



WHEATLAND COUNTY

Municipal Planning Commission Meeting Agenda

January 20, 2020, 9:00 a.m.

Pages

1. CALL TO ORDER AND RELATED BUSINESS

1.1 Call To Order

Note: meetings are recorded and may be posted on the official Wheatland County website and/or via social media.

1.2 Adoption of Agenda

1.3 Adoption of Minutes

1. Unapproved Minutes - December 10, 2019

2

2. DEVELOPMENT PERMIT APPLICATIONS

2.1 DP2019-160

11

Legal: Plan 161 1511, Block 5, Lot 7 within the NE 10-24-26-W4M

Proposal: Industrial, Medium (Hydro-Vac Transfer Pad)

2.2 DP2019-173

27

Legal: NE 22-25-25-W4M

Proposal: Dwelling, Accessory with Variance (to maximum size)

3. ADJOURNMENT

MUNICIPAL PLANNING COMMISSION MEETING MINUTES
OF DECEMBER 10, 2019

Minutes of the Municipal Planning Commission of Wheatland County held at the County Office, on Tuesday, December 10, 2019; scheduled to commence at 9:00 A.M. with the following present:

MPC Members: J. Wilson
T. Ikert
D. Biggar
B. Armstrong
S. Klassen
G. Koester

MPC Member Absent: A. Link

Recording Secretary: M. Desaulniers

Call to Order The Chair, T. Ikert, called the meeting to order – time 9:00 A.M. The following were present when the meeting was called to order:

- Wheatland County Staff
 - S. Hayes – Development Officer
 - G. Allison – Planner I
 - M. Boscariol – General Manager of Community & Development Services
 - M. Soltys – Communications Specialist
 - M. Curwin – Community Peace Officer
- Several Members of the public (Note: members of the public entered and left the meeting at various times).
- Two members of the Press – CBC (The National)

Resolution 19-12-01
Approval of Agenda

WILSON MOVED approval of the Municipal Planning Commission meeting agenda as presented.

- CARRIED

Resolution 19-12-02
Approval of Minutes

ARMSTRONG MOVED approval, of the November 19, 2019 Municipal Planning Commission Meeting minutes as presented.

- CARRIED

DP2019-112 **Development Permit Application – DP2019-112**

Legal: Plan 081 5359, Block 1, Lot 2 within NE-7-24-25-W4M
Title Area: 20.04 acres
Proposal: Industrial, Medium – Equipment Storage, Construction, Maintenance, Repair

S. Hayes, Development Officer, presented the application (Request for Decision) highlighting the following: recommendation – Option #1 to approve DP2019-112, Industrial, Medium – Equipment Storage, Construction, Maintenance, Repair, subject to conditions noted in Appendix A of the Development Permit Report. (Note: a copy of the Request for Decision and Development Report was included in the agenda information package; copy of the documents to be filed with the meeting minutes).

Resolution 19-12-03
DP2019-112

BIGGAR MOVED TO APPROVE DP2019-112, Industrial, Medium subject to the following conditions:

1. This Development Permit is issued solely for an Equipment Storage, Construction, Maintenance, and Repair Site for a General Civil Contracting Business - Defined as Industrial, Medium.
2. No variances have been granted.

**MUNICIPAL PLANNING COMMISSION MEETING MINUTES
OF DECEMBER 10, 2019**

3. Development shall proceed according to Industrial General (IG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Applicant to ensure any changes and/or improvements to the approach are developed to County standards. Please contact Wheatland County Transportation & Infrastructure assistant for details 403-934-3321.
6. Development to remain consistent with submitted application, Letter of Intent and all approved plans and procedures which form the application and have been deemed to be appropriate.
7. Any change in the use or intensity requires the approval of the Development Authority.

Notes:

- All construction shall conform to Alberta Safety Code Regulations.
- Development shall meet all provincial and/or federal legislation.
- CARRIED

DP2019-123

Development Permit Application – DP2019-123

Legal: Plan 741 1110, Block 4 within SE-6-24-25-W4M

Title Area: 40.53 acres

Proposal: Kennel

S. Hayes, Development Officer, presented the application (Request for Decision) highlighting the following: recommendation – Option #1 to approve DP2019-123, Kennel, subject to conditions noted in Appendix A of the Development Permit Report. (Note: a copy of the Request for Decision and Development Report was included in the agenda information package; copy of the documents to be filed with the meeting minutes).

Staff informed that correspondence was received from Alberta Health Services and adjacent landowners opposed to application. (note: hard copy provided to MPC for their review)

Discussion ensued in relation to the following topics: site inspections; veterinary certification; judicial authority regarding animal well-being; hours of operation. Staff informed that this application pertains to land use; the SPCA is the judicial authority for animal health. In response to concerns received, M. Curwin (Community Peace Officer) informed MPC that the County's Protective Services Department and the SPCA have investigated the site and determined that the animals appeared to be in good health. Based on discussion, Staff presented two additional conditions for MPC to consider.

**Resolution 19-12-04
DP2019-123**

ARMSTRONG MOVED TO APPROVE DP2019-123, Kennel subject to the following conditions, as amended:

1. This development permit is issued solely for the purpose of a dog breeding and occasional boarding facility with the addition of an additional building for dog sleeping accommodations – Defined as a Kennel.
2. No Variance have been granted.
3. Development shall proceed according to Agricultural General (AG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Applicant to ensure approach is developed to County standards. Please contact Wheatland County Transportation & Infrastructure assistance for details 403-934-3321.
6. Business to remain consistent with application details and Letter of Intent. Number of adult dogs allowed onsite for the breeding

**MUNICIPAL PLANNING COMMISSION MEETING MINUTES
OF DECEMBER 10, 2019**

- operation not to exceed 10 adult dogs.
7. Applicant to ensure fencing is adequate to ensure animals are contained within designated areas.
 8. No parking is allowed on municipal roads.
 9. Applicant to submit a dog waste management plan to the satisfaction of Wheatland County.
 10. No waste from the business will be disposed of at the County Waste Transfer Sites.
 11. Animals to be housed indoors during the hours of 8:00 PM to 8:00 AM.
 12. Permit to be issued for a 1-year term expiring December 10, 2020 to ensure no further complaints are received.
 13. Owner/Applicant to obtain a letter from a professional Veterinarian to certify that the facility can accommodate the breeding/boarding operation at this location.
 14. Random inspections of the facility to be conducted as required by Wheatland County Peace Officer.

Notes:

- All construction shall conform to Alberta Safety Code Regulations.
 - Development shall meet all provincial and/or federal legislation.
 - Applicant to consult with Alberta Health Services regarding potential recommendations.
- CARRIED

Note: Member of the County's Protective Services Department, M. Curwin left the meeting – time 9:40 A.M.

DP2019-147

Development Permit Application – DP2019-147

Legal: SW-15-24-24-W4M

Title Area: 153.09 acres

Proposal: Industrial Medium – Sea Can Storage & Distribution

S. Hayes, Development Officer, presented the application (Request for Decision) highlighting the following: recommendation – Option #1 to approve DP2019-147, Industrial Medium – Sea Can Storage & Distribution subject to conditions noted in Appendix A of the Development Permit Report. (Note: a copy of the Request for Decision and Development Report was included in the agenda information package; copy of the documents to be filed with the meeting minutes).

Discussion ensued regarding the storage and stacking of sea-cans. Staff informed that the product inventory for the business is shipping containers (sea cans); the sea cans would remain empty while stored onsite. Staff informed that stacking of sea-cans is not allowed in accordance with the Land Use Bylaw.

Resolution 19-12-05

DP2019-147

BIGGAR MOVED TO APPROVE DP2019-147, Industrial Medium subject to the following conditions:

1. This development permit is issued solely for the purpose of a Sea Can Storage and Distribution Facility – Defined as Industrial, Medium.
2. No Variance have been granted.
3. Development shall proceed according to Industrial General (IG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Applicant to ensure and changes and/or improvements to the approach are developed to County standards. Please contact Wheatland County Transportation & Infrastructure assistant for details 403-934-3321.

**MUNICIPAL PLANNING COMMISSION MEETING MINUTES
OF DECEMBER 10, 2019**

6. Development to remain consistent with submitted application, Letter of Intent and all approved plans and procedures which form the application and have been deemed to be appropriate.
7. Any change in the use or intensity requires the approval of the Development Authority.

Notes:

- All construction shall conform to Alberta Safety Code Regulations.
- Development shall meet all provincial and/or federal legislation.
- CARRIED

Note: MPC Member Wilson requested that the following be included as a topic of discussion at the next Planning & Priorities Session: Land Use Bylaw Regulations – Re: Shipping Containers (sea-cans).

DP2019-166

Development Permit Application – DP2019-166

Legal: Plan 921 2103, Block 1 within NW-33-21-25-W4M

Title Area: 1.78 ha (4.39 acre)

Proposal: Kennel

S. Hayes, Development Officer, presented the application (Request for Decision) highlighting the following: recommendation – Option #1 to approve DP2019-166, Kennel, subject to conditions noted in Appendix A of the Development Permit Report. (Note: a copy of the Request for Decision and Development Report was included in the agenda information package; copy of the documents to be filed with the meeting minutes).

Staff informed MPC that correspondence was received from Alberta Health Services (note: hard copy provided to MPC for their review).

Discussion ensued regarding a recommendation from MPC to include 'veterinary inspection' as a condition of approval. As information, staff informed that the applicant has already submitted a veterinary inspection report for the operation.

**Resolution 19-12-06
DP2019-166**

BIGGAR MOVED TO APPROVE DP2019-166, Kennel subject to the following conditions, as amended:

1. This development permit is issued solely for the purpose of a dog boarding and grooming facility – Defined as a Kennel.
2. No Variances have been granted.
3. Development shall proceed according to Country Residential (CR) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Applicant to ensure approach is developed to County standards. Please contact Wheatland County Transportation & Infrastructure assistance for details 403-934-3321.
6. Business to remain consistent with application details and Letter of Intent. Number of dogs allowed to be boarded onsite not to exceed 30 animals.
7. Applicant to ensure fencing is adequate to ensure animals are contained within designated areas.
8. No parking of business-related vehicles is allowed on County roads.
9. Applicant to submit a dog waste management plan to the satisfaction of Wheatland County.
10. No waste from the business will be disposed of at the County Waste Transfer Sites.
11. Animals to be housed indoors during the hours of 8:00 PM to 8:00 AM.
12. Owner/Applicant to obtain a letter from a professional Veterinarian to verify that the facility can accommodate the boarding/grooming operation at this location.

