

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **April 21, 2011**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: L. Burrell; Member-At-Large/Chair
G. Harris; Member-At-Large
K. Walton; Member-At-Large
L. Schafer; Member-At-Large

B. Orr; Councillor
P. McKean; Councillor
K. Good; Councillor

IN ATTENDANCE: D. Hawryluk; Secretary, Municipal Planning Commission/Director
of Planning & Development Services
S. Madge; Manager of Development Services
T. Connatty; Planner
S. McCartney; Planner Intern
L. Craven; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 9:03 a.m.

AGENDA MPC 11-48 Moved by G. Harris
That the Municipal Planning Commission adopt the agenda of the
Municipal Planning Commission meeting of April 21, 2011 as
presented
Carried

ADOPTION OF MINUTES MPC 11- 49 Moved by L. Schafer
That the Municipal Planning Commission adopt the minutes of the
Municipal Planning Commission meeting of April 7, 2011 as
presented.
Carried

SUBDIVISION
TIME EXTENSION
SD 08-130
NE 31-31-4-5
Planning and Development Services presented an overview of a
request for a time extension for conditionally approved subdivision
SD 08-130/NE 31-31-4-5 to April 7, 2012.
• QUANTZ, LLOYD E AND SHARON E (a/o)
• Subdivide +/- 6.75 acres and create +/- two point three
four(2.34) acre, +/- one point five four (1.54) acre and +/-
two point two five (2.25) acre lots.
• Redesignated by Council January 27, 2010

- Planning & Development Services recommends approval of a one year time extension as the request timelines have been met and fees have been paid.

MPC 11-50 Moved by P. McKean
That the Municipal Planning Commission approve a time extension for conditionally approved subdivision SD 08-130/NE 31-31-4-5 to April 7, 2012.

Carried

SUBDIVISION
TIME EXTENSION
SD 09-036
NE 21-29-2-5

Planning and Development Services presented an overview of a request for a time extension for conditionally approved subdivision SD 09-036/NE 21-29-2-5 to May 31, 2011.

- MARTIN, RICHARD D & MARSHA A (a/o)
- Create a new country residential parcel
- Redesignated by Council, January 27, 2010
- Request due to the upgrading of culverts and crossing to County standards.

MPC 11-51 Moved by G. Harris
That the Municipal Planning Commission approve request for a time extension for conditionally approved subdivision SD 09-036/NE 21-29-2-5 to May 31, 2011

Carried

PLRD20100000423
NE 26-29-6-5

Planning and Development Services presented an overview of a proposed subdivision located at NE 26-29-6-5, 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:

- Submitted by Mountain View County c/o Jeff Holmes
- Proposed subdivision of one (1) sixty point seven 60.7 acre (24.6 hectare) parcel
- The purpose stated for subdivision is to sell the south half of the property which is fragmented by Highway 579
- No objections from AT or Fortis
- Camp Kindle, adjacent landowner to the north, request an access easement or road dedication across the northwest

of the subject quarter to gain legal physical access to the parcel

- Received 2 letters of objection from adjacent landowners - good potential future site for County recreational development - remain with the Rodeo grounds for their future use and/or joint development or recreational site
- Concerns regarding the sale of County land - how would it proceed and would it be fair, open and public
- WWSA noted in their letter that potential residential development near rodeo grounds and incompatibility of these two land uses (complaints from potential new adjacent landowners)
- WWSA has historically used the southern portion of the quarter for overflow parking
- Planning and Development can support this application as it complies with the MGA, the Subdivision and Development Regulations, the policies of the MDP, Policy & Procedure #6008, #6009 and #6014; and the regulations of the Land Use Bylaw.

