

MINUTES

**MUNICIPAL PLANNING COMMISSION**

Mountain View County

Minutes of the **Municipal Planning Commission** held on **May 5, 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  
 B. Nerrie; Member-At-Large

P. Munro; Reeve  
 B. Orr; Councillor  
 K. Good; Councillor

IN ATTENDANCE:

D. Hawryluk; Secretary, Municipal Planning Commission/Director of Planning & Development Services  
 S. Madge; Manager of Development & Permitting Services  
 D. Gonzalez; Planner  
 C. Banack; Planner  
 L. Craven; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 9:02 a.m.

AGENDA MPC 11-63 Moved by B. Nerrie  
 That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of May 5, 2011 as presented  
 Carried

ADOPTION OF MINUTES MPC 11- 64 Moved by G. Harris  
 That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of April 21, 2011 with the following amendment to be added:

- File # PLRD2010423 – Watervalley/Winchell Lake Area Structure Plan Committee declined to support or recommend to Council that the property be sold.

Carried

RDSD2010-356 SW 4-31-3-5

Planning and Development Services presented an overview of a proposed subdivision located at SW 4-31-3-5, 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:

- To create one 3.1 acre parcel

- Co-owners/co-applicants Cal & Shawna Brassard, Larry & Sherry Sorensen
- Existing parcel size 81.45 acres
- Division 4
- Redesignation by Council Feb 16, 2011 LUB # LU 03/11
- No objections from Fortis, Chinooks Edge School, Didsbury Fire Department
- No objections from adjacent landowners or referral agencies
- Zoned R-CR Country Residential
- No CFO's or gravel pits in this area
- Subject quarter was previously subdivided into approximately 2 – 80 acre parcels. When application was made in September 2010 required a concept plan from MDP showing the potential of 5 titles per quarter. Agreement between the landowners of the 2 – 80 acres parcels was reached that :
  - Brassard's and Sorensen's do not want any more subdivisions
  - The 2 sets of landowners agree to share the eligible 6 acre to reduce the potential titles to 4.
- Approach needs to be widened to 23 ft and 3 inches of  $\frac{3}{4}$  crushed gravel as in Standard Condition # 2
- Complies with the Municipal Government Act Section 654 (a, b, & c)
- Complies with the Subdivision and Development Regulations Section 7 (a-i)
- Complies with Statutory Plans: MDP
- Complies with the Land Use Bylaw 10/10

Municipal Planning Commission discussed the following:

- Livestock trailer on land, livestock is dealt with through the Animal Control Bylaw.

Applicant discussed the following:

- Shawna Brassard spoke, would like a relaxation of the approach because the approach would be used for residential use only.

Moved by G. Harris

MPC 11-65

That the Municipal Planning Commission approve proposed subdivision located at SW 4-31-3-5, and provided information as introduced in the agenda package, such as the location map, aerial photos and site photos.

That the Municipal Planning Commission approve the proposed subdivision, one (1) three point one (3.1) acre parcel within SW 4-31-3-5, submitted by BRASSARD, Cal & Shawna (a/o) and SORENSEN, Larry & Sherry (a/o), RDSO 2010-356, subject to the following conditions:

**Standard Conditions**

1. The approval fee of \$400.00 be paid to Mountain View County within 30 days from the date of this notice of decision.
2. All new and existing approaches shall be constructed/upgraded in accordance with the construction specifications of Mountain View County. The approach to the proposed lot needs to be widening to 7 meters (23 feet) and 3 inches of <sup>3</sup>/<sub>4</sub> crush gravel on the approach to the balance is required.
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/Plan of Survey).
5. Municipal Reserves
  - (1) Agricultural Parcels, or Low Density Rural Residential Development (less than five (5) titles per quarter section):
    - a. N/A;
    - b. Cash in lieu of municipal reserves are to be paid to Mountain View County within 30 days from the date of the Notice of Decision. Approximately **(0.31)** acres are owing and at a rate of **(\$5,044.89)** per acre, therefore **(\$1,563.90)** is owing to the County. This figure will be subject to confirmation upon receipt of the final plan of survey.
    - c. N/A; or
    - d. N/A
  - (2) N/A

