

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

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

PRESENT: L. Burrell; Member-At-Large, Chair
D. Kearney; Member-At-Large
G. Harris; Member-At-Large
A. Kemmere; Reeve
E. Page; Councillor
G. Ingeveld; Councillor

IN ATTENDANCE: D. Plamping; Chief Administrative Officer /
D. Hawryluk Director of Planning & Development
N. Petherick; Manager of Planning Services
S. Madge; Manager of Development & Permitting Services
D. McDonald; Planner
J. Ruhe; Development Officer
C. Keleman; Recording Secretary
W. Brown; Engineering Technician

CALL TO ORDER: L. Burrell called the meeting to order at 1:01 p.m.

AGENDA MPC 10-105 Moved by G. Harris
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of June 16, 2010 as presented.
Carried

ADOPTION OF MINUTES MPC 10-106 Moved by G. Harris
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of June 2, 2010 as presented.
Carried

APPROACH/ACCESS SW27-33-2-5
Operational Services presented an overview of 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.

Municipal Planning Commission discussed the following:
• Clarification of the number and layout of the approaches to existing acreages and parcel in question.

- The reason for the original condition regarding access/approaches of subdivision development.
- The possibility of putting the power lines below ground.

MPC 10-107 Moved by G. Ingeveld
That the Municipal Planning Commission approve the
reinstallation of the original approach on SW27-33-2-5.

Motion Defeated

MPC 10-108 Moved by G. Harris
That the Planning & Development Services 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.

Carried

SD08-145
NW 36-29-2-5

Planning and Development Services presented an overview
of a proposed subdivision located at NW 36-29-2-5, 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:

- To create four (4) two (2) acre lots from existing 158.97
acres
- Zoning of subject area is Country Residential One District
“CR(1)”
- Surrounding area is used for agricultural purposes.
- There is no oil and gas activity on the quarter section.
- There are no structures on the subject land.

Municipal Planning Commission discussed the following:

- Alberta Transportation’s response to application. It is a
standard to have access a minimum of 300 metres from
the corner, but this distance may vary at their discretion.
- Water assessment study
- Concerns of small acreage owners residing so close to
agricultural land and all the characteristics that go with
rural living.
- Access/approaches – each could have separate accesses,
but shared accesses are also a possibility.
Applicant/property owners would have to apply to
Operational Services for an Approach Permit.
- Confirmed that letters from the public have been received
and reviewed.

Applicant discussed the following:

- Ken Taylor was present on behalf of the owners and
confirmed that they are aware of the impact and costs
involved in this subdivision.
- Clarification of Alberta Transportations response.
- Joint approaches are a possibility.

MPC 10-109 Moved By G. Ingeveld
That the Municipal Planning Commission approve the proposed subdivision, to create four (4) two (2) acre lots from existing 158.97 acres, within NW 36-29-2-5 submitted by TAYLOR, Ken M., File No. SD08-145, subject to the following conditions:

The works outlined in this application are subject to the following Standard Conditions:

1. The approval fee of \$1,600 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, and that where possible, joint approaches will be used.
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 (Descriptive Plan or/Plan of Survey)
5. (1) Low Density Rural Residential Development (Less than five (5) titles per quarter section):
 - a) N/A; or
 - b) Cash in lieu of municipal reserves are to be paid to Mountain View County based on consideration of the County's assessment data. Approximately (0.8) acres are owing and at a rate of (\$2,994.91) per acre, therefore (\$2,395.93) is owing to the County. This figure will be subject to confirmation upon receipt of the final plan of survey;
 - c) N/A.
 - d) N/A.
- (2) Medium-High Density Residential (More than (5) titles per quarter section), Recreational, Commercial or Industrial Development:
 - a) N/A; or
 - b) N/A.
 - c) N/A.

Standard Conditions if Applicable:

6. The applicant shall enter into an agreement for the provision of road widening (westerly 5.18 metres) across the subject property to the satisfaction of Mountain View County. The agreement is enclosed for your signatures(s).
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 metres in width commencing at 5.18 metres measured in perpendicular distance from Range Road 21.

