

MINUTES

**MUNICIPAL PLANNING COMMISSION**

Mountain View County

Minutes of the **Municipal Planning Commission** held on **January 20, 2011**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: L. Burrell; Member-At-Large/Chair  
G. Harris; Member-At-Large  
K. Branter; Member-At-Large  
W. Davies; Member-At-Large

B. Orr; Councillor  
K. Good; Councillor

IN ATTENDANCE: D. Hawryluk; Director of Planning & Development Services  
N. Petherick, Manager of Planning Services  
S. Madge; Manager of Development Services  
T. Connatty; Planner  
S. McCartney; Intern  
J. Ross; Development Officer  
K. Jamieson; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 9:01 a.m.

AGENDA MPC 11-010 Moved by Greg Harris  
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of January 20, 2011 with the addition of two items to correspondence - Item 9.1 Living in the Natural Environment and Item 9.2 Red Deer River Watershed Alliance.  
Carried

ADOPTION OF MINUTES MPC 11- 011 Moved by Kevin Good  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of January 6, 2011 as presented.  
Carried

PLSD20100000318  
SW 20-32-5-5  
Plan 0110233 Block 1 Lot 1 Planning and Development Services presented an overview of a proposed subdivision located at SW 20-32-5-5, and provided information as introduced in the agenda package, such as the location map, aerial photos and site photos.  
Planning and Development Services provided specific information to the application as follows:

- Application is to create one (1) three point zero seven (3.07) acres zoned Country Residential surrounded by agricultural lands and some recreational lands to north. Proposal is within an ESA area, designated provincially and by County standards. Property is along the Red Deer River, west of Sundre in the Rural Neighbourhood of McDougal Flats and within the South McDougal Flats ASP.
- Property is also located in proximity to the Sundre airport.
- There are no CFOs or gravel pits within close proximity to the property.
- The proposal is to create a second lot within the original 8.01 acre lot. If approved, there would be 11 titles on this section. The quarter section is not adjacent to CCN and under the Municipal Development Plan, would be entitled to one title out - and has therefore exceeded this limit.
- Proposal is also not supported by the South McDougal Flats ASP.
- Property is heavily treed up to river on the south and on the west.
- There is a development on quarter to north.
- Some seasonal creeks on parcel.
- Lot to east of the proposal is undeveloped.
- Contours show that there are limited contour relief, but not very steep.
- Of concern is the Red Deer River on southern boundary and the potential for flooding.
- There is a Development Agreement on title indicating the approval of the existing 8.01 acre residential parcel is based on positive results of flood plain and erosion study. This study was submitted and accepted and is available for review.
- The Development Agreement also indicates that Coyote Creek is in proximity to north of the proposal and indicates lot owners are in close proximity to Sundre airport.
- Applicant has indicated that the intention for servicing is private septic and well. County policies indicate that all properties exceeding five titles require communal water and wastewater servicing along with a concept plan.
- Planning and Development recommends refusal of this application as this proposal does not comply with the MGA, does not comply with MDP Sections 3.3.4. a, b, g and 3.10 and does not comply with South McDougal Flats ASP 9.1.1. and Figure 8.

Municipal Planning Commission discussed the following:

- Report prepared indicates that property within flood plain and no further development should be allowed.
- Previous development and subdivision in area. These developments and subdivisions were approved under previous planning documents. There is no ability to take away density, but plan is clear that no further subdivision should be allowed.

