

MINUTES

**MUNICIPAL PLANNING COMMISSION**

Mountain View County

Minutes of the **Municipal Planning Commission** held on **October 6, 2010**, 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  
A. Kemmere; Reeve  
G. Ingeveld; Councillor  
L. Negropontes; Councillor

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

CALL TO ORDER: L. Burrell called the meeting to order at 1:00 p.m.

AGENDA MPC 10-162 Moved by G. Harris  
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of October 6, 2010 as presented.

Carried

ADOPTION OF MINUTES MPC 10-163 Moved by A. Kemmere  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of September 1, 2010 as presented.

Carried

MPC 10-164 Moved by G. Ingeveld  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of September 15, 2010 as presented.

Carried

SUBDIVISION  
TIME EXTENSIONS

Planning and Development Services presented an overview of requests for time extensions for conditionally approved subdivisions SD 08-118/ NE 33-33-2-5 (Nordick) and SD08-192/ SW 35-32-4-5 (Scotsburn Enterprises) and SD08-156/ NE 36-33-4-5 S 1/2 (Sande).

Municipal Planning Commission discussed the following:

- Status of Scotsburn Enterprises subdivision application.
- Procedure 6011 regarding Subdivision Time Extensions and the recent amendments.

MPC 10-165 Moved by K. Branter  
That the Municipal Planning Commission approve a time extension for conditionally approved subdivision SD 08-118/ NE 33-33-2-5 (Nordick) to March 10, 2011, and that;

The Municipal Planning Commission approve a time extension for conditionally approved subdivision SD08-192 / SW 35-32-4-5 (Scotsburn Enterprises) to November 13, 2011, and that;

The Municipal Planning Commission approve a time extension for conditionally approved subdivision SD08-156 / NE 36-33-4-5 S 1/2 (Sande) to October 13, 2011.

Carried

PLRD20100000026  
NE 13-32-6-5

Councillor G. Ingeveld declared a pecuniary interest at 1:09 p.m. as he owns property adjacent to the subject property. He left the table and joined the gallery.

Planning and Development Services presented an overview of a proposed subdivision located at NE 13-32-6-5, and provided information as introduced in the agenda package, such as the location map, site sketch, site photos and aerial photos.

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

- To create one 5.9 acre Country Residential lot from existing 160 acres.
- Location is within the Bergen Area Structure Plan.
- The subjected property was redesignated to Country Residential by Council on August 25, 2010 with Bylaw No. LU 50/10.
- Proposed parcel encompasses an existing dwelling, yard site and dugout to be subdivided out of the quarter.
- Surrounding area is designated for agricultural use.
- The proposed parcel abuts Range Road 60, which is currently undeveloped. As such the proposed parcel does not have physical access in terms of a road plan.

- Planning recommended incorporating a panhandle access. This eliminates the risk of potential disputes between separate landowners using the driveway on the balance.
- It was noted that this application would compromise access to the SE 24-32-6-5 quarter to the north. At the time of redesignation, Council directed the applicant to work with the landowner of the SE 24-32-6-5 to the north and work out an arrangement. The Department recommended an access easement agreement for the benefit of the landowner of the SE 24-32-6-5 to gain access over top of the proposed parcel. This would require the applicant entering into an agreement with the landowner of the SE 24-32-6-5.

Applicant discussed the following:

- Dave Derksen stated that the land owners would prefer not to enter into an access easement agreement.
- Requested shortening the south border of the panhandle access so that it ends just at the east-west access. This would eliminate the need for an access easement.
- The applicant also requested that the south portion of the existing access be moved west so that it will not cross the proposed subdivision panhandle access.

Municipal Planning Commission discussed the following:

- Clarification of the proposed road access via the panhandle.
- Condition # 17 regarding the access easement agreements.
- Future access possibilities for the quarter to the north of the proposed parcel.

