

MINUTES

REGULAR COUNCIL MEETING

Mountain View County

Minutes of the Regular Council Meeting held on Wednesday, September 14, 2016, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: Reeve B. Beattie
Councillor K. Heck
Councillor D. Milne
Councillor J. Sayer

ABSENT: Deputy Reeve P. McKean
Councillor A. Aalbers
Councillor A. Kemmere

IN ATTENDANCE: T. Martens, Chief Administrative Officer
R. Beaupertuis, Director, Corporate Services
R. Morrison, Assistant Director, Operational Services
J. Holmes, Director, Legislative, Community, & Agricultural Services
M. Bloem, Director, Planning and Development Services
A. Wild, Communications Coordinator
G. Evers, Executive Assistant

CALL TO ORDER: Reeve Beattie called the meeting to order at 9:00 a.m.

Reeve Beattie introduced Council and staff.

AGENDA Reeve Beattie advised of the following amendments to the agenda:
6.1 Bylaw No. LU 38/16 - SW 21-31-2 W5M
8.4 Penalty Fees
8.5 MGB Rehearing Decision (MGB 050/16)
8.6 Interim Agreement - MOAs
11.2 Land Matter (remove from agenda)

Moved by Councillor Heck
RC16-519 That Council adopt the agenda of the Regular Council Meeting of September 14, 2016 as amended. Carried.

MINUTES Moved by Councillor Milne
RC16-520 That Council adopt the Minutes of the Regular Council Meeting of August 10, 2016. Carried.

PUBLIC HEARINGS
Bylaw #LU 35/16
NW 10-32-5 W5M
Reeve Beattie opened the Public Hearing regarding Bylaw #LU 35/16 and read the Bylaw.

The application for redesignation of the NW 10-32-5 W5M, was introduced by D. Gonzalez, Planning and Development

Department, and the following information was introduced as provided in the agenda package such as the bylaw, location map, assessment map, site map, and aerial photos. The Planning and Development Department provided specific information to the application as follows:

- To redesignate 4.84 acres from Agricultural District (A) to Country Residential District (R-CR) and 68.97 acres from Agricultural District (A) to Agricultural (2) District (A(2))
- Division 4
- Rural Community: Bergen

The Planning and Development Department recommended that Bylaw #LU 35/16 be given second reading.

The Planning and Development Department advised that all correspondence received was provided to Council.

Robert Loewen, owner, stated that he did not have any additional information to provide.

Reeve Beattie asked if there were any comments from the gallery. No one came forward.

Council questions resulted in the following information:

- A joint access would be required by Alberta Transportation
- The existing access on RR 322 will need to be decommissioned

The applicant stated that he does not intend to install a joint access as there is an existing access to the farmland located on the south of the quarter section.

Reeve Beattie asked if there were any comments from the gallery. No one came forward.

The Planning and Development Department was provided the opportunity for closing remarks and declined.

The applicant was provided the opportunity for closing remarks and declined.

Hearing no further comments Reeve Beattie closed the Public Hearing.

Moved by Councillor Heck

RC16-521 That Council give second reading to Bylaw No. LU 35/16 to redesignate lands in the NW 10-32-5 W5M.

Carried.

Moved by Councillor Heck

RC16-522 That Council give third reading to Bylaw No. LU 35/16 to redesignate lands in the NW 10-32-5 W5M.

Carried.

Bylaw #LU 42/16
NW 3-30-28 W4M

Reeve Beattie opened the Public Hearing regarding Bylaw #LU 42/16 and read the Bylaw.

The application for redesignation of the NW 3-30-28 W4M, was introduced by T. Connatty, Planning & Development Department, and the following information was introduced as provided in the agenda package such as the bylaw, location map, assessment map, site map, and aerial photos. The Planning and Development Department provided specific information to the application as follows:

- To redesignate 13.23 acres from Agricultural District (A) to Residential Farmstead District (R-F).
- Division 1
- Rural Community: Midway

The Planning and Development Department recommended that Bylaw #LU 42/16 be given second reading.

The Planning and Development Department advised that all correspondence received was provided to Council.

Ken Taylor, applicant, stated that there is an existing shelterbelt on the proposed south boundary.

Reeve Beattie asked if there were any comments from the gallery. No one came forward.

Council questions resulted in the following information:

- The owner prefers to have the grain bins remain within the proposed redesignation area and not with the remaining farmland
- The wetlands indicated are not wet year round

Reeve Beattie asked if there were any comments from the gallery. No one came forward.

The Planning and Development Department was provided the opportunity for closing remarks and declined.

The applicant was provided the opportunity for closing remarks and stated that the area closer to the road is used as pasture.

Hearing no further comments Reeve Beattie closed the Public Hearing.

Moved by Councillor Milne

RC16-523 That Council give second reading to Bylaw No. LU 42/16 to redesignate lands in the NW 3-30-28 W4M.

Carried.

Moved by Councillor Milne

RC16-524 That Council give third reading to Bylaw No. LU 42/16 to redesignate lands in the NW 3-30-28 W4M.

