

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **December 16, 2010**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: L. Burrell; Member-At-Large / Chair
G. Harris; Member-At-Large / Vice Chair
K. Walton; Member-At-Large
B. Nerrie; Member-At-Large
W. Davies; Member-At-Large
P. McKean; Council
K. Good; Council

IN ATTENDANCE: D. Hawryluk; Director of Planning & Development Services
N. Petherick; Manager of Planning Services
S. Madge; Manager of Development Services
J. Ross; Development Officer
D. McDonald; Planner
C. Banack; Planner
A. Stuhl; Community Peace Officer
K. Jamieson; Administrative Assistant
C. Keleman; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 9:02 a.m.

AGENDA MPC 10-214 Moved by G. Harris
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of December 16, 2010 as presented.
Carried

ADOPTION OF MINUTES MPC 10-215 Moved by P. McKean
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of December 2, 2010 as presented.
Carried

P. McKean declared a pecuniary interest to application SD08-188 Subdivision Time Extension because of a family interest. She left the table at 9:03 a.m. and then left Council Chambers and then joined the gallery.

SUBDIVISION TIME EXTENSION
SD 08-188
Lot 2, Block 3, Plan 0212609
NE 2-33-5-5

Planning and Development Services presented an overview of requests for a time extension for conditionally approved subdivisions SD 08-188/ Lot 2, Block 3, Plan 0212609 (Sommerfeld) and SD08-188/ NE 2-33-5-5 (Bergeson) to December 16, 2011.

- Subdivision is to create 7 parcels ranging in size between 3.70 acres and 5.85 acres was approved by the Municipal Planning Commission on December 16, 2009.
- The landowners have completed 63% of the conditions and have submitted the required plan for the UROW and are waiting for the Department to draft the restrictive covenant under condition 15. The Department has been working with the landowners and the agents extensively to complete this application. The time extension fee of \$750 has been paid and the request for a time extension for one year was received before the deadline. This would be the first time extension granted and the maximum allowed.
- Planning & Development Services recommends approval of a time extension because the application is complex in nature and the majority of conditions have been met.

Municipal Planning Commission discussed the following:

- No comments.

Moved by G. Harris

MPC 10-216 That the Municipal Planning Commission approve a time extension for conditionally approved subdivision SD 08-188/ Lot 2, Block 3, Plan 0212609 (Sommerfeld) to December 16, 2011.

Carried

Moved by K. Good

MPC 10-217 That the Municipal Planning Commission approve a time extension for conditionally approved subdivision SD 08-188/ NE 2-33-5-5 (Bergeson) to December 16, 2011

Carried

P. McKean re-joined the table at 9:06 a.m.

K. Walton joined the meeting at 9:10 a.m.

RDSD20100000272
NE 8-33-28-4

Planning and Development Services presented an overview of a proposed subdivision located at NE 8-33-28-4, 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:

- To create one 7.0 acre parcel within NE 8-33-28-4 (a previously un-subdivided quarter) within the Netook neighborhood.
- Proposed parcel was redesignated to Country Residential in November 2010.
- Surrounding land uses are predominately agricultural with their associated dwelling units.
- A brief review of the Confined Feeding Operations identified in the search area. The proposed parcel is well outside the MDS of all of these operations, and therefore these operations are not a concern when considering this application.
- No environmentally significant or hazard lands identified on subject quarter.

- There are seasonally wet areas that appear on the aerial photos, however no wet areas were identified during the site visit and there are no permanent waterbodies identified on the subject parcel.
- There are two HVP pipelines crossing the northwest corner of the quarter. As their setback is only the pipeline right of way and due to their distance from the proposed parcel, they are not a concern when considering this proposed parcel.
- No objections received from adjacent landowner or referral agencies
- Review of concept plan.
- During the redesignation process, Council passed a motion stating that the proposed parcel should not have to be perimeter fenced so that the landowner can continue farming the proposed parcel with the balance should he choose to. It should be noted however that Planning and Development Services does not generally request perimeter fencing of single lot subdivisions. Perimeter fencing is a standard condition requested during multi-lot subdivision applications, but not during the proposed subdivision of a single lot. Therefore Planning and Development Services is not concerned with the recommendation from Council that the proposed parcel not be perimeter fenced unless the landowner chooses to do so.
- Planning and Development Services supports the proposed 7 acre parcel and associated Concept Plan as the land is deemed suitable for its intended use, and the proposed parcel and Concept Plan comply with both the policies and intents of both the Municipal Development Plan and Land Use Bylaw.

