

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **December 15, 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  
 L. Schafer; Member-At-Large  
 G. Harris; Member-At-Large

D. Milne; Councillor  
 K. Good; Councillor

IN ATTENDANCE:

J. Rusling; Secretary, Municipal Planning Commission/Interim Director of Planning & Development Services  
 S. Madge; Manager of Development & Permitting Services  
 J. Ross; Development Officer  
 L. Craven; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 9:07 a.m.

AGENDA

MPC 11-197 Moved by K. Branter  
 That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of December 15, 2011 as presented

Carried

ADOPTION OF MINUTES

MPC 11- 198 Moved by K. Good  
 That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of December 1, 2011 as presented.

Carried

PLDP20110144  
 NE 20-32-27-4

Planning and Development Services presented an overview of a proposed development located at NE 20-32-27-4, 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:

- Proposal for a Communication Tower
- Zoning is Agriculture
- Parcel size is 158.97 acres.
- Applicant - CCI Wireless Inc. / Landowners - Kientz, Ralph & Josie

- Property is located in Division 7 and in the community of Reed Ranch.
- The property is vacant farmland. Proposed property area is a wet pasture land.
- Application was deferred by MPC on July 7, 2011 and July 21, 2011 new location to be proposed.
- Application was deferred pending review of an alternative site for the proposed tower. Commission wanted to see the tower to be located on non cultivated land.
- 2 objections letters and a petition received from adjacent landowners. The objections were as followed:
  - Health risks with having a tower in close proximity
  - Interference with GPS and emitting equipment
  - Negative impacts on the overall community
  - Property values
  - Concerns with tower height for crop spraying

Municipal Planning Commission discussed the following:

- No comments or questions from MPC members.

Applicant discussed the following:

- No comments or questions.

Moved By B. Nerrie

MPC 11-199 That the Municipal Planning Commission approve the proposed Communication Tower in accordance with the Land Use Bylaw 10/10 and the submitted application, within NE 20-32-27-4, submitted by CCI Wireless Inc., Development Permit PLDP20110144, 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 and/or 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 tower will be engineered to accommodate future co-location with additional carriers, and to minimize any potential negative affects on the adjacent residence.
17. The applicant shall submit construction drawings to the County prior to construction of the tower, illustrating a suitable protective anticlimb barrier to be located on the Communication Tower structure. The drawings shall be to the satisfaction of the Development Officer.
18. That the applicant and/or landowner provide weed control within the proposed tower site location.

Carried

PLDP20110291  
NW 7-33-2-5

Planning and Development Services presented an overview of a proposed development located at NW 7-33-2-5, 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:

- Proposal to Dwelling Unit and Subsidiary Occupation - Level 3 (Able Directional Boring)
- Zoning is Agriculture
- Parcel size is 152 acres.
- Applicant - Taylor, Ken / Landowner - Milligan, Harvey & Sherry
- Property is located in Division 6 and in the Community of Hainstock.
- There is an existing accessory building that is being utilized for the business operation and also the farming operation that are both located on the property.
- Surrounding properties are zoned Agriculture and one (1) Country Residential property.
- This application was brought forward from a complaint relating to the existing business.
- Primary use of the existing accessory building is to store equipment in. All directional boring is done off site and therefore there are no customers on the property.

Municipal Planning Commission discussed the following:

- Wanted assurance that there would not be any test boring on the site.

Applicant discussed the following:

- Ken Taylor spoke as the applicant.

- Clarified that all work is done off site and no test boring or demonstration boring will be done on site.
- This was an existing business that was moved to this property in approx. 2009 after upgrading the hay shed to a farm shop.

MPC 11-200 Moved By K. Branter  
That the Municipal Planning Commission approve the proposed Dwelling Unit and Subsidiary Occupation - Level 3 (Able Directional Boring) in accordance with the Land Use Bylaw 10/10 and the submitted application, within NW 7-33-2-5, submitted by Taylor, Ken, Development Permit PLDP20110291, 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. Future expansion, work area or additional employees, will require a new permit and may require rezoning of the site area utilized for the business.
13. Use of the existing accessory building - shop for residential purposes is not permitted.
14. Outside storage shall be placed behind the accessory building - shop in conformance with the submitted site plan to ensure sufficient screening from the adjacent Rge. Rd. 30. Additional unscreened storage shall not be permitted.
15. The applicant shall dispose of any and all scrap metal and chemicals collected and contained on site in conformance with all provincial regulations to prevent possible soil contamination.

Carried

PLDP20110283  
NE 35-32-6-5

Planning and Development Services presented an overview of a proposed development located at NE 35-32-6-5, 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:

- Proposed Existing Gravel Pit and Water Heating Facility
- Zoning is Agriculture and located in the community of McDougal Flats.
- Parcel size is 79.2 acres.
- Applicant - Genivar Inc. / Landowners - Saunders, Kevin & Patricia

- Property contains an accessory building and a mobile home. The application states that the mobile home is to be removed from the property.
- 3 letters of objection were received and 2 letters of support. Letters of objection stated concerns with:
  - Burning waste on site
  - Hours of operation
  - Duct control within the pit
  - Traffic generation
  - Water being hauled off site.
- County's Agriculture Department comments were received with regards to ensuring the operator implements the proposed phasing plan as outlined in the application.
- County's Operation Department commented with regards to ensuring the operator is aware of the requirements of the Alberta Environment's "Guide to the Code of Practice for Gravel Pits" and that these requirements are implemented throughout the life of the pit. Also the Operator would be required to enter into a Road Use Agreement with the County.
- Raw water heating plant on site to supply heated water to pipeline companies through the winter months. These companies are required to obtain approvals from Alberta Environment.
- The operator of the pit is also responsible to obtain Water Act approval with Alberta Environment regarding the holding pond.
- Planning and Development feel that all items have been addressed by the land owners to adjacent landowners.

