

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the Municipal Planning Commission held on July 7, 2011, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: G. Harris; Chair/Member-At-Large
K. Branter; Member-At-Large
K. Walton; Member-At-Large
B. Nerrie; Member-At-Large

R. Orr; Councillor
K. Good; Councillor

IN ATTENDANCE: J. Rusling; Secretary, Municipal Planning Commission/Interim
Director of Planning & Development Services
S. Madge; Manager of Development & Permitting Services
T. Connatty; Planner
D. Gonzalez; Planner
J. Ross; Development Officer
L. Craven; Recording Secretary

CALL TO ORDER: G. Harris called the meeting to order at 9:05 a.m.

AGENDA MPC 11-95 Moved by K Branter
That the Municipal Planning Commission adopt the agenda of the
Municipal Planning Commission meeting of July 7, 2011 as
presented

Carried

ADOPTION OF MINUTES MPC 11- 96 Moved by K Good
That the Municipal Planning Commission adopt the minutes of the
Municipal Planning Commission meeting of June 16, 2011 as
presented.

Carried

PLDP20101159
SW 14-29-4-5
Plan 0911030 Block 1 Lot 1 Planning and Development Services presented an overview of a
proposed development located at SW 14-29-4-5 Plan 0911030
Block 1 Lot 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 Dwelling, Single Detached – Move in/Relocation
- Zoning is A- Agricultural District and located in Division 2
- Neighborhood of Dogpound
- Parcel size is 20.11 acres.
- Application went to MPC on June 16, 2011 and applicant is to present photos of the proposed RTM Dwelling.
- No ESA in the area
- No pipelines constraints on the property
- Slight sloping but no concerns
- Dwelling is 1144 sq ft and was constructed in 1973
- Application brought in due to complaint about an RV being used for full time living accommodation

Municipal Planning Commission discussed the following:

- The dwelling will be moved and setup within the 18 months time restrictions that the Development Permit allows. Building permit was also handed in at the same time and the land owner is on a time restraint and wanting to complete this as fast as possible.

MPC 11-97 Moved By K. Walton
That the Municipal Planning Commission approve the proposed Dwelling, Single Detached – Move In/Relocation in accordance with the Land Use Bylaw 10/10 and the submitted application, within SW 14-29-4-5, Plan 0911030, Block 1, Lot 1, submitted by MacKay, Heather, Development Permit PLDP20110159, subject to the following conditions:

CONDITIONS:

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

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 posting 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 systems. 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 obtain a Roadside Development Permit from Alberta Transportation.
13. Issuance of this permit is for the dwelling, single detached – move in/relocation as shown in the drawings submitted with the application and will be verified by the Safety Codes Officer as part of the Building Permit Inspection process.
14. With issuance of this permit the applicant shall be permitted to utilize the Recreational Vehicle situated on the property for temporary living accommodation until taking occupancy of the proposed dwelling within this application. After taking occupancy of the proposed dwelling the applicant shall not be permitted to utilize the Recreational Vehicle for living

accommodation, but for storage purposes only as per the Agricultural District regulations.

15. Issuance of this permit is for the dwelling unit as shown in the pictures submitted with the application and will be verified by the Safety Codes Officer as part of the inspections required with issuance of the Building Permit.

Carried

PLDP20110155
SE 15-32-6-5
Plan 8811703 Lot 1

Planning and Development Services presented an overview of a proposed development located at SE 15-32-6-5 Plan 8811703 Lot 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 is Boarding Service - Dog and Cat Kennel and Sign with Southerly Front Yard Setback Relaxation to Existing Structures and Proposed Accessory Building
- Division 5 & zoning is A- Agricultural District
- Parcel size is 5.95 acres.
- Applicant is Beecraft, Tamara
- Landowner is Claussen, Ed and Tannis
- Neighborhood of Bergen
- Maximum of 30 dogs and 9 cats at any one time.
- Within the Bergen Area Structure Plan
- Applicant will utilize the existing building on the property.
- Outdoor kennels will be fenced around the perimeter of the existing accessory building. A cat kennel is proposed (8 ft x 20 ft) to be placed on the property adjacent to the accessory building existing on the property.
- Existing structures on the property require a setback relaxation to the front property line and the proposed “cat kennel” will require a relaxation as this will be placed adjacent to the accessory building.
- June 3, 2011 the application was circulated to the adjacent landowners within a half mile of the subject property.
- An objection letter was received from an adjacent landowner as a result of the adjacent landowner circulation. The applicant submitted two emails mentioning her discussions with adjacent landowners with regards to the proposed kennel operation. The emails from the applicant mention that the adjacent landowners who contact her had no concern with the proposal sent to them as long as the proposal was adhered to. Planning and Development did receive a phone call from an adjacent landowner wishing to submit comments with respect to the kennel; however, no comments have been received to date from this adjacent landowner.