**Standard Conditions if applicable:**

6. That the applicant shall enter into an agreement for the provision of road widening (westerly 5.18 meters) across the subject property to the satisfaction of Mountain View County.
7. A qualified surveyor shall prepare a Utility Right of Way (UROW) and that the applicant enters into a General Utility Easement Agreement with Mountain View County. The UROW Plan will dedicate southerly 5 meters in perpendicular width and westerly 5 meters in width commencing at 5.18 meters measured in perpendicular distance adjacent to Range Road 34.
8. The applicant shall submit a Real Property Report 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 to County's current Land Use Bylaw. The Real Property Report shall include, the location of the existing water well and Private Sewage Treatment System (PSTS) in relation to existing and proposed property lines.
9. If any portion of the PSTS is situated closer than 90 meters to an existing or proposed property line the applicant shall submit either of the following:

- a. A copy of the PSTS permit application, and inspection reports as completed by a Safety Codes Officer when the PSTS was installed or,
- b. An inspection report from a Safety Codes Officer confirming that the PSTS complies with the regulations as outlined in the current Alberta Private Sewage System Standard of Practice.

When not in compliance, the applicant shall undertake improvements to the PSTS to comply with the current Alberta Private Sewage System Standard of Practice and provide information in this regard to the satisfaction of Mountain View County.

10. N/A

11. N/A

12. N/A

13. N/A

14. N/A

15. N/A

16. N/A

**Additional Conditions:**

17. The applicant shall upgrade the existing open discharge septic system to a system that complies with the current Alberta Private Sewage System Standard of Practice. The applicant shall apply for and obtain the appropriate septic permits and obtain a Permit Service Report from Mountain View County.

18. The applicant shall enter into a restrictive covenant agreement stating that any future applications for subdivision on the quarter shall be allocated to the east half of SW 4-31-3-5. The agreement shall be registered by caveat on the proposed lot and on the balance.

Carried

MPC 11-66

Moved by P Munro  
Amendment of the approach width to 20 ft. in keeping it as is for Standard Condition # 2

Carried

RDSD 2010-228  
NE 17-31-4-5

Planning and Development Services presented an overview of a proposed subdivision located at NE 17-31-4-5, 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:

- To create one 61.3 acre parcel
- Michael Lewis (a), Stanley, Kimberley, & Michael Lewis (o)
- Subdivision to finance the development of a tree farm on the proposed parcel
- Division 4, Elkton/Rugby Neighborhood
- Talisman has responded with no concerns other than heavy traffic crossings for the proposed land use.
- Redesignation by Council Nov. 24, 2010
- Zoned Ag 2
- 9.5 miles NW of Cremona
- Proposed parcel is undeveloped, balance of subject quarter contains 2 dwellings
- No concerns from Tallisman (well is discontinued), ERCB responded that there was an abandoned well but no conflict with setbacks.
- Elkton creek crosses the SW corner of the quarter, subject quarter slopes towards the river.
- Environmentally Significant Area, ESA 1 - Very High, Criteria 2,4,8,10
- Proposed tree farm would be located on the Little Red Deer River Flood Plain, less than 1% chance of flooding in any given year.
- June 21, 1990, Subdivision Approval Authority refused a proposal for 8.45 acre fragmented parcel.
- Land not suitable for intended use, no access to a road plan exists. Existing access is via private road through adjoining lands.
- Additional Condition # 17, County would like to be party to the Easement Agreement to ensure continuity to the agreement.
- No Flood Risk Assessment at this time.
- Second letter from Talisman came in after the redesignation.
- The Access Easement Agreements were never signed by the County.
- Recommendation for refusal is due to the information provided from a previous planner.
- Sweetgrass and Summit reports have the same concerns for ESA
- The access is not a legal road, it is a driveway and is there to access the 2 dwellings on the quarter and the quarters to the north.

- Restrictive covenant would be a standard covenant so that the land is left in a healthy state. 2 parties do need to be listed and the County is one of them.

Municipal Planning Commission discussed the following:

- MPC has concerns with the no legal access to the property but the laneway has been used for 4 generations
- No removal of any existing trees
- Second letter from Talisman was not given to Commission.
- A new Access Easement Agreement will have to be drawn up and the County needs to be part of the agreement.
- Restrictive Covenant is stating that the land has an environmental significance and needs to be kept this way and different than an Environment Reserve we take the land and becomes County land
- Tree farm would be permitted on agriculture land but there is question whether a subdivision is necessary.
- The driveway could be changed to a legal road and needs to be fixed but would cost millions if it was chosen to do so.

Applicant discussed the following:

- Kim and Michael Lewis spoke
- Access Easements are in place, County is named in agreements however MVC never signed them.
- Easement would have to have proposed parcel grant access to lands to the north.
- Property is now used for hay fields and grazing land
- Only land that is used for agriculture will be used for the tree farm
- Talisman has no concerns that the right of way being planted with trees
- Major logging has been done 3 times
- Applicants want to know that the restrictive covenant will not be hold them liable if a fire or ink spot wipes out the existing trees

Moved by G. Harris

MPC 11-67

That the Municipal Planning Commission approve the proposed subdivision, one (1) sixty one point three (61.3) acre parcel within NE 17-31-4-5, submitted by Lewis, Michael (a), Lewis, Stanley, Kimberly & Michael (o) RDS 2010-228.

