

MUNICIPAL PLANNING COMMISSION MEETING
March 28, 2019

A meeting of the Kneehill County Municipal Planning Commission was held on March 28, 2019, commencing at 9:00 a.m.

Present

Jerry Wittstock	Chairman/Municipal Planning Commission Member
Kenneth King	Vice-Chairman/Municipal Planning Commission Member
Wade Christie	Municipal Planning Commission Member
Debbie Penner	Municipal Planning Commission Member
Faye McGhee	Municipal Planning Commission Member
Glen Keiver	Municipal Planning Commission Member
Rick Vickery	Member at Large
Dennis Tainsh	Member at Large
Laurie Watt	Interim Chief Administrative Officer/ Director of Municipal Services
Barb Hazelton	Manager of Planning & Development
Brandy Morgan	Planning & Development Officer
Deanna Keiver	Planning & Development Officer
Lorna Yost	Recording Secretary
John McKiernan	Manager of Environmental Services

Absent

Jim Hugo	Municipal Planning Commission Member
Dharmesh Vyas	Planning & Development Officer

Applicants Present at the Onset of the Meeting

None

Call to Order

Chairman Jerry Wittstock called the meeting to order at 9:00 a.m.

Adoption of Agenda – Barb Hazelton added Korova Feeders Ltd. to Discussion
Wade Christie moved to accept the agenda as amended.

CARRIED

Approval of Minutes

Faye McGhee moved to approve the Municipal Planning Commission minutes dated February 28, 2019.

CARRIED

NEW BUSINESS

KNE190104 Kneehill County (Applicant), Douglas & Tracey Herman (Owners) SW 28-28-20 W4M – 4.0 +/- Acres – Agricultural District

- To consider a 4.0 +/- acre subdivision from the SW 28-28-20 W4 for the purpose of a reservoir pump house for the Churchill Water System.
- The application is for a bare land subdivision of land which is currently cropped.
- Municipal reserves will not be required, as this is the first parcel out.
- The surrounding lands are crop land.
- There is a small portion of the quarter that falls within the Drumheller Badlands ESA which is a level 1. However, the proposed subdivision does not include any of these lands.

MUNICIPAL PLANNING COMMISSION MEETING
March 28, 2019

- The Churchill Waterline runs east and west through the northerly portion of the application, where a new waterline will join to the proposed reservoir located in the centre of the subdivision.
- Access to this subdivision is granted via Range Road 20-4.
- The proposal is just south of an existing Husky Oil road easement. There will be two accesses to the subdivision. The southerly access will need Kneehill County Transportation Department approval and the existing north access will be shared with Husky Oil. This will also serve as the access to the remnant.
- This application was referred out to internal and external agencies as well as adjacent landowners.
 - AB Transportation has noted this application is in contravention to Subdivision/Development Regulation Section 14 (closer than 300 metres from highway ROW), however since for the purpose of a reservoir for a municipal water system accessed from the local road, they have no concerns.
 - No other objections or responses have to date been received.

Relevant Sections of Land Use Bylaw 1773:

Section 86(2) [Subdivision Regulations]

Section 86(3) [Other Regulations – Access]

Section 86(4) [Siting Regulations]

- | | |
|---|--------------------|
| • First Parcel Out | Yes |
| • Bare Parcel | Yes |
| • Fragmented Parcel | No |
| • Parcel Contains a Farmstead | No |
| • Septic Inspection Required | No |
| • Water Well | No |
| • Adjacent to Municipal Water Line | Churchill |
| • Riser | N/A |
| • Setback requirements from property lines satisfied (buildings) | Yes |
| • The parcel contains a suitable building site | Yes |
| • Legal and Year Round Physical Access Sufficient to Meet Proposed Use | Yes |
| • Adjacent/ Near Quarter Section Boundaries Without Jeopardizing Agricultural Operations on Quarter Section | Yes |
| • In Close Proximity to Existing Residential Parcels/ Farmsteads on Adjacent Quarter Sections | Yes |
| • Accessed Via (Road type-Gravel, Undeveloped, Paved, Highway, etc.) | Range Road
20-4 |

The Planning Department deemed that the subdivision, as proposed, complies with the Municipal Government Act and the Land Use Bylaw; that it is suitable for the intended purposes; that it will not negatively impact adjacent land uses. Consideration has been given to topography, soil characteristics, access, the use of adjacent lands and the availability and adequacy of water supply, sewage disposal, solid waste disposal and storm water management.