- 18 indoor/outdoor kennels, 11 on the east side and (7) seven on the west side of the accessory building
- 30 vehicles per week estimated to visit the kennels
- Ample parking for customers on the property.

Municipal Planning Commission discussed the following:

- Condition 16 is from the Animal Bylaw and will be enforced by the Bylaw Officer. All kennels have this condition to follow.
- Change of Use needs a building permit and the building inspector will ensure that the property meets the criteria for all kennels.

MPC 11-98

Moved By B Nerrie

That the Municipal Planning Commission approve the proposed Boarding Service - Dog and Cat Kennel and Sign with Southerly Front Yard Setback Relaxation to Existing Structures and Proposed Accessory Building in accordance with the Land Use Bylaw 10/10 and the submitted application, within SE 15-32-6-5, Plan 8811703, Lot 1, submitted by Beecraft, Tamara, Development Permit PLDP20110155, 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. 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. Future expansion of the boarding service - dog and cat kennel, work area or additional animals, will require a new permit.
13. Approval is granted for a maximum of 30 dogs and nine (9) cats to be boarded at any one time.
14. The approving authority recognizes that the applicant owns three (3) dogs and (3) cats personally and they are not included in the boarding operation.
15. The hours of operation for the office shall be year round 9 am and 8.30pm by appointment only.
16. The applicant and/or operator will not allow the dogs to bark or howl excessively or otherwise disturb any persons. Additional sound proofing of the kennel building may be required: should noise issues arise.
17. On site supervision shall be maintained during the active kennel operation. The dogs shall not be allowed outside without supervision and both the cats and dogs will be housed indoors during the night.
18. The dogs and cats shall not be permitted to run free off the property.
19. The applicant and/or operator shall comply with Mountain View County's "Animal Control Bylaw".

- 20. The applicant and/or operator shall submit to Mountain View County confirmation of the waste management company being used to dispose of the animal manure, prior to operating the kennel and Cattery Boarding Facility.
- 21. Waste management of the boarding services shall be in accordance with Provincial requirements regarding waste disposal.
- 22. All boarding services and associated facilities shall be kept in a manner satisfactory to the health authority and the Society for the Prevention of Cruelty of Animals (SPCA).
- 23. All exterior exercise areas (runs) shall be enclosed with a six (6) foot minimum in height chain link fence.
- 24. A southerly front yard setback relaxation for the proposed "cat boarding kennel" (8 ft x 20 ft) and the existing buildings located on the property to the property line shall be granted for the life of the buildings.
- 25. Issuance and implementation of this permit will rescind Development Permit PLDP2009000048. Only one permit will be active.

Carried

SUBDIVISION
 TIME EXTENSION
 SD08-145
 NW 36-29-2-5

Planning and Development Services presented an overview of a proposed time extension of one (1) year located at NW 36-29-2-5, 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 four (4), two point zero (2.0) acre parcels
- Applicant is Taylor, Ken
- Land Owner is Sheehan, Richard Walsh
- The existing parcel size is 158.97 acres
- Rural Neighborhood is Wessex

Moved by R Orr

MPC 11-99

That the Municipal Planning Commission approve the proposed time extension of one (1) year for the conditionally approved subdivision to create four (4) two point zero (2.0) acre lots from existing 158.97 acres, within NW 36-29-2-5 to complete outstanding conditions of approval.

- 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.

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.

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.

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

SUBDIVISION
TIME EXTENSION
SD 09-013
SW 24-32-5-5

Plan 0514013 Block 1 Lot 1

Planning and Development Services presented an overview of a request for a time extension for conditionally approved subdivision SD 09-013 Plan 0514013 Blk-1 Lot-1 to June 15, 2012.

- Applicant/Owner, Trentham, Tracy & Shannon.
- A proposed one-year time extension for SD 09-013 within SW 24-32-5-W5M Plan 0514013 Block 1 Lot 1.
- Request timelines have been met and fees have been paid.
- Originally intended for their parents however one of the parents has since passed away
- Plan of Survey and Real Property Report conditions have been met.