**MUNICIPAL PLANNING COMMISSION MEETING MINUTES
OF DECEMBER 10, 2019**

Notes:

- All construction shall conform to Alberta Safety Code Regulations.
- Development shall meet all provincial and/or federal legislation.
- Applicant to consult with Alberta Health Services regarding potential recommendations.

• CARRIED

DP2019-168

Development Permit Application – DP2019-168

Legal: Plan 821 0968, Block 4, Lot 1 – Gleichen

Title Area: 6238 sq. ft.

Proposal: Dwelling, Modular (Used)

S. Hayes, Development Officer, presented the application (Request for Decision) highlighting the following: recommendation – Option #1 to approve DP2019-168, Dwelling, Modular (Used), subject to conditions noted in Appendix A of the Development Permit Report. (Note: a copy of the Request for Decision and Development Report was included in the agenda information package; copy of the documents to be filed with the meeting minutes).

Discussion ensued. In response to an inquiry, staff informed that the characteristics of the proposed modular dwelling fits with other development and is viewed as a positive planning perspective for the area.

**Resolution 19-12-07
DP2019-168**

KLASSEN MOVED TO APPROVE DP2019-168, Dwelling, Modular (Used) subject to the following conditions:

1. This Development Permit is issued solely for the purpose of allowing a used modular dwelling to be moved to a bare lot - Defined as a Dwelling, Modular.
2. No variances have been granted.
3. Development shall proceed according to Hamlet Residential General (HRG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Applicant to ensure approach is developed to County standards. Please contact Wheatland County transportation & infrastructure assistant for details 403-934-3321.
6. Used dwelling deposit of \$5000 to be submitted and refunded upon:
 - a) Foundation finished with appropriate material.
 - b) Exterior stairs to be installed (if required).
 - c) Exterior finish (IE: siding) to the satisfaction of the Development Officer.
 - d) All roofing, windows and paint completed to the satisfaction of the Development Officer.
 - e) Any other requirements as deemed necessary by the Development Officer.
7. Applicant to submit applicable fees related to utility connection, meter refundable deposit, and meter fee in accordance with the Master Fee schedule.

Notes:

- All construction shall conform to Alberta Safety Code Regulations.
- Development shall meet all provincial and/or federal legislation.

• CARRIED

SD2019-001

Subdivision Application – SD2019-001

Legal: SE-16-26-21-W4M

Title Area: +/- 158.0 acres

Proposal: Subdivide one +/- 1.28 acre parcel from the titled area

G. Allison, Planner I, presented the application (Request for Decision and

**MUNICIPAL PLANNING COMMISSION MEETING MINUTES
OF DECEMBER 10, 2019**

Planning Report) highlighting the following: recommendation - Option #1 to approve subdivision application SD2019-001, to subdivide one +/- 1.28 acre parcel from the titled area, subject to the conditions noted in Appendix A of the Planning Report. (Note: a copy of the Request for Decision and Planning Report was included in the agenda information package; copy of the documents to be filed with the meeting minutes).

The purpose of the application for subdivision is to accommodate a future cemetery. Discussion ensued regarding private cemeteries and responsibility for maintaining the site. In response to an inquiry from MPC, Staff informed that, prior to establishment of a cemetery, provincial approval from Service Alberta is required.

**Resolution 19-12-08
SD2019-001**

ARMSTRONG MOVED TO APPROVE SD2019-001, to subdivide one +/- 1.28 acre parcel from the titled area with the following conditions:

1. Subdivision to be effected by a Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
2. That the plan of survey dedicating the area of a road plan road prepared for the realignment of the undeveloped road allowance, as per Schedule 'A', is to be registered concurrently with the Final Plan of Survey.
3. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding taxes up to and including the year in which the subdivision is to be registered shall be paid to the municipality.
4. Approaches to the proposed parcel(s) and remainder built and located to County Standards and approved by the Public Works Department, at the Owners expense.
5. Prior to the establishment of the cemetery, landowners shall obtain a Provincial Approval of Cemetery from Service Alberta; and
 - a) Provide the County with a copy of the final certificate of approval with the name of the organization that will maintain and operate the cemetery in accordance to the Alberta Cemeteries Act and Regulations.
6. The Owner is to enter into a *Deferred Services Agreement* for water and wastewater with Wheatland County which shall be registered by caveat concurrently with the final plan against the title(s) being created.

• CARRIED

SD2019-021

Subdivision Application – SD2019-021

Legal: SW-27-25-22-W4M

Title Area: +/- 159.36 acre

Proposal: Subdivide one +/- 13.46 acre parcel from the titled area.

G. Allison, Planner I, presented the application (Request for Decision and Planning Report) highlighting the following: recommendation - Option #1 to approve subdivision application SD2019-021, to subdivide one +/- 13.46 acre parcel from the titled area, subject to the conditions noted in Appendix A of the Planning Report. (Note: a copy of the Request for Decision and Planning Report was included in the agenda information package; copy of the documents to be filed with the meeting minutes).

Discussion ensued regarding the first parcel out of the quarter section.

**Resolution 19-12-09
SD2019-021**

ARMSTRONG MOVED TO APPROVE SD2019-021, to subdivide one +/- 13.46 acre parcel from the titled area with the following conditions:

1. Subdivision to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
2. That, pursuant to Section 654(1)(d) of the *Municipal Government*

**MUNICIPAL PLANNING COMMISSION MEETING MINUTES
OF DECEMBER 10, 2019**

- Act*, all outstanding taxes up to and including the year in which the subdivision is to be registered shall be paid to the municipality.
3. Approaches to the proposed parcel(s) and remainder built and located to County Standards and approved by the Public Works Department, at the Owners expense.
 4. The Owner is to enter into a *Deferred Services Agreement* for water and wastewater with Wheatland County which shall be registered by caveat concurrently with the final plan against the title(s) being created.
 5. The Owner is to enter into an *Agreement of Easement for Construction and Maintenance of Any Public Works* with Wheatland County which shall be registered by caveat concurrently with the final plan against the title(s) being created.
 6. The Owner is to enter into a *Road Acquisition Agreement*, which shall be registered by caveat concurrently with the final plan against the title(s) being created.

• CARRIED

SD2019-022

Subdivision Application – SD2019-022

Legal: SW-14-27-20 W4M

Title Area: +/-151.83 acres

Proposal: To subdivide SW-14-27-20-W4M in order to create two titled parcels.

G. Allison, Planner I, presented the application (Request for Decision and Planning Report) highlighting the following: recommendation - Option #1 to approve subdivision application SD2019-022, to subdivide SW-14-27-20-W4M in order to create two titled parcels, subject to the conditions noted in Appendix A of the Planning Report. (Note: a copy of the Request for Decision and Planning Report was included in the agenda information package; copy of the documents to be filed with the meeting minutes).

**Resolution 19-12-10
SD2019-022**

ARMSTRONG MOVED TO APPROVE SD2019-022, to subdivide one +/- 3.63 acre parcel from the titled area with the following conditions:

1. Subdivision to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
2. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding taxes up to and including the year in which the subdivision is to be registered shall be paid to the municipality.
3. That the 10% municipal reserve requirement, pursuant to Section 666 of the *Municipal Government Act* be provided by payment of cash-in-lieu in accordance with the per acre value of \$3,540.00 as stated in the appraisal prepared by I. Weleschuk (November 11, 2019) on the entire parcel totaling +/-3.63 acres. The amount of cash-in-lieu of Municipal reserve owing to Wheatland County will be approximately \$1,285.00. The exact amount will be determined based on the final plan of survey.
4. Approaches to the proposed parcel(s) and remainder built and located to County Standards and approved by the Public Works Department, at the Owners expense.
The Owners are to enter into a *Deferred Services Agreement* for water and wastewater with Wheatland County which shall be registered by caveat concurrently with the final plan against the title(s) being created.
5. The Owners are to enter into an *Agreement of Easement for Construction and Maintenance of Any Public Works* with Wheatland County which shall be registered by caveat concurrently with the final plan against the title(s) being created.
6. The Owners are to enter into a *Road Acquisition Agreement*, which

**MUNICIPAL PLANNING COMMISSION MEETING MINUTES
OF DECEMBER 10, 2019**

shall be registered by caveat concurrently with the final plan against the title(s) being created.

- CARRIED

SD2019-023

Subdivision Application – SD2019-023

Legal: SE 33-24-23-W4M

Title Area: +/-160 Acres

Proposal: To subdivide a +/-10 acre parcel from the titled area

G. Allison, Planner I, presented the application (Request for Decision and Planning Report) highlighting the following: recommendation - Option #1 to approve subdivision application SD2019-023, to subdivide a +/-10 acre parcel within SE-33-24-23-W4M from the 160 acre parent parcel, subject to the conditions noted in Appendix A of the Planning Report. (Note: a copy of the Request for Decision and Planning Report was included in the agenda information package; copy of the documents to be filed with the meeting minutes).

**Resolution 19-12-11
SD2019-023**

WILSON MOVED TO APPROVE SD2019-023, to subdivide a +/-10 acre parcel from the titled area with the following conditions:

1. Subdivision to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
2. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding taxes up to and including the year in which the subdivision is to be registered shall be paid to the municipality.
3. Approaches to the proposed parcel(s) and remainder built and located to County Standards and approved by the Public Works Department, at the Owners expense.
The Owners are to enter into a *Deferred Services Agreement* for water and wastewater with Wheatland County which shall be registered by caveat concurrently with the final plan against the title(s) being created.
4. The Owners are to enter into an *Agreement of Easement for Construction and Maintenance of Any Public Works* with Wheatland County which shall be registered by caveat concurrently with the final plan against the title(s) being created.
5. The Owners are to enter into a *Road Acquisition Agreement*, which shall be registered by caveat concurrently with the final plan against the title(s) being created.

- CARRIED

DP2019-147

General Manager M. Boscarior requested that the Municipal Planning Commission re-visit DP2019-147 (Industrial Medium – Sea Can Storage & Distribution). At this time, S. Hayes, Development Officer, noted that previous information regarding the stacking of sea-cans was incorrect. S. Hayes clarified that, in accordance with the Land Use Bylaw, the stacking of shipping containers is allowed in an Industrial General District to a maximum of two shipping containers in height. Staff requested that the meeting recess for a short time to allow staff to review process for re-visiting DP2019-147.

Recess

The meeting recessed for a short break – time 10:15 A.M. to 10:19 A.M.

