

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **October 20, 2010**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

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

IN ATTENDANCE: D. Plamping; Chief Administrative Officer  
S. Madge; Manager of Development & Permitting Services  
C. Banack; Planner  
T. Connatty; Planner  
J. Ruhe; Development Officer  
J. Ross; Development Officer  
C. Keleman; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 1:02 p.m.

AGENDA MPC 10-172 Moved by G. Harris  
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of October 20 2010 as presented.  
Carried

ADOPTION OF MINUTES MPC 10-173 Moved by K. Branter  
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of October 6, 2010 as presented.  
Carried

PLDP20100000254  
SW 30-32-5-5  
Plan 0512102  
Block 5 Lot 2  
Planning and Development Services presented an overview of a proposed development located at SW 30-32-5-5, Plan 0512102 Block 5 Lot 2. This application was heard by the Municipal Planning Commission on October 6, 2010, where a motion was made to defer the application until Planning & Development Services reviewed the original application for subdivision and the requirements of the Area Structure Plan at that time. Staff was

requested to then bring this application with this information back to the next Municipal Planning Commission meeting for consideration.

Planning and Development Services provided information as introduced in the agenda package, such as the location and contour maps, site sketch, site photos and aerial photos.

Planning and Development Services provided specific information to the application as follows:

- Proposal to develop single detached dwelling.
- Zoning is Country Residential.
- Parcel size is 7.73 acres and is located within the South McDougal Flats Area Structure Plan.
- Site is located within hazardous lands denoted as "flood plain" according to County GIS data.
- The subdivision was approved in July 2003 under the West Sundre Area Structure Plan.
- Upon review of the Land Use Bylaw, the South McDougall Area Structure Plan, and the Municipal Development Plan, staff requested the applicant have a flood risk assessment study completed prior to issuance of the permit. The applicant advised the Development Officer that they were not prepared to have this study completed.
- Planning & Development Services recommended refusal of the application as it is deemed incomplete.
- The Development Agreement of the subdivision registered on title 6.XII states: The subdivision is located in a possible flood fringe of the Red Deer River. Location or Development permits for all structures may carry the condition that the building site be raised one half meter. Permit's may also carry conditions to ensure that storm water run off is managed.

Municipal Planning Commission discussed the following:

- Was the .5 meter elevation condition applied to other parcels in the subdivision? Staff replied that this would have been a condition of development (unless structure was pre-existing to development agreement) but cannot verify compliance.
- Where does the .5 meter figure come from? Staff replied that due to the nature of the land contour in that open area, a 'sheet flow' results and .5 meters is needed to raise the building high enough for flood waters to pass.
- Have all the other developments in the area required Flood Risk Assessment studies? Staff replied that applications prior to the new Land Use Bylaw 10/10 and the new South McDougal Area Structure Plan were reviewed under previous Land Use Bylaw 55/95 and the West Sundre Area Structure Plan, which did not require a Flood Risk Assessment Study.
- The liability to the municipality of approving development in a flood plain without a qualified professional engineer's report that would make recommendations regarding development and construction measures. Staff reminded

the Commission of the case against the City of Edmonton who were found liable for allowing development along the riverbank.

- Clarification that a waiver would not solve the liability issue to Mountain View County.
- Clarification of the role of the Subdivision & Development Appeal Board.

Applicant discussed the following:

- James and Carolyn Bell stated that they have lived on the property for 4.5 years.
- Stated that they did not live on the property during the flood of 2005, but were familiar with the property then.
- Presented map from Environment Canada that shows no flood plain. Staff clarified that the map focused on the Town of Sundre flood assessments – not the surrounding rural area.
- Clarified where the mechanical systems of their proposed dwelling will be located.

