

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **April 06, 2017**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

**PRESENT:**  
D. Hedley; Chair  
H. Epp; Member-At-Large  
P. Hambrook; Member-At-Large  
M. Olson; Member-At-Large  
H. Overguard; Member-At-Large

K. Heck; Councillor

**IN ATTENDANCE:**  
M. Bloem; Director, Planning & Development/Secretary, Municipal Planning Commission  
S. Madge; Manager of Development & Permitting Services  
C. Mabin; Development Officer  
J. Ross; Development Officer  
K. Lashmar; Recording Secretary

**CALL TO ORDER:** D. Hedley called the meeting to order at 9:01 a.m.

**AGENDA**  
MPC 17-019 Moved by H. Epp  
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of April 06, 2017 as presented.  
Carried.

**ADOPTION OF MINUTES**  
MPC 17-020 Moved by M. Olson  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of March 16, 2017 as presented.  
Carried.

**LAND USE BYLAW AMENDMENTS**

- Administration presented an overview of the four (4) proposed Land Use Bylaw amendments to the Municipal Planning Commission from the March 16, 2017 meeting, with the option for the Municipal Planning Commission to provide comments for Council's consideration.

- The Municipal planning Commission discussed Business, Agri-Tourism discretionary use and the potential to add specific use regulations for this use.

MPC 17-021 Moved By: H. Epp

That MPC support the four amendments with additional comments as presented in the Agenda package of April 06, 2017 to be presented to Council for consideration.

Carried.

PLDP20170086

NW 14-31-1-5

Plan 0313488 Blk - 1 L - 1

Planning and Development Services presented an overview of a existing development located at NW 14-31-1-5 Plan 0313488 Blk - 1 L - 1, and provided information as introduced in the agenda package, including the location map, aerial photos and site photos.

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

- Application is for Accessory Buildings with Setback Relaxations.
- Zoning is Agricultural District (A) and the parcel size is 4.2 acres.
- Property is located within Division 3 and the rural neighborhood of Rosebud.
- Applicant / Landowner - CORREA, Robert
- Parcel is east of the Town of Didsbury, adjacent to Highway 582 and west of Highway 2.
- Surrounding land uses are agricultural.
- Parcel is not located within an ESA and there are no other environmental concerns with the existing development.
- There are no topographical or water feature concerns with the development.
- No well sites or gas pipelines on the subject parcel.
- A review was provided on subdivision and development permit history.
- In March 2017, the landowner met with administration regarding a complaint file for unauthorized development (a second dwelling on the subject parcel). The landowner has agreed to remove the second dwelling (mobile home) by September 2017.
- A review of the property found that the aforementioned accessory buildings did not meet site regulations for Agricultural District, specifically the front yard setback northerly to Highway 582, and side yard westerly setback.
- To ensure all buildings on site are in compliance, the applicant is requesting the aforementioned setback relaxations.
- The applicant voluntarily submitted the Development Permit application, therefore, as per section 7.5.6 of the Land Use Bylaw, it is suggested that the penalty fee of \$1000 be waved.

Municipal Planning Commission discussed the following:

- Concern with the number of existing buildings and the size of the parcel, clarification asked of the applicant as to the use of the accessory buildings as well as the use of the remainder of the parcel (4.2 acres).
- Concern with having the accessory buildings so close to the adjacent cropland and allowing a setback relaxation if there are concerns with herbicide contaminants from adjacent farmer.

Applicant discussed the following:

- Robert Correa spoke as the applicant.
- Provided clarification of the use of the accessory buildings; 3 mushroom growing buildings, a greenhouse and a personal use shop.
- Clarified the use of the balance of the land is intended for a crop that does not use a lot of land i.e.: garlic or ginseng.
- Concerns with spray contaminants from adjacent farmers is the reason for the placement of all of the buildings to create a barrier to protect vegetables and grass on the subject lands from spraying on the remainder of the quarter section as the mushrooms are in a controlled environment in the accessory building and do not require protection. Use the existing landscaping to screen the accessory buildings.

