

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **October 18, 2018**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: K. Walton; Member-At-Large/Chair  
D. Hedley; Member-At-Large  
H. Overguard; Member-At-Large  
D. Reedy; Member-At-Large  
G. Ingeveld; 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  
D. Gonzalez; Planner  
C. Mabin; Development Officer  
L. Craven; Recording Secretary

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

AGENDA MPC 18-145 Moved by G. Ingeveld  
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of October 18, 2018 as presented.  
  
Carried.

ADOPTION OF MINUTES MPC 18-146 Moved by H. Overguard  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of September 20, 2018 as presented.  
  
Carried.

PLRDSD20180037 SW 4-31-5-5  
Planning and Development Services presented an overview of a proposed subdivision located at SW 4-31-5-5, 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) forty point one seven (40.17) acre parcel within SW 4-31-5-5.
- Proposed property is located within Division 4 and in the rural neighborhood of Fallentimber.
- Applicant / Landowner - KRALIK, Randolph
- Redesignated to Agricultural (2) District by Council with Bylaw No. LU 33/18 on September 12, 2018. This is the first parcel out from a previously unsubdivided quarter.
- To ensure the site is suitable for future development the applicant submitted a Geotechnical Assessment Study from Curtis Geo Solutions Inc., which states support for development. Subdivision technologist has reviewed and accepted the reports in support of application. The applicant will enter into a Restrictive Covenant as per Condition #17.
- As per County's policy the applicant will apply for riparian funding or to enter into a Riparian Agreement with the County, as outlined in Condition #13
- Two letters of objection/concern were received and it was noted that the application is compliant with the Municipal Development Plan.
- Alberta Environment and Parks approvals are required at the Development Permit stage for any creek crossing(s).
- The existing Access Easement Agreement between landowners (private agreement) will remain in place.

Municipal Planning Commission discussed the following:

- Administration clarified (Condition #13) Options a or b for riparian enhancement projects or an agreement for a 5 & 10 year riparian health assessment. The County's Agricultural Services will be involved with subsequent assessments and then reassessing the property in the future and discussions with the landowner regarding health quality and to determine land management practices.
- It was clarified that Access Easement Agreement that is on title for the parent parcel will be placed on titles for new lot unless there is a condition that specifically removes the agreement from the new title. This is a private agreement between landowners and the County is not party to the Agreement.
- Administration explained that the use of Restrictive Covenants for the protection of Riparian Areas, from 2008 to 2014 as a Condition of Subdivision, did not have the desired effect as confirmed through a third-party review. Council moved to a more voluntary protection approach as reflected in Standard Condition #13.

Applicant was present.

Moved by D. Hedley

MPC 18-147 That the Municipal Planning Commission (MPC) approve the proposed subdivision to create one (1) forty point one seven

(40.17) acre parcel within SW 4-31-5-5, submitted by KRALIK, Randolph, File No. PLRDSD20180037, 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)
5. Municipal Reserves:
  - (1) Agricultural Parcels, or Low Density Rural Residential Development (less than five (5) titles per quarter section):
    - a. No reserves are required pursuant to Section 663(a) of the Municipal Government Act when one lot is to be created from a quarter section of land.
6. The applicant shall enter into an agreement for the provision of road widening, the southerly 5.18 metres, across the subject property, until Road Plan 771 0610; and the provision of road widening, the westerly 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. 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

**Additional Condition(s):**

17. The applicant shall enter into a Restrictive Covenant in accordance with Section 651.1 of the Municipal Government Act. The Restrictive Covenant shall include: a) the Geotechnical Assessment Reports submitted by Curtis Geo Solutions Inc. dated May 23, 2018 and April 24, 2018; and b) the area identified for future Building Site. As required, the Restrictive Covenant will be registered via Caveat on the affected title.

P. Johnson asked for a recorded vote.

In Favour: K. Walton, D. Hedley, H. Overguard, D. Reedy, G. Ingeveld & D. Fulton

Not in Favour: P. Johnson

Carried.

G. Ingeveld excused himself from the meeting due to his interest in the following application.

PLRDSD20180213  
NW 36-31-6-5

Planning and Development Services presented an overview of a proposed subdivision located at NW 36-31-6-5, 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) four point nine one (4.91) acre parcel within NW 36-31-6-5.
- Proposed property is located within Division 4 and in the rural neighborhood of Bergen.
- Applicant – INGEVELD, Gerald / Landowner – HILLOCK, Joshua Paul & Kimberly Dawn
- Redesignated to Country Residential District (R-CR) by Council on September 26, 2018 with Bylaw No. LU 35/18
- The subdivision area is within the NE corner of the quarter.
- Two letters of concern have been submitted by adjacent landowners.

- Applicant has offered to plant trees and increase the front yard setbacks as a solution for the continued privacy of the adjacent landowners.
- An access for the parcel is required to meet County Standards.
- The proposal is compliant with the Municipal Development Plan and Bergen Area Structure Plan.

Municipal Planning Commission discussed the following:

- Administration clarified that in this instance, tree planting is not a typical requirement condition for subdivision.

Applicant was present.