MPC 10-174 Moved by G. Harris  
That the Municipal Planning Commission approve the proposed Dwelling, Single Detached, in accordance with the Land Use Bylaw Part 2, Section 5.1.5; 5.2.7. a)(i) b)(ii) and the submitted application, within SW 30-32-5-5 Plan 0512102 Block 5 Lot 2 submitted by BELL, JAMES & CAROLYN, Development Permit File No. PLDP20100000254, subject to the following conditions:

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 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:

12. Approval is granted for one 1485 sq ft dwelling unit - single detached with a variance to Part 4, Section 9.9. Hazard Lands, 1.a). The applicant is not required to complete and submit a flood risk assessment study.
13. The building site shall be raised 0.5 meters above the general ground surface, in accordance with the development agreement, unless an engineering report submitted by the applicant shows that a setting of the building of less than .5 meters would be satisfactory.
14. The existing dwelling within the detached accessory building (shop) shall be decommissioned. The applicant shall apply for a separate building permit application for a change of use and a review and inspection to be completed by a Building and Safety Codes Officer. Application shall be made within 30 days from the date the final building inspection is completed for the dwelling unit described in this approval. Failure to comply may result in enforcement action.

Carried

PLDP2010000344  
SE 34-33-2-5

Planning and Development Services presented an overview of a proposed development located at SE 34-33-2-5, and provided information as introduced in the agenda package, such as the location map, site photos, and aerial photos.

Planning and Development Services provided specific information to the application as follows:

- Proposal to develop a third dwelling - single detached.
- Zoning is Agricultural.
- Parcel size is 150.67 acres.
- There is one subdivided parcel out of the quarter section and this parcel has a dwelling on it.
- Parcel is located in the Hainstock area.
- The applicant is wishing to place a third dwelling on a portion of their land that seems to have a natural division (coulee/ravine) from the rest of the parcel. Their intention is for a family member to reside in the proposed dwelling and to continue to assist with the family's farming operation.
- It is the preference of the applicant to not subdivide, as it may be possible since the quarter is fragmented.
- Planning and Development Services recommends refusal of this application as it does not meet the requirements of the Land Use Bylaw. Third dwellings may be considered in the form of a secondary suite.

Municipal Planning Commission discussed the following:

- Access to the proposed development site.
- Clarification that the parcel is not on a County Collector Network.
- The Municipal Planning Commission's option of utilizing Section 5.2.7 of the Land Use Bylaw 10/10 which gives them the option to approve a development permit application notwithstanding that the proposal does not comply with the bylaw, if in the opinion of the MPC, the proposal would not unduly interfere with the amenities of the neighborhood; or materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and the proposal conforms with the use prescribed for that land or building under the bylaw.

Applicant discussed the following:

- Gray Harris and Wade Harris stated the reason for the proposed third dwelling was for a family member to reside in.
- Clarified the location of the proposed third dwelling and the location of the existing dwellings on the quarter section.
- Stated that they would rather not subdivide – would like to keep the parcel together to work as a family. They do not

wish to disrupt the abundance of wild life that frequents the coulee/ravine.

- Clarified that an approach is already in use as there is an existing shop at the site.

MPC 10-175 Moved by G. Harris  
That the Municipal Planning Commission approve the proposed third Dwelling - single detached in accordance with Land Use Bylaw, 10/10 within SE 34-33-2-5 submitted by HARRIS, Gray, Development Permit File No. PLDP20100000344, subject to the following conditions:

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 posting 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 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:

12. Approval is granted for a third dwelling in the form of a single detached as described in the submitted application

Carried

MPC 10-176 Moved by K. Branter  
It is the opinion of the Municipal Planning Commission that pursuant to Section 5.2.7 of the Land Use Bylaw 10/10, the development proposal for Development Permit File # PLDP2010000344, would not unduly interfere with the amenities of the neighborhood; or materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and the proposal conforms with the use prescribed for that land or building under this bylaw.

Carried

PLDP2010000353  
SW 14-33-6-5

Planning and Development Services presented an overview of a proposed development located at SW 14-33-6-5, 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:

- Proposal to develop Secondary Detached Dwelling – Manufactured with Setback Relaxations to Existing Structures.
- Zoning is Agricultural
- Parcel size is 158.97 acres.
- The dwelling unit is older than 20 years and is considered a discretionary use as prescribed within Section 9.8 of the Land Use Bylaw therefore requiring approval from the Municipal Planning Commission. The proposed manufactured home is 952 sq ft and has a manufacture

date of between 1985 and 1989. The applicant cannot determine the exact manufacture date.

