

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **March 07, 2019**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT:

G. Ingeveld; Member-At-Large/Chair
P. Hambrook; Member-At-Large
H. Overguard; Member-At-Large
T. Sperle; 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; Manager of Development & Permitting Services
T. Connatty; Planner
R. Pohl; Planning Technician
C. Mabin; Development Officer
K. Neff; Development Officer
L. Craven; Recording Secretary

CALL TO ORDER:

G. Ingeveld called the meeting to order at 9:01 a.m.

AGENDA

MPC 19-023

Moved by H. Overguard
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of March 07, 2019 as presented.

Carried.

ADOPTION OF MINUTES

MPC 19-024

Moved by D. Fulton
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of February 21, 2019 as presented.

Carried.

PLRDSD20180476
NE 34-31-2-5

Planning and Development Services presented an overview of a proposed subdivision located at NE 34-31-2-5, 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) two point eight nine (+/- 2.89) acre parcel from NE 34-31-2-5 consisting of one hundred fifty-one point nine nine (+/- 151.99) acres.
- Proposed property is located within Division 3 and in the rural neighborhood of Westerdale.
- Applicant - MAILER, Davie Ohman / Landowner - MAILER, Shirley Joyce & MAILER, Davie Ohman
- No topographic restraints, the property is relatively flat.
- There are adjacent properties that have a third title but these were either approved under a previous Municipal Development Plan or as a fragmented parcel, these were deemed suitable at the time.
- Applicant previously applied under PLRDSD20180002 that was defeated by Council on March 28, 2018 and the appeal SDAB20180002 upheld MPC's decision to not approve the subdivision on June 29, 2018.
- Applicant waited the required 6 months to reapply. The application was refused by Council on February 13, 2019 with Bylaw No. LU 02/19. The property does not have the correct zoning.
- The first parcel out is a 6.99 (six point nine nine) acre Country Residential parcel and is in the northeast corner of the parcel. Due to the parcel being within the Agricultural Preservation Area, the maximum number of titles per quarter should be two (2).

Municipal Planning Commission had no comments or concerns.

Applicant was not present.

Moved by P. Hambrook

MPC 19-025 That the Municipal Planning Commission (MPC) refuse the proposed subdivision to create one (1) two point eight nine (+/- 2.89) acre parcel within NE 34-31-2-5, submitted by MAILER, Davie Ohman, PLRDSD20180476, for the following reasons:

Reasons:

1. The proposal does not comply with the Municipal Government Act, Section 654 (b) as it does not conform to the provisions of the Municipal Development Plan (MDP) Bylaw No. 09/12 and the Land Use Bylaw No. 16/18;
2. The proposal does not meet the requirements stated in the MDP for parcels found in the Agricultural Preservation Area:
 - i. The proposal is seeking to create a third (3rd) title within the quarter section when the maximum numbers of allowable titles should be two (2). (Policy 3.3.6)

- ii. The application for redesignation of the subject lands to Country Residential (1) District (R-CR1) was refused by Council through Bylaw Number LU 02/19 on February 13, 2019. The lands therefore have remained zoned as Agricultural District (A). The proposal for a residential parcel does not have the correct land use designation for its intended use. (Policy 3.3.8)
 - iii. The proposal was refused for redesignation to a residential district and is therefore not of the correct land use designation for its intended use. (Policy 4.3.1)
3. According to the Land Use Bylaw No. 16/18, the proposal does not meet the minimum parcel size requirements for Agricultural District (A) parcels, its current designation. The proposal does not meet the purpose of the district to provide for agricultural uses on larger parcels (minimum 80 acres).

Carried.

PLRDSD20180445
SE 15-30-2-5 &
Plan 0514173 Blk 1 L 1

Planning and Development Services presented an overview of a proposed subdivision located at SE 15-30-2-5 & Plan 0514173 Block 1 Lot 1, 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) three-point zero seven (3.07) acre parcel from SE 15-30-2-5 & Plan 0514173 Block 1 Lot 1 consisting of 159.99 acres.
- Proposed property is located within Division 1 and in the rural neighborhood of Jackson.
- Applicant / Landowner - JOHNSTON, Nancy & STACE, Charlotte
- The subject property was not redesignated by Council on February 13, 2019 with Bylaw No. LU 01/19.
- The property is within the Ag Preservation and consists of two (2) titles currently.
- Class 2 soils predominantly on the quarter section.
- The complete quarter is currently being used for ag production.
- The previous subdivision of 80/80 split could be consolidated once rezoning was completed to ensure the designation was correct. Then the possibility of the Country Residential parcel could be supported. There would be 2 titles as an end result.