10. The applicant shall submit the following report(s), plans and specifications prepared by a qualified professional. These reports shall be to the satisfaction of Mountain View County and the findings shall guide and be incorporated within the drafting and execution of the development agreement.
 - a. A groundwater supply evaluation. This report shall confirm the availability and adequacy of a suitable water supply that complies with applicable provincial standards and regulations.
 - b. Private sewage system suitability analysis. This report shall include a texture classification tests on each of the proposed lots to determine an appropriate effluent treatment and disposal system.
 - c. A stormwater management plan. The plan shall ensure that the natural drainage course/waterways within and adjacent to the proposed lot will not be altered without providing a positive alternative means of drainage satisfactory to the County. The plan should identify any drainage easements that would need to be registered.
 - d. Engineering plans and specifications detailing the provision of the utilities (power only) to service the proposed lots, drainage improvements and peripheral fencing measures. Engineering plans and specifications shall be in accordance with Policy 4009 – Mountain View County Design Guidelines and General Construction Specifications.
11. The applicant shall enter into a development agreement(s) with Mountain View County in accordance with Section 655 of the Municipal Government Act. The development agreement(s) shall address such matters including but not limited to the following:
 - a. N/A
 - b. the construction of municipal improvements;
 - c. the provision of necessary utilities, easements, and right of ways (power);
 - d. N/A;
 - e. N/A;
 - f. water and sewage treatment requirements;
 - g. fencing requirements;
 - h. drainage restrictions;
 - i. stormwater treatment;
 - j. security requirements;
 - k. inspection provisions;

As required, the development agreement(s) may be registered via caveat on the affected land provided the nature and intent of the agreement(s).

- 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.

Additional Conditions:

- 15. The applicant shall review necessary power upgrades with the power utility provider to service the subdivided lands. Where deemed necessary by the power utility provider, copies of an executed agreement to service the subdivided lands shall be provided to Mountain View County and will form part of the development agreement.

Carried

SD08-167
NE 12-33-2-5

Planning and Development Services presented an overview of a proposed subdivision located at NE 12-33-2-5, 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:

- To create three (3) two point zero (2.00) acre lots from existing 79.53 acres
- Zoning is Country Residential One District "CR(1)"
- Surrounding area is agricultural land.
- The subject area is on a collector road.
- There is an internal subdivision road dedication to service all 3 proposed lots. The road will be constructed to Mountain View County standards.
- No letters of objection were received.

Municipal Planning Commission discussed the following:

- Wetland drainage.
- Access to the balance of the 79.53 acres is on the south east corner.

Applicant discussed the following:

- David Derksen was present representing the owners and confirmed that the owners understand the approval conditions of the application.
- Clarified that wetland drainage is to the south west.
- Construction standards of the internal subdivision road.

Moved By G. Harris

MPC 10-110 That the Municipal Planning Commission approve the proposed subdivision, to create three (3) two point zero (2.00) acre lots from existing 79.53 acres, within NE 12-33-2-5 submitted by DERKSEN, David, File No. SD08-167, subject to the following conditions:

The works outlined in this application are subject to the following Standard Conditions:

1. The approval fee of \$1200 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 (Descriptive Plan or/Plan of Survey)
5. (1) Low Density Rural Residential Development (Less than five (5) titles per quarter section):
 - a) N/A; or
 - b) Cash in lieu of municipal reserves are to be paid to Mountain View County based on consideration of the County's assessment data. Approximately (0.75) acres are owing and at a rate of (\$5,249.61) per acre, therefore (\$3,937.21) is owing to the County. This figure will be subject to confirmation upon receipt of the final plan of survey;
 - c) N/A.
 - d) N/A.

(2) Medium-High Density Residential (More than (5) titles per quarter section), Recreational, Commercial or Industrial Development:

 - a) N/A; or
 - b) N/A
 - c) N/A

Standard Conditions if Applicable:

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 five metres in width adjacent to road widening plan 8292JK and five metres in width adjacent to the internal subdivision road.
8. A Real Property Report shall be prepared showing that the setbacks of the proposed property lines in relation to main structures are in compliance with the requirements in the County's Land Use Bylaw No. 55/95.
9. The surveyor to include on the Real Property Report,

confirmation that the existing water well and the private sewage disposal system that services the existing development is completely contained and shown to be within the proposed property boundaries. If any portion of the existing sewage system is situated closer than 90 metres of an existing or proposed property line confirmation shall be provided from a licensed Safety Codes Officer that the sewage system complies with the regulations as outlined in the Alberta Private Sewage Systems Standard of Practice 1999. Where not in compliance, the applicant shall undertake improvements to the sewage system to comply with the Alberta Private Sewage Systems Standard of Practice 1999 and provide confirmation in this regard to the satisfaction of Mountain View County.