- The applicant does not propose to do upgrades to the exterior, but will be doing so in the interior of the proposed dwelling.
- The home is currently on site, but not set up or lived in.
- There are two pipelines situated on the quarter section, however, they are not a concern to the proposed building envelope.
- The surrounding land use is predominantly Agricultural with a Country Residential Acreage located on the quarter section directly to the west of the subject property.
- There are no environmentally significant areas contained on the subject property.
- Site is buffered with vegetation.

Municipal Planning Commission discussed the following:

- Access – the existing access will be used for the proposed secondary dwelling.

Applicant discussed the following:

- No comments.

Moved By K. Walton

MPC 10-177 That the Municipal Planning Commission approve the proposed Secondary Detached Dwelling – Manufactured with Setback Relaxations to Existing Structures in accordance with the Land Use Bylaw 10/10 and the submitted application, within SW14-33-6-5, submitted by Minor, Lee and Shelly, Development Permit PLDP20100000353, subject to the following conditions:

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. Skirting of mobile homes, including finishing, should be completed within 60 days of the date a mobile home is placed on the site.
13. The appearance, design and construction of any ancillary structures, such as patios, porches, additions and skirting, shall complement the design of the mobile home.
14. All mobile homes shall have Canadian Standard Association Certification.
15. Relaxations are granted for all existing structures on the property for the life of the buildings. In the event that the structures are damaged or destroyed to the extent of more than 75% of the value of the buildings above the

foundation, or if the buildings are to be enlarged, added to, rebuilt or structurally altered, then steps must be taken to bring the buildings into compliance with the Land Use By-law.

- 16. Issuance of this permit is for the secondary detached dwelling - manufactured as shown in the pictures submitted with the application.

Carried

PLDP2010000357  
NW 1-33-4-5

Planning and Development Services presented an overview of a proposed development located at NW 1-33-4-5, 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:

- Proposal to develop Dwelling, Secondary Detached and Accessory Building - Detached Garage with Setback Relaxations to all Existing Structures
- Zoning is Agricultural.
- Parcel size is 158 acres.
- Parcel is in the Eagle Hill community.
- There is no environmentally significant area on the subject parcel.
- Existing approach will require some upgrading.

Municipal Planning Commission discussed the following:

- Size of the proposed secondary dwelling. Planning & Development clarified that the existing dwelling, which is smaller than the proposed dwelling, will be viewed as the secondary dwelling, and then the proposed dwelling will be viewed as the primary dwelling of larger square footage.
- Condition 12 regarding use of shop.

Applicant discussed the following:

- No comments.

MPC 10-178

Moved By L. Schafer

That the Municipal Planning Commission approve the proposed Dwelling, Secondary Detached and Accessory Building - Detached Garage with Setback Relaxations to all Existing Structures in accordance with the Land Use Bylaw 10/10 and the submitted application, within NW 1-33-4-5, submitted by Murphy, Chris and Lorilei, Development Permit PLDP20100000357, subject to the following conditions:

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. Use of the proposed accessory building – detached garage for business/industrial/commercial or residential purposes is not permitted.
13. The existing Subsidiary Occupation Level 1 may require a development permit if there is any future expansion to the business.
14. Relaxations are granted for the life of the existing buildings. In the event that the structures are damaged or destroyed to the extent of more than 75% of the value of the buildings above the foundation, or if the buildings are to be enlarged, added to, rebuilt or structurally altered, then steps must be taken to bring the buildings into compliance with the Land Use By-law.
15. That the applicant relocates the shed as identified within Detail B of the Real Property Report submitted with this application, to meet the setbacks of the Land Use Bylaw 10/10.

Carried

PLRD201000000161  
SW 30-32-28-4

Planning and Development Services presented an overview of a proposed subdivision located at SW 30-32-28-4, 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:

- To create one 30.0 acre parcel.
- The parcel to be subdivided contains a residential dwelling, a number of sheds, a quonset, a corral, and a dugout. The perimeter of the 30 acre parcel is well treed, forming a shelterbelt. This is what is guiding the size of the proposed parcel.
- The remnant parcel (approximately 130 acres) is used for crop production.
- This is the first parcel to be removed from a previously unsubdivided quarter section. This proposal incorporates a developed yard site and surrounding land to be utilized as one agricultural unit and will not negatively impact the surrounding agricultural practices. Buildings and pasture contained in this area will be used to run a small horse operation.
- The applicant has verbally confirmed the location of the sewer lines and private sewage system, which meets the current standard of practice. This information would need to be verified with a real property report.
- Any confined feeding operations in the area will exceed the minimum distance separation required.