Carried.

Bylaw #LU 43/16
SW 11-33-2 W5M

Reeve Beattie opened the Public Hearing regarding Bylaw #LU 43/16 and read the Bylaw.

The application for redesignation of the SW 11-33-2 W5M, was introduced by G. Chaudhary Planning & Development Department, and the following information was introduced as provided in the agenda package such as the bylaw, location map, assessment map, site map, and aerial photos. The Planning and Development Department provided specific information to the application as follows:

- To redesignate 3.58 acres from Agricultural District (A) to Residential Farmstead District (R-F).
- Division 7
- Rural Community: Hainstock

The Planning and Development Department recommended that Bylaw #LU 43/16 be given second reading.

The Planning and Development Department advised that all correspondence received was provided to Council.

Ken Taylor, applicant, stated that the proposed redesignation is all fenced. The Poll Shed is not large enough to be used for farm machinery.

Reeve Beattie asked if there were any comments from the gallery. No one came forward.

Council questions resulted in the following information:

- The existing Poll Shed does not meet setback requirements
- The owner intends to reside on the proposed redesignation and sell the remainder of the quarter section

Reeve Beattie asked if there were any comments from the gallery. No one came forward.

The Planning and Development Department was provided the opportunity for closing remarks and stated that the Shell Lease Road would be surveyed and will remain with the balance of the quarter section.

The applicant was provided the opportunity for closing remarks and agreed that the lease road would remain with the balance of the quarter section.

Hearing no further comments Reeve Beattie closed the Public Hearing.

Moved by Councillor Sayer

RC16-525 That Council give second reading to Bylaw No. LU 43/16 to redesignate lands in the SW 11-33-2 W5M.

Carried.

Moved by Councillor Sayer
RC16-526 That Council give third reading to Bylaw No. LU 43/16 to redesignate lands in the SW 11-33-2 W5M.

Carried.

Bylaw #LU 44/16
SW 24-30-5 W5M

Reeve Beattie opened the Public Hearing regarding Bylaw #LU 44/16 and read the Bylaw.

The application for redesignation of the SW 24-30-5 W5M, was introduced by G. Chaudhry Planning & Development Department, and the following information was introduced as provided in the agenda package such as the bylaw, location map, assessment map, site map, and aerial photos. The Planning and Development Department provided specific information to the application as follows:

- To redesignate 5.64 acres from Agricultural District (A) to Country Residential District (R-CR).
- Division 2
- Rural Community: Fallentimber

The Planning and Development Department recommended that Bylaw #LU 44/16 be given second reading.

The Planning and Development Department advised that all correspondence received was provided to Council.

Kent Hale, owner, stated that he is in favour of the proposed redesignation. Mr. Hale stated that the County recently installed a culvert to the north and it has improved the flow of groundwater.

Reeve Beattie asked if there were any comments from the gallery.

Butch Harrison, adjacent landowner, stated that there has been significant flooding in the area for a number of years.

Council questions resulted in the following information:

- Parcel sizes should be 2 – 3 acres but larger lots may be considered if setback, topography and easements prevent the creation of reasonable building envelopes
- No recent soil tests were conducted

Robert Burgett, applicant, stated that the septic system and field was installed by a professional and meets all regulations.

Reeve Beattie asked if there were any comments from the gallery. No one came forward.

The Planning and Development Department was provided the opportunity for closing remarks and declined.

The applicant was provided the opportunity for closing remarks and declined.

Hearing no further comments Reeve Beattie closed the Public Hearing.

Moved by Councillor Heck
 RC16-527 That Council give second reading to Bylaw No. LU 44/16 to redesignate lands in the SW 24-30-5 W5M.
 Carried.

Moved by Councillor Heck
 RC16-528 That Council give third reading to Bylaw No. LU 44/16 to redesignate lands in the SW 24-30-5 W5M.
 Carried.

BYLAW

Bylaw #LU 38/16
 SW 21-31-2 W5M RC16-529 Moved by Councillor Milne
 That Council give first reading to Bylaw No. LU 38/16 redesignating the lands within the SW 21-31-2 W5M as contained in the agenda package.
 Carried.

Moved by Councillor Milne
 RC16-530 That Council set the Public Hearing for Bylaw No. LU 38/16 redesignating the lands within the SW 21-31-2 W5M to October 12, 2016 at or after 9:00 a.m.
 Carried.

NEW BUSINESS

Direct Control
 Development Permit
 SE 20-32-28 W4M

The Direct Control Development Permit application for the SE 20-32-28 W4M, was introduced by J. Ross, Planning and Development Department, and the following information was introduced:

- Direct Control District to allow for a Cement Mixing Operation and Accessory Building and Use - Storage Bin
- Division 7
- Rural Community: Netook

Council questions resulted in the following information:

- Road Use requirements will cover vehicles going to and from the property
- Fire Protection Plan will address spills and safety

The Chief Administrative Officer read written comments submitted by Councillor Kemmere.