10. The applicant shall submit the following report(s), plans and specifications prepared by a qualified professional. These reports shall be to the satisfaction of Mountain View County and the findings shall guide and be incorporated within the drafting and execution of the development agreement
 - a. A groundwater supply evaluation. This report shall confirm the availability and adequacy of a suitable water supply that complies with applicable provincial standards and regulations.
 - b. Private sewage system suitability analysis. This report shall include a texture classification tests on each of the proposed lots to determine an appropriate effluent treatment and disposal system.
 - c. A stormwater management plan. The plan shall ensure that the natural drainage course/waterways within and adjacent to the proposed lot will not be altered without providing a positive alternative means of drainage satisfactory to the County. The plan should identify any drainage easements that would need to be registered.
 - d. Engineering plans and specifications detailing the provision of the road, utilities (power only) to service the proposed lots, drainage improvements and peripheral fencing measures. Engineering plans and specifications shall be in accordance with Policy 4009 – Mountain View County Design Guidelines and General Construction Specifications.
11. The applicant shall enter into a development agreement(s) with Mountain View County in accordance with Section 655 of the Municipal Government Act. The development agreement(s) shall address such matters including but not limited to the following:
 - a. the requirement for engineering plans to support the conditionally approve subdivision;
 - b. the construction of municipal improvements;

- c. the provision of necessary utilities, easements, and right of ways (power);
 - d. N/A;
 - e. N/A;
 - f. water and sewage treatment requirements;
 - g. fencing requirements;
 - h. drainage restrictions;
 - i. stormwater treatment;
 - j. security requirements;
 - k. inspection provisions;
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.
14. The applicant shall enter into a restrictive covenant agreement with Mountain View County affecting those lands as identified on the conditionally approved sketch plan for the purposes of protecting the Class III, IV & V wetlands. To effect the development of this agreement, the following is required:
- a. N/A or
 - b. A survey plan is not required. Mountain View County shall draft the agreement and prepare supportive schedules through a combination of our GPS data and GIS software.

This agreement shall be registered via caveat on the affected titles.

Additional Conditions:

15. The applicant shall review necessary power upgrades with the power utility provider to service the subdivided lands. Where deemed necessary by the power utility provider, copies of an executed agreement to service the subdivided lands shall be provided to Mountain View County and will form part of the development agreement.

Carried

SD09-013
SE 24-32-2-5
Plan 0514013 Block 1 Lot 1

Planning and Development Services presented an overview of a proposed subdivision located at SE 24-32-2-5 Plan 0514013 Block 1 Lot 1, 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) lot of one point eight (1.8) acres from existing 5.04 acres

- Zoning is Country Residential 1 (CR1). The remainder of the 5.04 acre parcel is zoned CR, and the surrounding area is zoned Agricultural.
- Propose to use the oil lease road for access, via a road use agreement.
- Adjacent landowner has concerns and objections to the proposed parcel.
- Groundwater supply evaluation and a private sewage system suitability analysis are usually only recommended on multi-lot subdivisions.

Municipal Planning Commission discussed the following:

- In the past, a concept plan for the area was presented to Council for approval and was defeated by Council due to objections of adjacent landowner.
- Confirmed that letters from the public have been received and reviewed

Applicant discussed the following:

- Ken Taylor was present representing the landowners and confirmed that they understand the approval conditions, especially if Condition 10 is added which requires groundwater supply evaluation and a private sewage system suitability analysis.

Moved By G. Ingeveld

MPC 10-111 That the Municipal Planning Commission approve the proposed subdivision, to create one (1) lot of one point eight (1.8) acres from existing 5.04 acres, within SE 24-32-2-5 Plan 0514013 Block 1 Lot 1 submitted by Tom JACOBSEN, and Tracy & Shannon TRENTHAM , File No. SD09-013, subject to the following conditions:

:

The works outlined in this application are subject to the following Standard Conditions:

1. The approval fee of \$400 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 (Descriptive Plan or/Plan of Survey)
5. (1) Low Density Rural Residential Development (Less than five (5) titles per quarter section):

- a) N/A; or
- b) Cash in lieu of municipal reserves are to be paid to Mountain View County based on consideration of the County's assessment data. Approximately (0.18) acres are owing and at a rate of (\$35,260.04) per acre, therefore (\$6,346.81) is owing to the County. This figure will be subject to confirmation upon receipt of the final plan of survey;
- c) N/A.
- d) N/A.

(2) Medium-High Density Residential (More than (5) titles per quarter section), Recreational, Commercial or Industrial Development:

- a) N/A; or
- b) N/A.
- c) N/A.

