

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **September 1, 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
D. Kearney; Member-At-Large
L. Negropontes; Councillor
E. Page; Councillor

IN ATTENDANCE: D. Hawryluk; Acting Chief Administrative Officer /
Director of Planning & Development Services
N. Petherick; Manager of Planning Services
S. Madge; Manager of Development & Permitting Services
S. McGinnis; Director of Operational Services
D. McDonald; Planner
C. Banack; Planner
J. Ross; Development Officer
C. Keleman; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 1:20 p.m.

AGENDA MPC 10-143 Moved by G. Harris
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of September 1, 2010 as presented
Carried

ADOPTION OF MINUTES MPC 10-144 Moved by E. Page
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of August 18, 2010 as presented.
Carried

SD08-079
SW 28-32-4-5
Planning and Development Services presented an overview of a proposed subdivision located at SW 28-32-4-5, 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:
• To create one 4.18 acre parcel from an existing 158.89 acres.
• Proposed parcel was redesignated in April 2010 to Country Residential (CR).

- Surrounding area is of agricultural use.
- There is a flood plain area to the east of the proposed parcel due to the Little Red Deer River there.
- There are no topographical constraints.
- Proposed Condition #13 requires a restrictive covenant to protect riparian areas.
- Proposed Condition #17 requires that the undeveloped road to the south of the proposed parcel be developed to County minimum standards – Minor Farm Access.

Municipal Planning Commission discussed the following:

- Development of the road to County standards. Development of the road to a lower standard would have to be approved by Operational Services and Council.
- Length of road to be developed and the possibility of shortening the required amount listed in the Conditions.
- The County's required Cul-de-sac at the end of the road to be developed and the reason it is required.
- Possibility of saving trees along road to be developed.
- Feeding operation to the south of the proposed parcel is not registered as a Confined Feeding Operation.

Applicant discussed the following:

- Peter Dichrow clarified the location of the feeding operation located to the south of the proposed parcel.
- Expressed concerns with the requirement to develop the road.

Moved By G. Harris

MPC 10-145 That the Municipal Planning Commission approve the proposed subdivision, to create one (1) four point eighteen (4.18) acre parcel from an existing 158.89 acres, within SW 28-32-4-5 submitted by DICHROW, PETER JAMES & WENDY LEE, File No. SD08-079, subject to the following conditions:

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. The location and design of the approach required to support the proposed parcel shall be detailed in the plans and specifications.
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. (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.
6. The applicant shall enter into an agreement for the provision of road widening (southerly 5.18 metres) across the subject property to the satisfaction of Mountain View County.

Standard Conditions if Applicable:

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.
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(s).

- a. N/A
 - b. N/A
 - c. N/A
 - d. Engineering plans and specifications detailing the provision of the road to service the proposed lot. 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 construction of municipal improvements;
 - b. N/A;
 - c. N/A;
 - d. N/A;
 - e. N/A;
 - f. N/A;
 - g. security requirements;
 - h. 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 and residual lots in accordance with the rural addressing bylaw. The applicant shall provide confirmation in this regard.
13. The applicant shall enter into a restrictive covenant in accordance with Section 651.1 of the Municipal Government Act. The restrictive covenant shall affect the Little Red Deer River and riparian area as identified on the conditionally approved tentative plan for the purposes of protecting the waterbody and riparian area. Mountain View County shall draft the agreement and prepare supportive schedules. This agreement shall be registered via caveat on the affected titles.

Additional Conditions:

17. The applicant shall construct the undeveloped road allowance to gain access to the proposed parcel to a minor farm access standard. The length of road shall be the minimum required to adequately service the parcel in

negotiation with Operational Services department of Mountain View County, and to minimize the amount of land be taken out for a cul-de-sac. The landowner shall enter into a development agreement with Mountain View County. Construction shall be at the sole expense of the landowner and to the satisfaction of Mountain View County.

18. That the applicant shall enter into a restrictive covenant for the following purposes:
- a) the first floor of any residential development shall be sited at least 0.3 m above the high ground level around the pond.
- The agreement shall be registered via caveat.