Municipal Planning Commission discussed the following:

- Access points for the potential lots proposed in the concept plan. Staff clarified that should further future subdivision occur these lots would be accessed by joint approaches.
- Clarification that the concept plan was approved under the Municipal Development Plan before recent amendments, and that, future subdivision applications would be reviewed under the bylaws in place at that time.
- Clarification that future subdivision for proposed lots in the concept plan would require redesignation.

Applicant discussed the following:

- No comments.

Moved by P. McKean

MPC 10-218 That the Municipal Planning Commission approve the proposed subdivision, one (1) seven point zero (7.0) acre parcel within NE 8-33-28-4, submitted by HAMMER, Eldon, RDSD 20100000272, subject to the following conditions:

Standard Conditions

1. The approval fee of \$ 400.00 shall be paid to Mountain View County within 30 days from the date of this notice of decision.

2. The applicant shall construct/upgrade approaches from the municipal road to the proposed and residual lots. All new and existing approaches shall be constructed/upgraded in accordance with the construction specifications of Mountain View County.
3. Payment of property taxes in arrears shall be made to Mountain View County.
4. Subdivision to be effected by an instrument acceptable to the Land Titles Office (Descriptive Plan or/Plan of Survey).
5. Municipal Reserves
 - (1) Agricultural Parcels, Low Density Rural Residential Development (Less than five (5) titles per quarter section):
 - a. No reserves required pursuant to Section 663(a) of the Municipal Government Act; or
 - b. N/A
 - c. N/A
 - d. N/A
 - (2) N/A

Standard Conditions if Applicable:

6. That the applicant enters into an agreement for the provision of road widening (northerly 5.18 metres) across the subject property to the satisfaction of Mountain View County.
7. A qualified surveyor shall prepare a Utility Right of Way Plan (UROW) and that the applicant enters into a General Utility easement Agreement with Mountain View County. The UROW Plan will dedicate 5 meters in width commencing at 5.18 meters measured in perpendicular distance adjacent to Township Road 332, and 5 meters in width measured in perpendicular distance adjacent to Range Road 284.
8. N/A
9. N/A
10. N/A
11. N/A
12. The applicant shall make suitable arrangements with Corporate Services department of Mountain View County to acquire, assign and post rural addresses for the proposed and residual lots in accordance with the rural addressing bylaw. The applicant shall provide confirmation in this regard.
13. N/A
14. N/A
15. N/A
16. N/A

Additional Conditions

17. The concept plan provided in support of redesignation will form part of a restrictive covenant to be registered via caveat. Future redesignation and subdivision applications, the location and construction of all permanent buildings will have regard for this plan.

Carried

RDSD20100000225
NW 30-32-28-4

Planning and Development Services presented an overview of a proposed subdivision located at NW 30-32-28-4, 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:

- To create one 20.0 acre parcel from NW 30-32-28-4 consisting of 160.0 acres.
- Redesignation application (to Agriculture (2)) was not approved by Council. Council noted the presence of the various confined feeding operations (CFO) that surround the proposed parcel. They had concerns that this area has developed as an area with several intensive livestock operations, and that this may not be the most appropriate location for subdivisions given the pattern of CFOs in the area.
- The applicant chose to proceed with subdivision application.
- Surrounding land uses are predominately agricultural.
- Brief review of 6 confined feeding operations identified in the search area. The proposed parcel is well outside the minimum distance separation (MDS) of all the identified CFOs. Each operation would need to expand significantly before the proposed parcel would be within the MDS of the operation. Notwithstanding, the proposed subdivision could result in intensification of residential development which could adversely impact existing confined feeding operations.
- Two letters of objection were received from adjacent landowners. The main concerns noted were:
Ability to re-subdivide the 20 acre parcel, drainage concerns, potential future uses on the proposed subdivision area, increased traffic in the area, manure is spread near the proposed parcel, potential issues with future water quantity in the area and sewage contamination issues
- Planning and Development Services cannot recommend approval for the proposed twenty acre parcel for the following reasons:
 - The proposed subdivision does not comply with Section 654 (1)(b) of the Municipal Government Act
 - The proposed subdivision has not obtained redesignation approval as required by Section 2.3.7 of the Municipal Development Plan which states that an agricultural parcel shall require redesignation to the appropriate land use district” (2.3.7)

- The proposed subdivision does not comply with the minimum parcel size site regulation of the Agricultural District of the Land Use Bylaw. The minimum parcel size for agricultural and residential uses is 80.0 acres.
- The proposed subdivision is not deemed suitable with surrounding land uses as the subdivision may lead to the intensification of residential development within an area of significant concentration of Confined Feeding Operations.

