

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **January 07, 2016**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: K. Walton; Chair
L. Schafer; Member-At-Large
H. Epp; Member-At-Large
D. Hedley; Member-At-Large
M. Olson; Member-At-Large

J. Sayer; Councillor
K. Heck; Councillor

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
M. Dascollas; Development Officer
L. Craven; Recording Secretary

CALL TO ORDER: K. Walton called the meeting to order at 9:03 a.m.

AGENDA MPC 16-001 Moved by J. Sayer
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of January 07, 2016 as presented.

Carried

ADOPTION OF MINUTES MPC 16-002 Moved by L. Schafer
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of December 17, 2015 as presented.

Carried

SUBDIVISION
TIME EXTENSION
PLRDSD20140244
NE 8-31-27-4

Planning and Development Services presented an overview of a request for a one (1) year time extension for conditionally approved subdivision PLRDSD20140244 to December 18, 2016.
• Applicant – DERKSEN, David / Landowner – SPEELMAN, Eduard & Audrey.

- Conditionally approved by MPC on Dec 18, 2014.
- Applicant requested a one year time extension to update private sewage system.

Municipal Planning Commission discussed the following:

- Administration clarified the one year time extension and the time frame that the applicant has to meet the outstanding conditions.

Moved by J. Sayer

MPC 16-003 That the Municipal Planning Commission approve a one (1) year time extension for conditionally approved subdivision PLRDSD20140244 to December 18, 2016.

Carried

K. Walton excused herself from the following item

D. Hedley sat as Interim Chair for the following item

PLDP20150480

NW 21-33-7-5

Planning and Development Services presented an overview of a proposed & existing development located at NW 21-33-4-5, 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 an existing Business, Contractors - Trevcon Enterprises Ltd. & a proposed Dwelling and Accessory Building – Shop and Drive Shed.
- Zoning is Agricultural District (A) and the parcel size is 153.01 acres.
- Property is located within Division 5 and the rural neighborhood of Bearberry/Coalcamp
- Applicant/Landowner – HADDOW, Lawrence
- The application had two (2) components to it. The first component is the dwelling, shop and drive shed. The second component is the existing Business, Contractors.
- Administration prepared separate recommendations and motions. A recommendation of approval with a list of conditions for the proposed dwelling, shop and drive shed, then a separate recommendation of refusal with reasons for the existing Business, Contractors.
- A circulation was done for the existing business, Trevcon Enterprises, on November 19, 2015, 3 letters of opposition were received and 1 letter of support.
- Planning and Development can't support the Business, Contractors due to the business exceeding the scope of the contractors business in the Land Use Bylaw regulations, negative impact to the neighborhood, large unscreened outside storage, landowner does not reside on the property and business commenced without permits.

- There is an existing barn and dwelling that will be decommissioned.
- Applicant had proposed to build two (2) Bridges over Bearberry Creek. Trevcon Enterprises is a contracting company that builds bridges, dams & underground facilities and usually works within Calgary.

Municipal Planning Commission discussed the following:

- Administration clarified for the members the application and the 2 different components of the application and that the landowner does not reside on the property.
- If the second component, the existing Business, contractors is refused the applicant will have to cease operation. There is opportunity in the future to re-apply as a Business, Contractor which is a discretionary use in the Agricultural District.
- Administration recommended that the work materials would be required to be removed within the timeframe set out in the Conditions.
- Member had concerns with the pipeline and the business being within the pipeline right-of-way.
- Administration explained the requirements for decommissioning the existing dwelling and barn.

Applicant discussed the following:

- Lawrence Haddow spoke as the applicant.
- The applicant stated that he would still wish to build the dwelling and accessory buildings even if the business was not approved.
- Applicant stated that the land will be used for grazing once the fencing has been put up to protect the cattle and horses from the creek.
- Clarified that a Drive Shed is a shelter for animals similar to a pole shed.
- Applicant stated that the pipeline right-of-way setbacks are 15 meters and he feels he has met this.

Moved By L. Schafer

MPC 16-004 That the Municipal Planning Commission (MPC) approve the proposed Dwelling and Accessory Building - Shop and Drive Shed, in accordance with the Land Use Bylaw No. 01/14, under the transition provision of Bylaw 15/15 and the submitted application, within NW 21-33-7-5 submitted by HADDOW, Lawrence, Development Permit File No. PLDP20150480, 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, under the transition provision of Bylaw 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. 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. 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.

13. The existing decommissioned dwelling and barn shall be either removed or demolished within twenty-four (24) months, as per Condition #10 of this permit, or upon occupancy of the new dwelling, whichever comes first. Please notify the Planning Department to confirm compliance with this condition. Only one (1) dwelling is permitted with this permit.
14. If the dwelling is being demolished, the applicant shall obtain a Demolition Permit for demolition of the existing dwelling prior to commencing demolition of the structure.
15. Prior to the bridge(s) and pond being constructed the applicant must obtain approval through Alberta Environment.
16. The proposed structures shall not be constructed over an easement or utility right-of-way; the applicant/owner is responsible for contacting Alberta-One-Call.
17. The applicant shall obtain and adhere to a Roadside Development Permit from Alberta Transportation.
18. The applicant shall removal all materials on the property by June 30, 2016. No outside storage is permitted.

Carried

Moved By J. Sayer

MPC 16-005 That the Municipal Planning Commission (MPC) refuse the existing Business, Contractors - Trevcon Enterprises Ltd., in accordance with Land Use Bylaw No. 01/14, under the transition provision of Bylaw 15/15, within NW 21-33-7-5 submitted by HADDOW, Lawrence, Development Permit File No. PLDP20150480 for the following reasons:

Municipal Development Plan No. 09/12

- Section 5.0 Economic Development Land Use Policies

Land Use Bylaw No. 01/14 (Under the transition provision of Bylaw 15/15)

- Section 10.4 Business (Home Office, Home Based, or Contractors)

Potential Conflicts with Adjacent Land Uses

Carried

K. Walton returned to Chair for the following items

CORRESPONDENCE

Information Items

MPC 16-006 Moved by J. Sayer
That the Municipal Planning Commission receive the following items as information:

1. ASDAA Agenda from December 18, 2015
2. ASDAA Agenda from December 29, 2015
3. Permitted Development Permits Approved
4. NRCB RA15059 Application Part 1

Carried

MPC 16-007 Moved by J. Sayer
That the Municipal Planning Commission (“MPC”) receives the following item as information:

1. Bylaw 17/15 (Amendment to Bylaw No. 05/07)

Carried

ADJOURNMENT

MPC 16-008 Moved by L. Schafer
That the Municipal Planning Commission of January 07, 2016 be adjourned at 9:42 a.m.

Carried

Adopted January 21, 2016

Chair

I hereby certify these minutes are correct.

Secretary, Municipal Planning Commission