

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **July 7, 2010**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: G. Harris; Member-At-Large/Vice-Chair
D. Kearney; Member-At-Large
L. Schafer; Member-At-Large
K. Branter; Member-At-Large
A. Kemmere; Reeve
L. Negropontes; Councillor
G. Ingeveld; Councillor

IN ATTENDANCE: D. Plamping; Chief Administrative Officer
N. Petherick; Manager of Planning Services
S. Madge; Manager of Development & Permitting Services
T. Connatty; Planner
D. McDonald; Planner
J. Ross; Development Officer
J. Ruhe; Development Officer
C. Keleman; Recording Secretary

CALL TO ORDER: G. Harris called the meeting to order at 1:04 p.m.

AGENDA MPC 10-115 Moved by G. Ingeveld
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of July 7, 2010 as amended with one addition to Old Business – Changes to Approaches – File #SD2008-119.

Carried

ADOPTION OF MINUTES MPC 10-116 Moved by L. Negropontes
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of June 16, 2010 as presented.

Carried

SD2008-119
CHANGES TO APPROACH Planning & Development Services presented an overview of a file that was addressed by the Municipal Planning Commission at the June 16, 2010 meeting pertaining to a condition of an approved subdivision located at SW27-33-2-5, regarding an access that was removed and now the current owner of the remainder of the original 80 acre parcel is requesting that it be reinstated for safety reasons. The owner is having difficulty safely moving farm equipment under the overhead power lines. The Operational Services department recommended approval of request for safety reasons.

On June 16, 2010, the Municipal Planning Commission passed a motion recommending that the Planning & Development department contact the current owner of the property to explore other opportunities that would allow the current configuration to exist and perhaps by relocating or burying the power lines. As a result the landowner has expressed issues with the high cost to pursue burying the lines. The Operational Services department has proposed that a joint approach be installed for the 2 acreage parcels.

Municipal Planning Commission discussed the following:

- Clarification of the number and layout of the approaches to existing acreages and parcel in question.
- The possibility of the landowners of the 2 acreage parcels agreeing to a joint approach.
- Clarification that this issue needs to be resolved as the road, that these approaches turn onto, is slated for reconstruction in 2010.

Moved By A. Kemmere

MPC 10-117 That the Municipal Planning Commission approve the replacement of the approach to it's original location, as proposed, And that, Operational Services negotiate an agreement with the acreage owners regarding construction of a joint approach.

Carried

RDSD2010-006
NE 24-29-2-W5M

Planning and Development Services presented an overview of a proposed subdivision located at NE 24-29-2-W5M, and provided information as introduced in the agenda package, such as the location map and aerial photos.

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

- To create one (1) twenty point zero (20.0) acre parcel within the NE 24-29-2-W5M
- Zoning of subject area is Agricultural 2.
- The proposed parcel includes a gravel pit.
- The proposed parcel is adjacent to another parcel of similar size, shape and use.
- Approximately 3 acres of the NE quadrant of the gravel pit has been reclaimed. A reclamation certificate has not yet been issued.

Municipal Planning Commission discussed the following:

- Condition 15 regarding the reclamation certificate does not include a time frame or deadline.
- Clarification that the applicant has up to 1 year to satisfy conditions of the subdivision approval.

- Development/building and reclamation can occur simultaneously.
- Clarification that reclamation is the responsibility of the land owner.

Applicant discussed the following:

- No comments.