Moved by Councillor Sayer
 RC16-531 That Council approve the proposed Cement Mixing Operation and Accessory Building and Use - Storage Bin, in accordance with the Land Use Bylaw No. 15/15 and the submitted application, within SE 20-32-28-4 submitted by Ken Taylor, Development Permit File No. PLDP20160243, 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. 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.
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. Use of the cement mixing operation shall be for the legal land descriptions listed within the purposed statement of Direct Control District Section 17.16 of the Land Use Bylaw. No commercial sales have been permitted within this Development Permit.
14. The applicant shall ensure all site regulations included within Section 17.16.5 of the Direct Control District are met.

- 15. Topsoil is not permitted to be removed from SE 20-32-28-4, the topsoil shall remain onsite and placed on the property to ensure positive drainage.
- 16. No signage has been permitted with issuance of this Development Permit.
- 17. The applicant shall fence the entire Direct Control area as required within Section 17.16.6c) of the Direct Control Regulations. No uses defined under the Direct Control District are permitted outside of the area defined within the District.
- 18. There shall be no more than five (5) employees allowed within the designated Direct Control area to operate the cement plant.
- 19. The hours of operation for the cement mixing facility shall be from 8:00 am to 5:00 pm, Monday to Saturday, excluding Sundays and Statutory Holidays.
- 20. The applicant shall obtain a Building Permit for the change of use for the existing accessory building - shop to an equipment and water storage related to the concrete mixing operation.

Prior to issuance conditions:

- 21. PRIOR TO ISSUANCE OF THE DEVELOPMENT PERMIT the applicant shall submit a detailed Landscaping Plan identifying the proposed methods of screening the outdoor storage area from the east boundary of the Direct Control area as required within Section 17.16.6a)ii.
- 22. PRIOR TO ISSUANCE OF THE DEVELOPMENT PERMIT, the applicant shall provide an on-site spill contingency plan acceptable to the County.
- 23. PRIOR TO ISSUANCE OF THE DEVELOPMENT PERMIT, the applicant shall provide an on-site Fire Protection Plan acceptable to the County.
- 24. PRIOR TO ISSUANCE OF THE DEVELOPMENT PERMIT, the applicant and landowner shall enter into a Haul Route/Road Use Agreement with Mountain View County which will confirm the haul route as identified within the attached Schedule A of the Agreement. Any revisions or amendments to the identified haul route will require notification to and/or possible approval from Mountain View County. A Letter of Credit amounting to \$25,000 shall be a requirement of this Agreement.

Carried.

Lone Pine Clay
Target Club Tax
Exemption Request

The Chief Administrative Officer read written comments submitted by Councillor Kemmere.

Moved by Councillor Milne

RC16-532 That Council authorize administration to cancel half of the 2016 municipal portion of the property taxes for Roll 2933263000 which amounts to \$624.15.

Carried.

Open House Breakfast		The Chief Administrative Officer read written comments submitted by Councillor Kemmere.	
	RC16-533	Moved by Councillor Milne That Council approve Friday, November 4, 2016 as the date for hosting the County's 2016 Open House & Breakfast at the Mountain View County Office.	Carried.
Penalty Fees		The Chief Administrative Officer read written comments submitted by Councillor Kemmere.	
	RC16-534	Moved by Councillor Sayer That Council waive the Penalty Fee condition on PLDP20160255 and PLDP20160260.	Carried.
	RC16-535	Moved by Councillor Sayer That Council request that administration bring back amendments to the Land Use Bylaw Section 7.5.6 b. at an appropriate time for Council consideration.	Carried.
MGB Rehearing Decision (MGB 050/16)		The Chief Administrative Officer read written comments submitted by Councillor Kemmere.	
	RC16-536	Moved by Reeve Beattie That Council receive the MGB Decision (MGB 050/16) as information	Carried.
Interim Agreement MOAs		The Chief Administrative Officer read written comments submitted by Councillor Kemmere.	
	RC16-537	Moved by Reeve Beattie That Council table the Interim Agreements to each of the urban municipalities within Mountain View County to the Regular Council Meeting September 28, 2016.	Carried.
INFORMATION ITEMS	RC16-538	Moved by Councillor Sayer That Council receive the following items as information: a. 20160615 - MVRWMC Minutes June 15 2016 b. 20160627 - MVRWMC Minutes June 27 2016 c. 20160901 - AAMDC Contact Newsletter d. 20160906 - Council Directives	Carried.
Recess and Reconvene		Reeve Beattie recessed the meeting at 11:15 a.m. and reconvened at 11:25 a.m.	
IN CAMERA	RC16-539	Moved by Councillor Milne That the Regular Council Meeting of September 14, 2016 go into closed meeting at 11:25 a.m.	Carried.

ADOPTED

Moved by Councillor Milne
RC16-540 That the Regular Council Meeting of September 14, 2016 return
to the open meeting at 11:38 a.m.

Carried.

ADJOURNMENT

Reeve Beattie adjourned the Regular Council Meeting of
September 14, 2016 at 11:38 a.m.

Chair

I hereby certify these minutes are correct.

Chief Administrative Officer