

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **July 05, 2018**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: K. Walton; Member-At-Large/Chair
P. Hambrook; Member-At-Large
D. Reedy; Member-At-Large

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; Manager of Development & Permitting Services
T. Connatty; Planner
C. Mabin; Development Officer
K. Lashmar; Recording Secretary

CALL TO ORDER: K. Walton called the meeting to order at 9:02 a.m.

AGENDA MPC 18-097 Moved by D. Fulton
That the Municipal Planning Commission adopt the revised agenda of the Municipal Planning Commission meeting of July 05, 2018 as presented.

Carried.

ADOPTION OF MINUTES MPC 18-098 Moved by P. Hambrook
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of June 07, 2018 as presented.

Carried.

P. Johnson voted not in favour

- After discussion regarding a change made to the minutes not properly reflecting a specific discussion point on PLDP20170114 Emergency Response Safety (Condition #26), administration clarified that the recording was listened to, and minutes are not verbatim, but the intent and discussion is captured in point form.

MPC 18-099 Moved by D. Fulton
That the Municipal Planning Commission adopt the minutes of the
Municipal Planning Commission meeting of June 21, 2018 as
presented.

Carried.

P. Johnson voted not in favour

PLRDSD20180065
NE 10-29-5-5
& Plan 0010181 L - 3

Planning and Development Services presented an overview of a proposed subdivision located at NE 10-29-5-5 & Plan 0010181 L - 3, 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 (+/- 40.0) acre parcel from the existing 80.44 acres.
- Proposed property is located within Division 2 and in the rural neighborhood of Water Valley/Winchell Lake.
- Applicant – MCCULLAGH, Michael Warren / Landowner – DEBNAM, Douglas & Jody & MCCULLAGH, Michael Warren
- According to Figure 3 Growth Management Conceptual Strategy this property is located in the Potential Multi-Lot Residential Area.
- The low density residential designation is intended to accommodate development of up to three (3) titled lots, retaining the balance of the quarter as the fourth (4) title in accordance with the policies of the MDP.
- The subdivision, if approved will create two parcels on the eastern half of the quarter section, including a consolidation, and will not increase the number of titles.
- The property is located within the Water Valley/Winchell Lake ASP, which provides for four titles within a quarter section in this area.
- Surrounding land uses are agriculture, recreational and country residential.
- There are ESAs within the quarter, surrounding the quarter and some Environmental Significance in relationship to the provincial data set on the parcel to the east and some to the north.
- No wells or pipelines infrastructure within the quarter section or in close proximity.
- Topographical relief, the northern portion of the quarter is a higher point and slopes gently towards the center and upwards to the south.
- There is an existing yard site that will be consolidated with the balance of the quarter section.
- An Access Easement Agreement between landowners is registered on title to provide opportunity for access to the southern parcel.

- Operational Services has conducted a site visit and determined that there is an approach to the south that will provide access to the southern parcel allowing physical and legal access, as per County Policy.

Municipal Planning Commission discussed the following:

- Clarification was asked regarding Policy for ESA Level 1 protection. Administration clarified that Condition #13 provides protection measures for ESAs.
- Clarification was asked regarding Riparian Health Assessment. Administration clarified that Agricultural Services conducts a site visit for a health assessment to determine the level of health.
- Clarification was asked regarding an analysis being done on plants and wildlife in the area. Administration clarified that the Health Assessment includes plant life associated with the riparian area.

Applicant was not present.

Moved by D. Reedy

MPC 18-100 That the Municipal Planning Commission approve the proposed subdivision to create one (1) approximate forty point zero (+/- 40.0) acre parcel within NE 10-29-5-5 & Plan 0010181 Lot 3, submitted by MCCULLAGH, Michael Warren, file no. PLRDSD20180065, subject to the following conditions:

STANDARD CONDITIONS:

1. The endorsement 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 as attached.
3. Payment of property taxes in arrears shall be made to Mountain View County.
4. Subdivision to be affected by an instrument acceptable to the Land Titles Office (Descriptive Plan/Plan of Survey) The instrument shall show the consolidation of Plan 0010181 Lot 3 with the surrounding property to create one (1) approximate forty point zero (+/- 40.0) acre parcel.
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(b) of the Municipal Government Act;
6. N/A.
7. N/A.

8. The applicant shall submit a Real Property Report prepared by a qualified Alberta Land Surveyor showing that the setbacks of all structures in relation to proposed and existing property lines are in compliance the County's current Land Use Bylaw. The Real Property Report shall include, the location of the existing water well and private sewage treatment system (PSTS) in relation to existing and proposed property lines.
9. If any portion of the PSTS is situated closer than 90 meters to an existing or proposed property line the applicant shall submit a report completed by a Plumbing and Gas Safety Codes Officer confirming that the PSTS complies with the setback distances as outlined in the current Alberta Private Sewage Systems Standard of Practice. Where not in compliance, the applicant shall undertake improvements to the PSTS to comply with the current Alberta Private Sewage Systems Standard of Practice and provide confirmation in this regard to the satisfaction of Mountain View County.
10. N/A.
11. N/A.
12. N/A.
13. Environmental protection for riparian and ecological enhancement:
 - a. Where livestock is present on the affected parcel(s), the applicant shall provide confirmation that an application has been submitted for Provincial and/or Municipal funding for Riparian Enhancement Projects. The application shall demonstrate protection of riparian areas affected by the proposed subdivision; or,
 - b. Where livestock is not present on the affected parcel(s), or at the discretion of Mountain View County, the applicant shall enter into an agreement with Mountain View County to have a Riparian Health Assessment conducted by Mountain View County to determine the riparian health of areas affected by the proposed subdivision. Furthermore, a review period of five (5) and ten (10) years will be granted by the applicant allowing for subsequent assessments of the riparian area within the applicable review period to determine overall change in riparian health.
14. N/A.
15. N/A.
16. N/A.