Moved By G. Ingeveld

MPC 10-118 That the Municipal Planning Commission approve the proposed subdivision, to create one (1) twenty point zero (20.0) acre parcel within the NE 24-29-2-W5M, submitted by ABELL, Douglas, RDSD201000000006, subject to the following conditions:

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. That all culverts, crossings, accesses and other works authorized by Section 655(1)(b) of the Municipal Government Act, 1995, be provided to both the proposed and residual lots by and at the sole expense of the landowner, to the satisfaction of Mountain View County.
3. Payment of all property taxes or satisfactory arrangements to be made for payment to Mountain View County.
4. Subdivision to be effected by an instrument acceptable to the Land Titles Office (Plan of Survey).
5. 1) a) No reserves required pursuant to Section 663(a) of the Municipal Government Act.
6. That the applicant enters into an agreement for the provision of road widening westerly 5.18 meters across the subject property to the satisfaction of Mountain View County. The agreement is enclosed for your signature(s).
7. n/a
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 lots and provide confirmation in this regard.
13. n/a
14. n/a

ADDITIONAL CONDITIONS

15. The applicant shall obtain a reclamation certificate for the existing gravel pit from Alberta Environment.

Carried

PLDP20100000171
NW 17-30-2-5

Planning and Development Services presented an overview of a proposed development located at NW 17-30-2-5, and provided information as introduced in the agenda package, such as the location map and aerial photos.

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

- Proposed Dwelling Unit – Mobile Home and Contractors Business - ATV & Snowmobile Sales and Sign with Setback Relaxation to the Pipeline.
- Municipal Planning Commission approved the existing business on March 4, 2009 at its current location SE 19-30-2-5. The applicant could not obtain a completed building permit for the existing buildings on the SE 17-30-2-5 as they were not built to commercial code therefore is relocating the business from its previous location to the NW 17-30-2-5.
- The property is a vacant quarter located adjacent to the Carstairs Blind Line Township Road 303. There is an existing approach that will be upgraded and utilized to access the business.
- The applicant is not increasing the business at the new location. At its present location the business occupies a number of buildings and uses a few areas on the property for ATV storage. The applicant is proposing to construct a new 80'x235' ancillary building to store all the vehicles related to the business and utilize one area on the property for any outside storage.
- The applicant is proposing to provide a screening fence from the north-east corner of the ancillary building to the eastern property line and then south for approximately 150 feet. The fence will alleviate any possible view of outside storage from Twp. Rd. 303. There is also mature vegetative providing screening to the north and north-west from Twp. Rd. 303. In discussions with the applicant it was mentioned that additional tree planting will be occurring adjacent to the existing vegetation to ensure adequate future screening.
- There is a pipeline that runs diagonally through the quarter section. The applicant is proposing to be closer to the pipeline than is required within the Land Use Bylaw therefore a proximity agreement between the applicant and Plains Midstream Canada ULC has been provided to Planning and Development confirming that the pipeline company agrees with the proposed setbacks within this application.

- The applicant is also proposing to place a dwelling unit – mobile home on the property. When the application was submitted the applicant had not found a mobile home to purchase yet.
- The applicant has applied for a 20 acre subdivision on the quarter which will include the structures being proposed within this application.
- A sign is also being proposed within this application and would be considered a deemed approved use under the Agricultural District of the Land Use Bylaw.

The applicant discussed the following:

- Marti Taylor stated that they would appreciate that the age of the mobile home be changed to up to 20 years instead of 15 years.

Municipal Planning Commission discussed the following:

- Changing the age limit of the proposed mobile home from 15 to 20 years.

Moved G. Ingeveld

MPC 10-119

That the Municipal Planning Commission approve the proposed Dwelling Unit – Mobile Home and Contractors Business - ATV & Snowmobile Sales and Sign with Setback Relaxation to the Pipeline in accordance with the Land Use Bylaw and the submitted application, within NW 17-30-2-5, submitted by Taylor, Landon & Marti, Development Permit PLDP20100000171, subject to the following conditions:

Standard Conditions

1. The provisions of the Land Use Bylaw No. 55/95.
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. Dust control on the adjacent County road shall be the sole responsibility of the property owner.