Moved by K. Branter

MPC 11-100 That the Municipal Planning Commission approve a time extension for conditionally approved subdivision SD 09-013 within SW 24-32-5-W5M Plan 0514013 Block 1 Lot 1 to complete outstanding conditions of approval to June 15, 2012.

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.

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) 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 five metres in width commencing at 5.18 metres measured in perpendicular distance from Range Road 20.

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 test 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.

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

SUBDIVISION
TIME EXTENSION
SD 08-167
NE 12-33-2-5

Planning and Development Services presented an overview of a request for a one year time extension for conditionally approved subdivision SD 08-167, NE 12-33-2-5 submitted by Derksen, David to June 17, 2012.

- Original application to create three (3) two point zero (2.0) acre lots from an existing seventy nine point five three (79.53) acre parcel within the NE 12-33-2-5 on June 16, 2010.
- The land is suitable for the intended use and that it has suitable building sites.
- Landowners, Mr. and Mrs. Seeley
- Planning & Development Services recommends approval of a time extension has the request timelines have been met and fees have been paid.
- Extension to June 17, 2012

Municipal Planning Commission discussed the following:

- Time extensions are not very common but may need to happen due to the weather conditions or the time of year the proposed parcel was applied for.

Moved by B Nerrie

MPC 11-101 That the Municipal Planning Commission approve a one year time extension for conditionally approved subdivision Within NE 12-33-2-5, submitted by David Derksen, SD 08-167 to June 17, 2012.

Conditions that have been submitted but are incomplete or need to be reviewed are:

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

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.

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.
 - 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.
 - 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:
 - g. fencing requirements

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.

Conditions that remain outstanding:

3. Payment of all property taxes or satisfactory arrangements to be made for payment to Mountain View County.

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.

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 meters in width adjacent to the internal subdivision road.

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 meters 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.
 - 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.

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 requirements for engineering plans to support the conditionally approved 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;
 - 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.

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

Carried

RD2010-0000024
SE 4-29-3-5

Planning and Development Services presented an overview of a Setback Relaxation as shown on the Real Property Report as per condition #8 of the conditionally approved subdivision located at SE 4-29-3-5, 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:

- a) a 24.42 m² shed located 7.82 meters from the easterly property line;
- b) a 4.0 m² shed located 0.43 meters from the westerly property line;
- c) a 13.3 m² shed located 1.15 meters from the westerly property line;
- d) a 24.68 m² shed located 9.27 meters from the westerly property line; and
- e) a 2.3 m² outdoor bath located 1.18 meters from the westerly property line.

- Property Owner , Farquharson, Keren Lynn
- Existing parcel size is 158.97 acres.
- Located in Division 2 and the Neighborhood of Dogpound.

Municipal Planning Commission discussed the following:

- Structures that are built in the future are not considered for a relaxation. If a new structure is introduced or an old structure is added on to, a Development Permit for relaxation will have to be applied for again.
- All Structures that are aging and need to be replaced would also need to be approved.
- Adjacent landowners have been circulated and there were no appeals.

Moved by K Branter

MPC 11-102 That the Municipal Planning Commission support the proposed setback relaxations for a total of 5 structures as shown of the Real Property Report, as required in Condition #8 of the conditionally approved subdivision. These setback relaxations are necessary in order to bring these structures into compliance with the County's Land Use Bylaw 10/10.

- a) a 24.42 m² shed located 7.82 meters from the easterly property line;
- b) a 4.0 m² shed located 0.43 meters from the westerly property line;
- c) a 13.3 m² shed located 1.15 meters from the westerly property line;
- d) a 24.68 m² shed located 9.27 meters from the westerly property line; and
- e) a 2.3 m² outdoor bath located 1.18 meters from the westerly property line.

Carried

SD20110106
SE 1-33-29-4
Plan 9412141 Lot 1

Planning and Development Services presented an overview of a proposed subdivision located at SE 1-33-29-4 Plan 9412141 Lot 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:

- Existing parcel size - 15.0 acre
- Property Owner, Hagglund, Stephen & Rebecca
- Located in Division 7 and in the community of Netook.
- Redesignated by Council April 27, 1994
- Application to subdivide was submitted April 29, 2011
- Should be noted - The subject quarter has been subdivided in the past. This proposal would intensify the quarter to four (4) titles.
- Applicants are aware of their application not complying with density requirements and as such they are requesting a refusal on their application so they can proceed with an appeal process to the MGB
- Two (2) letters were received and have raised the following concerns:
 - The proposal possesses a very high water table thus creating concerns regarding suitability of

