

MINUTES

**MUNICIPAL PLANNING COMMISSION**

Mountain View County

Minutes of the **Municipal Planning Commission** held on **February 17, 2011**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: L. Burrell; Member-At-Large/Chair  
G. Harris; Member-At-Large  
W. Davies; Member-At-Large  
K. Walton; Member-At-Large

P. Munro; Reeve  
P. McKean; Councillor  
K. Good; Councillor

IN ATTENDANCE: D. Hawryluk; Secretary, Municipal Planning Commission/  
Director of Planning & Development Services  
N. Petherick; Manager of Planning Services  
S. Madge; Manager of Development Services  
J. Ross; Development Officer  
M. Steckly; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 9:00a.m.

AGENDA MPC 11-023 Moved by G. Harris  
That the Municipal Planning Commission adopt the agenda, as amended with 8.2 as the first item, of the Municipal Planning Commission meeting of February 17, 2011.  
Carried

ADOPTION OF MINUTES MPC 11- 024 Moved by P. McKean  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of February 3, 2011 as presented.  
Carried

PLDP20100000428  
SE 1-30-4-5  
Planning and Development Services presented an overview of a proposed development located at SE 1-30-4-5 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:  
• Proposed Communication Tower  
• Zoning is Agricultural District  
• Parcel size is 156.21 acres.

Municipal Planning Commission discussed the following:

- In regards to Condition 17, should there be a specific number for the amount of times the applicant will access the property?

Applicant discussed the following:

- No Comment

Moved By G. Harris

MPC 11-025 That the Municipal Planning Commission approve the proposed Communication Tower in accordance with the Land Use Bylaw 10/10 and the submitted application, within SE 1-30-4-5, submitted by Corridor Communication Inc. Development Permit PLDP2010000428, subject to the following conditions:

**Standard Conditions**

**The works outlined in this application are subject to the following standard conditions:**

1. The provisions of the Land Use Bylaw No. 10/10.
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. 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.
6. 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.
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 positing it on the property as per the Rural Addressing Bylaw.

**Permits Associated with Building Construction**

10. If the development authorized by a development permit is not commenced and diligently pursued within eighteen (18) 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.
11. 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 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:**

12. Upon no longer utilizing this site, the site will be totally reclaimed meaning the removal of the entire tower, antennas, cable, equipment and concrete.
13. The applicant shall ensure all construction is in conformance with Transport Canada's regulations for the proposed development and that a copy of the Aeronautical Obstruction Clearance form issued by Transport Canada must be obtained and provided to Mountain View County.
14. All required permits / approvals from Federal Authorities must be obtained and copies provided to Mountain View County.
15. The applicant and/or landowner shall obtain a Road Use Agreement from Mountain View County's Operations Department 30 days prior to the proposed construction commencement date.
16. The applicant and/or landowner shall recognize that Range Road 40 is an undeveloped road allowance and that Mountain View County shall not be responsible to maintain any portion of Range Road 40 adjacent to SE 1-30-4-5.
17. Should the applicant and/or landowner need to utilize the undeveloped road allowance, beyond the approved 2-3 times per year, the applicant/landowner shall consult with the County's Operations Department prior to requiring access.
18. The tower will be engineered to accommodate future co-location with additional carriers, and to minimize any potential negative affects on the adjacent residence.

**Note: Additional use of the undeveloped road allowance (Range Road 40) adjacent to SE 1-30-4-5 may require the applicant and/or landowner to develop the road up to Mountain View County road construction standards.**

Carried

K. Walton left the meeting at 9:16 a.m.

PLSD20100000346  
SE 22-33-7-5 Plan N ½

Planning and Development Services presented an overview of a proposed subdivision located at SE 22-33-7-5 Plan N ½ 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 parcel twelve (12) acres in size from an existing 79.46 acres

- Zoning is Parks and Recreation (P-PR) District
- Located in the Bearberry Red Deer River Area Structure Plan
- The property has a partially completed recreational development that was approved under DP99-021

Municipal Planning Commission discussed the following:

- In regards to condition 13 is there any way to allow the applicant to step away from this and have the landowner clean it up?
- What is the zoning on the balance of the property?
- Anything on the property that doesn't have a development permit has to be removed.
- Does this meet the ASP currently in place?
- Creek diversion was mentioned however nothing can be done unless they have approval from Alberta Environment and Ducks Unlimited.
- If they are not following the conditions of the Development Permit currently in place, what can be done in the future to ensure they are following the conditions any future development.
- Because of the concerns of the community can we ask where the applicant is at in development now, are there permits in place?
- Where is the MR going to be located?
- If this a recreational area, why are we decommissioning the pond with Ducks Unlimited?