6. All access approaches must be to County standards. A no charge approach permit is required and can be obtained at the Mountain View County office.
7. A copy of the Private Sewage Disposal System permit shall be submitted to Mountain View County immediately following the installation of the system.
8. 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.
9. N/A
10. N/A

Permits Associated with Building Construction:

11. If the development authorized by a development permit is not commenced within 6 months from the date of its issue and the development completed within 18 months from the date of its issue, the permit shall be deemed to be null and void, unless an extension has been granted by the Development Officer.
12. Permittees are advised that they are subject to construction standards of the Safety Codes Act of Alberta. Prior to construction a Building Permit must be obtained. Permittees must have their construction plans examined by a Safety Codes officer accredited with Mountain View County. The required inspections will follow with commencement of construction. Building Permit applications are available at the County Office in Didsbury. The Mountain View County shall not be responsible or liable in any manner whatsoever for any structural failures, defects or deficiencies in any permitted developments whether or not the said development has complied with the Safety Codes Act of Alberta.

Additional Conditions:

13. The dwelling unit – mobile home manufacture date shall not exceed 20 years.
14. Skirting of mobile homes, including finishing, should be completed within 60 days of the date a mobile home is placed on the site.
15. The appearance, design and construction of any ancillary structures, such as patios, porches, additions and skirting, shall complement the design of the mobile home.
16. All mobile homes shall have Canadian Standard Association Certification.

17. Future expansion including work and/or storage areas, and more than 4 employees will require a new permit.
18. The applicant shall dispose of any and all scrap metal and chemicals collected and contained on site in a timely manner to prevent possible soil contamination.
19. The applicant shall provide screening in the form of fencing (either solid board/metal or chain link with privacy slating) from the north-east edge of the ancillary building to the east property line and 150' feet along the east property line to ensure screening of the storage area to a minimum height of six (6) feet. Unscreened outside storage is not permitted. The screening shall be completed by July 7, 2011 and shall be maintained to the satisfaction of the Approving Authority.
20. A southerly setback relaxation of 50 feet to the pipeline as stated within the Plains Midstream Canada ULC Proximity Agreement is granted for the life of the building.
21. Prior to applying for the Building Permit the applicant shall submit photos and subsequent details of the mobile home to confirm the size and age of the mobile is in conformance with this application.

Carried

PLDP20100000222
NW 1-31-3-5

Planning and Development Services presented an overview of a proposed development located at NW 1-31-3-5, and provided information as introduced in the agenda package, such as the location map and aerial photos.

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

- Third Dwelling Unit – Mobile Home
- The parcel size is 158.97 acres and the zoning is Agricultural.
- The farm site currently includes two dwelling units and various agricultural structures.
- Recommendation is for refusal as the application does not meet regulations within the Land Use Bylaw and Secondary Suite Guidelines.

Municipal Planning Commission discussed the following:

- In the Land Use Bylaw a third unit is allowed in the form of a secondary suite.
- The application is not supported under either the past Land Use Bylaw 55/95 or the new Land Use Bylaw 10/10.

Applicant discussed the following:

- The applicant was not in attendance.

8. 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.

9. N/A

10. N/A

Permits Associated with Building Construction

11. If the development authorized by a development permit is not commenced within 6 months from the date of its issue and the development completed within 18 months from the date of its issue, the permit shall be deemed to be null and void, unless an extension has been granted by the Development Officer.

12. Permittees are advised that they are subject to construction standards of the Safety Codes Act of Alberta. Prior to construction a Building Permit must be obtained. Permittees must have their construction plans examined by a Safety Codes officer accredited with Mountain View County. The required inspections will follow with commencement of construction. Building Permit applications are available at the County Office in Didsbury. The Mountain View County shall not be responsible or liable in any manner whatsoever for any structural failures, defects or deficiencies in any permitted developments whether or not the said development has complied with the Safety Codes Act of Alberta.

Additional Conditions:

13. That the applicant obtain a Roadside Development Permit from Alberta Transportation.

14. Skirting of mobile homes, including finishing, should be completed within 60 days of the date a mobile home is placed on the site.

