

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **November 19, 2015**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: H. Epp; Member-At-Large/Chair
K. Walton; Member-At-Large
L. Schafer; Member-At-Large
T. Boucher; Member-At-Large
D. Hedley; Member-At-Large

IN ATTENDANCE: M. Bloem; Director, Planning & Development/Secretary, Municipal Planning Commission
M. Pawlow; Manager of Planning Services
S. Madge; Manager of Development & Permitting Services
D. Gonzalez; Planner
J. Ross; Development Officer
M. Dascollas; Development Officer
K. Lashmar; Recording Secretary

CALL TO ORDER: H. Epp called the meeting to order at 9:05 a.m.

AGENDA MPC 15-186 Moved by L. Schafer
That the Municipal Planning Commission adopt the revised agenda of the Municipal Planning Commission meeting of November 19, 2015 as presented.
Carried

ADOPTION OF MINUTES MPC 15-187 Moved by T. Boucher
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of November 05, 2015 as presented.
Carried

PLDP20150403
NW 35-32-6-5
Planning and Development Services presented an overview of an existing development located at NW 35-32-6-5, that was deferred at the November 05, 2015 Municipal Planning Commission Meeting, and provided information as introduced in the agenda package, including changes to the conditions made in red, the location map, aerial photos and site photos.
Planning and Development Services provided specific information to the application as follows:

- Application is for Industrial Storage and Warehousing - Wood Fibre & Equipment Storage.
- Zoning is Direct Control District (DC) and the parcel size is 146.46 acres.
- Property is located within Division 5 and the rural neighborhood of McDougal Flats.
- Applicant - BOTHERAS, Gregory Charles / Landowner - SAUNDERS, Patricia Joan
- Direct Control District was approved on August 26, 2015.
- Direct Control area approval was a way of bringing the business on the property into compliance, along with the completion of a development permit application.
- There is split zoning on the property, and there are no legal lot lines as a result of a subdivision not being taken out of the parcel.
- Adjacent landowner mail out was sent to landowners within a half mile of the subject property, with one objection letter received, as well as one phone call.
- After the November 05 MPC meeting, administration met with applicant to further discuss mitigation options, for wood fibre blowing off site.
- There is a natural gas utility pipeline located on site.
- Access to the site is off of Highway 584.
- Topographical sloping on the property, as well as some existing farm buildings provides a buffer for wood fibre being blown off site.
- Administration and the applicant agreed upon snow fencing (as seen in "Schedule A"), as well as wind screening created from existing farm buildings, natural sloping topography and existing vegetation as a mitigation plan to prevent fibre blowing off site.
- Applicant prefers that there be no landscaping placed on the property, and the "Schedule A" map represents alternate solutions, as well as the Direct Control area delineation.
- Applicant does not want a height restriction on the wood fibre pile, as a taller pile on a smaller footprint will form a natural crust, mitigating some of the wood fibre blowing off site.
- The applicant would prefer to be able to access the business site 7 days a week.

Municipal Planning Commission discussed the following:

- Clarification was asked of the applicant regarding the frequency of his business and whether he is in operation 24 hours a day, 7 days a week. As well as asking confirmation on truck traffic average for this site.
- Clarification was asked of administration regarding the location of the complainant who responded during the adjacent landowner referral. Administration clarified via map.

- Clarification was asked of administration regarding the delineation for the Direct Control area. Administration clarified that due to the use of the land, the squared off boundaries were created, and access to the site is gained from the northeast area off of the highway and directly south west into the parcel, creating an angled access pattern, and a more squared off area was created to capture all of the activity on site.
- Concern with the hours of operation, with administration clarifying that the conditions related to hours of operation mirrored similar applications and related businesses.
- Concern with oil spills happening during a time where operation of the business is not allowed. A suggestion was made to amend the hours of operation to allow for emergency access.
- Administration mentioned that hours of operation may be more flexible in an industrial business park; however this business is located among residential and agricultural properties and is not suitable for 24 hour operation.
- Concern with creating a method of tracking activity related to emergencies, and how it could be made possible as a mitigation method related to complaints.
- Administration confirmed that there has been no discussion with the applicant regarding log books, or reflected in the conditions. The conditions are created in a way that there is clarity for the applicant and administration.
- Members had concerns with limiting the hours of operation and requested that Conditions #17 & 18 (hours of operation for summer and winter) be removed.