Carried.

P. Johnson voted not in favour.

PLDP20180236
SW 14-32-5-5

Planning and Development Services presented an overview of a proposed development located at SW 14-32-5-5, 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 Temporary Accessory Use (Sale of existing Sand & Aggregate).
- Zoning is Agricultural District and the parcel size is 160 acres.
- Property is located within Division 6 and the rural neighborhood of Bergen.
- Applicant KEIVER, Wayne / Landowner – KEIVER, Wayne Forbes & Diane
- There is a dwelling unit and accessory buildings with the remainder of the parcel being used for agricultural purposes and storage of aggregate material.
- No environmental concerns.
- There is a pipeline to the east of the existing aggregate pile, however this does not impact the proposed development.
- No topographical concerns.
- The subject parcel is not located in an area identified as having aggregate potential.
- The applicant has no intention to further mine this parcel or disturb the lands for the purpose of a gravel pit.
- Administration is working with the applicant to bring the property into compliance with the existing agricultural land use designation of the property that includes the removal of aggregate and sand piles.
- The LUB does not have a specific use for the removal or aggregate and sand piles, therefore this is considered a discretionary use.
- The issuance of this Development Permit is for a time limited period of 5 years to ensure compliance is gained in a timely manner.
- No additional aggregate uses may occur on the property without the appropriate redesignation to A-EP District and a Development Permit would be required.

Municipal Planning Commission discussed the following:

- Clarification on Condition #15 and the hours of operation. The wording of this condition was changed to provide clarity “The hours of operation for the removal of the existing Sand & Aggregate shall be Monday to Saturday 7:00 am until 7:00 pm annually. No removal of gravel shall occur on ~~weekends~~ Sundays or statutory holidays.”

Applicant was present.

Moved by P. Hambrook

MPC 18-101 That the Municipal Planning Commission approve the proposed Temporary Accessory Use (Sale of existing Sand & Aggregate) in accordance with Land Use Bylaw No. 15/15 and the submitted application, within SW 14-32-5-5, submitted by KEIVER, Wayne, Development Permit No. PLDP20180236, 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. 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. N/A

Permits Associated with Building Construction:

11. N/A
12. N/A

Additional Conditions:

13. Issuance of this Development Permit is for (5) years from the date of issuance and shall be reviewed annually to ensure progressive removal of the existing gravel pile. This Development Permit is considered void after 5 years.
14. This Development Permit is issued for the removal of the existing gravel pile only. No additional uses, including aggregate related uses/operations have been granted with issuance of this permit.
15. The hours of operation for the removal of the existing Sand & Aggregate shall be Monday to Saturday 7:00 am until 7:00 pm

annually. No removal of gravel shall occur on weekends or statutory holidays.

16. The applicant and/or operator shall comply with the Mountain View County Community Aggregate Payment Levy Bylaw.
17. In the case that there are more than five (5) truck loads leaving the site in one day, the applicant and / or operator is responsible to ensure a Haul Route Agreement with Mountain View County is obtained.
18. The applicant and/or landowner shall be responsible to contact Alberta Environment and Parks to reclaim the existing mined area on the subject property.

Carried.

PLDP20180188
SE 18-33-1-5

Planning and Development Services presented an overview of a proposed development located at SE 18-33-1-5, 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 Kennel - Training and Boarding & Change of Use from Farm Use (Barn) to Commercial Use (Kennel) & Rear Yard Setback Relaxation to Kennel Outdoor Exercise Area.
- Zoning is Agricultural District and the parcel size is 2.30 acres.
- Property is located within Division 7 and the rural neighborhood of Netook.
- Applicant/Landowner – DIXON, Shane & Jodi.
- Application was circulated to adjacent landowners within ½ mile of the subject land. One letter of objection was received.
- Applicant personally went door to door to each neighbor as part of their application process. They received 6 signed letters of support.
- Not within an ESA area, there is a small area identified as marshlands that does not affect the proposal.
- The applicant wishes to provide basic obedience training, intermediate training and temperament testing in a one-on-one environment or classroom setting.
- The applicant can assist a maximum of 8 dogs during a 1-hour training session, and the boarding facility can accommodate up to 6 dogs.
- The applicant has extensive knowledge and experience with dogs and dog training and has obtained government certification.
- Applicant has provided numerous testimonials.
- The landowner will be the only employees and the hours of operation provided by the applicant are 12p.m – 8 p.m. for

pick up and drop off. Boarded dogs will be out no earlier than 6:30 a.m. and out no later than 10 p.m.

