

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **December 07, 2017**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT:

K. Walton; Member-At-Large  
D. Hedley; Member-At-Large  
P. Hambrook; Member-At-Large  
J. Greenfield; Member-At-Large

A. Aalbers; Councillor  
D. Fulton; Councillor  
P. Johnson; Councillor

IN ATTENDANCE:

M. Bloem; Director, Planning & Development/Secretary, Municipal Planning Commission  
M. Pawlow; Manager of Planning Services  
J. Ross; Succession Manager of Development & Permitting Services  
D. Gonzalez; Planner  
C. Mabin; Development Officer  
K. Lashmar; Recording Secretary

CALL TO ORDER:

K. Walton called the meeting to order at 9:06 a.m.

AGENDA

MPC 17-102 Moved by D. Fulton  
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of December 07, 2017 as presented.  
Carried.

ADOPTION OF MINUTES

MPC 17-103 Moved by P. Hambrook  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of November 02, 2017 as presented.  
Carried.

SUBDIVISION  
TIME EXTENSION  
PLDRSD20160149  
SW 21-31-2-5

Planning and Development Services presented an overview of a request for a time extension for conditionally approved subdivision PLRSD20160149 to December 01, 2018.

- FRIOLET, Jean-Francois; TAYLOR, Barry Bernard and TAYLOR, Teresa J. (a/o)
- Time extension to complete Conditions 2 & 9.
- Subdivision was approved by MPC on December 01, 2016.
- Condition 2 is to meet the requirements of an approach upgrade.
- Condition 9 is to meet the requirements of a Septic system upgrade.
- The applicants have advised Administration that one (1) year would be a sufficient amount of time to meet the outstanding conditions.

Municipal Planning Commission discussed the following:

- Clarification was asked regarding the circumstance that the conditions were not met at the one year mark of the time extension. The applicant provided a request in writing to Administration. The applicant has requested a one year extension rather than a 60 day extension to ensure that one year would allow a sufficient amount of time to complete the work.
- Administration clarified that Section 5.75 in the LUB states "Should a subdivision time extension not be completed within the time MPC is considering, a further extension request can be made to Council for consideration."

Moved by D. Hedley

MPC 17-104 That the Municipal Planning Commission (MPC) approve the proposed Time Extension Request to one (1) year until December 1, 2018 for application PLRDSD20170149, to allow sufficient time to satisfy the requirements of Conditions #2 and #9.

Carried.

PLDP20160233  
E 23-29-1-5  
Plan 0612508 B-1 L-8

Planning and Development Services presented an overview of a existing development located at E 23-29-1-5 Plan 0612508 Blk – 1 L – 8, 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 a One (1) time extension for one (1) year.
- Zoning is I-BP Industrial Business Park District and the parcel size is 2.12 acres.
- Property is located within Division 1 and the rural neighborhood of Wessex
- Applicant / Landowner – Payless Disposal Inc. c/o Denver Saint
- The time extension is to satisfy Condition #6 which includes landscaping, weed control and fencing.
- A landscaping plan was submitted by the applicant on September 11, 2016, this plan has not been completed.

- The subject parcel is located east of the developed Schlumberger training center within the Rainbow Highway Industrial Park.
- On September 01, 2016 MPC approved the industrial storage and warehousing for RV's, Bins & Containers with one sign.
- Adjacent landowners within a ½ mile were informed of the conditional approval through a notice of decision and an appeal was submitted.
- On October 13, 2016 an appeal hearing was conducted and a decision by the SDAB denied the appeal and upheld the decision of the MPC.
- Administration monitored the property and continues to work with the applicant towards compliance of the subject property.
- In 2017 administration issued a warning letter for compliance with the conditions of the development permit.
- On November 14, 2017 the applicant requested a time extension for one year to complete the landscaping requirements.

Municipal Planning Commission discussed the following:

- Clarification was asked regarding if conditions were not met at the one year mark of the time extension. Administration clarified that the permit would become null and void and the applicant would either have to remove the infrastructure existing on the property or apply for a new development permit.

Applicant was present.

Moved by A. Aalbers

MPC 17-105 That the Municipal Planning Commission (MPC) consider a Time Extension until December 31, 2018 as requested by the applicant for Development Permit PLDP20160233. No further time extensions will be considered.

Carried.