Municipal Planning Commission discussed the following:

- Fragmented parcel west of RR 61A would remain with the balance due to unusable land.
- Intent is to keep the rodeo grounds.
- Parcel was rezoned to Ag 2 at time of LUB Review and updated this property. Ag 2 zoning is deemed suitable for this use. This parcel, as well as other County owned parcels, was rezoned to appropriate land use at time of LUB Review and update.
- Year to year lease for the rodeo grounds that automatically renews for each year and is only the portion that is north of Hwy 579.
- No intention to sell the rodeo grounds.
- The northern portion was chosen for the subdivision, even though it is not the parcel that could be sold, in order to create road dedication and provide legal and physical access to landowner to the north of two subject quarter.
- There is the potential to have dwelling closer to the rodeo grounds if the land is sold.
- WWSA request noise relaxation for that weekend in the event the noise bylaw is passed.
- Water Valley/Winchell Lake ASP Committee declined to support or recommend the sale of this parcel until the ASP was completed.

Applicant discussed the following:

- Jeff Holmes spoke for Mountain View County
- 3 fragmented parcels were considered fragmented by Hwy 579 and Silver Creek, however, Council decided to only pursue 1 parcel out fragmented by Hwy 579.

- Property, if subdivided, would not be sold without Council approval.
- All County properties have been reviewed to determine if they could be sold to build up a reserve to offset the previous purchase of 3 quarters for gravel.
- In addition to the sale of this parcel, this subdivision would provide the opportunity to create a proper access for the landowner to the north.
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MPC 11-52 Moved by G. Harris
 That the Municipal Planning Commission defer the proposed subdivision of one (1) sixty point seven 60.7 acre (24.6 hectare) parcel within NE 26-29-6-5 submitted by Mountain View County (c/o Jeff Holmes), PLRD20100000423, pending the completion of MDP and ASP.

Ms. Hawryluk explained - County would have to sign a time extension but has the right to refuse and may go to appeal.

MPC 11-53 Moved by P. McKean
 Due to template error the objector is not in the attendance. Request the application PLDP20110053 be deferred until next application.

Carried

Carried

MPC 11-54 Moved by P. McKean
 Motion 11-53 rescinded, correspondence items were reviewed then break until 10:00 am

Carried

9:45 - Break until 10:00 am

CORRESPONDENCE

Information Items Moved by G. Harris

MPC 11-55 That the Municipal Planning Commission receive the following items as information:
 a) ASDAA Agenda from April 5, 2011
 b) Permitted Development Permits Approved
 c) NRCB Notification RA11015

Carried

PLDP20110053
 SE 6-33-4-5
 Plan 2183HF Parcel A

Planning and Development Services presented an overview of a proposed development located at SE 6-33-4-5 Plan 2183HF Parcel A, 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 Storage and Warehousing (Oilfield Maintenance and Sign)
- Zoning is Business District (I-BP)
- Parcel size is 3.67 acres.
- Subject parcel contains an office building, a maintenance garage, a laboratory trailer, pipe racks, three sheds and three wooden shelters
- One (1) objection was received from an adjacent landowner. The following are the concerns:
 - screening on the east between properties, by way of a berm with evergreen trees
 - concern of surface water runoff and potential contamination of their water
 - vagueness of the nature of the business
 - concern with oil leakage, fuel spillage, equipment washing and fumes from the equipment
- The applicant was provided with the letter and addressed the concerns:
 - Berm: the applicant feels the business has very low noise levels and neighboring properties would not be affected.
 - Nature of the business & concerns with oil leakage: no vehicle washing on site, no storage of fuel on site, equipment maintenance is done in the shop so any fluid leaks would be contained in the wash tank. Oil is contained in a special storage container and is pumped and moved to a recycling facility. The company operates on a “nothing hits the ground basis”

Municipal Planning Commission discussed the following:

- Glad to see that a condition for a berm with trees was not considered.

Applicant discussed the following:

- Applicant did not speak.

Moved By P. McKean

MPC 11-56

That the Municipal Planning Commission approve the proposed Industrial Storage and Warehousing (Oilfield Maintenance and Sign) in accordance with the Land Use Bylaw 10/10 and submitted application, within SE 6-33-4-5 Plan 2183HF Parcel A submitted by Coverall Pipeline, Development Permit PLDP20110053, subject to the following conditions:

Standard Conditions

The works outlined in this application are subject to the following 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. 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. N/A

Additional Conditions:

12. Setback relaxations for the existing structures are hereby granted for the life of the buildings. 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.
13. The applicant will implement the proposed landscaping plan within 18 months of issuance of this permit.
14. The applicant shall obtain a Roadside Development Permit from the Government of Alberta Transportation.