- Community has indicated no further development in these areas. Indicated that higher density should go closer to town for servicing. They accept the fact that there are quarters that surpass the five lots, but town has indicated they do not want to see smaller parcels.
- Planning advised that when the South McDougal Flats ASP was being done, they did not want to complicate the zoning to accommodate different densities. The ASP Committee designated certain quarters as low density, and any existing development was grandfathered, even if they exceeded the limit of five titles. The intent was to keep those quarters designated as low density from moving into the medium density category.
- Molmac subdivision - approved by the Regional Planning Commission with the houses approved years prior.
- Recent development has been allowed in the area because when the property is zoned and titled, the County has to allow development appropriate to zoning (i.e. Country Residential - allows for residential development).
- The Development Permit that was recently issued had very specific conditions to deal with elevation.
- When the South McDougal Flats ASP was done, the Committee and public had concerns with the high water table and septic and water well issues.
- There have been no new subdivision applications for area.
- MPC needs to avoid creating further challenges when considering new subdivisions.
- The original subdivision application for these lots was filed in 1999 with the titles being registered in 2000. The MDP at that time had more flexibility. Current MDP is more structured in terms of density. The ASP is more of a neighbourhood plan.
- In the ASP for this area previous to the South McDougal Flats ASP there was a map and it identified this subdivision as being part of the Red Deer River flood fringe. The ASP also contains a list of quarters for multi-lot development and this quarter is not one of them. When this previous ASP was adopted, it is clear that this quarter would not develop any further. There were very stringent requirements for flood issues.
- Applicants are accessing appropriate avenues. First MPC and then SDAB.
- MPC cannot act on compassionate reasons, it must follow statutory plans.

Applicant discussed the following:

- Ken Taylor, applicant stated that introducing communal services is not viable. The South McDougal Flats ASP, Section 9.1.2.(i) indicates that any new titles which result in more than five titles in a quarter section may trigger the requirement for communal and/or piped water and sewer services in accordance with the MDP, however interim servicing solutions may also be considered.

- All homes in this area have water and drilled wells and septic systems and will continue to have them.
- Inquired as to how the new home to the east was permitted if County not allowing any further development.
- Size of other parcels in the area were discussed, including the fact that there are eight other parcels in the area that are three acres in size. As well, Coyote Creek has parcel sizes that are as small as or smaller than 1/10 of an acre.
- Policies of MDP and South McDougal Flats ASP indicate that if you are doing any further subdivision it should be no larger than one acre.
- This parcel is unique in that it is already zoned properly (Country Residential) and only requires subdivision. Other properties in the area are only three acres and if landowners wanted to subdivide further, they would require re-zoning to CR-1 as well.
- In the flooding of 2005 this land was not touched.
- Asking MPC to review this application with some compassion. Mr. Peatman has health issues so this property has become too large for them to maintain. If proposal approved, there would be a very small lawn area because majority is treed.
- Would be willing to have the engineering study done if need be.
- Applicant indicated that landowner had sent letters to County objecting to South McDougal Flats ASP as did the neighbours.
- If the application is turned down, the landowner will have to sell the property, which he has spent an enormous amount of money on.
- Indicated that they would be willing to comply with whatever conditions were on that newly issued permit.
- Landowners have lived on this property for four years.

Moved by Keith Branter

MPC 11-012 That the MPC refuse the proposed subdivision, to create one (1) three point zero seven (3.07) acre lot from existing acres, within SW 20-32-5-5 Plan 0110233 Block 1 Lot 1 submitted by TAYLOR, KEN, File No. PLSD20100000318 for the following reasons:

1. Does not comply with the Municipal Government Act Section 654 (b) because this proposal does not comply with the statutory document (MDP);
2. Does not comply with Municipal Development Plan (Bylaw No. 17/07) Policies 3.3.4 (a), (b), (g) and 3.3.10;
3. Does not comply with the South McDougal Area Structure Plan (Bylaw No. 02/10) Policy 9.1.1 (a) Low Density Rural Residential and Figure 8 (Residential Densities).

Carried

SUBDIVISION  
TIME EXTENSION  
SD SD 08-073 / SE 27-33-7-5  
SD 08-069 / NE 1-31-2-5

Planning and Development Services presented an overview of a request for time extensions for conditionally approved subdivision SD 08-073 / SE 27-33-7-5 and for conditionally approved subdivision SD 08-069 / NE 1-31-2-5.