- proper septic field that could ultimately affect the Lone Pine Creek
- Proximity of 2 confined feeding operations within 1 .5 mile distance.
- The location of proposal would have a negative impact on busy intersection between Highway 27 and Range Road 290
- The proposal does not meet the setback requirements of 250 ft. from a road allowance.
- Applicant responded to the concerns in the following manner:
 - The proposal meets all septic requirements and there are no problems with spring runoff. In addition the proposal does not have drainage issues with being wet as it is the higher ground than the rest of the current 15 acre parcel.
 - The proposed subdivision should in no way affect any livestock operations occurring nearby
 - The existing approach onto the proposed subdivision is from Range Road 290 and is located further away from the intersection and is within regulation distance from the intersection.
 - The proposed subdivision application meets setback requirements required by both the County and Alberta Transportation, including the 250 feet setback from the road allowance should a building permit be granted
- Alberta Transportation would require a variance upon receipt of a referral from the County. They would grant this variance.
- MGA states that Section 654: b) the proposed subdivision Conforms to the provisions of the statutory plan, and subject to subsection (2) any land use bylaw that affect the land proposed to be subdivided. This application cannot be reviewed against policies contained in the MDP until Bylaw No 23/10 gets repealed, December 31, 2011, making Section 3.3.3 effective again.
- This proposal has issues regarding seasonal flooding and possible high ground water, as such the proposal is not deemed suitable for the intended use and it does not comply with Section 7 of the Subdivision and Development Regulations.
- Approving authority cannot determine the parcel density since Section 3.3.3 of the MDP has been suspended until December 31, 2011.

Municipal Planning Commission discussed the following:

- Parcel would be accessible from Range Road 29.
- Questioned the applicants about their letter stating that They wanted a refusal so they could take application to the provincial board.
- There are no policies at this time that support this proposal. Because this parcel is adjacent to a provincial

highway that means that it is the jurisdiction of the provincial municipal government board. Therefore any appeals would go to the Municipal Government Board.

- The Planning and Development Department will include, in a report to the MGB on approval or refusal, a list of recommended conditions that can be applied if they wish to approve the application. Planning and Development does give a list of standard conditions and also recommended conditions specifically applicable toward this parcel.

Applicant discussed the following:

- R & S Hagglund spoke.
- SE corner of the property is dry and is higher than the area where our house is.
- Drainage of the land goes from the feedlot, goes through the culvert and into a manmade pond.
- 3 or 4 acres of the land is a clay rock mix that is not suitable to even grow grass
- Have been at this process for 2 years. Because we don't meet the density requirements anymore due to changes in the regulations we were advised to get a refusal on our application and take it to the provincial board.
- They feel they got caught in the changes of the policies from the time they started until now.
- Originally the parcel was for 2 acres but because rules have changed we had to do a 3 acre parcel.
- Applicants were questioned about waiting until after December 31, 2011 and their response was that they just wanted to move forward to the provincial board because there is no guarantee that the decisions would be changed to accept the application.
- D. Hawryluk advised that the applicants should ask for refusal to move forward because their application would not be approved the way the policies are at present time.
- Applicants chose not to accept a time extension for the Municipal Planning Commission to gather more information about a Confined Feeding Operation that is near the proposed site.

MPC 11-103 Moved by K. Walton
That the Municipal Planning Commission refuse the proposed subdivision, to create one (1) three point zero (3.0) acre parcel within SE 1-33-29-4, Plan 9412141, Lot 1, submitted by HAGGLUND, Stephen and Rebecca, File No. PLSD20110106 for the following reasons:

Effective November 24, 2010 Section 3.3.3 of the Municipal Development Plan pertaining to low density residential subdivision policies, is suspended and inoperative until December 31, 2011, pursuant to Bylaw 23/10. Therefore, Municipal Planning Commission is recommending refusal for the following reasons:

1. The proposal does not comply with the Municipal Government Act, Section 654 (b), because this proposal does not comply with the statutory document (MDP); and
2. This proposal does not comply with the Municipal Development Plan as the application was submitted on April 29, 2011, following the suspension of Section 3.3.3.
3. The proposal does not meet the parcel density policies outlined in Section 15 of the Land Use Bylaw.
4. The proposal is not suitable for its intended use as the proposed parcel has potential for groundwater and flooding problems.
5. The potential conflict with existing Confined Feeding Operations in immediate area.

