

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **March 21, 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  
D. Reedy; Member-At-Large  
  
D. Milne; 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  
L. Craven; Recording Secretary

CALL TO ORDER: G. Ingeveld called the meeting to order at 9:02 a.m.

AGENDA MPC 19-031 Moved by H. Overguard  
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of March 21, 2019 as presented.  
  
Carried.

ADOPTION OF MINUTES MPC 19-032 Moved by D. Fulton  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of March 07, 2019 as presented.  
  
Carried.

SUBDIVISION TIME EXTENSION PLRDSD20170362 SW 20-33-3-5  
  
Planning and Development Services presented an overview of a request for a time extension for conditionally approved subdivision PLRDSD20170362 to March 06, 2020.

- Applicant/Landowner – HARVIE, John A
- The application was approved by the Administrative Subdivision and Development Approving Authority (ASDAA) on March 06, 2018.
- The Conditionally Approved Subdivision is to create one (1) forty point two one (40.21) acre parcel from SW 20-33-3-5 consisting of 150.02 acres.
- The parcel is within the potential multi-lot residential development area and has an existing yard-site.

Municipal Planning Commission had no concerns or comments.

Moved by P. Hambrook

MPC 19-033

That the Municipal Planning Commission (MPC) approve the proposed one (1) year time extension to March 06, 2020 for Conditionally Approved Subdivision within SW 20-33-3-5 to create one (1) forty point two one (40.21) acre parcel submitted by HARVIE, John A, file no. PLRDSD20170362.

Carried.

PLDP20190037  
SW 16-30-5-5

Planning and Development Services presented an overview of a proposed development located at SW 16-30-5-5, 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 Dwelling, Secondary Detached (Manufactured, 2018).
- Zoning is A – Agricultural District and the parcel size is 157.83 acres.
- Property is located within Division 2 and the rural neighborhood of Fallentimber
- Applicant - HALE, Zachary & MACDOUGALL, Morgan / Landowner - HALE, Russell Patrick
- The proposed area is within an Environmentally Significant Area - Level 2 however the area to be developed will not require tree removal
- There are two creeks (Graham Creek and an unclassified creek) on the property however the area has not been identified as being within hazard lands
- The proposed Dwelling, Secondary Detached will be located within the northwesterly corner of the parcel, not within the developed yard site. Two (2) of the three (3) second dwelling criteria have been met and so the majority has been achieved.
- There is existing power at the proposed site and this area will have the least amount of impact to the quarter.
- The applicant is seeking the second dwelling to assist with the existing farming operation and aging parents.

Municipal Planning Commission discussed the following:

- A member asked for clarification on the existing structure on the proposed site.
- Administration clarified the criteria and that two (2) of the three (3) have been met and so the majority have been achieved as per the requirements of the Land Use Bylaw.

Applicant discussed the following:

- Russ Hale & Zac Hale spoke as the applicants
- The applicants stated that the existing accessory building was a bunkhouse for a sawmill that used to run on the property and is now being utilized as storage and is on skids.
- The applicant stated that there is power and a telephone line but no well or septic.
- The applicant explained to the members that the reasons for the dwelling to be placed on the proposed location, which is on the other end of the quarter, was to ensure no trees would be removed and will not impede on the agricultural land.

Moved by D. Milne

MPC 19-034 That the Municipal Planning Commission (MPC) approve the proposed Dwelling, Secondary Detached (Manufactured, 2018) in accordance with Land Use Bylaw No. 16/18 and the submitted application, within SW 16-30-5-5, submitted by HALE, Zachary & MACDOUGALL, Morgan, Development Permit No. PLDP20190037, 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. This permit is issued for a Dwelling, Secondary - Manufactured with a manufacture date of 2018 as per the information submitted with the application. Only two (2) detached dwelling units are permitted on the property.
14. All manufactured dwellings must have Canadian Standards Association (CSA) certification. If a particular manufactured dwelling has been damaged or structurally altered, the manufactured dwelling shall be certified as safe by an accredited structural engineer.
15. It shall be the responsibility of the owner to place the manufactured dwelling on a permanent foundation or base in accordance with the requirements of the Alberta Safety Codes Act.
16. All manufactured dwellings shall be skirted from the ground to floor level with a durable finish that complements the existing exterior finish of the manufactured dwelling.

Carried.