When approved, subdivision applications are subject to the following standard conditions, or standard conditions if applicable.

**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. N/A
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, or Low Density Rural Residential Development (less than five (5) titles per quarter section):
    - a. No reserves required pursuant to Section 663(b) of the Municipal Government Act;

**Standard Conditions if Applicable:**

6. N/A
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 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 central and south portion of lands directly adjacent to the Little Red Deer River as identified on the conditionally approved tentative plan for the purposes of environmental protection. Mountain View County shall draft the agreement and prepare supportive schedules. This agreement shall be registered via caveat on the affected titles.
14. N/A
15. N/A
16. N/A

**Additional Conditions:**

17. The applicant shall enter into and register the appropriate access easement agreements on title to ensure continued access to the proposed parcel and balance of the subject quarter. Mountain View County shall be party to the access easement agreements to ensure continuity of them.
18. Should any permanent structures be proposed on the proposed parcel, the applicant **may** be responsible for the completion of a flood risk assessment. This requirement shall be registered on the affected title via caveat.

Carried

PLDP20110092  
NW 32-32-5-5  
Plan 8111378 Blk-1 L-6

Planning and Development Services presented an overview of a proposed development located at NW 32-32-5-5 Plan 8111378 Blk-1 L-1, 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 Industrial Manufacturing/Processing Operation, (two 26 X 30 temporary hoarding shelters provide shelter for equipment; one portable lunch room)
- Zoning is Industrial Business Park 1-BP
- McDougal Flats neighborhood
- Parcel size is 4.15 acres.
- Highland Projects Ltd. (a), Lotus Holdings (o)
- Bylaw Enforcement complaint driven application
- Applicant leases the existing shop on the parcel, specializing in construction and maintenance of facilities and pipelines.
- Complainant concerned with noise, dust from sandblasting, potential paint overspray
- Applicant erected 3 noise panels between the 2 properties to mitigate the noise and dust.
- Painting is done inside the shop so there are no concerns with the overspray.
- Highland has outgrown their primary site which is located next to the County shop in Sundre. Leasing current location and were unaware they needed a Development Permit to change use of a rented building.
- Applicant owns another lot in the same industrial park with plans to develop it for the expanding business.
- Silos and temporary hoarding shelters on site for sandblasting.
- All painting done in the shop with proper ventilation.

Municipal Planning Commission discussed the following:

- Concerns were raised about the building having the proper ventilation and protection of overspray through the ventilation system.

Bylaw Officer discussed the following:

- Amanda Stuhl – Bylaw Officer, spoke
- Applicant assured that the proper venting is in place so that painting will be done inside only.

MPC 11-68

Moved By B. Nerrie  
That the Municipal Planning Commission approve the proposed Industrial Manufacturing/Processing, General; (2 - 26' x 30' temporary shelters; 1 - portable lunch room) in accordance with the Land Use Bylaw and the submitted application, within NW 32-32-5-5 Plan 8111378 Blk 1 Lot 6, submitted by Highland Projects Ltd. Development Permit PLDP20110092, 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. 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. That the applicant maintains a 20 foot setback for the hoarding structures from the westerly property line.
- 13. That the applicant contains all painting activities within the existing building so that overspray will be controlled.
- 14. That the applicant removes the temporary structures from the property when they relocate to the new site.
- 15. Any intensity to the activities on site or any new structures, temporary or otherwise, may require a new permit.
- 16. That the applicant obtains a Roadside Development Permit from Alberta Transportation.

Carried

**CORRESPONDENCE**

Information Items

MPC 11-69

Moved by G. Harris

That the Municipal Planning Commission receives the following items as information:

- a) ASDAA Agenda from April 18, 2011 and April 26, 2011
- b) Permitted Development Permits Approved
- c) Lesack and Dobler Appeal

Carried

B. Nerrie complimented D. Hawryluk on the way that the Lesack Appeal was handled.

**ADJOURNMENT**

MPC 11-70

Moved by G. Harris

That the Municipal Planning Commission of May 5, 2011 be adjourned at 10:29 a.m.

Carried

Adopted May 19, 2011

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Chair

I hereby certify these minutes are correct.

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Secretary, Municipal Planning Commission