Carried

PLRD20090000141/SD20090000142
SW 35-32-5-5
SW 35-32-5-5 Plan 9212437 Block 2

Planning and Development Services presented an overview of a proposed development located at SW 35-32-5-5/SW 35-32-5-5 Plan 9212437 Block 2, 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 is to create a twelve (12) condominium units of approximately one (1) acre in size for the purposes of residential development, common property/open space unit and the provision of an internal private roadway.
- Zoning is Country Residential (1) District (R-CR1).
- Parcel size is 22.28 acres/9.02 hectares.
- Longview Planning and Design (applicant).
- Jack and Cynthia Elsner (owner).
- Redesignation and Concept Plan (Bylaw No. 19/10) approved by Council September 22, 2010.
- Application submitted October 23, 2009.
- Letter dated April 18, 2011 additional correspondence received from petitioners. Supplementary information on 2nd attachment.
- Letter dated April 20, 2011 from Keith Barrett and family.
- Proposal is located in Division 6.
- Concept Plan in place for the quarter and is to be amended as needed.
- Each lot will have their own well and sewage holding tanks.
- Proposal is a Bareland Condo subdivision with architectural controls.
- 21 objectors to the original circulation, larger project was revised.
- Second circulation had 7 objectors and 4 from agencies.
- Objectors' main concerns were type and density of housing, management of water and sewer, emergency access, traffic noise, existing pipeline, wildlife that moves within the property.
- Concept Plan has changed significantly to address the concerns of objectors.
- A geotechnical report was done and because of soil type the land is not suitable for septic field so sewer holding tanks are being utilized until piped services come to property. There is sufficient water to accommodate the subdivision.
- Each title has a clause that each landowner will hook into the water piping system if and when a system is brought into the area.
- Traffic Impact Assessment shows post traffic will be within acceptable levels.
- There is an overlay plan for additional development. If the applicant wishes to proceed with this, they will have to go through redesignation and subdivision process again.
- Emergency vehicles have authority to go through other properties.

- The Stormwater Management Plan shall address current and future drainage requirements in support of the proposed development while satisfying constraints imposed by topography, existing and proposed land uses, land ownership, and other local considerations. Preliminary documents show this.
- To assess the water, wastewater, and stormwater servicing requirements to support the proposed subdivision, the applicant has completed an Engineering Design Brief. It should be noted that this report was completed in support of a higher density than what is being applied for now.
- Secondary access to the property shall be supported by additional road acquisition as subdivision of lands proceeds on adjacent properties and/or to the west of the subject property.
- The Southeast Sunde ASP supports two-acre lots as a minimum for individual servicing. The Concept Plan would allow for one-acre lots. The ASP also looks at density bonusing and no upper limits were ever granted in terms of maximum densities. Smaller lots, higher densities would be permitted and falls to Municipal Development Plan for density bonusing. The MDP is the overriding document.
- Titles will be caveated with Concept Plan indicating to new lot owners where to build.
- Bareland Condo will own the road and internal road will be the responsibility of the condo owners.
- Engineering will need to be done for approach for curb and gutter for storm flow. Approach width will need to be upgraded to accommodate traffic.
- County will be privy to the Condo Bylaws to ensure that the County is protected.
- Planning recommends approval as the subdivision is consistent with goals and strategies of Mountain View County and planning documents.
- Planning advised that the Stormwater plan that was submitted was a preliminary plan and the applicant would have to do more detailed plan as a condition of approval.
- Clarified that discharge would be through County's ditch or applicant's ditch and directly into that natural drainage referred to in Komex report. Based on the new hard-surfaced areas the applicant's stormwater plan would have to ensure that drainage would have to be controlled at a rate no greater than prior to the subdivision. If this could not be addressed, then the subdivision could not go ahead.
- Clarified that part of the conditions and architectural plan will address concerns regarding the permeable surfaces and tree coverage removal.
- If the bareland condo association decided to dissolve, there would have to be talks with the County and agreements would have to be struck with the County prior to dissolving. The County would be protected.