DP2019-147

Based on the new information, General Manager M. Boscarior informed MPC that they may re-visit their decision regarding DP2019-147. Discussion ensued; MPC agreed to abide by the regulations of the Land Use Bylaw regarding shipping containers. Note: a motion to amend the decision for DP2019-147 was not forthcoming.

MUNICIPAL PLANNING COMMISSION MEETING MINUTES
OF DECEMBER 10, 2019

Resolution 19-12-12
Adjournment

KOESTER MOVED the meeting adjourn – time 10:23 A.M.
• CARRIED

Chairperson – T. Ikert

General Manager – M. Boscariol

Recording Secretary



WHEATLAND COUNTY

Where There's Room to Grow

Request for Decision

January 20, 2020

Resolution No. _____

Date Prepared December 17, 2019

Subject

Decision-making topic title

DP 2019-160 The purpose of this application is to obtain approval for a Hydro-Vac Transfer Pad - Defined as Industrial, Medium.

Location: Plan 161 1511, Block 5, Lot 7, NE-10-24-26-4

Recommendation

Clear resolution answering – what/who/how/when

That Municipal Planning Commission choose Option #1 to approve DP 2019-160 for Industrial, Medium with conditions noted in Appendix A of the Development Permit Report.

GM Comments

Any additional comments regarding the reason for the recommendation

RECOMMENDATION

Report/Document: Attached ☒ Available ☐ None ☐

Key Issue(s) / Concepts Defined

Define the topic, reference background material and state question to be answered

In April of 2019 the applicant was issued a permit for a Clay Storage Facility on the subject site (DP 2019-009), which has not been constructed yet. The current proposal is to add a Hydro-Vac Waste Transfer pad to the parcel. The facility will be capable of receiving smaller volumes of non-impacted Hydro vac tailings, and then separate the water from each load independently. The tailings will be put onto a solids containment pad, and the water will be put into a liquids containment pond with evaporation capabilities. The stored, separated material will be reloaded onto trucks and transported to landfills to be used for daily cover.

Relevant Policy / Practices / Legislation

Cite existing policies, practices and/or legislation

MUNICIPAL DEVELOPMENT PLAN (MDP):

Section 3.7 Commercial and Industrial Development Objectives

WEST HIGHWAY 1 AREA STRUCTURE PLAN:

2.2 ASP Objectives

SUBDIVISION AND DEVELOPMENT REGULATION:

Section 13.4 Distance from landfill for a waste site.

LAND USE BYLAW (LUB) 2016-01:

9.5 Industrial General District – Discretionary Use

Strategic Relevance

Reference to goals or priorities of current work program

N/A

Response Options and Desired Outcome(s)

Main result, along with highlighted requisites and benefits

OPTIONS:

Staff proposes the following 3 possible options for Municipal Planning Commission to consider:

Option #1: THAT Municipal Planning Commission approve DP 2019-160:

Resolution 1: THAT Municipal Planning Commission approve DP 2019-160 for Industrial, Medium use subject to conditions noted in Appendix A.

Option #2: That Municipal Planning Commission refuse DP 2019-160 with reasons given.

Option #3: That Municipal Planning Commission provide an alternative recommendation.

RECOMMENDATION:

That Municipal Planning Commission choose Option #1 to approve DP 2019-160 for Industrial, Medium with conditions noted in Appendix A of the Development Permit Report based on the following:

- The proposal aligns with the Municipal Development Plan, the West Hwy 1 Area Structure Plan, the Subdivision and Development Regulation, and the Land Use Bylaw.
- The proposed facility fits within an area which is dedicated for industrial uses.
- AEP has deemed the site suitable for the use and the appropriate approvals have been obtained.
- The proposal provides an opportunity for Economic Development and this type of development is necessary for the environmentally-responsible disposal of soil slurries.

IMPLICATIONS OF RECOMMENDATION

General

Consequences to community, overall organization and/or other agencies

N/A

Organizational

Policy change or staff workload requirements

N/A

Financial

Current and/or future budget impact

N/A

Environmental, Staff and Public Safety

Consequences for the environment, consideration of effects on the safety of staff and the public

N/A

Follow-up Action / Communications

Timelines, decision-making milestones and key products

Advise applicant of the decision.

Submitted
by:

Suzanne Hayes
Development OfficerReviewed
by:

Sherry Baers
Manager of Planning & Safety
Codes Services

Matthew Boscariol, MES, MCIP, RPP
General Manager of Community &
Development Services



WHEATLAND COUNTY

Where There's Room to Grow



DEVELOPMENT PERMIT REPORT

Municipal Planning Commission

January 20, 2020

DEVELOPMENT PERMIT NUMBER: DP 2019-160

PROPOSAL: Industrial, Medium (Hydro-Vac Transfer Pad)

LEGAL DESCRIPTION: Plan 161 1511, Block 5, Lot 7, NE-10-24-26-4

LOCATION: Approx. 4.02 km (2.5 miles) Northwest of Cheadle

PARCEL SIZE: 1.36 ha (3.36 acre) parcel

ZONING: Industrial General (IG)

DETAILS OF PROPOSAL:

In April of 2019 the applicant was issued a permit for a Clay Storage Facility on the subject site (DP 2019-009), which has not been constructed yet. The current proposal is to add a Hydro-Vac Waste Transfer pad to the parcel. The facility will be capable of receiving smaller volumes of non-impacted¹ Hydro vac tailings,² and then separate the water from each load independently. The tailings will be put onto a solids containment pad, and the water will be put into a liquids containment pond with evaporation capabilities. The stored, solid material will be reloaded onto trucks and transported to landfills³ to be used for daily cover⁴.

During times of import activity, truck traffic will be approximately 2 to 6 trucks per day. The Clay Storage Facility projects 4-6 trucks per day for a total of 6-12 trucks per day. Access to the site will be by appointment between 9:00 am and 5:00 pm Monday through Saturday. Trucks will arrive at Delphan and provide the site contact with a haul Manifest⁵ explaining all pertinent material information. No employees will be dedicated to the site full-time but will have a supervisor and 1-3 part time employees while trucks are onsite.

¹ *Non-impacted:* Independently tested material, by a credited Environmental firm that has zero traces of any human made chemicals such as petroleum hydrocarbons, benzenes, lead, or heavy metals.

² *Hydro-vac tailings:* Sub-surface soils mixed with water created during the use of high pressured water to break up soil and vacuumed into a hydro-vac truck.

³ *Landfills:* Any local municipal Class II landfill receiving clean fill for daily cover. Locations would change from time to time depending on individual landfill cover requirements. Examples: East Calgary, Spyhill, and Drumheller Landfills

⁴ *Daily Cover:* Clean clay/soil fill that has been tested and approved for Industrial fill. This material is used to build garbage cells and cover and compact garbage in layers.

⁵ *Manifest:* Is a trackable information document. Typical manifests include contact information for the generating company and receiving facility of the material. Additional information would include, transport company with unit licensing and insurance particulars, project location, date, and time of loading, volume of product, complete product description and signed by authorized personnel at loading and unloading sites.

Trucks will first unload water, which will be stored in the water containment pen, and then the solid tailings will be unloaded onto the pad. The solids will be pushed up into a spoil pile.⁶ When the spoil pile has accumulated enough volume, the tailings will be loaded onto trucks and transported to the nearest available landfill.

The contained water can be tested and if approved, be used on-site as irrigation for the landscaping. If the water is not approved for irrigation, it will be loaded into a tank truck and disposed of at the nearest available wastewater treatment facility.⁷

This facility and the Clay Storage Facility are both regulated by Alberta Environment and Parks and have the appropriate approvals in place. AEP considers this facility a non-hazardous Waste Storage Site which meets the 300m setback from the nearest residence. Future proposals for residences within the setback zone would require the County to apply to the Deputy Minister of Environment for a variance to the 300m setback prior to approving the application.

RELEVANT POLICY/LEGISLATION

CALGARY METROPOLITAN REGIONAL BOARD (CMRB):

The application is located within the Calgary Metropolitan Regional Board Plan Area, but is not amending a statutory plan therefore no review is required by the board.

MUNICIPAL DEVELOPMENT PLAN (MDP):

The proposal aligns with Section 3.7.1 of the MDP as it encourages the expansion and diversification of the County's commercial and industrial base. Section 3.7 Commercial and Industrial Development Objectives places an emphasis on locating Commercial/Industrial properties within certain designated areas of the County such as the West Highway 1 Area Structure Plan (WH1ASP) or in close proximity to hamlets.

WEST HIGHWAY 1 AREA STRUCTURE PLAN (ASP)

The West Highway 1 Area Structure Plan (WH1ASP) is identified as a key industrial corridor along Highway #1 within Wheatland County. Section 2.2 objectives propose that we should accommodate development opportunities in Wheatland County for light to medium industrial and compatible commercial land uses. This application complies within the policies of the WH1ASP and is compatible with other Industrial General uses already located in the ASP area.

SUBDIVISION AND DEVELOPMENT REGULATION:

Section 13(4) Distance from landfill, waste site.

Subject to subsection (5) a, subdivision authority shall not approve an application for subdivision, and a development authority shall not issue a permit, for the purposes of developing a landfill, hazardous waste management facility or storage site unless:

- a) The working area of a landfill is situated at least 450 meters,

⁶ Spoil pile: is excavated material consisting of loam, topsoil and subsoils that have been removed and temporarily stored prior to exporting off-site.

⁷ Waste water treatment facility: Examples are Shepard waste water treatment facility and Bonnybrook treatment facility both located in Calgary.

- b) The disposal area of a landfill is situated at least 300 meters,
- c) The working or disposal area of a hazardous waste management facility is situated at least 450 meters, and
- d) The working area of a storage site is situated at least **300 meters** from the property line of a school, hospital, food establishment or residential use or building site proposed for a school, hospital, food establishment or **residence**.


Staff spoke with Alberta Environment and Parks regarding this facility and they confirmed that the setbacks are measured from the dwelling, not the property lines.

LAND USE BYLAW (LUB):

Definition: Industrial, Medium means the use of land, buildings and/or structures for an industrial activity that creates adverse impacts beyond the boundaries of the site for which the associated activity takes place due to appearance, emission of contaminants, noise, traffic volume, odor, fire, explosive hazards or dangerous goods. Characteristics of Industrial, Medium may include:

- a) Light to moderate open storage
- b) May have a retail or wholesale component that is subordinate to the principal use
- c) Moderate nuisance factors may extend past boundaries of the site
- d) Moderate hazardous industry present

The proposal has a land use designation of Industrial General (IG) and this application meets the requirements of the Land Use Bylaw.