- A letter of objection was received from an adjacent land owner, and concerns have been adequately addressed. One of the concerns was the suitability of the private septic system. This will be addressed by the standard condition 9.

Municipal Planning Commission discussed the following:

- Clarification that a letter of objection was received from an adjacent land owner, and that concerns have since been addressed and clarified.
- Condition 17 regarding access to the balance of the quarter.

Applicant discussed the following:

- Applicant was not in attendance.

Moved by D. Kearney

MPC 10-179 That the Municipal Planning Commission approve the proposed subdivision, one (1) thirty point zero (30.0) acre parcel within SW 30-32-28-4, submitted by TAYLOR, Ken, PLRD2010-0161, 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. 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) No reserves required pursuant to Section 663(a) of the Municipal Government Act

Standard Conditions if Applicable:

6. That the applicant enters into an agreement for the provision of road widening (southerly 5.18 meters) across the subject property to the satisfaction of Mountain View County

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

Additional Conditions:

17. The current easement and right of way agreement for the benefit of NW 30-32-28-4 to include the new parcel.

Carried

PLRD2010000137  
SW 20-30-3-5

Planning and Development Services presented an overview of a proposed subdivision located at SW 20-30-3-5, and provided information as introduced in the agenda package, such as the location map and aerial photos. Planning and Development Services provided specific information to the application as follows:

- To create one 2.58 acre parcel out of existing 151.27 acres.
- Parcel is in the Dogpound community.
- The proposed parcel is to contain the dwelling on the quarter.
- The balance of the quarter will contain the existing barns and ancillary buildings that were used with the former intensive poultry operation on the quarter. The remainder of the quarter is undeveloped with the exception of the existing subdivision on the north edge of the quarter.
- Surrounding land uses are predominately agricultural with some residential also occurring.
- The subject quarter is currently identified as a CFO due to the intensive poultry operation that was previously operating on site. The poultry operation ended in 2005, but the barns, etc. still remain. As a condition of subdivision approval, Planning and Development Services is recommending a condition that the CFO designation be cancelled by the landowner.
- The quarter also has fragmented parcel subdivision under consideration.
- No portion of the quarter section was identified as environmentally significant or as hazard lands

Municipal Planning Commission discussed the following:

- Why the applicant did not pursue a Farmstead Separation subdivision instead – There is already an acreage subdivided out of the quarter.

Applicant discussed the following:

- Kees Uittenbogerd of Circle E Farms stated that he did originally want to do a Farmstead Separation subdivision.
- Stated that he has no concerns with Condition 17 regarding canceling the NRCB permit. Clarified that the poultry operation is already decommissioned.

Moved by K. Branter

MPC 10-180 That the Municipal Planning Commission approve the proposed subdivision, one (1) two point five eight (2.58) acre parcel within SW 20-30-3-5, submitted by UITTENBOGERD, Cornelius, RDSD 2010000137, 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. 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 0.258 acres are owing and at a rate of \$ 3592.44 per acre, therefore \$ 926.85 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) 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. N/A
14. N/A
15. N/A
16. N/A

Additional Conditions:

17. The applicant shall cancel the NRCB permit issued for the Confined Feeding Operation – Poultry Operation on the SW 20-30-3-5. Confirmation in this regard shall be provided to Mountain View County.
18. That the applicant enter into an access easement agreement to facilitate legal and physical access to both the balance of the quarter and the proposed subdivision area.

Carried

PLRD2009000203  
SW 21-31-4-5

Planning and Development Services presented an overview of a proposed subdivision located at SW 21-31-4-5, and provided information as introduced in the agenda package, such as the location map and aerial photos.

Planning and Development Services provided specific information to the application as follows:

- To create one 26.8 acre Agricultural 2 parcel.
- Parcel was redesignated to A2 in September 2010.
- Parcel is in the Elkton neighbourhood.
- Proposed parcel is 'land locked' – i.e. Has no legal County road access.
- There is a 100 foot gap to be left at the north end of the proposed parcel to allow the remainder of the quarter legal access off the road allowance of Range Road 44.
- Proposed parcel is fragmented from the rest of the quarter by the Little Red Deer River.
- Eastern area of proposed parcel is identified as an environmentally significant area – Little Red Deer River.
- Site has been identified as flood plain. Parcel flooded in 2005.