Moved by H. Epp

MPC 17-022 That the Municipal Planning Commission approve the existing Accessory Buildings with Setback Relaxations, in accordance with the Land Use Bylaw No. 15/15 and the submitted application, within NW 14-31-1-5 Plan 0313488 Block 1 Lot 1 submitted by CORREA, Robert, Development Permit File No. PLDP20170086, subject to the following conditions:

**CONDITIONS:**

The works outlined in this application are subject to the following Conditions:

**Standard Conditions:**

1. The provisions of the Land Use Bylaw No. 15/15.
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. 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. N/A
10. No development shall be constructed, placed or stored over an easement or utility right of way; the applicant/landowner is responsible for contacting Alberta-One-Call and/or other governing authority.

**Permits Associated with Building Construction:**

11. If the development authorized by a Development Permit is not completed within twenty-four (24) 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.
12. 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:**

13. A northerly front yard setback relaxation and westerly side yard setback relaxations are granted for the life of the building(s) as per the site sketch.
14. Building "A" must be 10 meters from the perimeter of the septic field. There shall be no development within the septic field.
15. That the applicant obtains and/or adheres to a Roadside Development Permit from Alberta Transportation.
16. All existing accessory buildings (shed x 3, shelter and greenhouse) are not permitted to be used for business/industrial/commercial or residential purposes.

17. That the mobile home shall be removed and the site reclaimed by September 30, 2017 as per Mountain View County Bylaw Services File CEBL5020170004. Only one (1) dwelling is permitted.

Carried.

PLDP20170081  
SE 26-29-1-5  
Plan 9410779 L - 1

Planning and Development Services presented an overview of a proposed development located at SE 26-29-1-5 Plan 9410779 L - 1, and provided information as introduced in the agenda package, including the location map, aerial photos and site photos.

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

- Application is for Accessory Buildings (1 Shop, 2 Sheds) and expansion of the *existing* Automotive, Equipment and Vehicle Services (Autobody Shop & Vehicle Sales) & Waste Management Facility, Minor (Auto Wrecking) .
- Zoning is Business Park District (I-BP) and the parcel size is 10.6 acres.
- Property is located within Division 1 and the rural neighborhood of Wessex.
- Applicant / Landowner - RADOVIC, Goran & Tatjana
- The subject parcel is located south of the Town of Carstairs between Highways 2 & 2A, north of the Rainbow Highway Industrial Park (Schulmberger Industrial Park).
- Surrounding land uses are predominantly agricultural with the exception of the business park to the south.
- The parcel is not located in an ESA, with no other environmental concerns with the proposed development.
- There are no topography concerns.
- No well sites or pipelines on the subject parcel.
- A review of the historical permits issued for the business and discussions with the applicant determined the existing business has expanded and therefore the application was modified to ensure all on-site activities were in compliance.
- The applicant has resided on the subject property since 2004 where they have operated a business related to the buying, selling, repairing and dismantling of vehicles.
- In 2007, the subject property was rezoned to Business Park District, as a condition of a temporary permit for a home occupation for buying and selling cars.
- Subsequent to the rezoning, the applicant applied for a permit for a motor vehicle sales and repair business, followed by a permit for industrial sales, distribution, services and repairs to encompass all aspects of their business including auto wrecking. The permit at the time allowed for 75 vehicles.
- Within the Land Use Bylaw 55/95, "Auto Wreckers" was a use that could be considered within an industrial land use district.

- In 2012, the dwelling on the subject parcel was destroyed by a fire, and in turn, the applicant was approved for a security suite with a size variance. Afterwards, to manage the business, the applicant received a development permit for a home office, this permit did not allow for an increase in motor vehicles on site.
- The applicant is applying for three accessory buildings ( a shop and 2 storage sheds) to further support the on-site business and has indicated growth in their auto wrecking operations.
- Within the Land Use Bylaw 15/15, auto wrecking is a discretionary use within a heavy industrial land use district, in the Land Use Bylaw 15/15 wrecking is included in the definition of Waste Management Facility (Minor).
- Previously issued development permits restricted the auto wrecking on the subject parcel to a certain number of vehicles within a screened off area and no stacking of vehicles.
- The business was established prior to Land Use Bylaw 15/15, and the removal of the auto wrecking as discretionary use from industrial park land use district. Within Land Use Bylaw 15/15, section 2.5.2B states “where a specific use does not conform to any use class definition or generally conforms to the wording of two or more use class definitions, the approving authority will determine the most appropriate use class based on purpose and character of the proposed development.”