- Report summarizes where the files are at with conditions that have been met and those outstanding.
- Each of these requests was evaluated with the approved procedure developed (Procedure 6011-01) which lays out the benefit to both the County and applicant and how requests are evaluated.
- Planning & Development Services recommends approval of a time extension for a one year period until December 16, 2011 for SD 08-073 within the SE 27-33-7-5; and a time extension for a one year period until January 12, 2012 for SD 08-069 within the NE 1-31-2-5.

Municipal Planning Commission discussed the following:

- That all conditions were issued at the time of approval as per the attached Notices of Decision.
- ASDAA has discretion to grant time extension for only 60 days. Requests for extensions that require longer time periods must be directed to MPC.
- If conditions are not met within the prescribed time, files are not closed out in timely manner and it becomes difficult for Planning Services to maintain acceptable service levels.
- There are provisions that extensions outside of a year can be given to government agencies.
- Current policy and fees are set to encourage applicants to get conditions met within the initial one-year period. Currently, the fees for the first request for an extension to MPC are \$750 and the fees for the second request are \$1500. The \$750 could be removed which would deter applicants from requesting extensions and instead encourage them to meet their conditions within the time prescribed.
- Can review policy and bring it back.

Moved by Keith Branter

MPC 11-013 That the Municipal Planning Commission approve:

- a proposed time extension for a one year period until December 16, 2011 for SD 08-073 within the SE 27-33-7-5;
- a proposed time extension for a one year period until January 12, 2012 for SD 08-069 within the NE 1-31-2-5.

Carried

Diana Hawryluk leaves meeting - 10:01 a.m.

SUBDIVISION  
TIME EXTENSION  
SD08-114 / SE 2-32-6-5

Planning and Development Services presented an overview of a request for a time extension for conditionally approved subdivision SD08-114 / SE 2-32-6-5.

- Planning & Development Services recommends approval of a time extension on the conditionally approved subdivision SD08-114 / SE 2-32-6-5 (Panrucker) to November 24, 2011.

MPC 11-014 Moved by William Davies  
That the Municipal Planning Commission (MPC) approve a time extension on the conditionally approved subdivision SD08-114 / SE 2-32-6-5 (Panrucker) to November 24, 2011.

Carried

Nathan Petherick leaves meeting at 10:15 a.m.

PLDP20100000424  
SW 22-30-4-5, Plan 0410286,  
Block 1, Lot 1

Planning and Development Services presented an overview of a proposed development located at SW 22-30-4-5, Plan 0410286, Block 1, Lot 1, and provided information as introduced in the agenda package, such as the location map, aerial photos and site photos.

Planning and Development Services provided specific information to the application as follows:

- Parcel size is 10.13 acres.
- Applying for secondary detached dwelling.
- Recommended for refusal as Section 9.6 of Land Use Bylaw 10/10 within Agricultural Districts prescribes that secondary dwellings must be manufactured dwellings.
- Located within Dogpound community.
- Parcel is zoned Agricultural with surround land also zoned Agricultural.
- Proposed location is in archeological resource site. A referral was sent regarding this, but no response was received back.
- There is a registered CFO located on adjacent parcel to east. NRCB advised that there has been no expansion applied for. NRCB Minimum Distance Setback indicates a 327 m separation distance from CFO site. On site inspection, there was no sign of a CFO existing on site. Accordingly, measurements were taken from west property line. Proposed development would be 375 m from CFO and therefore exceeds the MDS and not a concern should CFO expand to entire quarter.
- No pipelines or wells on property.
- Topographical - property slopes slightly to west, but is not a concern to this proposed development.
- Site plan indicates proposed dwelling adjacent to shop. Complies with size and setbacks of LUB. Proposed dwelling unit type does not comply.

- Photo of dwelling supplied is similar to proposed dwelling but not exact.
- Legal and physical access already exists.
- Planning and Development Services recommends refusal of the secondary detached dwelling.