Eva Conway discussed the following:

- There are no lots pre-sold to any developers
- We are working on cleaning up the property
- Mr. Sanders has proposed development however there has been no exchange of money and nothing has been done.

MPC 11-026 Moved by G. Harris  
That the Municipal Planning Commission approve the proposed subdivision to create one (1) parcel of twelve (12) acres in size contained within the SE 22-33-7-5 Plan N ½ as indicated in the Tentative Plan of Subdivision (Attachment 01) subject to the following conditions:

**Standard Conditions**

1. The approval fee of \$400 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 Highway 584 to the proposed and residual lots. All new and existing approaches shall be constructed/upgraded in accordance with the construction specifications of Alberta Transportation. The applicant shall provide confirmation in this regard.

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 (Plan of Survey).
5. Municipal Reserves
- a. Cash in lieu of municipal reserves (1.2 acres) are to be paid to Mountain View County based on a market value appraisal prepared and submitted by the applicant. Cash in lieu of municipal reserve owing shall be based on the review of the market value appraisal and the final plan of survey.

**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 the existing water body, pond area and surrounding riparian areas situated on the SE 22-33-7-5 Plan N ½ and shall be for the purposes of environmental protection. The extent of lands affected by the restrictive covenant shall be defined upon completion of the decommissioning of the existing Milford project by Ducks Unlimited Canada. 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 shall dedicate via caveat, a 30 meter service road dedication across the SE 22-33-7-5 Plan N ½ adjacent to Highway 584 to the satisfaction of Alberta Transportation. The applicant shall provide confirmation in this regard prior to endorsement.
- 18. The applicant shall decommission and remove from the SE 22-33-7-5 Plan N ½, the following existing structures: hip roof barn (8' x 10'), cook house (30' x 40'), and outhouse (8' x 16') as outlined and detailed by the applicant/landowner on the subdivision application dated September 6, 2010.
- 19. In conjunction with Condition #8, the applicant shall obtain development permit approvals for all existing unauthorized structures on the property as required under Bylaw No. 10/10 or decommission and remove all existing unauthorized structures prior to endorsement. Structures and improvements that require permitting or removal shall be based on a detailed review and assessment by Planning and Development Services of the real property report prepared for the SE 22-33-7-5 Plan N ½ as outlined in Condition #8.

Planning and Development Services can support the proposed subdivision on the following basis:

- (i) The proposed subdivision is consistent with the Section R1(d) – Rural Development and Section T1(b) – Transportation of the Mountain View County Strategic Directions Plan (2011):
- (ii) The proposed subdivision is consistent with Sections 4.3.1, 4.3.2, 4.3.18, 4.3.19, 4.3.20, 5.3.5 and 5.3.1, 8.3.5, and 8.3.12 of the Municipal Development Plan (Bylaw No. 17/07).
- (iii) The proposed subdivision is consistent with Section 6.3.3, 7.3.4, 7.7.9, 7.7.10 and 7.7.11 of the Bearberry Red Deer River Corridor Area Structure Plan (Bylaw 26/06).
- (iv) The existing and intended use of the subdivision is consistent with the Parks and Recreation District (P-PR) of the Mountain View County Land Use Bylaw (10-10). Tourist campgrounds are considered a discretionary use under the land use bylaw.
- (v) The subject property is deemed suitable for its intended use and complies with Section 654 (1)(a-d) of the Municipal Government Act.
- (vi) The applicant has reviewed and addressed submissions from agencies and landowners as part of the application circulation package. The proposed subdivision will not unduly or materially interfere with the use and enjoyment of neighbouring parcels of land.

Adopted

Carried

K. Walton re-entered the meeting at 9:55 am

CORRESPONDENCE

Information Items

Moved by P. McKean

MPC 11-027 That the Municipal Planning Commission receive the following items as information:

a) ASDAA Agenda from February 1, 2011

Carried

ADJOURNMENT

MPC 11-028

Moved by G. Harris

That the Municipal Planning Commission of February 17, 2011 be adjourned at 9:55 a.m.

Carried.

“Adopted March 3, 2011”

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Chair

I hereby certify these minutes are correct.

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Secretary, Municipal Planning Commission