Moved by G. Harris

MPC 10-166 That the Municipal Planning Commission approve the proposed subdivision, to create one (1) five point nine (5.9) acre lot from existing 160 acres, within NE 13-32-6-5 submitted by DERKSEN, David, File No. PLRD20100000026, subject to the following conditions:

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 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) 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 (easterly 5.18 metres) across the subject property to the satisfaction of Mountain View County.
8. A Real Property Report shall be prepared by a qualified Alberta Land Surveyor showing that the setbacks of main structures in relation to proposed and existing property lines are in compliance the County's current Land Use Bylaw.
9. The surveyor shall include on the Real Property Report, confirmation that the existing water well and the private sewage treatment system that services the existing development is completely contained and shown to be within the proposed property boundaries. If any portion of the existing private sewage treatment system is situated closer than 90 meters of an existing or proposed property line confirmation shall be provided from a Safety Codes Officer that the sewage system complies with the regulations as outlined in the current Alberta Private Sewage Systems Standard of Practice. Where not in compliance, the applicant shall undertake improvements to the sewage system to comply with the current Alberta Private Sewage Systems Standard of Practice and provide confirmation in this regard to the satisfaction of Mountain View County.
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.

Carried

Councillor G. Ingeveld re-joined the table at 1:35 pm.

SD 08-179  
NW 32-31-5-5

Planning and Development Services presented an overview of a proposed subdivision located at NW 32-31-5-5, 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 subdivision to create one 2.0 acre Country Residential parcel from 80 acre parcel within NW 32-31-5-5.
- Proposed parcel was redesignated to Country Residential in August 2010.
- Location is within the Bergen Area Structure Plan.
- Proposed parcel is adjacent to a CCN.
- No environmentally sensitive areas.
- No pipeline concerns.
- No topographical constraints.
- There is a concept plan for any further subdivision on the other half of the quarter section.
- The possibilities of consolidated and shared approaches in order to reduce the number of approaches off of Twp. Rd 320.

Municipal Planning Commission discussed the following:

- Clarification of the concept plan, that was approved by Council, on the west half of the quarter section.
- Clarification that a concept plan can not be changed by the Municipal Planning Commission.
- Clarification as to why the applicant chose the location.
- Access possibilities, including the possibility of a joint approach.
- Clarification that at the time of redesignation, Council recommended that the Municipal Planning Commission consider a joint approach at the time of subdivision.

Applicant discussed the following:

- Dave Derksen clarified that there is a farming operation on the remainder of the 80 acres (east half of quarter).

MPC 10-167 Moved by G. Ingeveld  
That the Municipal Planning Commission approve the proposed subdivision, one two point zero (2.0) acre parcel within NW 32-31-5-5, submitted by David Derksen, SD 08-179, 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, on the western most boundary to a joint approach.
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) Low Density Rural Residential Development (Less than five (5) titles per quarter section):
    - a. Cash in lieu of municipal reserves are to be paid to Mountain View County based on consideration of the County's assessment data. Approximately 0.2 acres are owing and at a rate of \$4418.25 per acre, therefore \$883.65 is owing to the County. This figure will be subject to confirmation upon receipt of the final plan of survey;

Standard Conditions if Applicable:

6. That the applicant enters into an agreement for the provision of road widening (northerly 5.18 meters) across the subject property to the satisfaction of Mountain View County. The agreement is enclosed for your signature(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 (the northerly 5 meters commencing 5.18 metres measured in perpendicular distance from Twp Rd 320).
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.

Carried

PLDP20100000254  
SW 30-32-5-5  
Plan 0512102  
Block 5 Lot 2

Planning and Development Services presented an overview of a proposed development located at SW 30-32-5-5, Plan 0512102 Block 5 Lot 2, and provided information as introduced in the agenda package, such as the location and contour maps, site sketch, site photos and aerial photos.