PLSD20190003  
NE 10-33-7-5

Planning and Development Services presented an overview of a proposed subdivision located at NE 10-33-7-5, 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 seven nine (+/- 40.79) acre parcel from NE 10-33-7-5 consisting of one hundred seven point zero two (+/- 107.02) acres.
- Proposed property is located within Division 5 and in the rural neighborhood of Bearberry/Coalcamp.
- Applicant / Landowner - FRIESEN, Greg
- AER did not respond with any concerns or comments as they were circulated in regard to pipelines in the area.
- The areas to the west and southwest are classed as a Level 4 - Environmentally Significant Area (ESA) - low. The proposal is approximately 300 meters from the ESA.
- There are three (3) creeks within the quarter, one (1) of which is unclassified. The environmental sensitivity of the creeks range from moderate to low. A review of historical aerial imaging did not reveal any flooding within the area.
- Alberta Environment and Parks (AEP) were notified about the proposal and did not respond with any conditions or concerns.
- The existing approach will be upgraded to have a dual entrance for the two (2) parcels.
- The configuration of the parcel is to ensure the property boundaries will allow the existing structures to remain with the parent parcel, while still gaining access to the southern portion of the quarter.
- The Riparian Areas are covered with native shrubs and bushes. There is extensive fencing that protects Walton Creek.
- The first parcel removed under the fragmented policy, in 1991, remains today as a separate parcel.
- In April 1992 an application to redesignate the subject lands to Agricultural and Associated Uses (AAU) for the purpose of creating two (2) agricultural parcels of eighty (80) acres each was approved by Council. The subsequent subdivision application was approved on June 18, 1992 with a condition to return the first subdivision of eleven point six five (+/- 11.65) acres back to the quarter. The conditions of the subdivision approval were not met within the required time frame and the subdivision was never finalized.
- Changes to the Land Use Bylaw 10/10 (LUB) redesignated the parcel from AAU - Agricultural and Associated Uses to Agricultural (2) District (A(2)). The minimum parcel size for Agricultural (2) District (A(2)) parcels, according to the Land Use Bylaw, is 40 acres.
- In 2018, the applicant applied for and succeeded with a 40.06 acre agricultural parcel that was approved by MPC.

- The existing sewage may be required to be upgraded if found to be within 90 metres of the boundary.

Municipal Planning Commission discussed the following:

- Members had concerns with the new boundary line and it was mentioned that the lines on the east follows the boundary of the existing fragmented subdivision. The proposed western boundary was structured in a manner that would allow existing structures to remain within the parent lot while still allowing access to the southern field.
- Administration clarified the extensive fencing on the east portion. Applicant spoke to the fencing on the west subdivision.
- Administration clarified what the applicant had applied for and that the application was taken on that merit.
- It was clarified that the property line is as straight as possible with consideration of the fragmented area, titled subdivisions, existing structures and creeks.
- Adjacent landowners were circulated as part of the application process.

Applicant discussed the following:

- Greg Friesen spoke as the applicant.
- Applicant clarified the fencing. He stated that once the ground thaws the property lines on the west 40 acre parcel (which is a newly created parcel) will be fenced.

Moved by D. Fulton

MPC 19-035 That the Municipal Planning Commission (MPC) approve the proposed subdivision to create one (1) forty point seven nine (+/- 40.79) acre parcel within NE 10-33-7-5, submitted by FRIESEN, Greg, PLSD20190003, 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. Access to both the proposal and the residual lot will be made by a shared access point off Township Road 332. (Approach shall be a dual approach standard for servicing two lots).
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 required pursuant to Section 663(b) of the Municipal Government Act when the land that is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes;
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

Adopted

the applicable review period to determine overall change in riparian health.

- 14. N/A
- 15. N/A
- 16. N/A

Defeated.

Meeting recessed at 9:47 a.m. to compile the reasons for defeating the motion.  
Meeting resumed at 10:07 a.m.

The motion was defeated for the following reasons:

- 1) Agricultural purpose for subdivision was not justified within the application – Contrary to MDP s.3.3.2
- 2) Additional fragmentation of existing agricultural land does not contribute to agricultural preservation – Contrary to MDP s.3.1.1
- 3) Country residential parcel may be more appropriate to minimize the impact on existing agricultural operations – Contrary to MDP s.3.1.1
- 4) Previous unendorsed subdivision (RD 92-010) did not result in the title returning to the previous land use designation (AAU District back to A District) that would have required this proposal to obtain redesignation approval prior to subdivision approval

ADJOURNMENT

MPC 19-036

Moved by P. Johnson  
That the Municipal Planning Commission of March 21, 2019 be adjourned at 10:17 a.m.

Carried.

Adopted April 04, 2019



Chair

I hereby certify these minutes are correct.



Secretary, Municipal Planning Commission