

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **August 18, 2011**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: L. Burrell; Member-At-Large/Chair
K. Branter; Member-At-Large
B. Nerrie; Member-At-Large

R. Orr; Councillor
P. McKean; Councillor
P. Munro; Reeve

IN ATTENDANCE: J. Rusling; Secretary, Municipal Planning Commission/Interim Director of Planning & Development Services
C. Tinney; Planner
C. Banack; Planner
L. Craven; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 9:03 a.m.

AGENDA MPC 11-127 Moved by P McKean
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of August 18, 2011 as presented

Carried

ADOPTION OF MINUTES MPC 11- 128 Moved by B Nerrie
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of August 4, 2011 as presented.

Carried

PLRD20100000379
NE 16-32-5-5

Planning and Development Services presented an overview of a proposed subdivision located at NE 16-32-5-5, 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 3.0 acre parcel
- Applicant/Land Owner, Bouchet-Bert, Steve and Alain
- Community of Bergen and in Division 5
- Existing Parcel size 143.62 acres

- Originally the applicant had wanted to create three (3) parcels from seven (7+/-) acres. After consulting with the planner and the objection of the first circulation, the applicant reconsidered his proposal. The applicant is now asking for 1 parcel of 3.0 acres.
- 1st circulation Alberta Transportation could not support the proposal but 2nd proposal Alberta Transportation would be willing to grant a conditional variance. AT is asking for a double wide approach and a service road that will be a caveat.
- There were 4 objection letters and the concerns were of the following nature:
 - Traffic, access
 - Noise
 - Water quantity (flow testing should be required) and quality (potential septic issues), development should have future tie-in to piped services, consider a communal well water system
 - Property Values
 - Fire Hazard
 - Landowners are not permanent residents, consideration should be given to adjacent landowners who do not want to live in higher density
 - Removal of tree cover, landscaping
 - Environmental reserve should be taken
 - Loss of viable farm land / respect Bergen ASP and its policy to preserve Agricultural land
 - Moratorium on clusters
 - Increase quads and motorized vehicles in the areaTherefore, these concerns were addressed by decreasing the number of lots from three to one.
- The proposed property falls within the Bergen Area Structure Plan.
- There is a nursery south of the proposed property currently operated by the landowner.
- Environment Reserve easement is being requested. Landowner is aware and is in favor of the land being GPS to do so.

Municipal Planning Commission discussed the following:

- MPC wanted clarification on the double access and the service road. Access easement agreement would need to be brought forward.
- We would have to have something in writing from AT to go ahead with this application and the moving of the power pole.
- Alberta Transportation will be responsible for setting up the agreement for the approach.

Moved by P. McKean

MPC 11-129 That the Municipal Planning Commission approve the proposed subdivision, to create one (1), three point zero (3.0) acres parcel

within NE 16-32-5-W5M, submitted by Steve & Alain Bouchet-Bert, PLRD20100000379, subject to the following conditions:

Standard Conditions

1. The approval fee of \$400.00 shall be paid to Mountain View County within 30 days from the date of this notice of decision.
2. N/A
3. Payment of property taxes in arrears shall be made to Mountain View County.
4. Subdivision to be effected by an instrument acceptable to the Land Titles Office (Descriptive Plan or/Plan of Survey).
5. Municipal Reserves

(1) Agricultural Parcels, or Low Density Rural Residential Development (less than five (5) titles per quarter section):

a. N/A

b. Cash in lieu of municipal reserves are to be paid to Mountain View County within 30 days from the date of the notice of decision. Approximately 0.3 acres are owing and at a rate of **(\$1,880.95)** per acre, therefore **(\$564.29)** is owing to the County. This figure will be subject to confirmation upon receipt of the final plan of survey;

c. N/A

d. N/A

Standard Conditions if Applicable:

6. N/A

7. N/A

8. A Real Property Report shall be prepared by a qualified Alberta Land Surveyor showing that the setbacks of main structures in relation to proposed and existing property lines are in compliance the County's current Land Use Bylaw.
9. The surveyor shall include on the Real Property Report, confirmation that the existing water well and the private sewage treatment system that services the existing development is completely contained and shown to be within the proposed property boundaries. If any portion of the existing private sewage treatment system is situated closer than 90 meters of an existing or proposed property line confirmation shall be provided from a Safety Codes Officer that the sewage

system complies with the regulations as outlined in the current Alberta Private Sewage Systems Standard of Practice. Where not in compliance, the applicant shall undertake improvements to the sewage system 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. The applicant shall make suitable arrangements with Corporate Services department of Mountain View County to acquire, assign and post rural addresses for the proposed and residual lots in accordance with the rural addressing bylaw. The applicant shall provide confirmation in this regard.