Permitted	Discretionary
Accessory Building / Structure	Agricultural Processing - Major
Agricultural Operation	Auction Mart
Agricultural Processing - Minor	Automotive and Equipment Services
Agricultural Support Services	Composting Facility
Cannabis Production Facilities (Only considered within the WH1ASP)	Dwelling, Employee
Commercial Storage	Industrial, Medium 
Contractor Service	Mechanical Repair Shop
Essential Public Service	Signs requiring a Development Permit ^a
Food and Beverage Production	Tower
Greenhouse, Public	Warehouse Sales
Industrial, Light	Work Camp
Office	
Outdoor Storage	
Recreational Vehicle Storage	
Service Station	
Shipping Container	
Signs not requiring a Development Permit ¹	
Solar Panel, Ground Mount ¹	
Solar Panel, Structure Mount ¹	
Stripping and Grading ¹	
Stockpile	
Veterinary Clinic	
Warehouse Storage	
WECS (Category 1) ¹	
WECS (micro) ¹	

CIRCULATION COMMENTS:

AGENCY CIRCULATION	
Alberta Transportation	Response Provided for DP 2019-009 for the Clay Storage Facility: No requirements or concerns with this proposal.
Alberta Environment and Parks	Staff spoke with the AEP Engineer via telephone who approved the project and he provided information regarding where setbacks were measured from and confirmed that the project seemed well suited to the location and the type of materials would not be considered hazardous.
INTERNAL CIRCULATION	
Internal File Review	<p><u>CIMA</u> - The developer has supplied a drainage plan which has been reviewed and approved by CIMA.</p> <p><u>Planner</u> – Definitions provided by the applicant were helpful and added clarity. No concerns since AEP clarified that the setback distance is measured from a residential dwelling, not the property line.</p> <p><u>Environmental Coordinator</u> - We have no agricultural or environmental concerns regarding DP2019-160 based on the information provided. Since this development appears to accept only clean tailings from low-risk hydro-vac operations, has appropriate notification with AEP, is working on a drainage plan with CIMA+ that I assume will be sufficient, is going in the industrial area as preferred, and this type of development is necessary for the environmentally-responsible disposal of soil slurries, then I have nothing further for environmental comment.</p>
NEIGHBOUR CIRCULATION	
To landowners within 1 mile	1 Response with Concerns (see Appendix F)

OPTIONS:

Staff proposes the following 3 possible options for Municipal Planning Commission to consider:

Option #1: THAT Municipal Planning Commission approve DP 2019-160:

Resolution 1: THAT Municipal Planning Commission approve DP 2019-160 for Industrial, Medium use subject to conditions noted in Appendix A.

Option #2: That Municipal Planning Commission refuse DP 2019-160 with reasons given.

Option #3: That Municipal Planning Commission provide an alternative recommendation.

RECOMMENDATION:

That Municipal Planning Commission choose Option #1 to approve DP 2019-160 for Industrial, Medium with conditions noted in Appendix A of the Development Permit Report based on the following:

- The proposal aligns with the Municipal Development Plan, the West Hwy 1 Area Structure Plan, the Subdivision and Development Regulation, and the Land Use Bylaw.
- The proposed facility fits within an area which is dedicated for industrial uses.
- AEP has deemed the site suitable for the use and the appropriate approvals have been obtained.
- The proposal provides an opportunity for Economic Development and this type of development is necessary for the environmentally-responsible disposal of soil slurries.

Appendix A:

- 1. This development permit is issued solely for the purpose of a Hydro-Vac Transfer Pad – Defined as Industrial, Medium.**
- 2. No Variances have been granted.**
- 3. Development shall proceed according to Industrial General (IG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.**
- 4. No permanent development shall occur on or over any utility right of way or easement.**
- 5. Development to remain consistent with submitted application and all approved plans and procedures which form the application and have been deemed to be appropriate.**
- 6. Any future modifications or development on or to the lands will require the appropriate development permits in accordance with the Wheatland County Land Use Bylaw.**
- 7. Design and construction of landscaping features including, at minimum, the work and landscaping described in the 'Landscaping Plan' approved for DP 2019-009 to the satisfaction of the County and in accordance with the following:**
 - a) A guaranteed security must be provided to ensure that landscaping is provided and maintained for one (1) year. The security shall be in the form of an irrevocable letter of credit or cash having the value equivalent to 125% of the established landscape costs.**
 - b) The projected costs of the landscaping shall be calculated by the owner/applicant and shall be based on information provided in the approved landscape plan. If in the reasonable opinion of the development authority, these projected costs are inadequate,**
 - c) The Development Authority may establish a higher landscaping cost for the purposes of determining the value of the landscaping security.**
 - d) Where the owner does not complete the required landscaping, or if the owner fails to maintain the landscaping, in the health/condition to the satisfaction of the development authority for the specified periods of time, the County shall reserve the right to complete the work to the satisfaction of the development authority.**
 - e) Where the cash or proceeds from the letter of credit are insufficient for the County to complete the required work, should it decide to do so, then the owner shall pay such deficiency to the County immediately upon being invoiced.**
 - f) Upon receipt of a written request from the owner/applicant, an inspection of the finished landscaping may be scheduled by the Development Officer. Landscaping inspections shall comply with the following:**
 - i. Inspections shall be conducted only during the normal growing season, approximately April 15th through October 15th;**
 - ii. The Development Officer shall perform the landscaping inspection within thirty (30) days of receipt of the inspection request subject to i above; and**

- iii. Upon approval of the landscaping by the Development Officer, the security shall be fully released.
8. Prior to construction occurring, offsite levies are to be paid as per the West Highway 1 Area Structure Plan *Offsite Levies Bylaw 2007-109* in accordance with the payment plan agreed to for DP 2019-009.
9. Applicant to ensure approach is developed to County standards. Please contact Wheatland County Transportation & Infrastructure Assistant for details 403-934-3321.

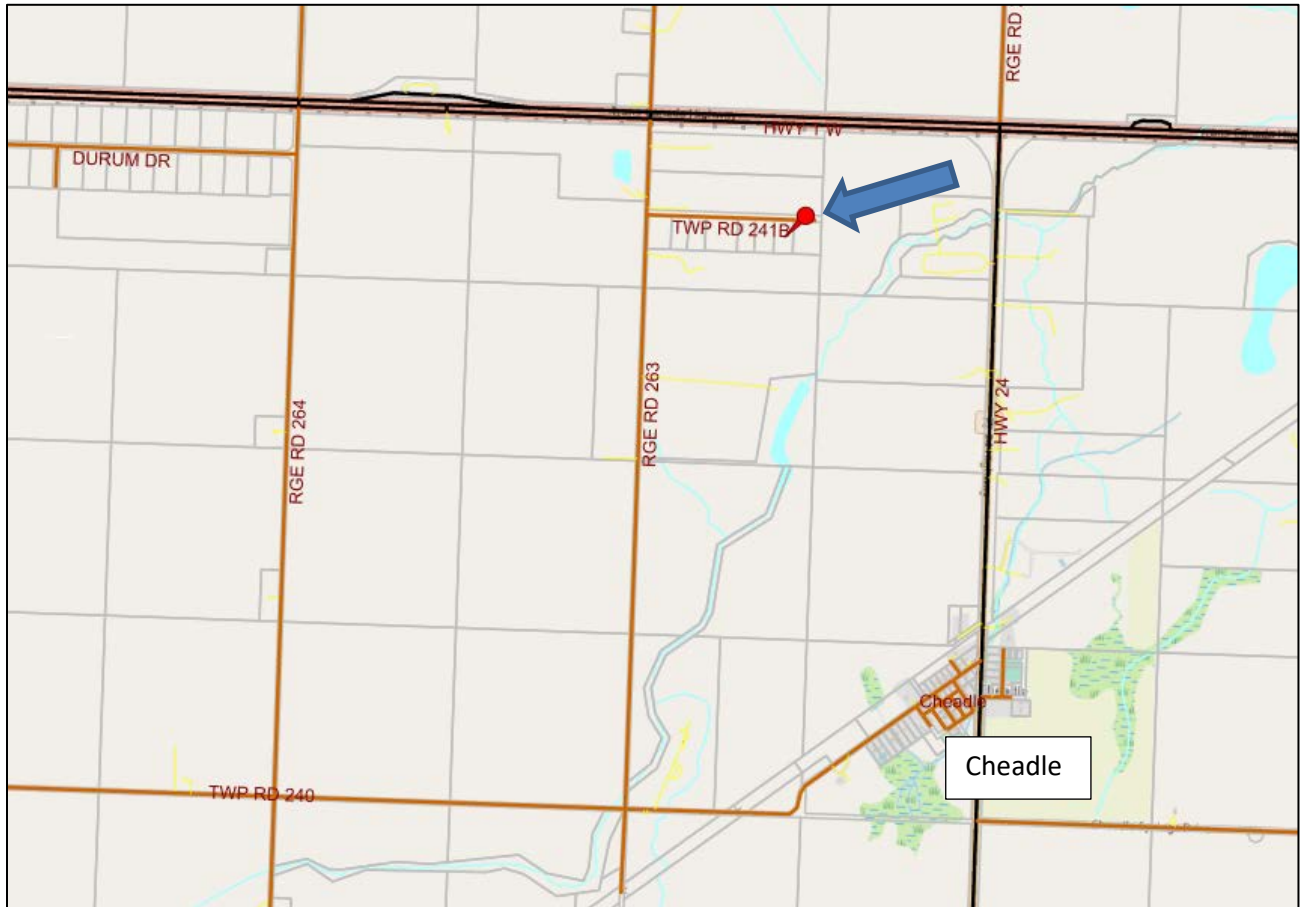
NOTES:

- ALL CONSTRUCTION SHALL CONFORM TO ALBERTA SAFETY CODE REGULATIONS.
- DEVELOPMENT SHALL MEET ALL PROVINCIAL AND FEDERAL LEGISLATION.