PLDP20170383

NE 31-31-3-5

Plan 0313617 Blk - 1 L - 1

Planning and Development Services presented an overview of a proposed development located at NE 31-31-3-5 Plan 0313617 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 Change of Use for easterly portion of Accessory Building - Agricultural Use to Commercial Use (Classroom-1,092 sq. ft.) with Easterly Front Yard Setback Relaxation and Business, Contractors (Equine Village) within Existing Building (Classroom).

- Zoning is Agricultural District and the parcel size is 4.60 acres.
- Property is located within Division 4 and the rural neighborhood of Harmattan.
- Applicant - KUNYSZ, Elizabeth / Landowner - KUNYSZ, Zenon & Elizabeth
- The subject parcel has a developed yard site with a dwelling, a garage and a barn. The remainder of the parcel is used for agricultural purposes.
- Not located within an ESA area and there are no environmental concerns with the proposed development.
- There are no oil or gas well/pipeline concerns with the proposed development.
- There are no topographical constraints.
- The applicant is requesting consideration for a change of use for the easterly portion of the accessory building to accommodate a classroom related to the existing business operating on the property.
- The existing business is considered a Business, Contractors within the Agricultural District in the LUB section 10.5.
- An easterly front yard setback relaxation for the accessory building used for the business is requested to bring the property into compliance.
- This application is a result of a complaint due to the business existing without the issuance of a development permit, therefore requiring consideration from the MPC.
- Administration has met with the applicant numerous times to discuss the existing business; the applicant has clarified that the business operates by appointment only for equine assisted learning and therapy.
- The applicant's business is a low impact non-intrusive business to provide clientele an opportunity to be in an environment that is peaceful and comforting.
- Many of the clients are youth at risk, veterans, first responders and seniors and other individuals suffering from abuse, anxiety or PTSD.
- The equine health and first aid clinics will also be hosted outside or within the classroom.
- The applicant has stated that a maximum of 6 clients would attend each clinic and there will be no public occupancy in the riding arena at any time.
- Under section 7.5.6 of the LUB, administration requests that the penalty fee be waved as the applicant has complied with the warning notice and has voluntarily submitted a development permit application.

Municipal Planning Commission discussed the following:

- Clarification was asked regarding Condition 13 and a definition for "non-intrusive". Administration clarified that the use of the term "non-intrusive" is meant to create an

awareness that the applicant operates the business considerate of the surrounding community.

- Clarification was asked regarding the hours of operation, administration clarified that the hours would have been identified in the business portion of the development permit application. Condition 13 reads that permit approval is conditional to the information supplied on the application form.
- Administration further clarified that the business is by appointment only.

Applicant was present.

Moved by J. Greenfield

MPC 17-106 That the Municipal Planning Commission (MPC) approve the proposed Change of Use for easterly portion of Accessory Building - Agricultural Use to Commercial Use (Classroom-1,092 sq. ft.) with Easterly Front Yard Setback Relaxation and Business, Contractors (Equine Village) within Existing Building (Classroom) in accordance with Land Use Bylaw No. 15/15 and the submitted application, within NE 31-31-3-5 Plan 0313617 Block 1 Lot 1, submitted by KUNYSZ, Elizabeth, Development Permit No. PLDP20170383, subject to the following conditions:

**CONDITIONS:**

**The works outlining 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. N/A
7. N/A
8. N/A
9. N/A
10. N/A

**Permits Associated with Building Construction:**

11. N/A

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. Permit approval is conditional to information supplied on the application form for a Business, Contractors (Equine Village) to provide equine assisted learning and therapy. The applicant shall maintain a non-intrusive business and preserve the privacy and enjoyment of adjacent properties.
14. Future expansion of the business, additional buildings or employees, will require a new permit.
15. The applicant shall obtain a Building Permit for the Change of Use for the existing agricultural building to a commercial use for the purpose of a Classroom.
16. The remainder of the agricultural buildings shall not be used for personal, business, industrial, commercial purposes or residential occupancy.
17. No camping will be permitted on the site at any time.
18. The proposed business shall not have more than six (6) client visits per day. The applicant shall not generate excessive or unacceptable increases in traffic within the immediate area.
19. No sign has been approved with this permit. Any future signage shall be applied for through the Development Permit process.
20. An easterly front yard setback relaxation is approved for the life of the building.

Carried.

PLDP20170380

SW 14-33-5-5

Plan 9911269 Blk - 2 L - 1

Planning and Development Services presented an overview of a proposed development located at SW 14-33-5-5 Plan 9911269 Blk - 2 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 a Change of Use Personal Use Accessory Building to Commercial Use, and Two (2) Home Based Businesses - Wendy's Apothecary & Jerry Can Mechanical

within Existing Accessory Building and One (1) On-Site Commercial Sign.