Municipal Planning Commission discussed the following:

- It was stated that an example where administration could support split zoning is on a single parcel when one of the zonings is Direct Control District.

- Administration clarified the proposal for the subdivision included the concurrent consolidation of the two titles however the proposal was defeated by Council on February 13, 2019.

Applicant was present.

Moved by A. Aalbers

MPC 19-026 That the Municipal Planning Commission (MPC) refuse the proposed subdivision to create one (1) three point zero seven (3.07) acre parcel within SE 15-30-2-5 & Plan 0514173 Block 1 Lot 1, submitted by JOHNSTON, Nancy & STACE, Charlotte, file no. PLRDSD20180445 for the following reasons:

1. Compliance with the Municipal Government Act: Section 654 (1) (a), (b), (c)
 - a) The land surrounding the proposed parcel contains Class 2 soil according to the Canada Land Inventory and is best suited for agricultural production.
 - b) The proposal does not comply with statutory plans or the land use bylaw as the parcel does not have appropriate land use zoning and is less than the minimum parcel size to meet the purpose of the Agricultural District zoning.
 - c) The proposed parcel does not conform to the provisions of the statutory plans and Land Use Bylaw and therefore is not in compliance with this part of the MGA.
2. Compliance with the Subdivision and Development Regulations: Section 7(b,h,i)
 - b) The titled property is a combination of Class 2 & 3 soils; most of the quarter is Class 2 soil according to the Canada Land Inventory and best suited for agricultural use.
 - h) The proposal is surrounded by agricultural lands and is not developed.
 - i) The proposal did not achieve redesignation to an appropriate residential district and is not in compliance with statutory documents.
3. Compliance with Statutory Plans (MDP)

The MDP requires titles created for non-agricultural use be redesignated to an appropriate land use district. The redesignation was refused by Council; therefore, this subdivision proposal is not in compliance with the statutory plan. Consolidation of the balance of the quarter should not be considered as the redesignation was refused by Council and this proposal would be the third title within the quarter.
4. Compliance with the Land Use Bylaw No. 16/18

The land within this three-point zero (3.0) acre proposal is zoned as Agricultural District. This district requires a minimum parcel size of 32.37 ha (80.0 ac) and this parcel

does not comply with the minimum parcel requirement and does not meet the purpose of the District that is to accommodate and promote agricultural land uses on larger parcels while having regard to the rural, agricultural character of the area.

Carried.

PLDP20190034
NE 36-32-6-5

Planning and Development Services presented an overview of a proposed development located at NE 36-32-6-5, 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 the proposed Change of Use - Dwelling, Mobile Home to Accessory Building and Use (Pump house).
- Zoning is A Agricultural District and the parcel size is 160.0 acres.
- Property is located within Division 5 and the rural neighborhood of McDougal Flats
- Applicant / Landowner - GDK GRAVEL & SAND LTD
- Application is the result of a complaint for another issue on the property and the complaint investigation revealed that the second mobile home had not been removed as required as a condition of PLDP20140324.
- There are a variety of zonings adjacent to the property.
- The structure is currently being used as a pumphouse on the parcel and the applicant has requested that it remain.

Municipal Planning Commission discussed the following:

- Administration clarified the previous application that stated that the manufactured home was to be removed to reduce and comply with dwelling density in the Land Use Bylaw. Penalties are not recommended by administration as the Land Use Bylaw allow for the waiving of the penalties if the applicant being cooperates with administration to bring the property into compliance.
- The building is currently being used as a pumphouse on the agricultural zoned portion of the property.
- Administration clarified the condition that requires the decommissioning of the dwelling. The components that make the building a dwelling will be removed.
- It was stated that the "pumphouse" falls under the definition of an Accessory Building and Use under the Land Use Bylaw, used in connection with the primary house. The Land Use Bylaw definition of Accessory Building was read to the members. If the use changes in the future, a new Development Permit will be required.