13. The applicant shall enter into a restrictive covenant in accordance with Section 651.1 of the Municipal Government Act. The restrictive covenant shall affect (NE 16-32-5-W5M) as identified on the conditionally approved tentative plan for the purposes of Environment Reserve Easement. Mountain View County shall draft the agreement and prepare supportive schedules. This agreement shall be registered via caveat on the affected titles.

14. N/A

15. N/A

16. N/A

Additional Conditions:

17. The Applicant enter into agreement with Alberta Transportation and "be required to provide a 30-metre wide service road provision across the highway frontage of the proposed parcel as noted on the attached sketch". Alberta Transportation is prepared to accept the service road provision by caveat. The Applicant is required to provide access to the proposed parcel and remainder of lands to Alberta Transportation standards and specifications and is to be a joint approach.

18. That the landowner of the balance of NE 16-32-5-5 and the landowner of the proposed parcel enter into an access easement agreement to allow continued access to both parcels. Mountain View County shall be party to the agreement.

Carried

PLSD2010000052
SW 28-31-1-5

Planning and Development Services presented an overview of a proposed subdivision located at SW 28-31-1-5, 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 three (3) lots of two point nine five (2.95) acres, two point nine five (2.95) acres and two point four one (2.41) acres
- Original parcel size 157.5 acres
- Applicant Taylor, Ken
- Land owners, Pochapsky, David & Lori
- Proposed parcel in within Division 3 and in the neighborhood of Rosebud.
- Redesignated - September 29, 2010, by Bylaw No. LU 69/10 designated as Country Residential 1
- The original proposal was for 4 - 2 acres parcels, with an internal subdivision road in the SE corner of the quarter
- Four objection letters were received in response to referral of this application to adjacent landowners. The concerns are related to:
 - General concerns about further subdivision
 - Animals
 - Increase in traffic in addition to that from the Harnack Pit (see discussion further below)
 - General traffic and safety
 - Groundwater supply; especially from landowner on the NE 21-31-1-5
 - Noise
 - Complaints from new landowners regarding general noise and impacts from adjacent cow-calf operation on the NE 21-31-1-5
 - Complaints from new landowners about "working" dogs on the NE 21-31-1-5
 - Potential danger to animals and children who cross over into adjacent agricultural operations (and damage)
 - Increased snow clearing "responsibilities"
 - Dust problems on Range Road
 - Garbage
 - Proximity to sour gas facility and transmission line
 - Light industrial development corridor along Highway 2A
 - Proposal is on good farmland
- 2 Confined Feeding Operations in the area but neither is a concern.
- Cathodic groundbed was a concern of Nova Gas. While there exists the potential for interference with any Metallic structures constructed within the area, they do not object to the subdivision as long as the setbacks distance from the groundbed is maximized and that a consultant with expertise in cathodic protection be involved with any future

development permits to mitigate potential impacts or effects at the time of construction of a residence.

- This is a haul route for the Harnack Pit and the owner of the pit is responsible for the dust control on the road.
- The landowner has responded to the objections.

Municipal Planning Commission discussed the following:

- The concept plan is a plan to see the future plans. The fourth lot would be part of the concept plan.
- There were 3 lots that the Council approved as Country Residential 1.
- With the objection from an adjacent landowner MPC would like to ensure that water is not an issue. There is Condition 10a that ensures that the landowner get a groundwater supply evaluation.
- The access to the parcel will be a single and a joint approach at the property line.
- A subdivision can be approved without a concept plan. A Concept Plan is only the plan for future expansion.
- Joint and single approaches are acceptable for this property because the property is on a county road and not a (CCN) county collector road network because then it would have to be an internal subdivision road.