Applicant discussed the following:

- Greg Botheras spoke as the applicant.
- Applicant clarified that the product is sold for oil field application, and that he needs to be able to have access to the site 7 days a week in order to not lose clientele and keep his business operating.
- Applicant also stated that the current site was created in order to alleviate the issue of inaccessibility to other product during the weekends; therefore a central site was created to allow access to the product as needed.
- Applicant clarified that the product is picked up at mills during the week, and at a busy time there may be up to 5-10 trucks on site per day.

Moved By T. Boucher

MPC 15-188

That the Municipal Planning Commission approve the existing Industrial Storage and Warehousing - Wood Fibre & Equipment Storage, in accordance with the Land Use Bylaw No. 01/14 and the submitted application, within NW 35-32-6-5 submitted by BOTHERAS, Gregory Charles, Development Permit File No. PLDP20150403, 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. 01/14.
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 posting it on the property as per the Rural Addressing Bylaw.

Permits Associated with Building Construction:

10. N/A
11. N/A

Additional Conditions:

12. The applicant will comply with all conditions of Roadside Development Permit File #NW35-32-06-W5 (DEV) issued by Alberta Transportation.
13. Prior to issuance of the Development Permit, the applicant shall provide an on-site Fire Protection Plan acceptable to the County.
14. The Applicant shall provide a snow fence in the area identified in Schedule A of the report. The snow fence shall be maintained year round. The snow fence shall be installed by May 31, 2016.
15. Prior to issuance of the Development Permit, the applicant shall provide an on-site spill contingency plan acceptable to the County.

16. Future expansion, additional uses and/or additional storage will require issuance of a new Development Permit.
17. The applicant shall ensure any vehicles accessing the site do not direct head lights (including work lights) towards the adjacent properties when in a stationary position for loading and unloading. All work lights shall be pointed so that they do not negatively affect neighboring residences.
18. The applicant shall provide dust control within the Direct Control area, including access roads to ensure there is no adverse impact to adjacent landowners and residences.
19. The applicant shall place signage in the form of 'Stop Signs' on the access road exiting the property.
20. The applicant shall consult with Alberta Transportation for the possible placement of 'trucks turning' signs at a suitable distance along Highway 584 east and west of the business entrance/exit location.
21. The applicant shall permanently delineate the Direct Control boundaries (i.e: Corner posts at each boundary corner). In the event that the boundary corner delineation proves to not be sufficient, the Approving Authority has the discretion to require perimeter fencing of the entire Direct Control Area. Direct Control uses are not permitted outside of the defined area. (Direct Control regulations 6a)ii.)
22. As development proceeded without the necessary Development Permit, a 1st Offence Penalty Fee for Commercial Development of \$2,000 shall be applied. This fee will be invoiced. Failure to pay the Penalty Fee within 30 days of the invoice date may result in the County taking steps to caveat the Fee to the titled property.

Carried

PLRDSD20150215
SE 2-30-4-5

Planning and Development Services presented an overview of a proposed subdivision located at SE 2-30-4-5, 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 (1) twelve point nine nine (12.99) acre parcel from the existing 158.66 acres.
- Proposed property is located within Division 2 and in the rural neighborhood of Dogpound.
- Applicant - REID, Stephen James and Donnita Lynne /
Landowner - REID, Stephen James and Donnita Lynne

- Redesignation to Agricultural (2) District was approved by Council on September 30, 2015, after a review of the proposal, in accordance with the Agricultural Preservation policies, as per the Municipal Development Plan.
- Proposal is to reduce parcel size from 15.90 acres to 12.99 acres, an eighteen percent (18%) reduction.
- A Restrictive Covenant is required with the intent to protect a natural feature present on the quarter section, which also fragments the parcel.
- Restrictive Covenant is for protection of a wetland area and Coulee Complex, see Condition #13.
- Access is gained from Range Road 41, while the remainder of the quarter section will gain access off of Highway 580 on a temporary basis for agricultural use only.
- The proposed parcel is undeveloped and adequate water and septic sources will be required at the development permit stage.

Municipal Planning Commission discussed the following:

- Clarification was asked regarding building envelope, along with concerns with setback relaxations. Administration clarified that the 60 meter requirement from gravel roads will be attainable should development occur.
- No development in the Coulee as per the Restrictive Covenant.
- Concern with taking out good agricultural land for development and whether it will still be used for agriculture. Administration clarified that the landowner has the potential for one dwelling on the proposed parcel and 2 dwellings on the remainder of the parcel.

Applicant was present.