- Zoning is R-CR Country Residential District and the parcel size is 10.01 acres.
- Property is located within Division 5 and the rural neighborhood of Eagle Hill/Westward Ho.
- Applicant - SCHROEDER, Jerry & Wendy / Landowner - SCHROEDER, JERRY
- The subject parcels contains a developed yard site with a dwelling, shop, and a pole shed.
- Not located within an ESA area, however is located in the flood fringe although this will not affect the proposed application as there will be no new structures for the proposed development.
- No oil and gas well/pipeline concerns with the proposed development.
- Topographically, a hill provides a barrier for the subject parcel.
- Both businesses will be contained within the existing structure and should not impact adjacent land use.
- There are no employees besides the landowners who reside on the property.
- Less than 50% of the shop area will be dedicated to the businesses.
- Applicant voluntarily contacted adjacent landowners with residences on the property, and each adjacent landowner provided a letter of support.

Municipal Planning Commission discussed the following:

- Clarification was asked regarding storage of used oil products.
- Clarification was asked regarding secondary oil containment to provide protection, as the applicant is in the flood fringe.
- Clarification was asked regarding the development permit staying with the land if it were to ever be sold in the future. Administration clarified that a development permit stays with the land and new owners could either operate businesses under the same conditions or apply for a new development permit.
- Clarification was asked regarding Condition 18. Administration clarified that PTMAA is the jurisdiction that has control over how any on site oil is contained, and that the applicant will be responsible for contacting this Association to ensure that secondary containment is completed in conformance with these requirements.
- Administration clarified that the Commission could place a condition with a timeline related to provided information from the PTMAA in regard to secondary containment requirements for the business.
- Clarification was asked regarding building requirements for new construction in a flood fringe, administration

clarified that an engineer study would have to be submitted.

- Administration clarified that section 9.12 of the LUB refers to flood hazard or hazards lands and the standard of development.
- Clarification was asked regarding medicinal cannabis in relation to the apothecary portion of the change of use. Administration clarified that because of the cannabis legislation being implemented later in 2018, it is premature to know how that may fit within the LUB. An apothecary business is not considered under the proposed use for cannabis retail sales.
- Clarification was asked regarding the amount of oil stored on site until pick up.
- The commission discussed the content of a new condition to place on the development permit related to secondary containment and administration included this as Condition 23.
- Clarification as to the combination of two different businesses on one application, administration clarified that because the businesses are on the same property, one application was acceptable. Administration also clarified that separate business information was submitted for each business.

Applicant discussed the following:

- Jerry Schroeder spoke as the applicant, clarifying that oil is stored on site and is then sold.
- Applicant clarified that the oil drum does not have secondary containment.
- The applicant clarified that the amount of oil stored until pick up is less than 1 cubic meter.

Moved by A. Aalbers

MPC 17-107 That the Municipal Planning Commission (MPC) approve the proposed Change of Use from Personal Use Accessory Building to Commercial Use, and Two (2) Home Based Businesses - Wendy's Apothecary & Jerry Can Mechanical within Existing Accessory Building and One (1) On-Site Commercial Sign in accordance with Land Use Bylaw No. 15/15 and the submitted application, within SW 14-33-5-5 Plan 9911269 Block 2 Lot 1, submitted by SCHROEDER, Jerry & Wendy, Development Permit No. PLDP20170380, subject to the following conditions:

**CONDITIONS:**

**The works outlining 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. N/A
7. N/A
8. N/A
9. N/A
10. N/A

**Permits Associated with Building Construction:**

11. N/A
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. Permit approval is conditional to information supplied on the application form for Two (2) Home Based Businesses - Wendy's Apothecary & Jerry Can Mechanical. The applicants shall maintain a non-intrusive business and preserve the privacy and enjoyment of adjacent properties.
14. Future expansion, work area or additional employees will require a new permit.
15. The applicant shall obtain a license from AMVIC as businesses that are involved in the buying, selling, or leasing, repair and maintenance of automobiles, trucks or recreation vehicles in Alberta must be licensed by AMVIC.
16. The applicant shall obtain a Building Permit for the Change of Use for the personal use Accessory Building to Commercial Use.
17. The applicant shall not generate noise, smoke, odour, steam, dust, fumes, exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive to the Approving Authority.