- Kennels will be dig proof and a secondary containment fence will be installed.
- Training sessions will be scheduled Mon-Thurs 6:30 p.m. – 8: 30 p.m. training sessions on remaining days will be by appointment only.
- Existing barn has been renovated to accommodate the kennel, including sound proofing.
- There is room for parking and a sign will be placed on the barn.
- The applicant has 5 personal dogs that will be on-site at all times.

Municipal Planning Commission discussed the following:

- Clarification was asked regarding traffic generation.
- Clarification was asked regarding Barking mitigations.
- Clarification was asked regarding neighbour complaints related to excessive noise. Administration clarified that MVC has a complaint policy.
- Clarification was asked regarding winter months and outdoor time.
- Clarification was asked regarding non-intrusive business. Administration clarified that this would be a complaint driven process, should there be any negative impact on adjacent lands.
- Clarification was asked regarding waste disposal.

Applicant discussed the following:

- Shane & Jodi Dixon spoke as the applicants and clarified that clients may have more than one dog so 5 vehicles on average is realistic.
- Clarification was provided that dogs will be supervised and no excessive barking or howling will be permitted, and they will be taken back inside the noise proof kennel.
- Clarification was provided that the applicant hopes that a neighbour that felt that noise was excessive would be comfortable enough to make the applicant aware, so that the applicant can address the situation.
- Applicant provided clarification that during winter months, dogs that cannot handle the cold will be kept indoors and kept comfortable.
- Clarification was provided that there is already an existing compost pile next to the discharge pond for dog waste, and they will continue to use the compost pile for the business.

Moved by D. Fulton

MPC 18-102 That the Municipal Planning Commission approve the proposed Kennel - Training and Boarding & Change of Use from Farm Use (Barn) to Commercial Use (Kennel) & Rear Yard Setback Relaxation to Kennel Outdoor Exercise Area in accordance with Land Use Bylaw No. 15/15 and the submitted application, within

SE 18-33-1-5, submitted by DIXON, Shane & Jodi, Development Permit No. PLDP20180188, 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. One (1) sign, on-site commercial is permitted with the Kennel - Training and Boarding business details, shall be located on the barn on the subject property.
14. Permit approval is conditional to information supplied on the application form for a Kennel - Training and Boarding Development Permit to provide dog training and boarding services. The applicant shall maintain a non-intrusive business and preserve the privacy and enjoyment of adjacent properties.

15. Approval is granted for a maximum of nineteen dogs on site at all times; Five (5) personal dogs, six (6) dogs associated with the boarding facility and eight (8) dogs for training at any one time.
16. The hours of operation shall be 12:00 pm to 8:00 pm daily, year-round. Dog training shall be limited from Monday to Thursday 6.30pm until 8.30 pm and weekends by appointment only.
17. The applicant and/or landowner will not allow the dogs to bark or howl excessively or otherwise disturb any persons.
18. On site supervision shall be maintained during the active Kennel - training operation. The dogs shall not be allowed outside without supervision and they will be housed indoors during the night.
19. All exterior exercise areas (yard) shall be enclosed with a minimum six (6) foot height climb-proof fence.
20. The dogs shall not be permitted to run free off the property.
21. The applicant and/or landowner shall comply with Mountain View County's "Animal Control Bylaw".
22. Waste management of the boarding services shall be in accordance with Provincial requirements regarding waste disposal.
22. The applicant shall obtain a Building Permit for the change of use for the existing farm building (Barn) to kennel building with public occupancy, as indicated on the applicant's site plan.
23. Future expansion of the Kennel - Training and Boarding business, including the dog kennel, work area, or additional animals, will require issuance of a new Development Permit.
24. If the development authorized by this Development Permit is not commenced within 2 years from the effective date of the permit, such permit approval ceases and the permit itself is deemed void, expired and without effect.
25. All boarding services and associated facilities shall be kept in a manner satisfactory to the health authority and the Society for the Prevention of Cruelty of Animals (SPCA).
26. A setback relaxation from the north property line for the kennel outdoor exercise area shall be permitted for the life of the business.
27. Should the Development Permit for the kennel operation be considered void the landowner shall meet the maximum dogs on the subject property as per the County's Animal Control Bylaw.

Carried.

P.Johnson opposed

CORRESPONDENCE

Information Items

MPC 18-103

Moved by D. Reedy

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

- 1) ASDAA Agenda from June 26, 2018
- 2) Permitted Development Permits Approved
- 3) NRCB RA18041 Decision (Boom Holsteins)
- 4) SDAB20180002 Notice of Decision

Carried.

ADJOURNMENT

MPC 18-104

Moved by P. Hambrook

That the Municipal Planning Commission of July 05, 2018 be adjourned at 9:57 a.m.


Carried.

Adopted July 9, 2018



Chair

I hereby certify these minutes are correct.



Secretary, Municipal Planning Commission