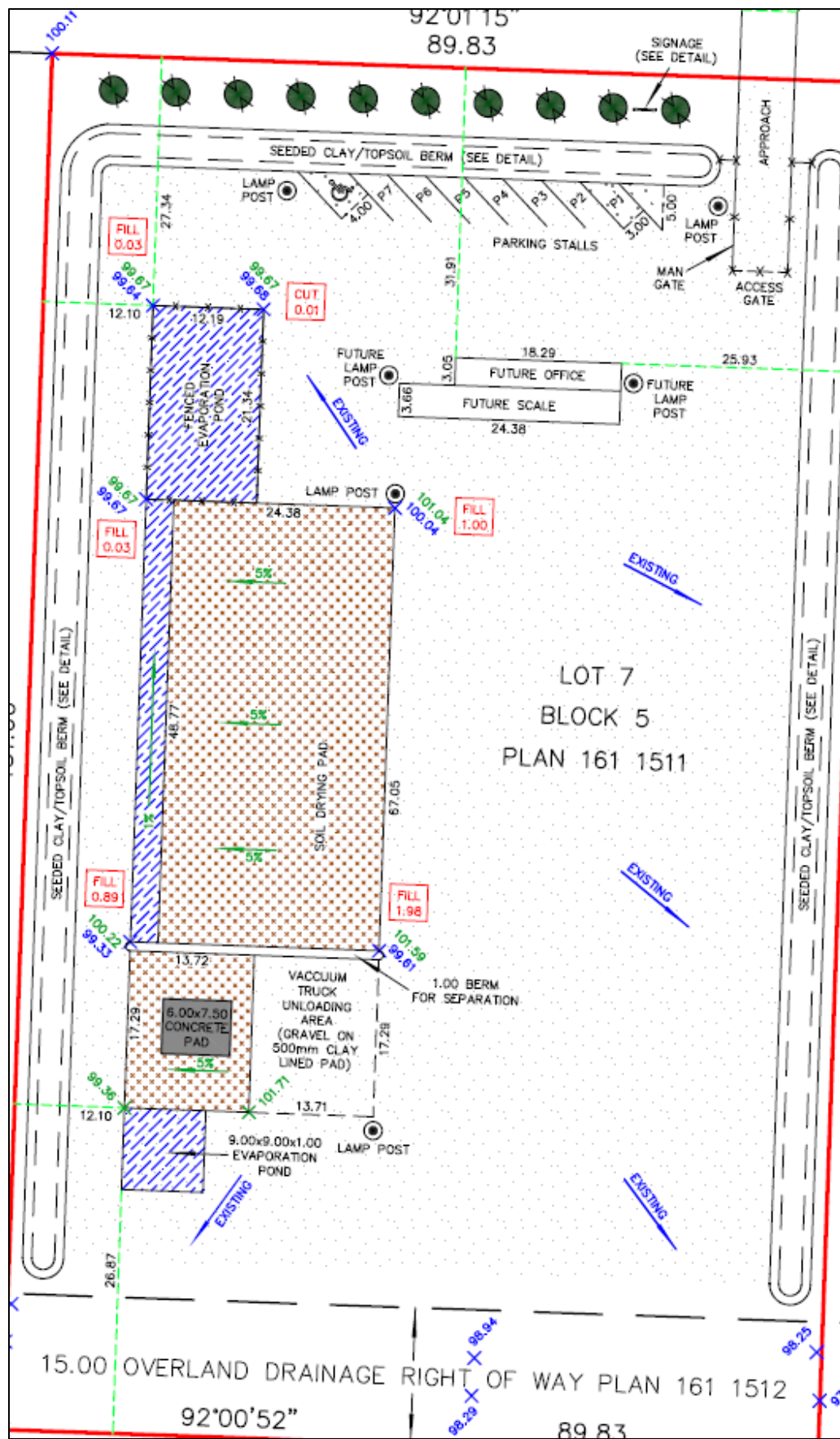


Suzanne Hayes, Development Officer

Appendix B: Location Plan



Appendix C: Site Plan



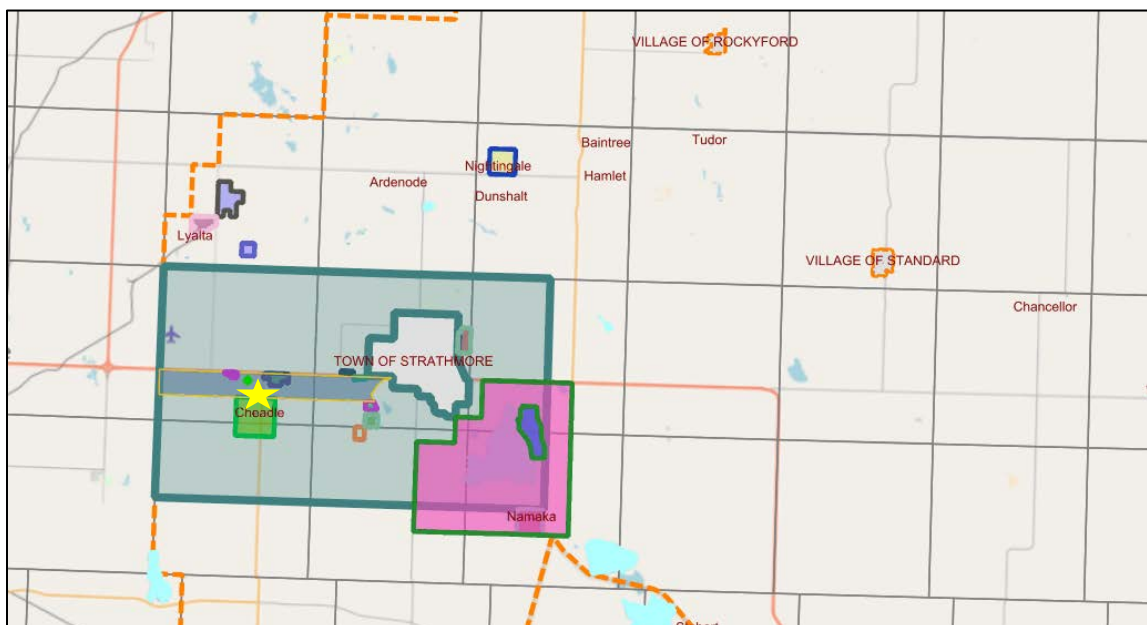
Appendix D: Aerial Photos

Setbacks

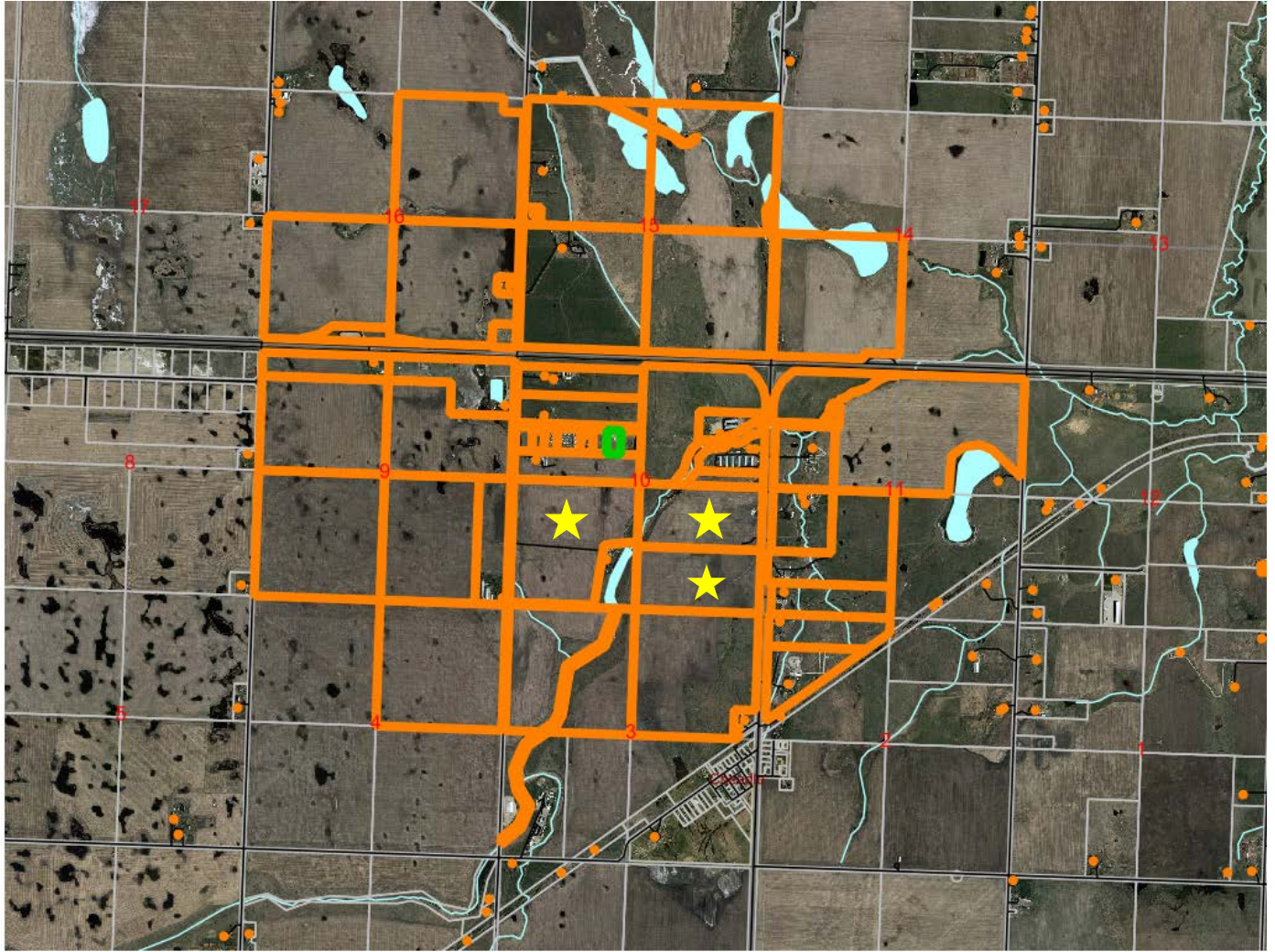




Appendix E: CMRB, ASP (subject parcel indicated by yellow star)



Appendix F: Circulation Area
(yellow stars indicate lands owned by the concerned neighbor)



Appendix G: Circulation Response

R.R.1 Site 3 Box 13
Strathmore, AB T1P1J

Jan 7, 2020

Wheatland County
Suzanne Hayes,
Development Officer

Re: Proposal, medium - Hydro - Vac
Transfer Pad
Legal: Plan 161 1511, Block 5, Lot 7, NE 10-24-21-104

Lauson Ranches Ltd are very much against
this application as it would be a private dumping
site. If Wheatland County passes this application
Wheatland County must police it and not a
credited environmental firm chosen by the
applicant.

yours truly,

Barbara Lauson



WHEATLAND COUNTY

Where There's Room to Grow



Request for Decision

January 20, 2020

Resolution No. _____

Date Prepared January 3, 2020

Subject

Decision-making topic title

DP 2019-173 The purpose of this application is for second residence to be constructed on the parcel as a Dwelling, Accessory with a variance to the maximum size ratio.