Carried

10:25
10:38

Recess Meeting
Resume Meeting

PLDP20110144
SW 30-32-27-4

Planning and Development Services presented an overview of a proposed development located at SW 30-32-27-4, 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 a Communication Tower
- Zoning is A – Agricultural District and located in Division 7
- Community of Reed Ranch
- Parcel size is 160 acres.
- Applicant is CCI Wireless Inc.
- Landowner is Stumpf, James and Betty
- Communication tower will be a 90 meter guyed tower and the site area will be approximately 5 acres
- 4 letters of objection have been received. Concerns were the following: Responsibility of the tower site should issues arise, placement of the tower on prime agriculture land, effects on their existing GPS and farm radio emitting equipment, property values and lighting located on top of the tower. Applicant did respond to these concerns stating that the tower has to adhere to Canada's Safety Code Regulations. The tower does comply with these standards.
- Petition signatures received as a result of the adjacent landowner mail out.
- Land owner and County will enter into a Road Use Agreement.

- There are 2 pipelines on the property, none that pose a constraint to the development.

Municipal Planning Commission discussed the following:

- Concerns with using prime agriculture land when pasture land can be used.
- MPC questioned applicant on the process of where the towers are placed and how that location is picked. Other questions about elevation of tower location and the connection with other proposed sites.
- Applicant was asked to show on a map the other potential sites for towers in correspondence to the approved towers.

Applicant discussed the following:

- D. Grixiti, Vice President of Sales and Marketing for CCI Wireless Inc. spoke.
- Applicant showed on maps the proposed sites that have been applied for. He explained the process of finding strategic locations within a certain distance according to the Canadian Standards.
- Explained that the tower only uses a 20 x 20 area and the 3 anchors, the rest of the proposed site can be used for grazing.
- Moving one (1) tower could affect the other towers like a domino affect. When finding the right area there is certain aspects of the geographical area to be considered. Height is critical and also having access to power. Towers can't go in valleys or coulees.
- If the towers are too close to each other then they overlap the coverage.
- Grazing land is the first pick in land use but if no grazing land is available in the area required then agriculture land is the next choice.
- Mandate to cover certain areas is a decider; company could be in violation of agreement with Industry Canada.
- The towers are a multi purpose tower and used for multiple radio communications. Licensed frequencies are used for these towers and will not cause interference with other radio equipment.
- There were other landowners that were contacted and none were willing to have the towers on their land, grazing or agriculture.
- Their towers can be used as base stations for GPS satellites and available at a low cost to farmers, fire departments and countys.
- Willing landowners are the biggest challenge in this process.

Objectors discussed the following.

- Mr & Mrs. Weinens spoke for the objectors.
- Concerns with their computer security system for their Confined Feeding Operation.

- They do acknowledge that they use cell phones and computers for their operation but feel it is a health risk to have the tower in such a close proximity to their property and neighboring properties.

11:19 Recess while the applicant sets up equipment to show some mapping.
11:25 Meeting resumes.

MPC 11-104 Moved By K Branter
That the Municipal Planning Commission defer the proposed Communication Tower submitted by CCI Wireless, Development Permit PLDP20110144, to the next Municipal Planning Commission meeting dated July 21, 2011. The following items will be addressed by CCI Wireless Inc.:

- Existing and Proposed Location of Communication Towers
- Clarification on how mitigation was accomplished to minimize the impact on Agriculture Land regardless of elevation.
- Maps to show the overlap coverage for each tower (Existing and Proposed)

Carried

PLDP20110119
NW 11-33-47-5

Planning and Development Services presented an overview of a proposed development located at NW 11-33-47-5, 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:

- Proposal to develop a Communication Tower
- Zoning is A – Agricultural District
- Parcel size is 147.78 acres.
- Applicant is CCI Wireless Inc.
- Landowner is Lockrem, David
- Rural Community is Eagle Hill / Westward Ho Community
- Division 6
- No objections received

Municipal Planning Commission discussed the following:

- Questioned applicant about the possibility of sharing existing 100 ft towers.
- Discussion of using bushland instead of agriculture land. Not all the land would need to be cleared but a good portion.
- Discussion about using the land (with existing towers) to build the new towers on.