- Bareland condos are not new to the County.
- Originally application for redesignation was to CR 2 which is the higher density so Concept Plan would not require coming back for redesignation. Applicant suggested redesignating to CR 1 so land would have to go through the redesignation process for further development of Concept Plan.
- The Concept Plan for proposed area was revised at public hearing stage as Council requested four or five changes for clarification. Third reading was deferred so these changes could be made and was brought back and adopted a week later.
- 2007 ASP was considered in Concept Plan which also refers to Komex study.
- MDP – any quarter over five lots is considered medium density, this area is therefore already at medium density.
- Land is deemed suitable for residential.
- Komex study identifies what improvements have to be done in the whole area by Mountain View County which have not been done since 2000. It is about diverting water from the regular drainage to another path.
- Komex study considered in both ASP and Concept Plan. Section 9.3 of the Concept Plan refers to Komex study. The Komex study would also be taken into consideration with the final drawings for the subdivision.

Municipal Planning Commission discussed the following:

- Other condos in the county are similar eg. Bergen Estates, Tall Timber, and Coyote Creek.
- Owners own titles and shares in the condo association.
- Decommissioning all of the holding tanks - who is responsible? Planning advised it would be the condo association and individuals responsible to bring in piped water and sewer.
- Existing dwelling - where on the Concept Plan is that home going to be? Does it fit within the guidelines of that condo association? Planning advised that the existing dwelling would be grandfathered in and would be legally non-conforming. There are architectural guidelines for the condo association.
- Inquired who would be responsible for taxes? Planning advised that taxes will be paid by individual owners except for the green spaces and roads way, this will be the under the condo board.
- Planning advised that holding tank disposal is paid by individuals.
- Questions regarding the Komex Groundwater Report that was distributed. Asked for explanation from whom it was presented. Planning advised that the Komex study was done by the County in 2000. The study addresses the surface water and stormwater management issues for the drainage for the Southeast Sundre area. It is a high level report that sets out recommendations and indicates some

known drainage concerns. This report has been used by developers as a baseline and it is the responsibility of the developer to do a more detailed report and that is why there is on-site plans that are very specific for the topography of that area.

- P. Munro was asked to explain what part of the Komex Report referenced this application. The Chair advised it was page 10 that detailed this quarter.
- Question asked to Mr. Munro if he could summarize the report as it was just received.
- Concerns with issues with the drainage of this property.
- Concerned with liability should a flood occur because of drainage off of this subdivision.
- Concerns with whether this development adds to the problems described in the Komex report.
- Komex report should have been presented prior to meeting.
- Komex study indicates if tree removal and development occurs there will be consequences.
- The volume issue for flow rate has not been addressed.
- Water issues not fully understood. Have concerns with the future development of Concept Plan.

Gallery comments:

- P. Munro spoke as follows:
- Referenced the Request for Decision - page 8 regarding the topography of the proposal and direction of water flow.
- Items 1.3, 1.4 and 1.5 on page 3 the Komex report of were referenced by Mr. Munro. These items cover the location of the subject property, flood history and recommendations for proposed development.
- Referenced the second last paragraph on page 8 of the Komex report with respect to reducing the forested area and residential developments and the effect it will have on run off.
- Referenced Item 3.2.3 on page 10 of the Komex report with respect to flow in the area.
- Referenced third paragraph of page 11 which states that the southwest portion of this section contains considerable amount of forested area and should remain in a natural state.
- Referenced page 191 of the agenda package being the MPE Engineering report the "Geotechnical Investigation" section regarding the wet pond.
- Mr. Munro discussed Figure 2 of the Komex report - and his concern with the massive muskeg on Section 26 that is filled with water. Mr. Munro explained that this muskeg catches all of the water in a huge drainage basin and this water on top of the hill is kind of flat so the water sits there and infiltrates the soil which is plasticized clay with silt and some sand which allows the migration of this water. Water

flows northwest as it states in the Komex report and it goes right down to the river.