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

- Proposal to develop single detached dwelling.
- Zoning is Country Residential.
- Location is in the McDougal Flats neighborhood.
- Parcel size is 7.73 acres.
- Site is located within hazardous lands denoted as "flood plain" according to provincial GIS data.
- Upon review of the Land Use Bylaw, the area structure plan, and the Municipal Development Plan, staff requested the applicant to have a flood risk assessment study completed prior to issuance of the permit. The applicant advised the Development Officer that they were not prepared to have this study completed.
- The development officer advised the applicant that it was out of her authority to issue the permit without this study and deemed the application as incomplete. The applicant requested the application be taken to the Approving Authority for a Decision and to waive the requirement for this information.
- Planning & Development presented options for the Municipal Planning Commission regarding refusal, approval and deference.

Municipal Planning Commission discussed the following:

- History of flooding in that area.
- Clarification that an engineered study would make recommendations regarding development and construction measures.
- Development in flood ways and flood plains.
- Approval based on historical data of that area.
- Clarification of Condition #13 stating 'The building site shall be raised 0.5 meters above the general ground surface'. The new Area Structure Plan for area (McDougal Flats) identifies concerns regarding flooding risk.
- The possibility of taking the issue of the study to Council for consideration to fund and conduct the Flood Risk

Assessment (engineering study) and charge the cost back to each parcel in that area.

- The possibility of 'endeavour to assist' in the cost of the study. It was clarified that any funds spent are subject to Council approval.
- The liability to the municipality of approving development in a flood plain without a qualified professional engineer to do study which would make recommendations regarding development and construction measures.
- Liability would not be reduced if the applicant signed a waiver. Municipalities are sued by insurance companies to recoup costs.
- How a Risk Assessment Study would affect preexisting developments. Decisions made in past were based on information available at that time.
- Past studies done for other developments in that area.
- Past Red Deer River channels map – 1952-2005.
- Location of Red Deer River breakout point.
- Council has increased the standards in the Municipal Development Plan and Area Structure Plans.
- The option of the applicant to appeal a decision and/or conditions of a decision of the Municipal Planning Commission to the Subdivision & Development Appeal Board.
- Clarification of the role of the Subdivision & Development Appeal Board.
- The Development Agreement of the subdivision registered on title 6.XII states: The subdivision is located in a possible flood fringe of the Red Deer river. Location or Development permits for all structures may carry the condition that the building site be raised one half metre. Permit's may also carry conditions to ensure that storm water run off is managed. On-site retention and soak away pits are two possible options.

Applicant discussed the following:

- Clarified the location of property.
- James and Carolyn Bell stated that they completed some inquires with a variety of qualified engineers and discovered that the costs of a flood risk assessment study ranged between \$7000.00 - \$13,000.00
- Have lived there for 4.5 years.
- Experience no flooding on the property in the flood of 2005.
- Neighbors have not had flooding issues.
- Presented map from Alberta Environment that shows no flood plain. MPC member suggested that perhaps the map was focused on the Town of Sundre flood assessments.
- Plans for flooding mitigation of proposed dwellings basement.

- Concerned with increased cost to raise building site.
- Clarification of intended building schedule.
- Stated that the study should have been the responsibility of the person who subdivided the land.

MPC 10-168 Moved by G. Ingeveld  
That the Municipal Planning Commission defer the application until Planning & Development Services has reviewed the original application for subdivision and the requirements of the Area Structure Plan at that time and bring information back to the next Municipal Planning Commission meeting for consideration.  
Carried

CORRESPONDENCE

Information Items

MPC 10-169 Moved by G. Harris  
That the Municipal Planning Commission receive the following item as information:  
(a) Natural Resource Conservation Board Decision RA 10054 / NW 10-32-28-4  
Carried

MPC 10-170 Moved by G. Ingeveld  
That the Municipal Planning Commission receive the following items as information:  
a) ASDAA Agenda from September 14, 2010  
b) ASDAA Agenda from September 20, 2010  
c) ASDAA Agenda from September 28, 2010  
d) Permitted Development Permits Approved  
Carried

ADJOURNMENT

MPC 10-171 Moved by A. Kemmere  
That the Municipal Planning Commission of October 6, 2010 be adjourned at 3:13 p.m.  
Carried.

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Chair

I hereby certify these minutes are correct.

Director of Planning and Development