15. The appearance, design and construction of any ancillary structures, such as patios, porches, additions and skirting, shall complement the design of the mobile home.

16. All mobile homes shall have Canadian Standard Association Certification.

17. Prior to applying for a building permit the applicant shall submit information of the mobile home that will include the make, model, year, size and pictures for County approval.

18. Should the dwelling unit - mobile home no longer be required for the applicants relative then steps shall be taken to remove the residence and reclaim the site located on the NW 1-31-3-5 within (6) six months of vacancy.

19. Relaxations are granted for the life of the buildings existing at the time of submittal of this application. In the event that the structures are damaged or destroyed to the extent of more than 75% of the value of the buildings above the foundation, or if the buildings are to be enlarged, added to, rebuilt or structurally altered, then steps must be taken to bring the buildings into compliance with the Land Use By-law.

Motion Defeated

MPC 10-122 Moved L. Negropontes
That Development Permit PLDP20100000222 application, submitted by Marvin Kendze, be deferred to the next Municipal Planning Commission Meeting.

Carried

PLDP20100000206
SE 25-30-4-5

Planning and Development Services presented an overview of a proposed development located at SE 25-30-4-5, and provided information as introduced in the agenda package, such as the location map and aerial photos.

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

- Dwelling Unit - Mobile (third dwelling on 157 acres)
- Zoning is Agricultural
- Currently there is a single family dwelling on the property and recently, a location permit was issued for the replacement of a older (1975) mobile home with a 2010 model.
- Recommendation is for refusal as the application does not meet regulations within the Land Use Bylaw and Secondary Suite Guidelines.

Municipal Planning Commission discussed the following:

- In the Land Use Bylaw and third unit is allowed in the form of a secondary suite.

Applicant discussed the following:

- Ken Taylor, representing the land owners, stated that the need for the third dwelling unit is to expand their farm (horse) operation – agricultural business.
- The proposed mobile home is a 2009 model.
- The proposal includes using one well and one septic system for all three dwellings.

MPC 10-123 Moved G. Ingeveld
That the Municipal Planning Commission refuse the proposed Dwelling Unit - Mobile (3rd dwelling on 157 acres) in accordance with Land Use Bylaw, within SE 25-30-4-5 submitted by Ken Taylor, Development Permit File No.PLDP20100000206 for the following reasons:
Land Use Bylaw 55/95:
PART VIII; 35. Residences Allowed Per Lot.

Adopted

(1) The number of dwelling units or mobile homes allowed per lot in the Municipality is one unless otherwise permitted in this bylaw.
(3) The intent of this Bylaw except as otherwise authorized above is to provide for one single family dwelling or mobile home on a lot which conforms to the standards of this bylaw, except in the Commercial, Highway Commercial, Industrial, Direct Control or Recreational Facility Districts.

A - Agricultural District, B. Location Permit 2)(2nd on 80 acres or more)

Policy No: 6007- Secondary Suite Guidelines; Principals: 2.;
Procedure No: 6007-10 - Secondary Suite Guidelines; Procedures 2.1, Schedule "A"

Parcel Size Restrictions: Greater than eighty (80) acres;
Development Provisions: Maximum dwelling unit density per parcel - three, (Note: the maximum number of detached dwelling units per parcel is two, therefore the third unit must be located within or attached to one of the detached dwelling units)

Carried

CORRESPONDENCE

Information Items

Moved by D. Kearney

MPC 10-124 That the Municipal Planning Commission receive the following items as information:

- (a) ASDAA Agenda June 22, 2010
- (b) ASDAA Agenda June 29, 2010
- (c) Location Permits Approved

Carried

ADJOURNMENT

MPC 10-125

Moved by L. Negropontes

That the Municipal Planning Commission of July 7, 2010 be adjourned at 2:45 p.m.

Carried.

Chair

I hereby certify these minutes are correct.

Director of Planning and Development