Standard Conditions if Applicable:

- 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 five metres in width commencing at 5.18 metres measured in perpendicular distance from Range Road 20.
- 8. A Real Property Report shall be prepared showing that the setbacks of the proposed property lines in relation to main structures are in compliance with the requirements in the County's Land Use Bylaw No. 55/95.
- 9. The surveyor to include on the Real Property Report, confirmation that the existing water well and the private sewage disposal system that services the existing development is completely contained and shown to be within the proposed property boundaries. If any portion of the existing sewage system is situated closer than 90 metres of an existing or proposed property line confirmation shall be provided from a licensed Safety Codes Officer that the sewage system complies with the regulations as outlined in the Alberta Private Sewage Systems Standard of Practice 1999. Where not in compliance, the applicant shall undertake improvements to the sewage system to comply with the Alberta Private Sewage Systems Standard of Practice 1999 and provide confirmation in this regard to the satisfaction of Mountain View County.
- 10. The applicant shall submit the following report(s), plans and specifications prepared by a qualified professional. These reports shall be to the satisfaction of Mountain View County and the findings shall guide and be incorporated within the

drafting and execution of the development agreement.

- a. A groundwater supply evaluation. This report shall confirm the availability and adequacy of a suitable water supply that complies with applicable provincial standards and regulations.
 - b. Private sewage system suitability analysis. This report shall include a texture classification tests on each of the proposed lots to determine an appropriate effluent treatment and disposal system.
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.

Additional Conditions:

15. The applicant shall draft and enter into an agreement with the Oil Company (Pengrowth Corporation) using the lease road to share the use of the lease road. The agreement shall be between the oil company and the landowners of the proposed parcel.

Carried

PLDP20100000195
SE 6-31-28-4
Plan 9111413 Block 1

Planning and Development Services presented an overview of a proposed development located at SE 6-31-28-4 Plan 9111413 Block 1, 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 used - Contractors Business (indoor/outdoor storage with office) – Industrial.
- The applicant, Concreate USL Ltd., is in the business of Concrete Bridge Rehabilitation. They have an office and yard currently located within the Medium Industrial District of Crossfield Alberta. It is not their intention to relocate their business, but rather to store equipment within the existing buildings that are weather sensitive and outside storage that will include a number of metal 8'x20' pods as well as construction trailers. Outdoor storage will be visible from the road.
- Parcel size is 9.49 acres and the zoning is Agricultural 2
- Property been used in the past as an intensive Tom Turkey Operation with approvals from the NRCB. The intensive livestock operation is no longer active and the parcel is currently for sale. Concrete has made an offer to purchase the parcel of land.

- There are no environmentally sensitive areas on the parcel.
- Adjacent land is used for agricultural purposes.

Municipal Planning Commission discussed the following:

- Whether the land owners should be pursuing a redesignation to Industrial to accommodate proposed use.

Applicant was not present.

Moved By G. Harris

MPC 10-112 That the Municipal Planning Commission refuse the proposed Contractors Business (indoor/outdoor storage with office) in accordance with Land Use Bylaw, within SE 6-31-28-4 Plan 9111413 Block 1 submitted by ConCreate USL Ltd., Development Permit File No. PLDP20100000195 for the following reasons:

The proposed development does not meet the intent of the Municipal Development Plan:

1.2 NEW DIRECTIONS to:

- concentrate and direct non-agriculture development to growth centres
- encourage the conservation of agricultural land and the rural lifestyle

2.0 AGRICULTURAL LAND USE POLICIES:

2.1.1 - to conserve agricultural land

2.2.1 - To conserve agricultural land by concentrating all other forms of development in identified areas and encouraging the donation of agricultural land to land trusts.

2.2.2- To minimize the loss of agricultural land by limiting the amount of land removed from agricultural use and encouraging higher densities, clustering and concentration of subdivisions.

The proposed use as described within the application is best defined as "Industrial - Sales and Distribution" found in the Industrial District or "Heavy Equipment/Oil field Equipment Storage, sales and Service" found in the Business District, which are neither a permitted or discretionary use in the Agricultural 2 District

The "contractors businesses" as described is not secondary to the main use of the lot.

The described development is not agricultural in nature.

Agriculture: means the use of land or buildings for the raising or producing of crops and/or livestock.

Carried

CORRESPONDENCE
Information Items

Moved by G. Ingeveld

MPC 10-113 That the Municipal Planning Commission receive the following items as information:

- (a) ASDAA Agenda June 1, 2010
- (b) ASDAA Agenda June 8, 2010
- (c) Location Permits Approved

Carried

Adopted

ADJOURNMENT

MPC 10-114

Moved by G. Harris

That the Municipal Planning Commission of June 16, 2010 be adjourned at 2:35 p.m.

Carried.

Chair

I hereby certify these minutes are correct.

Director of Planning and Development