Applicant discussed the following:

- David Taddia spoke as the applicant.

- Applicant clarified the decommissioning and water system within the building that has been in use since 1984. If this building is removed then a new pumphouse would be required to house the water system.
- The building is heated and holds a pressure tank.

Moved by A. Aalbers

MPC 19-027 That the Municipal Planning Commission (MPC) approve the proposed Change of Use - Dwelling, Mobile Home to Accessory Building and Use (Pump house) in accordance with Land Use Bylaw No. 16/18 and the submitted application, within NE 36-32-6-5, submitted by GDK GRAVEL & SAND LTD, Development Permit No. PLDP20190034, 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. 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. N/A
6. N/A
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 existing Mobile Home shall be decommissioned within 6 months of issuance of this permit. Decommissioning will consist of: removing the kitchen sink, range, and kitchen cupboards. Please notify the Planning Department to confirm compliance with this condition. Only one (1) dwelling is permitted with this permit.
14. Use of the Accessory Building and Use (Decommissioned Mobile Home) for business, industrial, commercial purposes, or residential occupancy is not permitted.
15. That the applicant obtains a Roadside Development Permit from Alberta Transportation (within 0.8 kilometres of the center line of a highway)

Carried.

PLDP20190006
SW 9-33-1-5
Plan 1113444 Blk 1 L 1

Planning and Development Services presented an overview of a proposed development located at SW 9-33-1-5 Plan 1113444 Block 1 Lot 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 the proposed Agricultural Processing - Facility Expansion with Easterly Setback Relaxations.
- Zoning is Agricultural (2) District (A2) and the parcel size is 19.60 acres.
- Property is located within Division 7 and the rural neighborhood of Netook.
- Applicant - RICHARDSON INTERNATIONAL LIMITED c/o SCHNAIDER, Chris / Landowner - RICHARDSON INTERNATIONAL LIMITED
- Adjacent to Highway 2a and abuts Canadian Pacific Railway (CP Railway).
- The facility expansion will include a new bucket elevator and an extended drive shed. This will allow for the operator to speed the rate at which rail cars can be filled.

- CP Railway was circulated and had no concerns with the existing encroachment of three (3) feet. The Applicant has CP Railway's approval was submitted with the application.
- A circulation of a half mile was done and one letter of concern was received and addressed by the applicant.
- Mountain View County's Engineering Technologist was circulated and no further studies will be required.

Municipal Planning Commission had no concerns or comments.

Applicant was present.

Moved by D. Fulton

MPC 19-028 That the Municipal Planning Commission (MPC) approve the proposed Agricultural Processing - Facility Expansion with Easterly Setback Relaxations in accordance with Land Use Bylaw No. 16/18 and the submitted application, within SW 9-33-1-5 Plan 1113444 Block 1 Lot 1, submitted by RICHARDSON INTERNATIONAL LIMITED c/o SCHNAIDER, Chris, Development Permit No. PLDP20190006, 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. N/A
6. N/A
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. N/A

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. Approval is granted for Grain Elevator Additions - New Bucket Elevator & Extended Drive Shed & as per the development details included in the application.
14. The applicant/landowner and/or operator shall adhere to all the conditions outlined in the Roadside Development Permit RSDP024031 (File: SW/NW9-33-1-W5(dev)), issued by Alberta Transportation, on January 16, 2019.
15. Future development, structures, expansion, new or additional uses will require a new development permit.
16. The easterly setback relaxation is approved for the life of the structures.
17. The applicant/landowner and/or operator shall not exceed the 3 foot encroachment as indicated on the site sketch and as approved and confirmed by CP Rail as part of the submitted application.

Carried.

CORRESPONDENCE

Information Items

MPC 19-029

Moved by A. Aalbers

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

- 1) ASDAA Agenda from February 26, 2019
- 2) Permitted Development Permits Approved
- 3) PLCFO20190039 - NRCB Part 1 RA19005

Carried.

Adopted

ADJOURNMENT

MPC 19-030

Moved by P. Johnson
That the Municipal Planning Commission of March 07, 2019 be
adjourned at 9:52 a.m.

Carried.

Adopted March 21, 2019



Chair

I hereby certify these minutes are correct.


Secretary, Municipal Planning Commission