- Mr. Munro referenced the MPE report (page 192 of Agenda package), indicating his concern with the continuous flow of the stormwater facility.

Applicant discussed the following:

- Mr. Elsner advised that he lived on the property during the flood of 2005 so is familiar with the 100 year flood plain.
- He advised that the Anderson property to the south has a series of creeks that goes through and ties into a dugout behind Anderson's house and then through the County installed culverts, ditches and to the river.
- There is no flow at all on the proposed property, a little bit of migration. There is a dug out on property which was full for about a month and a half after installed approximately four years ago. That dugout today is only half full now. There is no spring water, no migration there.
- Any water that migrates onto the property will flow down the existing roadway and there is a culvert there.
- There is more land designated for the storm pond than what engineer advises he needs so there is depth there if required.
- Watershed goes directly to where the pond is going to go.
- With respect to deforestation, only trees required to be removed from the FireSmart program will be removed.
- Applicant advised that development will have WaterSmart values (low flow fixtures, etc.) and will not be hard surfaced prior to water and sewer coming in. Homeowner will have to follow rules with respect to front yard. Homes will have dual tanks. This is covered in the architectural controls.
- Kristi Beunder, planning consultant spoke with respect to questions regarding the Condominium Association. Condo Associations are incepted under the Society Act of Alberta. They have a Charter of Bylaws (vetted by the County), there is a reserve fund required, audited financials required, there is an elected president and annual general meetings. Advised that this condo association would have 12 members to this condo association. If condo association evaporates they need a 100% vote to do so.
- Mr. Elsner advised that he has 35 years in road construction experience and assured MPC that the roads will be built properly.

Recess called by the Chair at 12:20 p.m.

Meeting resumes at 12:35 p.m. - Lynn Craven left the MPC Meeting and Kim Jamieson is now the recording secretary for the remainder of the meeting.

Recess called by the Chair at 1:20 p.m.

Meeting resumes at 1:25 p.m.

MPC 11-57 Moved By G. Harris
 That the Municipal Planning Commission refuse the proposed subdivision to create twelve (12) one acre condominium units and common property from SW 35-32-5-5 Plan 9212437 Block 2 for the following reasons:

1. Section 654 of MGA subsection (a), property not deemed suitable for the intended use due to stormwater and drainage issues.
2. Section 7 of Subdivision and Development Regulations, under subsection (c) stormwater collection and disposal as the application does not conform to the Komex report. In addition the application does not conform to subsection (e) - access to road for egress and emergency access issues.

Question on motion not called

MPC 11-58 Moved by K. Good
 That the additional reasons for refusal for the application are as follows:

The application does not conform with the Komex Report, Page 11, Paragraph 3 stating that it should remain in a natural state. The stormwater concerns in the report are not addressed in relation to the increased deforestation only attempted to be addressed by flow issues not total volume issues.

Defeated

Question called on MPC 11-57

Carried.

ADJOURNMENT

MPC 11-59 Moved by G. Harris
 That the Municipal Planning Commission of April 21, 2011 be adjourned at 1:44 p.m.

Carried

MPC 11-60 Moved by P. McKean
 That the Municipal Planning Commission meeting of April 21, 2011 be reconvened at 1:46 p.m.

Carried

MPC 11-61 Moved by K. Walton
 That the Municipal Planning Commission recommend to Council that they undertake the necessary update to the Komex study to address the drainage issues within this area.

Carried

ADJOURNMENT

Moved by G. Harris

Adopted

MPC 11-62 That the Municipal Planning Commission of April 21, 2011 be
adjourned at 1:48 p.m.

Carried

Adopted May 5, 2011

Chair

I hereby certify these minutes are correct.

Secretary, Municipal Planning Commission