Municipal Planning Commission discussed the following:

- Clarification that the proposed subdivision has not been redesignated to Agriculture (2) (was refused by Council) and that approving the subdivision would go against the intent of the Municipal Development Plan.
- Concern expressed of intent of future owners of the proposed parcel, should it be approved.
- Clarification of how minimum distance separation (MDS) is calculated – it is based on the number of animals, than manure disposal is examined and proximity to residential properties.
- Clarification of the aspects of the dairy barn CFO – It has not been in existence for many years.
- Clarification that the potential expansion of the CFOs may be inhibited by the proposed subdivision.

Applicant discussed the following:

- Ken Taylor, representing landowners, Norman Wallace & Sandra Van Dongen, pointed out that Subsection 2 of Section 654 of the Municipal Government Act states
“A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,
(a) the proposed subdivision would not
(i) unduly interfere with the amenities of the neighbourhood, or
(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
and
(b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.
- Clarified the intent of the owner’s proposed use of the land. It will continue to be used for agricultural purposes.
- Stated that Council wrongly refused redesignation of the proposed parcel and the proposed use of the land would not interfere with the other CFO operations in the area.
- Clarified that the owner actively farms the land.
- Stated that they may resort to taking the application to the Subdivision & Development Appeal Board, if the application is not approved.

Moved by G. Harris

MPC 10-219 That the Municipal Planning Commission refuse the proposed subdivision, one (1) twenty point zero (20.0) acres within NW 30-32-28-4, submitted by TAYLOR, Ken, RDSD20100000225 for the following reasons:

- The proposed subdivision does not comply with Section 654 (1)(b) of the Municipal Government Act.
- The proposed subdivision has not obtained redesignation approval as required by Section 2.3.7 of the Municipal Development Plan which states that an agricultural parcel shall require redesignation to the appropriate land use district” (2.3.7)
- The proposed subdivision does not comply with the minimum parcel size site regulation of the Agricultural District of the land use bylaw. The minimum parcel size for agricultural and residential uses is 80.0 acres.
- The proposed subdivision is not deemed suitable with surrounding land uses as the subdivision may lead to the intensification of residential development within an area of significant concentration of Confined Feeding Operations.

Carried

RDS 2010000108
SW 36-29-6-5

Planning and Development Services presented an overview of a proposed subdivision located at SW 36-29-6-5, 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:

- Subdivision to create one 20.0 acre parcel within SW36-29-6-5 consisting of 68.55 acres.
- Located in Water Valley/Winchell Lake neighborhood.
- The proposed parcel contains a dwelling unit and ancillary buildings – wood sheds.
- The proposed parcel was redesignated to Agricultural 2 by Council in September 2010.
- Surrounding land use varies with Agricultural, Agricultural 2 (rodeo grounds), multi-lot residential and recreation, including Camp Kindle.
- The parent parcel is not within 800 meters of a CCN road.
- One letter of objection was received. This nature of this objection was largely based on concerns that the subject application would facilitate a subdivision that was previously applied for in the past.
- The entire proposed subdivision area has been identified as an environmentally significant area by both the County's 2008 Summit Report and the Province of Alberta. The area was identified as environmentally significant due to its tree cover and wetland complexes (peat bogs). No hazard lands have been identified.
- Should this application be approved by the Municipal Planning Commission, although the area is identified as environmentally significant, Planning and Development Services as well as Agricultural Services, recommend that environmental protection measures not be applied in this case. Peat bogs are viewed as containing a natural resource, and the placement of environmental protection measures on the bogs will disallow the

current, or any future landowner from extracting the peat from the bogs. The County has permitted other peat extraction operations in the County, and it was felt that permitting some, and placing environmental protection measures on others, thus disallowing others is unfair.