Location: NE 22-25-25-W4M

Recommendation

Clear resolution answering – what/who/how/when

RECOMMENDATION: That Municipal Planning Commission choose Option #1 to approve DP 2019-173 for a Dwelling, Accessory with a Variance with conditions noted in Appendix A of the Development Permit Report.

GM Comments

Any additional comments regarding the reason for the recommendation

RECOMMENDATION

Report/Document:

Attached

☒

Available

☐

None

☐

Key Issue(s) / Concepts Defined

Define the topic, reference background material and state question to be answered

On September 30, 2019 the applicant was issued a permit to construct a new 1950 ft² Dwelling, Single Detached as the primary residence on the parcel with one of the conditions stating that prior to construction occurring they needed obtain a permit for the existing residence to be permitted as a Dwelling, Accessory. MPC approved the permit for the Dwelling, Accessory on November 19, 2019.

While processing the building permit for the new primary residence, staff became aware that the type of building which was being proposed was not a Dwelling, Single Detached as had been previously discussed. The land use bylaw only allows for specific types of houses to be the primary residence therefore the new structure would have to become the Dwelling, Accessory but because it is larger than the existing residence, a variance is required.

Relevant Policy / Practices / Legislation

Cite existing policies, practices and/or legislation

MUNICIPAL DEVELOPMENT PLAN (MDP):

Section 3.6.1 Residential Development Objectives

LAND USE BYLAW (LUB) 2016-01:

9.1 Agricultural General District – Discretionary Use

8.7 Dwelling, Accessory

3.4.2 Variance

Strategic Relevance

Reference to goals or priorities of current work program

N/A

Response Options and Desired Outcome(s)

Main result, along with highlighted requisites and benefits

OPTIONS:

Staff proposes the following 3 possible options for Municipal Planning Commission to consider:

Option #1: THAT Municipal Planning Commission approve DP 2019-173:

Resolution 1: THAT Municipal Planning Commission approve DP 2019-173 for a Dwelling, Accessory with a Variance subject to conditions noted in Appendix A.

Option #2: That Municipal Planning Commission refuse DP 2019-173 with reasons given.

Option #3: That Municipal Planning Commission provide an alternative recommendation.

RECOMMENDATION:

That Municipal Planning Commission choose Option #1 to approve DP 2019-173 for a Dwelling, Accessory with a Variance with conditions noted in Appendix A of the Development Permit Report based on the following:

- The proposed Dwelling, Accessory aligns with 3.61 of the MDP.
- The proposed application is a discretionary use listed within the Agricultural General (AG) District.
- The proposed Dwelling, Accessory fits with the context of the area, which is primarily residential and agricultural in nature.
- The intent of the size ratio is to ensure one dwelling is smaller than the other, this intent will still be met.
- The variance request does not interfere with any neighboring properties.
- By granting the proposed variance, with the stated conditions of approval which include the submission of a structural design, and the \$5000 deposit, the Development Authority has determined that the proposed Dwelling, Accessory complies with intent of the County's Land Use Bylaw rules and regulations.

IMPLICATIONS OF RECOMMENDATION

General

Consequences to community, overall organization and/or other agencies

N/A

Organizational

Policy change or staff workload requirements

N/A

Financial

Current and/or future budget impact

N/A

Environmental, Staff and Public Safety

Consequences for the environment, consideration of effects on the safety of staff and the public

N/A

Follow-up Action / Communications

Timelines, decision-making milestones and key products

Advise applicant of the decision.

Submitted
by:



Suzanne Hayes
Development Officer

Reviewed
by:



Sherry Baers
Manager of Planning & Safety
Codes Services



Matthew Boscarol, MES, MCIP, RPP
General Manager of Community &
Development Services



WHEATLAND COUNTY

Where There's Room to Grow



DEVELOPMENT PERMIT REPORT

Municipal Planning Commission

January 20, 2020

Development Permit Number: DP 2019-173

PROPOSAL: Dwelling, Accessory with Variance (to maximum size)

LEGAL DESCRIPTION: NE-22-25-25-4

LOCATION: Approx. 8.25 km (5.13 miles) north of Strathmore

PARCEL SIZE: 12.78 acre parcel

ZONING: Agricultural General (AG)

DETAILS OF PROPOSAL:

The applicants met with staff over a period of several months in 2019 to discuss options to increase on-site accommodations for temporary foreign workers employed at their bee farm and honey mill. The applicants proposed accommodations that ranged from the use of “camp shacks” to dormitory style housing. However, the proposals did not meet the requirements of the Agricultural General (AG) District of the Land Use Bylaw.

In August of 2019 the applicants inquired about constructing an addition to the existing dwelling that would accommodate the workers. The addition, as described, appeared to meet the requirements of a secondary suite. However, when the applicants submitted the application for a secondary suite, the plans were for what appeared to be the addition of a “camp shack” to the main dwelling. The addition did not include a kitchen or cooking facilities but consisted of bedrooms and bathrooms. The application did not meet the Land Use Bylaw requirements. The applicants were advised of this and that if they wished to proceed with this option, the property could be rezoned to a Direct Control District to accommodate their specific needs. The applicants did not want to pursue this option.

Staff met with the applicants in September 2019 to discuss alternative options that would not include rezoning the property. The applicants ultimately decided that they would construct a new primary dwelling and convert the existing dwelling to an accessory dwelling, which is permitted within the AG District.

On September 30, 2019 the applicant was issued a permit to construct a new 1950 ft² Dwelling, Single Detached as the primary residence on the parcel with one of the conditions stating that prior to construction occurring they needed to obtain a permit for the existing residence to be permitted as a Dwelling, Accessory.

On November 19, 2019 MPC approved the permit for the Dwelling, Accessory for the existing residence.

While processing the building permit for the new primary residence, staff noted that the drawing submitted with the application was for a trailer structure containing bedroom units with bathroom facilities with an addition to the trailer for a kitchen/living space and laundry room; not new construction. The Land Use Bylaw is very specific in regard to the types of housing that can be considered as the primary dwelling, which does not include a manufactured dwelling.

Because a portion of the 1950 ft² dwelling would be considered a manufactured dwelling, it cannot be the primary residence on the parcel, but could become the accessory dwelling, as originally discussed and recommended during preliminary meetings with the applicant in March of 2019. The existing 1350 ft² residence would then be delegated as the primary residence.

The proposed 1950 ft² Dwelling, Accessory will be larger than the 1350 ft² Dwelling, Primary, therefore, a variance is requested to the 80% size ratio.

“8.7.2 a) Outside of a hamlet, the gross floor area of a Dwelling, Accessory will be no more than 80% of the Gross Floor Area of the primary dwelling.”

The application for the accessory dwelling does not fit entirely within the definitions of the County's Land Use Bylaw as it is a combination of a trailer (manufactured home) and construction of an addition to include a kitchen, dining, and living area to the dwelling. The accessory dwelling will be required to meet the Alberta Building Code, and would require an engineer to do a structural design of the dwelling.

RELEVANT POLICY/LEGISLATION

CALGARY METROPOLITAN REGIONAL BOARD (CMRB):

The application falls outside of the CMRB plan area, no review by the Board is required.

MUNICIPAL DEVELOPMENT PLAN (MDP):

The proposed Dwelling, Accessory aligns with Section 3.6.1 of the MDP as it ensures that Wheatland residents have access to a range of affordable housing types, and a diversity of housing choices, to accommodate all stages of life. It also allows for residents to work in close proximity to their place of residence.

AREA STRUCTURE PLANS:

The application falls outside of any area structure plans.

LAND USE BYLAW (LUB):

9.1 Agricultural General District (AG)



Purpose and Intent

The purpose and intent of this district is to promote and accommodate agricultural land uses that support the goals and objectives of the Municipal Development Plan and preserve the agrarian character of the County.

Permitted and Discretionary Uses

- a) The following uses shall be permitted or discretionary with or without conditions provided the application complies with the regulations of this district and this Bylaw:

Permitted	Discretionary
Accessory Building / Structure	Abattoir
Agricultural Operation ¹	Agricultural Processing – Major
Agricultural Processing – Minor	Bed and Breakfast
Dwelling, Clustered Farm	Composting Facility
Dwelling, Manufactured	Day Home
Dwelling, Modular	Dwelling, Accessory
Dwelling, Moved On	Dwelling, Temporary
Dwelling, Secondary Suite	Equestrian Centre
Dwelling, Single Detached	Farm Gate Sales
Farm Building	Greenhouse, Public
Greenhouse, Private	Home-Based Business, Type 2
Shipping Container	Home-Based Business, Type 3
Signs not requiring a Development Permit ¹	Kennel
Solar Panel, Ground Mount ¹	Nursery
Solar Panel, Structure Mount ¹	Shooting Range, Minor
Stripping and Grading ¹	Signs requiring a Development Permit ²
WECS (micro) ¹	Stockpile
WECS (Category 1) ¹	Tower

Definitions:

Dwelling, Accessory – means a detached dwelling unit that is located on the same parcel as a Dwelling, Primary and is considered accessory and subordinate to that primary dwelling. Only one Dwelling, Accessory is permitted per lot.

Dwelling, Primary – (for the purpose of Section 8.7 Dwelling, Accessory) A Dwelling, Primary must be one of the following types: Dwelling, Single Detached, Dwelling, Moved-On, or Dwelling Modular.

Due to the combination of the trailer structure with an addition, the completed structure would not be considered one of the allowable housing types listed above. Portions of it fit into the various definitions (below), but it does not fit entirely within any one of them. For this reason, the existing Dwelling, Single Detached must be delegated as the primary dwelling.

Dwelling, Single Detached – means a single building which contains one Dwelling, Unit with the exception of an approved Dwelling, Secondary Suite. This does not include Dwelling, Manufactured or Dwelling, Modular.

Safety Codes has advised that the trailer structure would be considered a Dwelling, Manufactured. Therefore, the proposed trailer structure with addition does not meet the definition for a Dwelling, Single Detached.

Dwelling, Moved On – means a Dwelling, Single Detached that has previously been used as a residence that has now been relocated to a new parcel for the purpose of a Dwelling, Single Detached.

Since the moved on trailer structure is considered to be a Dwelling, Manufactured (according to Safety Codes), the proposal does not meet this definition as it refers only to a Dwelling, Single Detached.

