedback to provide Council direction on how to best manage this use. Short-Term Rentals of dwelling units (similar but slightly different to a Bed and Breakfast) are proposed uses in the R-1 and R-2 District.</p>
<p>Fish pond should be community service district.</p>	<p><b>Recommended Change:</b> The Land Use District map has been changed to show the fish pond area as CS District.</p>
<p>No to designated land use map. Incorrect. Vet clinic should be designated as a business. They are a business not RA.</p>	<p>315 5<sup>th</sup> Ave W is currently in the Urban Reserve District. The landowner has request that due to the nature of the current use of the property for Extensive Agriculture as well as the Veterinary Clinic, that the property remain in the UR District.</p>
<p>Vet clinic should be designated as a business. We are fortunate to have a business of this calibre in Oyen.</p>	<p><b>Recommended Change:</b> 315 5<sup>th</sup> Ave W be in the Urban Reserve District.</p>
<p>Changing the lot that the vet clinic is on, only seems to limit the lot. The lot is currently adheres to Urban Reserve more accurately.</p>	
<p>The owner of the property indicates they would prefer to stay zoned as Urban Reserve. The lot requires extensive agriculture to be permitted as well as a veterinary clinic. Both of these are outlined in the Urban Reserve District. They do not feel that the primary purpose of their lot is for low density residential but rather primarily agriculture.</p>	
<p>110 5<sup>th</sup> Ave (Block 19, Plan 1280HU) should be residential acreage.</p>	<p>The Town's Municipal Development Plan Bylaw 890-22, Section 3.1 states:</p>
<p>I think there should also be a question on the survey regarding land use districts. The property on 100 5th Ave W is currently listed as Urban Reserve. This property currently has a private</p>	<p>“Council shall adopt a new residential district in the Oyen Land Use Bylaw to accommodate small acreage type development within the town boundaries.”</p>

<p>residence on it. The new proposed changes to this property is to change it to Industrial District. Under the description of Urban Reserve, it states any change in use should reflect the surrounding uses. The property is currently used as a private residence. On the west side of this property is a recreational fishing pond. To the south is a residence. To the east is a church as a residence. To the north are several residences. To change to Industrial District would not be consistent with the uses in the surrounding area. There is currently a new Industrial District built on the east side of town. Utilizing this new area for Industrial use would be a better choice than changing the Urban Reserve into Industrial District. Possibly a residential acreage would be a better and more consistent choice for this Urban Reserve lot.</p>	<p>and is the reason that the new RA-Residential Acreage District is proposed.</p> <p>In reviewing the Oyen Land Use Bylaw map, the Administration and PRMS felt that there were potentially a few properties that would align with the purpose of a Residential Acreage District. In considering 100 5<sup>th</sup> Ave W, it was felt that due to the large industrial vehicles and storage of materials occurring on the property, that perhaps the Industrial District was a better fit.</p> <p>Note that the current tax rates for residential, commercial and farmland property are the same in Oyen (refer to the Bylaw 906-23) at 14.8744%. Changing the zoning from UR to either the Industrial or Residential Acreage District would have no effect. The only thing that would change the amount of taxes paid in Oyen is by changing the assessed value of the property (i.e. constructing a new building).</p> <p>The Town does not get involved in insurance, mortgage or resale of properties. Each landowner must discuss these concerns with their own individual provider of their mortgage, insurance or a real estate agent. In the proposed Industrial District, a Detached Dwelling is a discretionary use of the property and therefore is not compromised due to fire/flood (i.e. the dwelling is not a 'non-conforming use').</p> <p>Given the concerns of the adjacent landowners and the concerns of the landowner, it is recommended that 110 5<sup>th</sup> Ave is changed to the new RA-Residential Acreage District which is proposed to allow a Home Occupation and Accessory Building – Shipping Container, and a higher building height for Accessory Buildings.</p> <p><b>Recommended Change:</b> 110 5<sup>th</sup> Ave W be in the new RA-Residential Acreage District.</p>
<p>I am writing to express my concern for the change to the LUB affecting 100 5th Ave W. We are currently zoned for Urban Reserve but the Town of Oyen is suggesting a change to Industrial. I would like to know why the town feels this is better suited for our property. I would also like to know if there is any impact to the taxes we will pay if this change is approved. We also have questions on how this may affect other considerations like insurance, my mortgage and possible resale in the property in the future. For example is rezoned to Industrial and my residence compromised due to flood/fire we will be able to rebuild. I have spoken to other municipalities and this seems to be a concern that keeps arising. I guess that is why I would like more clarification from the town on their discussions and plans around this area or if it was simply chosen because of the type of business we own. We aren't opposed to a change but we feel that more information is needed.</p>	





**Comments Unrelated Directly to the Land Use Bylaw Review**

<p>Fix our street so people can enjoy our town. Get proper snow removal equipment. Take care of people you have here so they stay, and don't destroy our town with all the crazy proposals. Council should listen to residents, and work on their behalf, not just for themselves.</p>	<p>Road maintenance and repair is not related to a Land Use Bylaw. The intent of this public engagement and survey is to incorporate the opinions of residents into the Land Use Bylaw review process.</p>
<p>We cannot afford a development officer. The CAO should be in charge of this.</p>	<p>The Town must, pursuant to the Municipal Government Act, appoint one or more person(s) to act as a Development Officer to process development permit applications. Currently, the Town has delegated this authority to the Town's CAO. The Town could also delegate this authority to any other staff member of the Town. It does not mean that the Town must hire another person to fill this position.</p>
<p>4.1.3 No we do not want to pay a development officer. Bigger towns cannot afford, can we afford it? Long term debt 2027 principal 146,801, interest 81,645, total 228,446 Thereafter principal 3,289,022, interest 863,302, total 4,152,324 when spending stick to the basic (needs) (infrastructure)</p>	<p>Similarly, the Town must, pursuant to the Municipal Government Act, appoint one or more person(s) to act as a Designated Officer to carry out certain functions in a Land Use Bylaw, in particular for entry to a parcel (see Section 8.2 of the draft LUB related to Enforcement).  Note that a 'Development Officer' and 'Designated Officer' are not the same as a 'Bylaw Enforcement Officer'. A Development Officer and Designated Officer are required roles to be filled in every municipality in Alberta.</p>



### Schedule A – Approximate Front Yard Setback Measurements