- Planning and Development Services does not support the proposed subdivision as suitability for use has not been established and proven to be safe. There is a flood risk and flood history on the proposed parcel, and no technical reports have been completed that assess the flood risk or suitability of the proposed parcel.
- With regards to the access issue, it is the opinion of Planning and Development Services that there is inadequate existing and proposed means of access to the proposed parcel. An Access Easement Agreement for a private access that runs through four quarter sections and is approximately 2.3 kilometers long is not considered to be adequate access by Planning and Development Services.
- Alberta Health Services and the Cremona Fire Department also expressed concerns with potential access to the parcel during the winter months.

Municipal Planning Commission discussed the following:

- The effects of the flood of 2005 to the proposed parcel.
- Council's recommendation that the proposed parcel be consolidated into the west quarter, instead of being subdivided.
- The standards of County roads.
- Clarification of the private access to the parcel.
- Condition 10 – Regarding the need for studies. Could not this be required at the time of development?

Applicant discussed the following:

- Dale & Joyce Lewis stated that the reason for the subdivision is to sell the parcel to a family member who is also buying the quarter to the west of the proposed parcel. The family member preferred not to consolidate the proposed parcel into the quarter to the west. He preferred to keep it a separate title as it would then have a higher value.
- Presented aerial photos of the proposed parcel denoting the yard site and access routes.
- Read a letter from Darcy & Stephanie Coleman to the Municipal Planning Commission, regarding the intended use of the proposed parcel.
- Plan to put easements in place for access through private properties. Currently there are only easement agreements in place for the south end of the route.

Moved by G. Harris

MPC 10-181 That the Municipal Planning Commission approve the proposed subdivision, one (1) twenty six point eight (26.8) acre parcel within SW 21-31-4-5, submitted by LEWIS, Lowrie Dale & Joyce Mary, PLRD2009000203 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.
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:
  - (a.) No reserves required pursuant to Section 663(a) of the Municipal Government Act;
  - or (b.) N/A;
  - or (c). N/A.

Standard Conditions if Applicable:

8. A Real Property Report shall be prepared showing that the setbacks of the proposed property lines in relation to main structures are in compliance with the requirements in the County's Land Use Bylaw No. 10/10.
9. The surveyor to include on the Real Property Report, confirmation that the existing water well and the private sewage disposal system that services the existing development is completely contained and shown to be within the proposed property boundaries. If any portion of the existing sewage system is situated closer than 90 metres of an existing or proposed property line confirmation shall be provided from a licensed 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.
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 lots and 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 lands as identified on the conditionally approved sketch plan for the purposes of environmental protection. Mountain View County shall draft the agreement and prepare supportive schedules. This agreement shall be registered via caveat on the affected titles.

Additional Conditions:

- 17. The applicant shall enter into an Access Easement Agreement with the affected landowners of the SW 17-31-4-5, NW 17-31-4-5, NE 17-31-4-5 and the SE 20-31-4-5 to ensure access to the proposed parcel.
- 18. The applicant shall enter into an Access Easement Agreement with the affected landowners of the NE 21-31-4-5 and the NW 21-31-4-5 to ensure access to the balance of the quarter.

Carried

CORRESPONDENCE

Information Items

MPC 10-182

Moved by L. Schafer

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

- a) NRCB Application RA10017 / NW21-33-1-5
- b) NRCB Application RA10060 / NW29-32-27-4
- c) SDAB Notice of Decision: PLDP20100000294 Gibson
- d) ASDAA Agenda from October 5, 2010
- e) ASDAA Agenda from October 12, 2010
- f) Permitted Use Development Permits Approved

Carried

ADJOURNMENT

MPC 10-183

Moved by G. Harris

That the Municipal Planning Commission of October 20, 2010 be adjourned at 3:44 p.m.

Carried.

*Adopted on November 4, 2010.  
Signed copy available at Mountain View County Office.*

\_\_\_\_\_  
Chair

I hereby certify these minutes are correct.

\_\_\_\_\_  
Director of Planning and Development