Applicant discussed the following:

- Ken Taylor spoke
- The land owner presented 4 lots initially on the SE quarter and there was an objection so the landowner revised the proposal with a new location and only 3 lots.
- As one of the suggestions from MPC, the landowner does not want just 1 lot.
- The landowner was not aware of the water issue until it was made aware at the MPC meeting today. There are many other homes in the direct vicinity of the complainant's property.
- The landowner has sufficient water and the Ground Water Evaluation will have to be done before the development can go ahead.
- Applicant would like to not fence the property until such time that the lots are sold so that he can continue to use the property productively for haying.

Moved by K. Branter

MPC 11-130 That the Municipal Planning Commission approve the proposed subdivision, to create three (3) lots of two point nine five (2.95) acres, two point nine five (2.95) acres and two point four one (2.41) acres each from existing 157.5 acres, within SW 28-31-1-5 submitted by TAYLOR, KEN, File No. PLRD20100000052, subject to the following conditions:

CONDITIONS:

The works outlined in this application are subject to the following

Standard Conditions:

1. The approval fee of \$1200 shall be paid to Mountain View County within 30 days from the date of this 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.
3. Payment of property taxes in arrears shall be made to Mountain View County.
4. Subdivision to be effected by an instrument acceptable to the Land Titles Office (Descriptive Plan or/Plan of Survey)
5. Municipal Reserves:
 - (1) Agricultural Parcels, Low Density Rural Residential Development (Less than five (5) titles per quarter section):
 - a) N/A; or
 - b) Cash in lieu of municipal reserves are to be paid to Mountain View County within 30 days from the date of this notice of decision. Approximately (0.83) acres are owing and at a rate of (\$3,734.06) per acre, therefore (\$3,099.27) is owing to the County. This figure will be subject to confirmation upon receipt of the final plan of survey;
 - c) N/A.
 - d) N/A.
 - (2) Medium-High Density Residential (More than (5) titles per quarter section), Recreational, Commercial or Industrial Development:
 - a) N/A; or
 - b) N/A.
 - c) N/A.

Standard Conditions if Applicable:

6. The applicant shall enter into an agreement for the provision of road widening (southerly 5.18 metres) across the subject property to the satisfaction of Mountain View County.
7. A qualified surveyor shall prepare a Utility Right of Way Plan (UROW) and that the applicant enters into a General Utility Easement Agreement with Mountain View County. The UROW Plan will dedicate 5.0 metres in width commencing at 5.18 metres measured in perpendicular distance from Township Road 314.
8. A Real Property Report shall be prepared by a qualified Alberta Land Surveyor showing that the setbacks of main structures in

relation to proposed and existing property lines are in compliance the County's current Land Use Bylaw.

9. The surveyor shall include on the Real Property Report, confirmation that the existing water well and the private sewage treatment system that services the existing development is completely contained and shown to be within the proposed property boundaries. If any portion of the existing private sewage treatment system is situated closer than 90 meters of an existing or proposed property line confirmation shall be provided from a Safety Codes Officer that the sewage system complies with the regulations as outlined in the current Alberta Private Sewage Systems Standard of Practice. Where not in compliance, the applicant shall undertake improvements to the sewage system 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. The applicant shall submit the following report(s), plans and specifications prepared by a qualified professional. These reports shall be to the satisfaction of Mountain View County and the findings shall guide and be incorporated within the drafting and execution of the development agreement(s):
 - a. A groundwater supply evaluation. This report shall confirm the availability and adequacy of a suitable water supply that complies with applicable provincial standards and regulations.
 - b. Private sewage system suitability analysis. This report shall include a texture classification tests on each of the proposed lots to determine an appropriate effluent treatment and disposal system.
 - c. A stormwater management plan. The plan shall ensure that the natural drainage course/waterways within and adjacent to the proposed lot will not be altered without providing a positive alternative means of drainage satisfactory to the County. The plan should identify any drainage easements that would need to be registered.
 - d. Engineering plans and specifications detailing the provision of utilities (power only) to service the proposed lots, drainage improvements and peripheral fencing measures. Engineering plans and specifications shall be in accordance with Policy 4009 – Mountain View County Design Guidelines and General Construction Specifications.
11. The applicant shall enter into a development agreement(s) with Mountain View County in accordance with Section 655 of the Municipal Government Act. The development agreement(s) shall address such matters including but not limited to the following:

- a. N/A;
 - b. the provision of necessary utilities, easements, and right of ways;
 - c. N/A;
 - d. water and sewage treatment requirements;
 - e. fencing requirements;
 - f. stormwater management;
 - g. security requirements;
 - h. inspection provisions;
- As required, the development agreement(s) may be registered via caveat on the affected land provided the nature and intent of the agreement(s).