- A review of the subject application has indicated that the parent parcel is not within 800 meters of a CCN road. As such, only the subdivision options afforded by Section 2.0 of the Municipal Development Plan (MDP) are available to the applicant. This includes the subdivision of one additional parcel in one of the following manners: i) one (1) 3-acre country residential parcel or; ii) one (1) maximum 10-acre farmstead separation or; iii) one minimum 20-acre agricultural parcel.
- A review of the subdivision history of the subject quarter section has revealed that a total of 5 titles (3 parcels and 2 fragmented parcels) exist within the SW 36-29-6-5. Fragmented parcels have consistently been interpreted as being excluded from the total number of titles previously subdivided from the quarter when calculating supportable densities within the quarter section. Three titles can therefore be considered to have been subdivided from the SW 36-29-6-5 when calculating densities supportable by Section 2.0 of the MDP. As such, the SW 36-29-6-5 has been subdivided in excess of the one additional parcel supportable by Section 2.0 of the MDP and is therefore not eligible for additional subdivision.
- Review of definitions of:
 - Un-divided quarter sections
 - Fragmented parcels
- Review of Planning & Development Services interpretation of fragmented parcel policy versus the applicants' interpretation. It is the understanding of the Planning and Development Services Department that the applicant is of the opinion that the definition of 'Fragmented Parcel' within the MDP allows the subject parcel to be considered un-subdivided and therefore eligible to subdivide a minimum 20 acre agricultural parcel pursuant to Policy 2.3.7 of the MDP. The Planning and Development Services Department has reviewed this definition and is of the opinion that while the parent parcel could be considered as a fragmented parcel owing to the physical separation of the quarter by Range Road 60A this does not imply that the parcel is a un-subdivided quarter, nor does it imply that the parcel is eligible for additional subdivision. The Department is also of the understanding that the applicant is of the opinion that the section of the definition of a 'Fragmented Parcel' which reads *"...fragmented parcels, whether separate titles or not, may not be considered a previous subdivision, thus may not be included when determining the total number of lots with in the quarter section"* is particularly salient to his argument. Planning and Development Services has reviewed this interpretation in relation to goals, objective, and intent of the MDP and is of the opinion that this statement simply allows the subject parcel to be excluded from the total number of titles previously subdivided from the quarter when calculating supportable densities within the quarter section. When read according to this interpretation, a total of three 3 non-fragmented

parcels have been subdivided from the SW 36-29-6-5. As such, the SW 36-29-6-5 has been subdivided in excess of the one additional parcel supportable by Section 2.0 of the MDP and is therefore not eligible for additional subdivision.

- During the Public Hearing held on September 22, 2010, the applicant stated that they wish to have the subdivision in order to operate a greenhouse business on the property. However, they wish to separate the business from their dwelling for financing reasons.

- During the Public Hearing Council made the following motions regarding this file:

“That Council does not accept the interpretation of the applicant of RDS2010000108 but upholds the interpretation of Quarter Section, Un-Subdivided Quarter Sections, Fragmented Parcel as previously interpreted and as defined by the Municipal Development Plan Bylaw.”

And

“Council supports the development of a greenhouse business on the property, and therefore supports the redesignation of this property (RDS2010000108) to protect the owner’s home from inclusion in the proposed business venture.”

- Clarified that Planning & Development Services does not base subdivision recommendations on economics.
- Planning & Development Services is recommending refusal of the proposed twenty acre parcel as the proposed parcel does not comply with the policies or intent of the Municipal Development Plan, nor policies of the Municipal Government Act. As this quarter is not located adjacent to the County Collector Road Network, under the Municipal Development Plan the quarter is eligible for one subdivision out. This quarter was subdivided once based on Range Road 60A, a fragmenting feature. As this subdivision was based on a fragment, the quarter was still eligible for one subdivision to be completed. In 2001 three (3) one point eight (1.8) acre Country Residential subdivisions were removed from the quarter, thus bringing the total number of titles on the quarter to five. This is well above the allowable density allocated under the Agricultural Land Use areas in the MDP.

Municipal Planning Commission discussed the following:

- Concern of future landowners use of proposed parcel.
- Clarification that peat moss mining is done in the area.
- Clarification of how 4 titles on 80 acres came to be. The 3 parcel subdivision was done under a previous Municipal Development Plan.
- Clarification of interpretations of ‘un-subdivided quarter’ and ‘fragmented parcel’.

Applicant discussed the following:

- Dale Lesack stated that they wish to subdivide in order to operate a greenhouse business on the north part of the parent parcel. This subdivision would separate the business from their dwelling, thus, protecting the owner’s home from inclusion in the proposed business venture.

- Provided a brief overview of the propose business venture (greenhouse project) for the north portion of the property.
- Stated that they owned the land for 5 years. They were not responsible for the 3 parcels previously subdivided.
- Stated that the definitions of a ‘fragmented parcel’ and ‘un-subdivided quarter’ may be interpreted differently by different parties.
- Clarified that the previous application was withdrawn – not refused.