Carried

SD08-077
NW 24-30-5-5

Planning and Development Services presented an overview of a proposed subdivision located at NW 24-30-5-5, 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:

- Proposal to create one 6.0 acre parcel out of 155.24 acres.
- The proposed parcel was redesignated in August 2010 to Country Residential (CR). Surrounding area is zoned Agricultural.
- The existing trees to the north are to be saved to act as a tree buffer, as requested by Council at the time of redesignation.
- There are no topographical concerns.
- Objection letters from surrounding land owners have been submitted, but many of their objections were based on the concept plan proposing 3 parcels in the future.

Municipal Planning Commission discussed the following:

- Clarified that letters of objection have been received and read.
- Clarification of objections submitted by surrounding land owners.
- Road Access location
- Clarification that in order to refuse the application, as per the Municipal Government Act, MPC must provide reasons and subject the application to appeal.
- Clarification that Council has already redesignated the proposed parcel to CR as appropriate for this use.

Applicant discussed the following:

- Shaun Argent stated that the original requested location of the subdivision was further south, but Council wanted the cluster of parcels.

- Clarified that the equipment in the photo was a water trough and will be removed upon subdivision approval.
- Stated that the remainder of the quarter section will be put into crop production.
- Clarified that there is a residence to the south of the quarter as well.

MPC 10-146 Moved By D. Kearney
That the Municipal Planning Commission approve the proposed subdivision to create one (1) six point zero (6.0) acre parcel within NW 24-30-5-5, submitted by ARGENT, Shaun & Shannon, SD 08-077, subject to the following conditions:

Standard Conditions:

1. The approval fee of \$ 850.00 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 (Descriptive Plan or/Plan of Survey).
5. Municipal Reserves
 - (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 0.6 acres are owing and at a rate of \$ 3,978.55 per acre, therefore \$ 2,387.13 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) N/A

Standard Conditions if Applicable:

6. N/A.

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 Range Road 51, and 5 meters in width measured in perpendicular distance adjacent to Township Road 304.
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 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.
16. The applicant shall enter into a restrictive covenant agreement with Mountain View County for the purpose of preserving and maintaining a tree buffer of not less than 50 feet along the proposed parcel's northern boundary. The tree buffer on the north side of the proposed subdivision shall remain in a healthy vegetated state. To effect the development of this agreement, this agreement shall be registered via caveat on the affected title.

Carried

PLDP20100000297
NE 7-29-5-5
Plan 0512692
Block 1, Lot 2

Planning and Development Services presented an overview of a proposed development located at NE 7-29-5-5, Plan 0512692, Block 1, Lot 2, 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:

- Proposal to develop Secondary Suite - Existing Basement Suite within the Dwelling Unit and Attached Garage.

- Zoning is Country Residential (CR).
- Parcel size is 7.12 acres.
- Located in the Water Valley community.
- Area has a high volume of CR zoning and dwelling units.
- Superior Safety Codes inspected the septic system and approved hooking into existing system.

Municipal Planning Commission discussed the following:

- Clarification of the wording of the recommended motion.

Applicant discussed the following:

- No comments.

Moved By K. Walton

MPC 10-147

That the Municipal Planning Commission approve the proposed Secondary Suite - Existing Basement Suite within the Dwelling Unit as well as the Attached Garage in accordance with the Land Use Bylaw 10/10 Section 5.2, 7. and the submitted application, within NE 7-29-5-5, Plan 0512692, Block 1, Lot 2, submitted by Kirchner, Earl and Linda & Palma, Aenea and Heather, Development Permit PLDP20100000297, 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. Landowners shall be responsible for dust control on the County road adjacent to their property.
5. N/A
6. N/A
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. Permittees are advised that they are subject to standards of the Safety Codes Act of Alberta and are responsible to meet the requirements of the Act in regards to building, electrical, gas, plumbing and private sewage disposal. Prior to construction required permits must be obtained from Mountain View County. Mountain View County shall not be responsible or liable in any manner whatsoever for any structural failures, defects or deficiencies whether or not the said development has complied with the Safety Codes Act of Alberta

Additional Conditions:

12. The applicant/landowner shall obtain a building permit to ensure that building code requirements for the secondary suite are met.