Moved by K. Walton

MPC 15-189 That the Municipal Planning Commission approve the proposed subdivision to create one (1) twelve point nine nine (12.99) acre parcel within SE 2-30-4-5, submitted by REID, Stephen James and Donnita Lynne, PLRDSD20150215, subject to the following conditions:

Standard Conditions:

1. The approval fee of \$400.00 shall be paid to Mountain View County within 30 days from the date of the notice of decision.
2. The applicant shall construct/upgrade approaches from the municipal road to the proposed and residual lots. All new and existing approaches shall be constructed/upgraded in accordance with the construction specifications of Mountain View County.

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. No reserves required pursuant to Section 663(a) of the Municipal Government Act.
6. That the applicant shall enter into an agreement for the provision of road widening, the easterly 5.18 metres across the subject property to the satisfaction of Mountain View County.
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 Wetland area, 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

Carried

PLDP20150441
SW 23-29-29-4

Planning and Development Services presented an overview of a proposed development located at SW 23-29-29-4, 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 Change of Use - Existing Barn to Dwelling.
- Zoning is Agricultural (A) District and the parcel size is 80 acres.
- Property is located within Division 1 and the rural neighborhood of Wessex.
- Applicant / Landowner - 1380920 ALBERTA LTD. (IRVINE, Scott)
- Parcel is land locked, meaning there is no direct access to a municipal road. The solution will be that an Access Easement Agreement and a Development Agreement will be registered via caveat on title.
- There are two fuel gas lines and two sour gas lines, as well as a suspended oil well located on the subject land.
- After correspondence with the Alberta Energy Regulator and the applicant, it was determined that all setbacks to the well and pipelines are being met.
- The parcel is bare land excluding the barn being converted to a dwelling.
- There is currently no development or building permit related to the existing barn, as it is a use exempt under the agricultural district in the Land Use Bylaw.

Municipal Planning Commission discussed the following:

- Clarification was asked regarding the connection between the construction of the barn, and the recent application for a dwelling conversion. Administration clarified that when Bylaw Services completed an inspection; the structure was a shell and was not being used as a dwelling.

Applicant was not present.

Moved By L. Schafer

MPC 15-190 That the Municipal Planning Commission approve the proposed Change of Use - Existing Barn to Dwelling, in accordance with the Land Use Bylaw No. 01/14 and the submitted application, within SW 23-29-29-4 submitted by 1380920 ALBERTA LTD. (IRVINE, Scott), Development Permit File No. PLDP20150441, 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. 01/14.

2. Approval by the approving authority does not exclude the need and/or requirements of the Permittee to obtain any and all other permits as may be required by this or any other legislation, bylaws, or regulations.
3. The Development Officer may, by notice in writing, suspend a Development Permit where development has occurred in contravention to the terms and conditions of the permit and/or Land Use Bylaw.

Standard Conditions If Applicable:

4. Landowners shall be responsible for dust control on the County road adjacent to their property.
5. All access approaches must be to County standards. A no charge approach permit is required and can be obtained at the Mountain View County office.
6. An Alberta Land Surveyor is to locate / post the location of the building(s) / structure(s) prior to construction as per the approved sketch. The County shall not be responsible or liable for non-compliance with this condition.
7. N/A
8. N/A
9. A rural address is required to be posted on the property. The landowner shall contact Mountain View County to obtain a rural address and the requirements for 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 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.
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. Prior to issuance of this permit the applicant shall enter into an Access Easement Agreement and Development

Agreement, to be registered via caveat on Title, with Mountain View County regarding requirements of access to a municipal road.

- 13. All setbacks must comply with Provincial regulations with regards to the oil and gas facilities and associated sour gas pipelines within and near the property. Approval from the Alberta Energy Regulator (AER) must be obtained prior to any abandonment and/or removal of pipelines.
- 14. The applicant shall comply with condition #11.
- 15. The proposed Dwelling is for residential use only consistent with Agricultural zoning and is not permitted to be used for business/industrial/commercial purposes at any time.
- 16. As there may be Historical Resources (Paleontological) affecting the subject property, the applicant/landowner shall obtain historic resources approval via <https://www.opac.alberta.ca/Login.aspx>.
- 17. The structure shall not be constructed over an easement or utility right of way; the applicant/owner is responsible for contacting Alberta-One-Call.

Carried

CORRESPONDENCE

Information Items

MPC 15-191

Moved by T. Boucher

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

- a) ASDAA Agenda from November 10, 2015
- b) Permitted Development Permits Approved
- c) SDAB Decision 2015-005

Carried

ADJOURNMENT

MPC 15-192

Moved by L. Schafer

That the Municipal Planning Commission of November 19, 2015 be adjourned at 10:04 a.m.

Carried

Adopted December 03, 2015

Chair

I hereby certify these minutes are correct.

Secretary, Municipal Planning Commission