Moved by G. Harris

MPC 10-220

That the Municipal Planning Commission refuse the proposed subdivision, one (1) twenty point zero (20.0) acre parcel within SW36-29-6-5, submitted by LESACK, Dale, RDSO 20100000108 for the following reasons:

The application does not comply with:

- 1) Section 654(1) (b) of the Municipal Government Act which states “the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), and land use bylaw that affects the land proposed to be subdivided.”
- 2) Section 2.3.6 of the Municipal Development Plan which states “The base density of the Agricultural Land Use District is one (1) titled lot per quarter section.”

Carried

PLDP20100000397
SE 27-33-7-5
Plan 9011376, Block 1

Planning and Development Services presented an overview of a proposed development located at SE27-33-7-5 Plan 9011376, Block 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:

- Proposal to develop Outside Storage and Subsidiary Occupation Level 2 known as M.L. Bruce Holdings Inc.
- Zoning is Agricultural (2).
- Parcel size is 28.91 acres.
- Adjacent to Highway 584 and Range Road 72, adjacent to the Bearberry Community Hall.
- Property is contained within an environmentally significant area – area is extremely treed with a creek flowing through.
- The area is sloping topographically.
- The surrounding land uses are a mix of Country Residential, Agricultural, Commercial and Institutional, and, Education and Cultural Districts.
- There is an existing dwelling unit, shop, shed outside storage, RV development including a cabin and gravel pit on the property. Roadways are already in place.
- Development staff met with Mr. Bruce regarding the originally proposed 3 acre storage area on the subject property. The applicant mentioned that some of the storage proposed already exists on the site and some will be coming from a storage lot in

Calgary. A site visit by Development staff confirmed that there is minimal storage existing on a one acre storage area and the proposed area has been cleared and graveled in preparation for the proposed storage.

- During the site visit, it was noted that there was a sign located at the entrance of the property advertising training for WHMIS, TDG and Flag Person. On November 7, 2010 Mr. Bruce mentioned he would like to add the sign and business to the application. The business would be considered a Subsidiary Occupation Level 2 under the Agricultural (2) District of the Land Use Bylaw, due to the applicant requesting a sign to be located on the property advertising the business. The business is proposed to be conducted off the property. The business called M.L. Bruce Holdings Inc. are classes offering training for the applicants clients to be conducted on their property not on the subject parcel and include the following classes; Fall Protection end user commercial industrial; Flag person; aerial Lift; Confined Space; WHMIS; and TDG. Planning and Development can support the proposed business under subsidiary Occupation Level 2 within the Agricultural (2) District.
- There is an existing natural resource extraction - gravel pit located on the property. Through a historical search there have been no permits issued for the gravel pit. The applicant mentioned that the gravel pit is used to facilitate existing and future roads located on the subject property. The applicant has been notified through this application process that should the existing gravel pit be utilized for any other person or operation (commercial off site production) other than his own personal use a Development Permit Application shall be submitted to the County.
- It was also observed during the site visit that Mr. Bruce had constructed multiple RV sites on the property. During the meeting with the applicant the RV development was discussed with regards to the intent of the development. Mr. Bruce explained that this is a personal campground for family, friends and co-workers. Mr. Bruce stated that he develops more sites every year, including internal roads, for this purpose. At present the applicant has mentioned there are 14 sites, with one site serviced for his own personal RV. It was also observed on the site visit that there is an existing cabin located on the property. There was also a sign indicating the rates for accommodation within the cabin. The County has no record of any permits being issued for the recreational use existing on the property. The Land Use Bylaw does not support recreational development in the form of a recreational resort for camping within the Agricultural (2) District. This use is supported in the Parks and Recreational Districts of the Land Use Bylaw.
- The County's Bylaw Enforcement has received a complaint on the applicant's property with regards to the RV Development occurring on the property. The complaint is currently being investigated through the Bylaw Enforcement department.