Rick Vickery moved to approve Subdivision Application KNE190104, for a 4.0 +/- acre subdivision from the SW 28-28-20 W4M subject to the following conditions:

Initials: *JW*

MUNICIPAL PLANNING COMMISSION MEETING

March 28, 2019

- The 3-acre portion being subdivided has a CLI 3 rating
- Three Hills Creek ESA (Level 3) surrounds the existing subdivision on the south side. It also includes a portion of the adjacent quarter to the west. The proposed property line to the south will include a small portion of the ESA.
- This subdivision and consolidation is intended to remedy the encroachment and setbacks of an existing lagoon (private sewage system) on the property. Some additional land has been included to the north to allow for the potential development of a shop. This will create a developable area of 5-acres excluding the lane.
- The final survey will need to ensure that the lagoon on the residential parcel meets the setback requirements to the new property line.
- Access to this parcel is granted via Rge. Rd 251. Road widening was taken for this quarter in 2007 so no further road widening will be taken.
- This application was referred out to internal and external agencies as well as adjacent landowners.
 - No objections or responses to date have been received.

Relevant Sections of Land Use Bylaw 1773:

Section 86(1) [Density]

Section 86(3) [Other Regulations – Water Wells/Private Sewage/Access]

• First Parcel Out	Yes
• Bare Parcel	Yes
• Fragmented Parcel	No
• Parcel Contains a Farmstead	Yes
• Septic Inspection Required	Yes
• Water Well	Yes
• Adjacent to Municipal Water Line	No
• Riser	N/A
• Soil Classification Level	CLI 3
• Setback requirements from property lines satisfied (private sewage)	No
• The parcel contains a suitable building site	Yes
• Legal and Year Round Physical Access Sufficient to Meet Proposed Use	Yes
• Adjacent/ Near Quarter Section Boundaries Without Jeopardizing Agricultural Operations on Quarter Section	Yes
• In Close Proximity to Existing Residential Parcels/ Farmsteads on Adjacent Quarter Sections	Yes
• Accessed Via (Road type-Gravel, Undeveloped, Paved, Highway, etc.)	Rge Rd 251 Paved - Municipal

Jerry Wittstock questioned if lagoons are still allowed. Brandy Hay Morgan replied that they are. Debbie Penner inquired if lagoons are grandfathered in and Brandy Hay Morgan clarified that cesspools are not allowed but lagoons are.

The Planning Department deemed that the subdivision, as proposed, complies with the Municipal Government Act and the Land Use Bylaw; that it is suitable for the intended purposes; that it will not negatively impact adjacent land uses. Consideration has been given to topography, soil characteristics, access, the use of adjacent lands and the availability and

MUNICIPAL PLANNING COMMISSION MEETING

March 28, 2019

adequacy of water supply, sewage disposal, solid waste disposal and storm water management. management.

Wade Christie moved to approve KNE190105 for an application to subdivide and consolidate 3.0 +/- acres from the SW 36-33-25 W4M; Plan 9210217 Block 1 as submitted with conditions as listed:

- 1. The subdivisions must be registered in accordance with the tentative plan submitted and by a way suitable to Alberta Land Titles in accordance with the Land Titles Act. The 3 ± acre subdivision is to be consolidated with Blk 1 Plan 9210217 at the time of subdivision registration.*
- 2. Compliance with Kneehill County Land Use Bylaw setback requirements as demonstrated by an Alberta Land Surveyor. Setback requirements to a Provincial Highway fall under the jurisdiction of Alberta Transportation.*
- 3. All outstanding taxes on the land involved (current and arrears if any) are to be paid in full to the municipality before the subdivision may be endorsed.*
- 4. Confirmation of compliance with the requirements of the Alberta Private Sewage Disposal Regulation and Safety Codes Act for the private sewage disposal system location upon the proposed lot by a letter from a certified Safety Codes Officer.*
- 5. Confirmation of compliance for all existing and proposed accesses from the County Road (Range Road 251) is required and they must be located and constructed in accordance with Kneehill County Approach Construction Guidelines Policy 13-15 and amendments thereto.*
- 6. Concurrent registrations of utility easements, rights-of ways and/or crossing agreements, as required by service providers.*
- 7. All services (water, sewer, power etc.) are to be provided by the landowner at their expense and they must conform to the utility provider conditions.*
- 8. All future site development will require the appropriate development and safety codes permits and approvals.*
- 9. Approval by the approving authority does not exclude the need and/or requirements of the applicants to obtain any and all permits as may be necessary under this or any other legislation, bylaws or regulations.*

CARRIED

KNE190106 – Earl & Brenda Hastie (Owner & Applicant) SW 36-33-25 W4M; Plan 0711348 Block 1, Lot 1 – 2.5 ± acres - Agricultural

- To consider the subdivision 2.5 acres (±) from SW 36-33-25 W4M. The 2.5 acres (±) would then be consolidated with the existing 6.84-acre subdivision (Title No. 0711348; Blk 1, Lot 1) to include existing accessory buildings into the current acreage. Seven titles currently already exist on this quarter section, however due to the consolidation, no new titles will be created and therefore Municipal reserves will not be required.
- This proposed subdivision is a boundary adjustment to incorporate the quonsets into the existing yard site. Access to these quonsets is through the existing yard site.

MUNICIPAL PLANNING COMMISSION MEETING

March 28, 2019

- The land use bylaw allows an applicant to take subdivide the farmstead including all outbuildings and shelterbelts.
- This was the second parcel taken out of the quarter. Reserves were taken for this subdivision in 2006. However, reserves will be required for the additional 2.5 acres being consolidated with the original 6.84 acres.
- The surrounding lands are primarily agricultural and crop land.
- The 2.5-acre portion being subdivided has a CLI 5 rating
- Three Hills Creek ESA Level 3 is directly east of the existing and proposed subdivided lands. The ESA will remain outside of the proposed property lines.
- Access to this parcel is granted via Rge Rd 251.
- Approaches will need to be inspected by Kneehill County.
- Road widening was taken for this portion in 2007, therefore, road widening will not be required for this subdivision and consolidation.
- This application was referred out to internal and external agencies as well as adjacent landowners.
 - Kneehill Transportation Department – the approach to the north, within the new subdivision boundaries, will need to be removed at the expense of the landowner. The current number of approaches, exceeds the number of allowed approaches as per county policy.
 - No objections or responses have to date been received.

Relevant Sections of Land Use Bylaw 1773:

Section 86(1) [Density]

Section 86(2) [Subdivision Regulations]

• First Parcel Out	No
• Bare Parcel	No
• Fragmented Parcel	No
• Parcel Contains a Farmstead	Yes
• Septic Inspection Required	Yes
• Water Well	Yes
• Adjacent to Municipal Water Line	No
• Riser	N/A
• Soil Classification Level	CLI 5
• Setback requirements from property lines satisfied	Yes
• The parcel contains a suitable building site	Yes
• Legal and Year Round Physical Access Sufficient to Meet Proposed Use	Yes
• Adjacent/ Near Quarter Section Boundaries Without Jeopardizing Agricultural Operations on Quarter Section	Yes
• In Close Proximity to Existing Residential Parcels/ Farmsteads on Adjacent Quarter Sections	Yes
• Accessed Via (Road type-Gravel, Undeveloped, Paved, Highway, etc.)	Rge Rd 251 Paved - Municipal

Wade Christie asked if the distance between the shop and the proposed boundary is wide enough and Brandy Hay Morgan confirmed that the surveyor will ensure there is a 25' distance.

MUNICIPAL PLANNING COMMISSION MEETING
March 28, 2019

Glen Keiver asked if the applicant had a choice of which approach to remove. Brandy Hay Morgan stated that the approaches have been remedied since the presentation photos. Debbie Penner questioned if the applicant had a choice in which approach could be removed and Brandy Hay Morgan replied that the Transportation Department decided which one they were required to remove.