Municipal Planning Commission discussed the following:

- Administration clarified that the map showing the expansion of the storage area presented in the agenda package is different from the storage area map presented on the power point. The correct map is the map presented on the power point presentation.
- Concern with the large area that is proposed for storing vehicles. Administration clarified that the entire parcel is zoned industrial and for utilizing the space as per the land use district, the area has been expanded to allow for business growth.
- Concern with the number of vehicles being stored, administration clarified that the number of vehicles is difficult to monitor and that a defined area is easier to monitor for compliance. There can be no expansion outside of the industrial zoned area.
- Concern with no stacking of vehicles condition, administration clarified that the existing permit does not allow for stacking and the screening fence is not designed to screen stacked vehicles. There could be a visual impact if vehicles were stacked.

Applicant was present.

MPC 17-023 Moved By K. Heck  
That the Municipal Planning Commission approve the proposed Accessory Buildings (1 Shop, 2 Sheds) and expansion of the existing Automotive, Equipment and Vehicle Services (Autobody Shop & Vehicle Sales) & Waste Management Facility, Minor (Auto Wrecking), in accordance with the Land Use Bylaw No. 15/15 and the submitted application, within SE 26-29-1-5 Plan 9410779 Lot 1 submitted by RADOVIC, Goran & Tatjana, Development Permit File No. PLDP20170081, subject to the following conditions:

**CONDITIONS:**

The works outlined in this application are subject to the following Conditions:

**Standard Conditions:**

1. The provisions of the Land Use Bylaw No. 15/15.
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. N/A
10. No development shall be constructed, placed or stored over an easement or utility right of way; the applicant/landowner is responsible for contacting Alberta-One-Call and/or other governing authority.

**Permits Associated with Building Construction:**

11. If the development authorized by a Development Permit is not completed within twenty-four (24) 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.

12. 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:**

13. With the issuance of this Development Permit PLDP20170081, previously issued Development Permit PLDP20090000121 (Industrial Sales & Distribution, Service & Repair) will be void.
14. Future expansion, work area or additional employees, will require a new permit.
15. The applicant shall install an eight (8) ft. high screened fence along the perimeter of the vehicle storage area. There shall be no storage within the property lines setbacks; northerly and westerly 9.0 m (29.5 ft) and southerly 40.0 m (131.2 ft). All vehicle parts shall be stored indoors. Unscreened outside storage is not permitted.
16. The applicant shall maintain a non-intrusive business and preserve the privacy and enjoyment of adjacent properties.
17. That the applicant obtains and a Roadside Development Permit from Alberta Transportation.
18. The applicant shall apply and obtain a license from Alberta Motor Vehicle Industry Council (AMVIC).
19. The applicant shall comply with all environmental standards and permit requirements of the authority having jurisdiction for the containment and disposal of scrap metal and chemicals on site.
20. No stacking of vehicles is permitted.
21. The applicant will acknowledge that the County may prepare guidelines addressing visual and aesthetic matters for Industrial lots and compliance will be required.
22. This is a dry waste site where only dismantled, partially dismantled, obsolete or wrecked vehicles or their parts are permitted as identified within this permit. Storage of any other waste material as defined in Waste Management Facility, Minor, will require a new development permit and shall be discretionary.

Carried.



CORRESPONDENCE

Information Items

MPC 17-024 Moved by P. Hambrook  
That the Municipal Planning Commission receive the following items as information:  
a) ASDAA Agenda from March 21, 2017  
b) ASDAA Agenda from March 28, 2017  
c) Permitted Development Permits Approved  
Carried.

MPC 17-025 Moved by P. Hambrook  
That the Municipal Planning Commission (MPC) receive the review of the proposal to construct a new dairy barn and calf barn on the SW 23-33-1-5, submitted by RINSMA, Geert (Rinsma Holsteins Ltd), for information and approve the submission of the comments to the National Resource Conservation Board (NRCB).  
Carried.

ADJOURNMENT


MPC 17-026 Moved by K. Heck  
That the Municipal Planning Commission of April 06, 2017 be adjourned at 9:51 a.m.  
Carried

Adopted May 18, 2017

  
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Chair

I hereby certify these minutes are correct.

  
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Secretary, Municipal Planning Commission