18. The applicant shall dispose of any and all scrap metal and chemicals collected and contained within the accessory building in a timely manner to prevent possible soil contamination and 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.
19. One (1) Sign, On-site Commercial is permitted and shall not exceed 2ft x 2ft. The sign shall be located on the subject property. The sign must be maintained in good repair and the applicant and/or landowner will be responsible for removal if the sign is no longer required.
20. The remainder of the Accessory Building (2,940 sq. ft.) shall not be used for business, industrial, commercial purposes or residential occupancy.
21. The owner/applicant shall adhere to all the requirements itemized within the Development Agreement registered on Title as Instrument 991 105 694.
22. No outside storage related to the businesses shall be permitted with issuance of this permit.
23. The applicant is required to provide secondary containment for any hazardous liquid stored on site. This shall be submitted to Planning and Development within six (6) months of the date of issuance of this permit.

Carried.

PLDP20170378  
NE 19-32-3-5

Planning and Development Services presented an overview of a proposed development located at NE 19-32-3-5, 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 a Dwelling, Manufactured and Existing Accessory Buildings with Setback Relaxations.
- Zoning is A Agricultural District and the parcel size is 2.00 acres.
- Property is located within Division 6 and the rural neighborhood of Harmattan.
- Applicant / Landowner - BRAMLEY, Michael George & COLE, Lana Colleen
- No environmental concerns.
- No well or pipeline concerns.
- The application has been taken to MPC as a result of a complaint, and the applicant has worked with administration in accordance with section 7.5.6 of the LUB and administration is recommending the penalty fee be waved for this application.
- No topographical constraints.

- Section 9.9 of the LUB will determine if a manufactured home is more than 20 years old it becomes a discretionary use. The applicant has not chosen a manufactured home to place on the property at this time.

Municipal Planning Commission discussed the following:

- Clarification was asked regarding the proposed location of the septic system. Administration clarified that the issuance of a septic permit, the safety codes officer will identify if a septic system needs to be moved, added etc.
- Clarification was asked regarding the “cottage” that was identified on the site sketch and the applicant responded.
- Clarification was asked regarding satisfying the complaint, administration clarified that placing a dwelling will bring the property into compliance with the LUB.
- Clarification was asked regarding Condition 15 and its purpose. Administration clarified the condition is to ensure that RV's can be stored only and no camping may occur on the property due to the zoning of the property.
- The MPC made the decision to eliminate Condition 15.

Applicant discussed the following:

- Lana Cole spoke as the applicant and clarified that the “cottage” is empty and is used as a play area for her daughter.
- Clarification was asked regarding recreational use on the property.

Moved by P. Hambrook

MPC 17-108 That the Municipal Planning Commission (MPC) approve the proposed Dwelling, Manufactured and Existing Accessory Buildings with Setback Relaxations in accordance with Land Use Bylaw No. 15/15 and the submitted application, within NE 19-32-3-5, submitted by BRAMLEY, Michael George & Cole, Lana Colleen, Development Permit No. PLDP20170378, subject to the following conditions:

**CONDITIONS:**

**The works outlining 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. 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. Issuance of this Permit shall replace the previously issued Development Permit PLDP20110198. PLDP20110198 will be considered null and void.
14. Use of the existing accessory buildings located on the subject property at the time of this application shall be for personal use only and shall not be used for business / industrial / commercial purposes or residential occupancy.
15. Northerly front yard and southerly rear yard setback relaxations to the existing accessory buildings and proposed dwelling, manufactured from the property lines is approved for the life of the buildings.

**Prior to issuance:**

16. **Prior to issuance of the Development Permit** the applicant shall submit the dwelling information, such as dwelling type, size, year of manufacture and pictures of the proposed Dwelling, manufactured to the Planning and Development Department to ensure compliance with the County's Land Use Bylaw. If the proposed Dwelling, manufactured is older than 20 years the details shall be brought back to MPC for review.

Carried.

**CORRESPONDENCE**

Information Items

MPC 17-109

Moved by A. Aalbers

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

- a) ASDAA Agenda from November 07, 2017
- b) ASDAA Agenda from November 20, 2017
- c) Permitted Development Permits Approved

Carried.

**ADJOURNMENT**

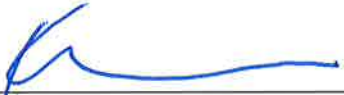
MPC 17-110

Moved by P. Johnson


That the Municipal Planning Commission of December 07, 2017 be adjourned at 10:27 a.m.

Carried.

Adopted January 04, 2018

  
\_\_\_\_\_  
Chair

I hereby certify these minutes are correct.

  
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Secretary, Municipal Planning Commission