Applicant discussed the following:

- The existing towers are not tall enough and would need to be extended and it is more viable to put up new towers also some owners of the existing towers would not be willing to co-locate due to safety reasons.
- There are companies that would be willing to co-locate with our towers because of the height however Alta-link has an existing tower but refused to co-locate with us and they are not mandated to do so because they are a utility tower. Telecom carriers are mandated to co-locate with other carriers.
- Because they are regulated through Industry Canada, any entities have the right to co-locate on our towers. We have to make that available.
- There is a data base through Industry Canada that is available to the industry that shows our proposed towers and have not been approached by anyone to co-locate. That would be the decision of the smaller tower owners to communicate to us.
- Towers on top of hills would be unsafe due to the anchors not being able to be secured properly.

Moved By K Good

MPC 11-105

That the Municipal Planning Commission defer the proposed Communication Tower submitted by CCI Wireless Inc, Development Permit PLDP20110119, to the next Municipal Planning Commission meeting dated July 21, 2011. The following items will be addressed by CCI Wireless Inc.:

- Existing and Proposed Location of Communication Towers
- Clarification on how mitigation was accomplished to minimize the impact on Agriculture Land regardless of elevation.
- Maps to show the overlap coverage for each tower (Existing and Proposed)
- With the possibility of moving the tower.

Carried

PLDP20110120
NE 27-33-7-5

Planning and Development Services presented an overview of a proposed development located at NE 27-33-7-5, 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:

- Proposal to develop a Communication Tower
- Property is in Division 5 & Zoning is A – Agricultural District
- Parcel size is 160 acres.
- Property is in the neighborhood of Bearberry
- Applicant is CCI Wireless Inc.
- Landowner is Cyril Newsham

- One objection letter was received by an adjacent landowner.
- Surrounding parcels are zoned agriculture and agriculture 2.

Municipal Planning Commission discussed the following:

- Due to the discussion on the 2 previous applications for communication towers, there is no discussion needed until the next MPC meeting on July 21, 2011.

Moved By B Nerrie

MPC 11-106 That the Municipal Planning Commission defer the proposed Communication Tower submitted by CCI Wireless Inc., Development Permit PLDP20110120 to the next Municipal Planning Commission meeting dated July 21, 2011, The following items will be addressed by CCI Wireless Inc.:

- Existing and Proposed Location of Communication Towers
- Clarification on how mitigation was accomplished to minimize the impact on Agriculture Land regardless of elevation.
- Maps to show the overlap coverage for each tower (Existing and Proposed)

Carried

PLDP20110158
NE 20-29-5-5
Plan 1966JK Block 2 Lot 12

Planning and Development Services presented an overview of a proposed development located at NE 20-29-5-5 Plan 1966JK Block 2 Lot 12, 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 a Dwelling, Modular (to replace existing dwelling unit) and Setback Relaxation to the Existing Accessory Building
- Zoning is R – CR (1) Country Residential (1) District
- Property is located in Division 2 and Water Valley / Winchell Lake Community
- Parcel size is 7.37 acres.
- Applicant / Landowner – Atter, Denise
- 2000 sq ft building size
- No objections were received for this application.
-

Moved By K. Good

MPC 11-107 That the Municipal Planning Commission approve the proposed Dwelling, Modular (to replace existing dwelling unit) and Setback Relaxation to the Existing Accessory Building in accordance with the Land Use Bylaw 10/10 and the submitted application, within NE 20-29-5-5, Plan 1966JK, Block 2, Lot 12, submitted by Atter, Denise, Development Permit PLDP20110158, 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. Landowners shall be responsible for dust control on the County road adjacent to their property.
5. N/A
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. The existing dwelling unit shall be removed and the site reclaimed within six (6) months of occupancy of the new dwelling unit, modular. Only one (1) dwelling is permitted.

13. Use of the existing accessory building - garage shall be for personal recreational purposes only, business/ industrial/ commercial or residential purposes is not permitted.

14. A southerly setback relaxation of 0.60 meters (1.96 feet) for the existing accessory building – shed to the property line is granted for the life of the building.

15. That the applicant obtain a Roadside Development Permit from Alberta Transportation.

Carried

CORRESPONDENCE

Information Items

MPC 11-108

Moved by K. Walton

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

- a) ASDAA Agenda from June 14, 2011
- b) ASDAA Agenda from June 20, 2011
- c) ASDAA Agenda from June 27, 2011
- d) Permitted Development Permits Approved
- e) NRCB Board Decision RA 10017
- f) MGB 040_11_1

Carried

ADJOURNMENT

MPC 11-109

Moved by B. Nerrie

That the Municipal Planning Commission of July 7, 2011 be adjourned at 12:09 p.m.

Carried

Adopted July 21, 2011

Chair

I hereby certify these minutes are correct.

Secretary, Municipal Planning Commission