- The applicant's original proposal was to place approximately 30 to 40 trailers/sea cans on the property within a 3 acre storage area. The applicant has amended his application to decrease the amount of storage originally proposed with this application. The applicant is now proposing to place 2 sea cans/trailers on the lot in order to meet the requirements of the Land Use Bylaw. The applicant is also proposing to place a total of 12 RV units and 3 cargo/utility trailers on the lot and has decreased the size of the proposed area to 1 acre in total.
- The proposed number of RVs and additional cargo trailers for storage exceeds the number permitted, and therefore would be considered an industrial use. This type of outside storage would be considered a discretionary use under the I-BP Business Park District and would fall under 'Industrial Storage and Warehouse' in the I-BP District.
- Under the Agricultural 2 District of the Land Use Bylaw subsidiary Occupation Level 3 is a possible use. However, when viewing this use as referenced within Section 10.7, table 10.7-1 of the Land Use Bylaw, there is no mention within the definition that outside storage as a use is permitted within the scope of subsidiary occupation business.
- Planning and Development Services is recommending refusal of the outside storage use proposed within this application. The proposed Outdoor Storage exceeds the scope of a subsidiary occupation use listed within the Agricultural (2) District of the Land Use Bylaw 10/10.
- Planning & Development Services is recommending approval of the proposed Subsidiary Occupation Level 2 – M.L. Bruce Holdings Inc.

Municipal Planning Commission discussed the following:

- Clarification that no objections were received from the neighbors at the time of writing the report for MPC. It was noted that adjacent landowner letters and emails received after the writing of the report were handed out to MPC members at the meeting as additional info to the agenda package.
- Clarification of steps to be taken for development in an environmentally significant area. Staff replied that precautions/conditions (eg. Studies) may be requested of the applicant. In this case, as there are no permits in place, no precautions were requested or imposed.
- Clarification as to how the parcel came to be zoned Agricultural 2. Staff stated that it was done under a previous MDP.
- Clarification that all lands are originally zoned Agricultural until redesignation occurs.
- Clarification of status of bylaw complaint. Community Peace Officer in attendance advised that they are nearing the end of the investigation and action will be taken soon.
- Clarification that any bylaw complaints should not be a concern of MPC.

- Clarification that if the property was zoned 'Recreational', a Development Permit for sea cans would be required, unless they were pre-existing.
- Clarification that oil field equipment storage exists on adjacent property.

Applicant discussed the following:

- M. L. Bruce stated that he had not talked to any neighbors about the application.
- Clarified of location of creek on property and stated that it is a dry creek bed. There are also springs on the property.
- Stated that the property is very rocky with minimal flat spots.

Moved By B. Nerrie

MPC 10-221 That the Municipal Planning Commission refuse the proposed Outside Storage in accordance with the Land Use Bylaw 10/10, within SE 27-33-7-5, Plan 9011376, Block 1, submitted by Murnie Layton Bruce, Development Permit PLDP20100000397 for the following reason: The proposed Outdoor Storage exceeds the scope of a subsidiary occupation use listed within the Agricultural (2) District of the Land Use Bylaw 10/10 as per:
Part 1: Section 2.5 – Definitions: Subsidiary Occupation Level 3
Part 4: Section 10.7 Subsidiary Occupation;
Table 10.7-1 Level 3 Subsidiary Occupation
Part 5: Section 14.2 A (2) – Agricultural (2) District;
2 (a) Discretionary Use

Carried

Moved By K. Good

MPC 10-222 That the Municipal Planning Commission approve the proposed Subsidiary Occupation Level 2 – M.L. Bruce Holdings Inc. in accordance with the Land Use Bylaw 10/10 and the submitted application, within SE 27-33-7-5, Plan 9011376, Block 1, submitted by Murnie Layton Bruce, Development Permit PLDP20100000397, subject to the following conditions:

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. N/A
- 11. N/A

Additional Conditions:

- 12. That the applicant obtain a Roadside Development Permit from Alberta Transportation.
- 13. Future expansion, storage area, additional employees or additional uses will require a new permit.
- 14. No outside storage is permitted with the business.

Note: Issuance of this permit does not permit any Recreational RV development including the cabin, gravel pit or outside storage development to be located on the property.

Carried

CORRESPONDENCE

Information Items

MPC 10-223

Moved by P. McKean

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

- a) ASDAA Agenda from December 3, 2010
- b) ASDAA Agenda from December 7, 2010
- c) Permitted Use Development Permits Approved
- d) NRCB RA10067 Application Part 1:
Confined Feeding Operation - Berend Ridder SW3-32:28 4

Carried

ADJOURNMENT

MPC 10-224

Moved by G. Harris

That the Municipal Planning Commission of December 16, 2010 be adjourned 11:02 a.m.

Carried.

“Adopted January 6, 2011”

Chair

I hereby certify these minutes are correct.

Director of Planning and Development