12. The applicant shall make suitable arrangements with Corporate Services department of Mountain View County to acquire, assign and post rural addresses for the proposed and residual lots in accordance with the rural addressing bylaw. The applicant shall provide confirmation in this regard.
16. The applicant shall review necessary off site (primary and secondary) upgrades to the power distribution system with the power utility provider to service the subdivided lands. Where off-site upgrades are deemed necessary by the power utility provider, the applicant shall enter into an executed agreement to service the subdivided lands. Confirmation shall be provided to Mountain View County and will form part of the development agreement.

Additional Conditions:

17. The private sewage suitability analysis referenced in Condition # 10 shall indicate if there is a high water table or not. If, a high water table is indicated, a geotechnical report shall be submitted regarding the suitability of the sites for building and what building construction techniques would be required (i.e. basements)
18. A joint approach and a single approach shall be constructed in conjunction with Condition # 2.
19. The applicant shall enter into a Restrictive Covenant which details the requirements of TransCanada and Nova Gas relating to the oil and gas facilities in proximity to the proposed lots. (i.e. The requirements listed in the letters from Nova Gas /TransCanada dated September 9, 2010 & June 29, 2011 - attached)

Carried
Opposed - B. Nerrie & P. Munro

Municipal Planning Commission discussed the changes to the Standard Subdivision Condition as follows:

Standard Conditions

1. The approval fee of (insert amount) 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 (insert any special access requirements or unique standards if applicable).
3. Payment of property taxes in arrears shall be made to Mountain View County.
4. Subdivision to be effected by an instrument acceptable to the Land Titles Office (Descriptive Plan /Plan of Survey).
5. Municipal Reserves
 - (1) Agricultural Parcels, or Rural Residential Development (less than five (5) titles per quarter section):
 - a. No reserves required pursuant to Section 663(a) of the Municipal Government Act;
 - b. Cash in lieu of municipal reserves are to be paid to Mountain View County. Approximately *(insert acreage)* acres are owing and at a rate of *(assessed land value)* per acre, therefore *(insert dollar amount owing)* is owing to the County. This figure will be subject to confirmation upon receipt of the final plan of survey;
 - c. Municipal Reserves are to be dedicated as shown on the proposed Plan of Survey and shall be registered by an instrument acceptable to the Land Titles Office.
 - (2) Medium - High Density Residential (more than (5) titles per quarter section), or for Recreational, Commercial or Industrial Development:
 - a. No reserves required pursuant to Section 663(a) of the Municipal Government Act; or
 - b. Cash in lieu of municipal reserves are to be paid to Mountain View County. Approximately *(insert acreage)* acres are owing and at a rate of *(assessed land value)* per acre, therefore *(insert dollar amount owing)* is owing to the County. This

figure will be subject to confirmation upon receipt of the final plan of survey;

- c. Municipal Reserves are to be dedicated as shown on the proposed Plan of Survey and shall be registered by an instrument acceptable to the Land Titles Office.

Standard Conditions if Applicable:

6. That the applicant shall enter into an agreement for the provision of road widening (insert direction and metres) across the subject property to the satisfaction of Mountain View County.
7. The applicant shall enter into a General Utility Easement Agreement with Mountain View County. The General Utility Easement Agreement shall dedicate (insert direction and metres). To facilitate this, a qualified surveyor shall prepare a Utility Right of Way (URW) Plan.
8. The applicant shall submit a Real Property Report prepared by a qualified Alberta Land Surveyor showing that the setbacks to 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 Private Sewage Treatment System (PSTS) is situated closer than 90 meters to an existing or proposed property line the applicant shall submit either of the following:
 - a. A copy of the PSTS permit application, and inspection reports as completed by a Safety Codes Officer when the PSTS was installed or,
 - b. An inspection report from a Safety Codes Officer confirming that the PSTS complies with the regulations 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. The applicant shall submit the following report(s), plans and specifications prepared by a qualified professional. These reports shall be to the satisfaction of Mountain View County and the findings shall guide and be incorporated within the

drafting and execution of the development agreement(s) (insert and list requirements and timelines).