Moved by D. Fulton

MPC 18-148 That the Municipal Planning Commission (MPC) approve the proposed subdivision to create one (1) four point nine one (4.91) acre parcel within NW 36-31-6-5, submitted by INGEVELD, Gerald on behalf of HILLOCK, Joshua Paul and Kimberly Dawn, File No. PLRDSD20180213, 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)
5. Municipal Reserves:
  - (1) Agricultural Parcels, or Low Density Rural Residential Development (less than five (5) titles per quarter section):
    - a. No reserves are required pursuant to Section 663(a) of the Municipal Government Act when one lot is to be created from a quarter section of land.
6. The applicant shall enter into an agreement for the provision of road widening, the northerly and the westerly 5.18 metres respectively, 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 the rural address sign for non-agricultural lots in accordance with the Rural Addressing Bylaw. The applicant shall provide confirmation in this regard.
13. N/A
14. N/A
15. N/A
16. N/A

Carried.

G. Ingeveld returned to the meeting.

PLDP20180373  
NW 27-33-3-5

Planning and Development Services presented an overview of a proposed development located at NW 27-33-3-5, 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 proposed Dwelling, Single Detached, Dwelling, Secondary Detached and Two (2) Accessory Buildings (Hobby Shop & Farm Building - Cold Storage).
- Zoning is A – Agricultural District and the parcel size is 160.0 acres.
- Property is located within Division 6 and the rural neighborhood of Hainstock
- Applicant – HINDBO, Monte / Landowner – PICKEN, Daniel Charles
- ESA areas identified as well as hazard lands however the proposed development is not within these areas.
- The applicant has stated that Alberta Environment and Parks has been notified of the development, specifically the access that crosses an unclassified creek, and there was no concern.
- Second Dwelling Supplemental Form stating the application meets a majority of the criteria.
- The submitted Site Sketch was circulated to MVC Operations Department to ensure there are no road upgrades required to Range Road 33 to access the subject lands.

Municipal Planning Commission discussed the following:

- Administration clarified how mapping of hazard areas are assessed to determine if a flood risk assessment is required. Historical aerial photos, topography, the

development proposed as well as a site visit informs the evaluation. Administration's evaluation concluded that the location of the proposal is such that a flood risk assessment is not required.

- It was confirmed that the "Note" is not a Condition of Development but is a cautionary note to request the property landowner be mindful of the Environmentally Significant and Riparian Areas.

Applicant discussed the following:

- Monte Hindbo spoke as the applicant.
- The applicant indicated on the map where he was proposing the development. He stated that he had spoken to the adjacent neighbours and no one knew of any flooding in the area of the proposal.

Moved by G. Ingeveld

MPC 18-149 That the Municipal Planning Commission (MPC) approve the proposed Dwelling, Single Detached, Dwelling, Secondary Detached and Two (2) Accessory Buildings (Hobby Shop & Farm Building - Cold Storage) in accordance with Land Use Bylaw No. 16/18 and the submitted application, within NW 27-33-3-5, submitted by HINDBO, Monte, Development Permit No. PLDP20180373, 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. 16/18.
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.
4. If the development authorized by a Development Permit is not complete 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.

**Standard Conditions if Applicable:**

5. Landowners shall be responsible for dust control on the County road adjacent to their property.

6. 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.
7. 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.
8. N/A
9. N/A
10. 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.
11. 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:**

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. The two (2) Accessory Buildings (Hobby Shop & Farm Building - Cold Storage) shall not be used for business, industrial, commercial purposes or residential occupancy.
14. Permit approval is conditional to information supplied on the application form for a Dwelling, Single Detached, Dwelling, Secondary Detached and Two (2) Accessory Buildings (Hobby Shop & Farm Building - Cold Storage). Only two (2) detached dwelling units are permitted on the property.
15. The applicant shall obtain any approvals required by Alberta Environment and Parks for construction of the driveway on the subject property to the proposed development site.

**NOTE:** Portions of this property are contained within an Environmentally Significant Area, both Class 1 & Class 2 have been identified, therefore the applicant/landowner is encouraged to maintain and/or return the lands within the riparian area to riparian health assessment rating of 70% or greater as defined by the Cows and Fish – Alberta Riparian Habitat Management Society. In addition, any proposed natural resource extraction (including but not limited to the



Adopted

removal of trees, gravel, clay, and/or topsoil) shall require municipal approval. In addition, future proposals may require additional studies including a Slope Stability Assessment.

P. Johnson asked for a recorded vote.

In Favour: K. Walton, D. Hedley, H. Overguard, D. Reedy, G. Ingeveld & D. Fulton

Not in Favour: P. Johnson

Carried.

**CORRESPONDENCE**

Information Items

MPC 18-150 Moved by H. Overguard  
That the Municipal Planning Commission receive the following items as information:  
1) ASDAA Agenda from September 25, 2018  
2) ASDAA Agenda from October 09, 2018  
3) Permitted Development Permits Approved  
4) SDAB 20180260 Notice of Decision-McAllister-Saunders

Carried.

**ADJOURNMENT**

MPC 18-151 Moved by D. Reedy  
That the Municipal Planning Commission of October 18, 2018 be adjourned at 9:51 a.m.

Carried.

Adopted November 15, 2018



Chair

I hereby certify these minutes are correct.



Secretary, Municipal Planning Commission