In addition to providing photos of all 4 sides of the trailer structure, the applicants were also asked to provide an illustration or example of what the final product would look like and had provided one photo of a portion of a structure they anticipate the new building will resemble.

Dwelling, Modular – means a residential building containing one dwelling unit built in a factory in one or more sections, suitable for long term occupancy, and designed to be transported to a suitable site. Modular Dwellings must conform to CSA A277 standards and have a minimum floor area length to width ratio of 3:1. This definition also includes Ready-to-move (RTM) dwellings. See Dwelling, Modular Section for more information.


The trailer structure does not meet the A277 requirement, and by itself, does not meet the 3:1 ratio, but the final structure with addition will likely meet the ratio.

Dwelling, Manufactured – means a prefabricated, transportable single or multiple section dwelling unit that conforms to CSA A277 certified standards at time of manufacture. It is ready for residential occupancy upon completion of setup in accordance with the required factory recommended installation instructions. The home is typically transported to a site on its own chassis and wheel system or on a flatbed truck.

The trailer structure portion of the proposed dwelling does not meet the A277 requirement. However, Safety Codes has advised staff that due to the combination of the trailer unit containing the bedroom units with new construction to add the living/kitchen space and laundry room, the certification would no longer be valid as an engineer would be required to do a structural design of the dwelling.

8.7 Dwelling, Accessory

8.7.1 General Regulations:



a) Existing Dwellings:


When an existing dwelling is not one of the allowable housing types identified in the Dwelling, Primary definition (Dwelling, Single Detached, Dwelling Moved-On or Dwelling, Modular) OR an existing dwelling is one of the allowable housing types but is smaller than a new dwelling;

- i. The applicant may apply for a permit to construct or place on the property a Dwelling, Primary (Dwelling, Single Detached, Dwelling Moved-On or Dwelling, Modular) and
- ii. As stipulated as a condition of approval for the new Dwelling, Primary, construction shall not commence until a Development Permit has been obtained for the existing dwelling to be issued a permit as a Dwelling, Accessory.
- iii. If for any reason the Dwelling, Primary is not constructed, the permit for the Dwelling, Accessory will be cancelled as per Section 6.2.1.

b) A Dwelling Accessory:

- i. Shall meet applicable Safety Codes and will require a Building Permit
- ii. Shall not be located on a property that already has a secondary suite
- iii. Shall have adequate water and sewer either through a shared or individual system
- iv. Shall be located within a building other than the primary dwelling or as a detached standalone unit. For example: A Dwelling, Accessory may be built on top of an accessory building or garage
- v. May require its own municipal address
- vi. Shall require one additional parking space for the residents
- vii. Shall follow the height and setback regulations in the applicable land use district, except where otherwise noted in this Bylaw.

8.7.2 Size:

- 
- a) Outside of a hamlet the gross floor area of a Dwelling, Accessory will be no more than 80% of the Gross Floor Area of the primary dwelling. *As defined in the definitions section.*
 - b) Inside a hamlet the Dwelling, Accessory shall be smaller than the primary dwelling and shall not exceed 74.32 m² (800.0 ft²) in Gross Floor Area. *As defined in the definitions section.*
 - c) A Dwelling, Accessory will count as part of the total lot coverage for the land use district, such as Hamlet Residential or Country Residential.


8.7.3 Location:

- a) The Dwelling, Accessory shall be a minimum of 3.05 m (10.0 ft) from the primary residence.

8.7.4 Design:

- a) A Dwelling, Accessory will contain at least two rooms and will include a kitchen, washroom and sleeping area.
- b) Wherever possible, the windows and doors on a Dwelling, Accessory should be located away from yards of adjacent properties to protect privacy.

8.7.5 Additional Considerations:

- 
- a) In considering a Development Permit application for a Dwelling, Accessory, the Development Authority has the discretion to consider such factors as:
 - b) The effect of a Dwelling, Accessory on the character of a neighborhood and the cumulative effect of an additional dwelling within a specific location.
 - c) The similarity of the Dwelling, Accessory to the principal dwelling or adjacent properties in architectural design, character, and appearance. For example: exterior wall materials, window types, door and window trims, roofing materials, and roof pitch.
 - d) The location of the Dwelling, Accessory with preference for its close proximity to the principal dwelling so as to appear as a related building.
 - e) The use of a shared approach.
 - f) The availability of outdoor yard space that is useful for the residents of the Dwelling, Accessory.
 - g) The provision of landscaping or screening to provide privacy between the Dwelling, Accessory and adjacent properties and dwellings.
 - h) Other such considerations as the Development Authority may deem to be relevant

8.7.6 Existing Temporary Dwellings or Existing Dwelling, Manufactured to be utilized as a Dwelling, Accessory (as per 8.6.1 a):

- a) At the discretion of the Development Authority, an existing Temporary Dwelling or an existing Dwelling Manufactured (as per 8.6.1 a) may be issued a permit as a Dwelling, Accessory even though it does not meet all of the provisions of this bylaw but will be evaluated in consideration of the following:
 - i. The existing dwelling was onsite prior to the date of the adoption of the current Land Use Bylaw.
 - ii. There have been no complaints from adjacent residents regarding the existing dwelling
 - iii. The existing dwelling has been well maintained and repaired as required
 - iv. The Development Authority may require a Safety Codes Inspection of an existing dwelling if deemed necessary.

3.4.2 Variance

- d) Municipal Planning Commission shall render decisions on all Development Permit applications that require a variance or relaxation of this Bylaw, except when variance requests do not exceed 10%. A variance shall only be granted provided that the proposed development shall not:
 - i. Unduly interfere with the amenities of the neighborhood, or
 - ii. Materially interfere with or affect the use, enjoyment or value of neighboring parcels of land, and
 - iii. The Proposed development conforms with the use prescribed for that land or building in the Bylaw.

CIRCULATION COMMENTS:

AGENCY CIRCULATION	
Western Irrigation District	No Concerns (as per previous application).
CN Rail	No Concerns (as per previous application).
Alberta Transportation	A Roadside Permit was issued for a new dwelling on a previous application.
INTERNAL CIRCULATION	
Internal File Review	Park Enterprises – Part of the structure would be considered a manufactured dwelling, but in order to add the addition, they will need an engineer to do a structural design for the combined structure and any other certifications would no longer be valid.
NEIGHBOUR CIRCULATION	
To adjacent neighbors	No Comments Received.

OPTIONS:

Staff proposes the following 3 possible options for Municipal Planning Commission to consider:

Option #1: THAT Municipal Planning Commission approve DP 2019-173:

Resolution 1: THAT Municipal Planning Commission approve DP 2019-173 for a Dwelling, Accessory with a Variance subject to conditions noted in Appendix A.

Option #2: That Municipal Planning Commission refuse DP 2019-173 with reasons given.

Option #3: That Municipal Planning Commission provide an alternative recommendation.

RECOMMENDATION:

That Municipal Planning Commission choose Option #1 to approve DP 2019-173 for a Dwelling, Accessory with a Variance with conditions noted in Appendix A of the Development Permit Report based on the following:

- The proposed Dwelling, Accessory aligns with 3.61 of the MDP.
- The proposed application is a discretionary use listed within the Agricultural General (AG) District.
- The proposed Dwelling, Accessory fits with the context of the area, which is primarily residential and agricultural in nature.
- The intent of the size ratio is to ensure one dwelling is smaller than the other, this intent will still be met.
- The variance request does not interfere with any neighboring properties.

- By granting the proposed variance, with the stated conditions of approval which include the submission of a structural design, and the \$5000 deposit, the Development Authority has determined that the proposed Dwelling, Accessory complies with intent of the County's Land Use Bylaw rules and regulations.

Appendix A:

1. This Development Permit is issued solely for a second residence (trailer structure with an addition) on the property - Defined as a Dwelling, Accessory.
2. A variance has been granted to the 80% size ratio allowing the Dwelling, Accessory (1950 ft²) to be larger than the Dwelling, Primary (1350 ft²).
3. Development shall proceed according to Agricultural General (AG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Applicant to ensure approach is developed to County standards. Please contact Wheatland County transportation & infrastructure assistant for details 403-934-3321.
6. Used dwelling deposit of \$5000 to be submitted and refunded upon:
 - a) Foundation finished with appropriate material.
 - b) Exterior stairs to be installed (if required).
 - c) Exterior finish (i.e.: siding) to the satisfaction of the Development Officer.
 - d) All roofing, windows and paint completed to the satisfaction of the Development Officer.
 - e) Any other requirements as deemed necessary by the Development Officer.
7. A qualified structural engineer to provide a structural design for the Dwelling, Accessory (trailer structure with an addition) to the reasonable satisfaction of Wheatland County and/or its agents.

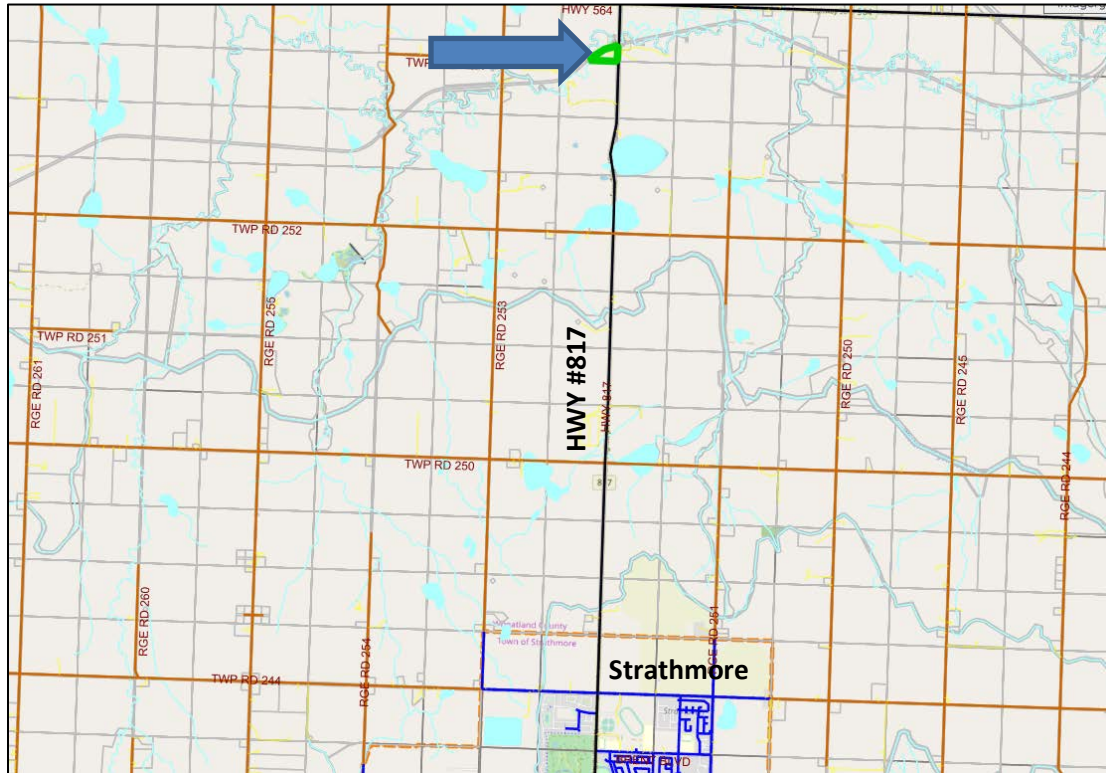
NOTES:

- ALL CONSTRUCTION SHALL CONFORM TO ALBERTA SAFETY CODE REGULATIONS.
- DEVELOPMENT SHALL MEET ALL PROVINCIAL AND FEDERAL LEGISLATION.