11. The applicant shall enter into a development agreement(s) with Mountain View County in accordance with Section 655 of the Municipal Government Act. The development agreement(s) shall address such matters including but not limited to the following:
 - a. the construction of municipal improvements;
 - b. the provision of necessary utilities, easements, and right of ways;
 - c. water and sewage treatment requirements;
 - d. landscaping and fencing requirements;
 - e. stormwater management;
 - f. security requirements;
 - g. inspection provisions

As required, the development agreement(s) may be registered via caveat on the affected land.

12. The applicant shall make suitable arrangements with Mountain View County to acquire, and post the rural address sign and post the rural address sign in accordance with the rural addressing bylaw. The applicant shall provide confirmation in this regard.
13. The applicant shall enter into a restrictive covenant in accordance with Section 651.1 of the Municipal Government Act. The restrictive covenant shall affect (insert description of affected lands) as identified on the conditionally approved tentative plan for the purposes of (insert purpose). Mountain View County shall draft the agreement and prepare supportive schedules. This agreement shall be registered via caveat on the affected titles.
14. The applicant shall enter into an environmental reserve easement with Mountain View County affecting those lands as identified on the conditionally approved tentative plan for the purposes of environmental protection. A plan of survey specifying the easement lands is required in accordance with the requirements of the Alberta Land Titles Office.
15. The applicant shall dedicate those lands as identified on the conditionally approved tentative plan as environmental reserve. A qualified land surveyor shall include the lands identified as environmental reserve on the plan of subdivision.
16. The applicant shall review necessary off-site (primary and secondary) upgrades to the power distribution system with the power utility provider to service the subdivided lands. The applicant shall be responsible for obtaining a quote, and a signed agreement with the power provider along with a

receipt of payment to extend power services to the property boundary(s) of the newly created lots.

John Rusling discussed the following:

- Condition #5 (1b) that the 30 days should be taken out.
- Condition #5 (1c) should be taken out.
- Council may extent the 1 year time period whether the time has expired or not.
- Condition #5 (2) Cash In Lieu Of taken out
- 1st parcel or agricultural parcels over 40 acres do not have to pay Cash in Lieu. But it is per acre value of the parent parcel before subdivision.
- Condition #7 make it clear that a surveyor or in house could do the Right of Way plan.
- Condition #8 the words need to say all of the structures instead of main structures.
- Condition #9 adding the following Private Sewage Treatment System.
- Condition #11 provided the nature and intent of the agreement(s).
- Condition #12 & 16 making sure the language is simpler for better understanding.
- MGA says you can work out the value in one of 2 ways -
 1. The county and the land owner can agree on the value.
 2. The land owner has the right to hire an appraiser and submit a report to the County.

MPC discussed the following:

- Wants more information about Condition #5 - Cash in Lieu Of and how it would be determined.
- Each parcel will need to be appraised because every parcel has a different value.

Moved By B. Nerrie

MPC 11-131 That the Municipal Planning Commission approve the requested changes to Standard Subdivision Conditions as presented. Excluding the change of Condition # 5 - 1b & 1c

Carried

CORRESPONDENCE

Information Items

Moved by P. McKean

MPC 11-132 That the Municipal Planning Commission receive the following items as information:

- 1) ASDAA Agenda from August 9, 2011
- 2) Permitted Development Permits
- 3) MD of Bighorn New MDP
- 4) NRCB RA11040 Van T Klooster (Oosterstreek Dairy)
- 5) NRCB RA11041 Sietze Sietzema (Sietzema Dairy)

Carried

MPC discussed the following with regards to time extensions:

- The applicant may need to go back to a single parcel instead of a multi lot.
- Land owners are finding out that the process is a lot longer than anticipated and need to have the time to gather all the information that is required.
- The land owners that are trying should be given some leeway.
- Each application needs to be looked at individually.
- Council needs to set the rules and MPC does follow ups.
- The county does have a percentage of conditions that must be completed in order to agree to a time extension.

ADJOURNMENT

MPC 11-133 Moved by P. McKean
That the Municipal Planning Commission of August 18, 2011 be
adjourned at 10:50 a.m.

Carried

Adopted September 1, 2011

Chair

I hereby certify these minutes are correct.

Secretary, Municipal Planning Commission