Ken King questioned whether the other setbacks of the accessory buildings on the existing property were adequate and Brandy Hay Morgan clarified that if the property ever sold, they may have to apply for a variance.

The Planning Department deemed that the subdivision, as proposed, complied with the Municipal Government Act and the Land Use Bylaw; that it is suitable for the intended purposes; that it will not negatively impact adjacent land uses. Consideration has been given to topography, soil characteristics, access, the use of adjacent lands and the availability and adequacy of water supply, sewage disposal, solid waste disposal and storm water management.

Ken King moved to approve KNE190106 for an application to subdivide and consolidate 2.5 +/- acres from the SW 36-33-25 W4M; to the existing Lot 1, Blk 1 Plan 0711348 as submitted with conditions as listed:

- 1. The subdivisions must be registered in accordance with the tentative plan submitted and by a way suitable to Alberta Land Titles in accordance with the Land Titles Act. The 2.5 ± acre subdivision is to be consolidated with Lot 1, Blk 1 Plan 0711348 at the time of subdivision registration.*
- 2. Compliance with Kneehill County Land Use Bylaw setback requirements as demonstrated by an Alberta Land Surveyor. Setback requirements to a Provincial Highway fall under the jurisdiction of Alberta Transportation.*
- 3. As per Sections 661, 666 and 667 of the Municipal Government Act, the applicant must provide 10% Municipal Reserve and/ or School Reserve to be taken as cash in lieu of dedication of land. Based on the assessed value, the per acre value amounts to \$1888.28 (10% of the final proposed subdivision; approximately \$472.07 for 0.25 acres). The final amount owing will be calculated upon receipt of the final survey plan using this value.*
- 4. All outstanding taxes on the land involved (current and arrears if any) are to be paid in full to the municipality before the subdivision may be endorsed.*
- 5. Confirmation of compliance with the requirements of the Alberta Private Sewage Disposal Regulation and Safety Codes Act for the private sewage disposal system location upon the proposed lot by a letter from a certified Safety Codes Officer.*
- 6. Confirmation of compliance for all existing and proposed accesses from the County Road (Range Road 251) is required and they must be located and constructed in accordance with Kneehill County Approach Construction Guidelines Policy 13-15 and amendments thereto.*
- 7. Concurrent registrations of utility easements, rights-of ways and/or crossing agreements, as required by service providers.*
- 8. All services (water, sewer, power etc.) are to be provided by the landowner at their expense and they must conform to the utility provider conditions.*

MUNICIPAL PLANNING COMMISSION MEETING
March 28, 2019

9. *All future site development will require the appropriate development and safety codes permits and approvals.*
10. *Approval by the approving authority does not exclude the need and/or requirements of the applicants to obtain any and all permits as may be necessary under this or any other legislation, bylaws or regulations.*

CARRIED

Jim Hugo entered the meeting at 9:24 a.m.

DISCUSSION ITEMS

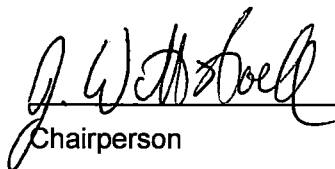
1. Barb Hazelton reported that Kneehill County received a proposed Northwest Area Structure Plan from the Town of Trochu and presented a map diagram of the proposed plan. The location was clarified and MPC was encouraged to call the Town of Trochu if they had further questions. No further action is required at this time.
2. Barb Hazelton received Part 1, General Information Notification, that Korova Feeders Ltd. withdrew their original application to the Natural Resources Conservation Board for an increase in density from 16,000 to 22,000 and have a new application for an increase to 32,000. NRCB does the approving for this application; setbacks and guidelines as per our Municipal Development Plan would need to be followed. No further action is required at this time.

Earl Hastie entered the meeting at 9:28 a.m.

Next Meeting Date

The next Municipal Planning Commission is on April 25, 2019.

Jerry Wittstock adjourned the meeting at 9:31 a.m.



Chairperson



Recording Secretary – Lorna Yost