Municipal Planning Commission discussed the following:

- MPC asked for clarification on the conditions being similar for other pits in the area.
- Alberta Environment's "Code of Practice for Gravel Pits" will have to be adhered to.
- Concerned objectors were not aware which land was proposed for the pit.. Phone calls from objectors to planning helped to clarify some of the questions of the objectors.

Applicant discussed the following:

- No comments were made by applicant.

Moved By G. Harris

MPC 11-201 That the Municipal Planning Commission approve the proposed Existing Gravel Pit and Water Heating Facility in accordance with the Land Use Bylaw 10/10 and the submitted application, within NE 35-32-6-5, submitted by Genivar Inc., Development Permit PLDP20110283, 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. N/A
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. N/A
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. Additional uses other than the existing gravel pit and the water heating facility on the NE 35-32-6-5 will require issuance of a new Development Permit.
13. Regular hours of operation for the gravel pit including all pit operations shall be Monday thru Saturday 7:00 am to 6:00 pm May thru November. No operation of the pit shall occur on Sundays or Statutory holidays. Hours of operation shall be strictly adhered to.
14. On the occasion that the applicant, landowner and or operator wishes to extend the hours of operation for crushing purposes other than the hours specified in condition #13, the operator shall obtain and submit to Mountain View County written consent from the majority of adjacent landowners within a half (1/2) mile of the subject property.
15. PRIOR TO ISSUANCE OF THE PERMIT, the applicant and landowner shall enter into a Gravel Haul Route Agreement/Road Use Agreement with Mountain View County which will confirm that the haul route is north along Range Road 61 to Hwy. 584. Any revisions or amendments to the identified haul route will require notification and approval from Mountain view County. This agreement shall be completed within 60 days of this approval. (letter of credit amounting to \$25,000 shall be a requirement of this agreement).
16. The applicant shall provide dust control within the operation of the gravel pit to ensure there is no adverse impact to adjacent land owners and residences.
17. The applicant, landowner and or operator shall obtain Water Act approval from Alberta Environment for the wash plant facility and water heating facility located on site.
18. The applicant shall ensure all contractors removing water from the subject property have approval to do so through the Water Act from Alberta Environment.
19. The applicant, landowner and or operator shall implement the reclamation plan consistent with their submitted application and return the pit back to agricultural use. Any additional uses for the subject property shall require the issuance of permits from Mountain View County.
20. Soils shall be separated into top soil, sub soil piles and all piles and berms shall be seeded to prevent the contents from being blown off site and shall be used for reclamation purposes within the pit.
21. The applicant, landowner and or operator shall restrict the use of engine retarder brakes within the pit operating area.

22. The applicant, landowner and or operator shall conform to the noise control methods identified within Section 6.7.1 of “A Guide to the Code of Practice for Gravel Pits” published by Alberta Environment
23. The applicant, landowner and or operator shall observe and practice the standard code of practice for pits as described within the “A Guide to the Code of Practice for Gravel Pits” published by Alberta Environment.
24. That the applicant, landowner and or operator complies with section 6.6.2 Extraction Setbacks of the “A Guide to the Code of Practice for Gravel Pits” for the southerly gravel pit setbacks from the property lines.
25. The applicant, landowner and or operator shall dispose of any chemicals collected and contained on site at an approved waste facility in a timely manner to prevent possible soil contamination. Any contamination clean up shall be the responsibility of the owner and or operator.
26. That the applicant, landowner and or operator shall meet any standards and obtain any approvals and inspections required under the Fire Code or Petroleum Tank Management Association of Alberta.
27. That the applicant obtain a Roadside Development Permit from Alberta Transportation.
28. The applicant shall not be permitted to burn waste on site at any time.
29. The applicant shall submit to Mountain View County approval from the pipeline company to extract up to the pipeline right of way. This shall be provided within 60 days of the date of approval.
30. The applicant shall advise Mountain View County when the Dwelling, Manufactured is removed from the property as per the application submitted.

Carried

J. Rusling presented a verbal report on Environmental Protection Guidelines

MPC member discussed the following:

- MPC member wants the public to be aware of the review, based on the fact that we think they are too onerous.
- To encourage voluntary compliance on the applications. Surcharges for the late applications that are dragging on could be considered.
- Working with the public to ensure that their applications are done thoroughly seems to work the best.

Adopted

MPC 11-202 Moved by G. Harris  
That MPC initiate a review of the County's Environmental  
Guidelines as they relate to subdivision & development  
applications.

Carried

CORRESPONDENCE  
Information Items

MPC 11-203 Moved by G. Harris  
That the Municipal Planning Commission receive the following  
items as information:  
a) ASDAA Agenda from December 6, 2011  
b) Permitted Development Permits Approved  
c) NRCB Notification RA11057 Vanden Broek

Carried

ADJOURNMENT

MPC 11-204 Moved by G. Harris  
That the Municipal Planning Commission of December 15, 2011  
be adjourned at 10:01 a.m.

Carried

Adopted January 5, 2012

\_\_\_\_\_  
Chair

I hereby certify these minutes are correct.

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Secretary, Municipal Planning Commission