13. A size relaxation of 1876 sq ft for the Secondary Suite - Existing Basement Suite within the Dwelling Unit shall be granted for the life of the building

Carried

PLDP20100000308
SW 19-29-4-5

Planning and Development Services presented an overview of a proposed development located at SW 19-29-4-5, 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:

- Proposal to develop second dwelling unit with a secondary suite above the garage.
- Zoning is Agricultural.
- Parcel size is 80 acres.
- Construction has already begun and no Development Permit is in place.
- The proposed secondary suite is 988.2 sq. ft. which is larger than the maximum floor area of 750 sq. ft. outlined in the Secondary Suite Guidelines.
- Planning & Development Services recommends refusal of this application based on the size of the secondary suite exceeding 750 sq. ft.

Municipal Planning Commission discussed the following:

- Clarification of who the applicant is to the landowner.
- Clarification that there is no approved Development Permit in place for this development that has already begun construction.

- Clarification of proposed building – Dwelling unit with an attached garage and a secondary suite above the garage.
- Clarification of the use of the land surrounding the proposed dwelling unit.
- Clarification that no fines have been levied for beginning a development before development permits were issued.
- Discussion of Secondary Suite Guidelines.
- Possibility of modifying the size of proposed secondary suite.

Applicant discussed the following:

- Land owner Jacquelyn Grierson stated that construction has already begun without a development permit in place, because the land owner thought that the construction company had taken care of all the permits.
- Stated that the secondary suite is for elderly family members who are currently able to navigate stairs, but whose physical condition will deteriorate over time. They will also be looking into installing a wheel chair lift up to the suite in the future when required.
- Stated that the reason for the larger size for the proposed secondary suite was desired to allow for wheel chair navigation that will likely be required in the future.

MPC 10-148 Moved By L. Negropontes
That the Municipal Planning Commission approve the proposed Second Dwelling Unit with Secondary Suite in accordance with Section 5.2, 7. of the Land Use Bylaw 10/10 and the submitted application, within SW 19-29-4-5, submitted by Black Dog Mountain Ltd., Development Permit PLDP20100000308, 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. Landowners shall be responsible for dust control on the County road adjacent to their property.

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

Permits Associated with Building Construction:

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

Additional Conditions:

12. A size relaxation of 988.2 sq ft for the secondary suite within the dwelling unit shall be granted for the life of the building.

Carried

MPC MEETING
DATES

Planning and Development Services presented information regarding the history of the meeting schedule of the Municipal Planning Commission (MPC). The MPC have historically held their meetings on the 1st and 3rd Wednesdays. These meetings followed the Council meetings on the same day. At the Council meeting on August 18, 2010, Council requested that the MPC meetings not be on the same days as Council.

Planning & Development Services presented alternate options to meet twice a month and once a month, and then reviewed the impact of holding only one meeting per month.

MPC 10-149 Moved by D. Kearney
That the Municipal Planning Commission accommodate Council's request and move the MPC meeting days from the 1st and 3rd Wednesdays of the month, to 1st and 3rd Thursdays of the month from 10 am to 1 pm

The question on Motion #MPC 10-149 was not called.

MPC 10-150 Moved by G. Harris
That the Municipal Planning Commission amend Motion # MPC 10-149 to adjust the time to 9 am to 12 pm.

Defeated

The question on Motion # MPC 10-149 was called.

Carried

MPC 10-151 Moved by D. Kearney
That the new Municipal Planning Commission meeting schedule commence in November 2010.

Carried

CORRESPONDENCE

Information Items

MPC 10-152 Moved by G. Harris
That the Municipal Planning Commission receive the following items as information:
a) ASDAA Agenda from August 24, 2010
b) Permitted Development Permits Approved

Carried

ADJOURNMENT

MPC 10-153 Moved by D. Kearney
That the Municipal Planning Commission of September 1, 2010 be adjourned at 3:08 p.m.

Carried.

Chair

I hereby certify these minutes are correct.

Director of Planning and Development