Municipal Planning Commission discussed the following:

- Definition of manufactured dwelling unit from Land Use Bylaw No. 10/10 was reviewed.
- Part of the intent in using the wording of “manufactured dwelling unit” was to ensure that the dwelling would meet CSA standards.
- At the Land Use Bylaw workshop on February 3, MPC will be given information on the Land Use Bylaw with highlights of the suggested sections to be reviewed. Secondary dwellings are one of the items that will need to be reviewed.
- MPC concurred that it was odd that secondary dwellings had to be manufactured, and not stick built.

Landowner discussed the following:

- Jason Harder, the landowner spoke.
- His mother has accessibility issues due to arthritis. Jason wants to be on same property to care for her and wants to build a home to make adjustments for her health (i.e. lower cabinets, toilets, etc.)
- Cost of building a customized modular home to meet CSA standards would be very high.
- In addition, mobile homes depreciate and the custom home will appreciate and increase value of his property.

Moved By Greg Harris

MPC 11-015 That the Municipal Planning Commission approve the proposed Dwelling, Secondary Detached in accordance with the Land Use Bylaw 10/10, Section 5.2.7, and the submitted application, within SW 22-30-4-5, Plan 0410286, Block 1, Lot 1, submitted by Harder, Harry and Brenda, Development Permit PLDP20100000424, subject to the following conditions:

Standard Conditions

The works outlined in this application are subject to the following standard conditions:

1. The provisions of the Land Use Bylaw No. 10/10.
2. Approval by the approving authority does not exclude the need and/or requirements of the Permittee to obtain any and all other permits as may be required by this or any other legislation, bylaws, or regulations.
3. The Development Officer may, by notice in writing, suspend a Development Permit where development has occurred in contravention to the terms and conditions of the permit and/or Land Use Bylaw.

**Standard Conditions if Applicable:**

4. N/A
5. N/A
6. An Alberta Land Surveyor is to locate / post the location of the building(s) /structure(s) prior to construction as per the approved sketch. The County shall not be responsible or liable for non compliance with this condition.
7. N/A
8. N/A
9. A rural address is required to be posted on the property. The landowner shall contact Mountain View County to obtain a rural address and the requirements for positing it on the property as per the Rural Addressing Bylaw.

**Permits Associated with Building Construction**

10. If the development authorized by a development permit is not commenced and diligently pursued within eighteen (18) months from the effective date of the permit, such permit approval ceases and the permit itself is deemed void, expired and without effect, unless an extension to this period has been previously granted.
11. Permittees are advised that they are subject to standards of the Safety Codes Act of Alberta and are responsible to meet the requirements of the Act in regards to building, electrical, gas, plumbing and private sewage disposal. Prior to construction required permits must be obtained from Mountain View County. Mountain View County shall not be responsible or liable in any manner whatsoever for any structural failures, defects or deficiencies whether or not the said development has complied with the Safety Codes Act of Alberta.

**Additional Conditions:**

12. That the applicant obtain a Roadside Development Permit from Alberta Transportation.
13. Issuance of this permit is for the dwelling as shown in the picture submitted with the application and will be verified by the Safety Codes Officer as part of the inspections required with for the Building Permit.

Carried

**CORRESPONDENCE**

Information Items

MPC 11-016

Moved by Mr. Davies

That the Municipal Planning Commission receive the following items as information:

- a) ASDAA Agenda from January 11, 2011

Carried

Adopted

Moved by Kevin Good

That the Municipal Plan Commission receive the following items as information:

b) Living in Natural Environment - MD of Bighorn presenting. All Council members will be attending.

c) Red Deer River Watershed Alliance - Tuesday, January 25, 2011. Registration can be done on-line. There is no cost. William is going and has one extra ticket.

Carried

ADJOURNMENT

MPC 11-017

Moved by Greg Harris

That the Municipal Planning Commission of January 20, 2011 be adjourned at 10:27 a.m.

Carried

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Chair

I hereby certify these minutes are correct.

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Director of Planning and Development