Suzanne Hayes, Development Officer

Appendix B: Location Plan

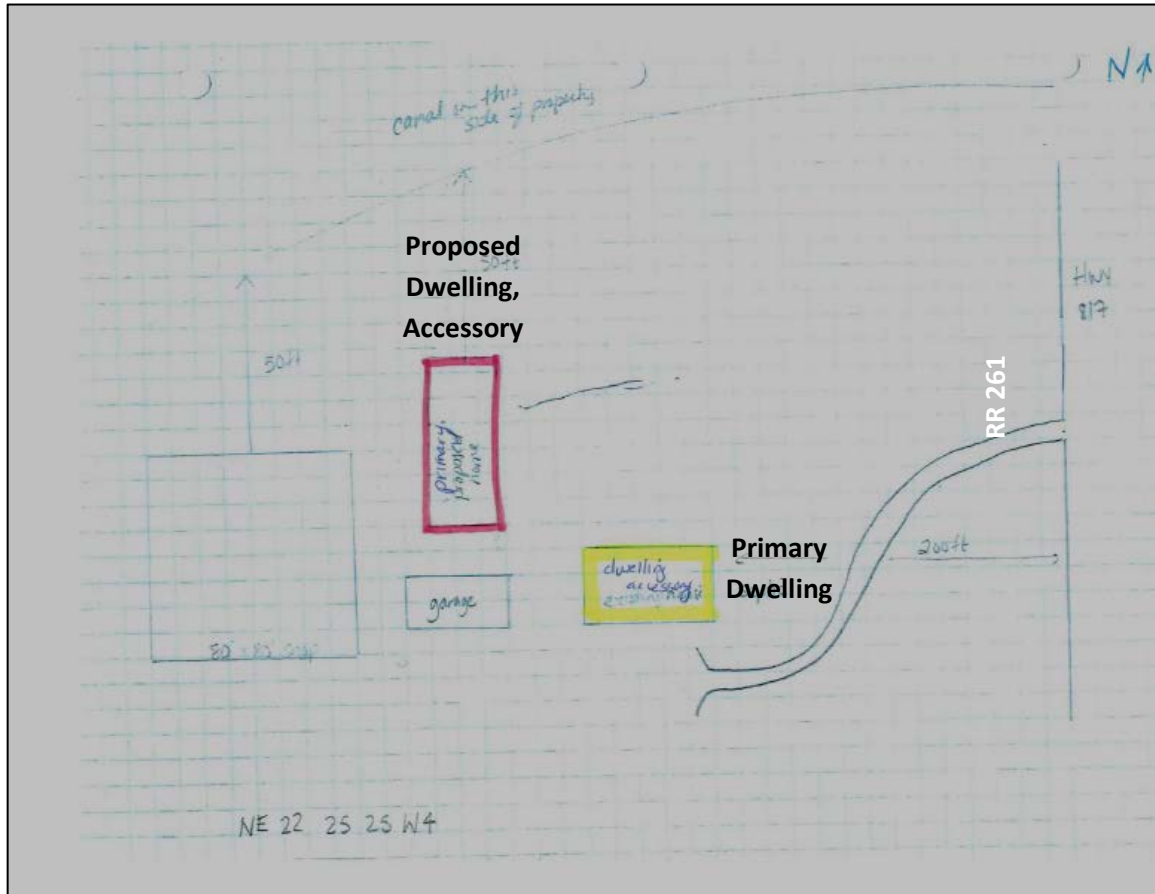


Appendix C: Aerial Photos

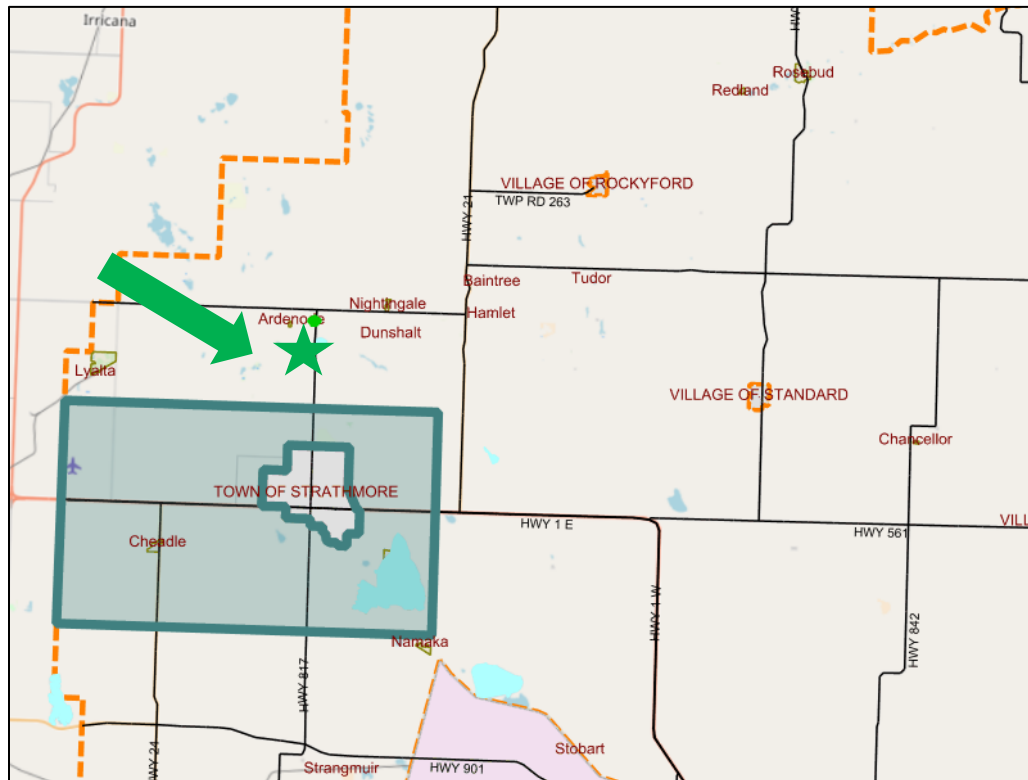




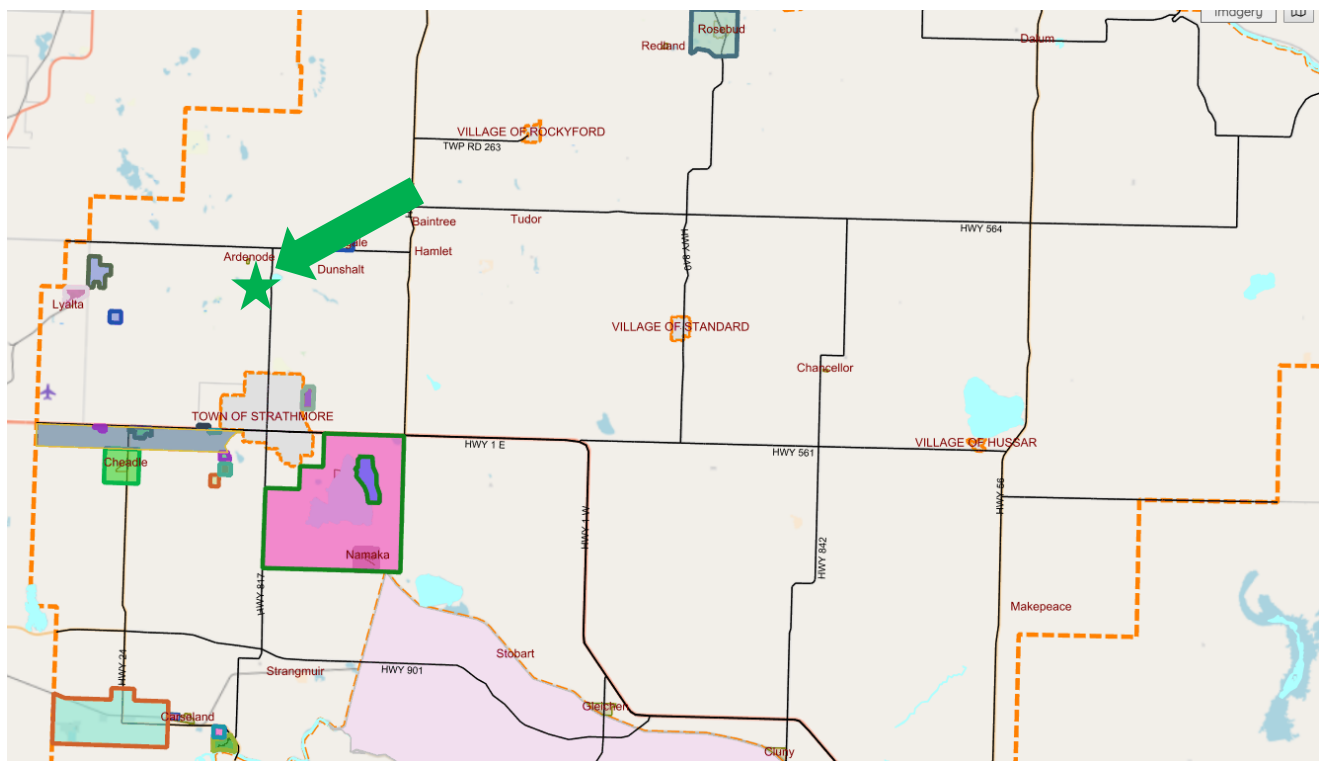
Appendix D: Site Plan



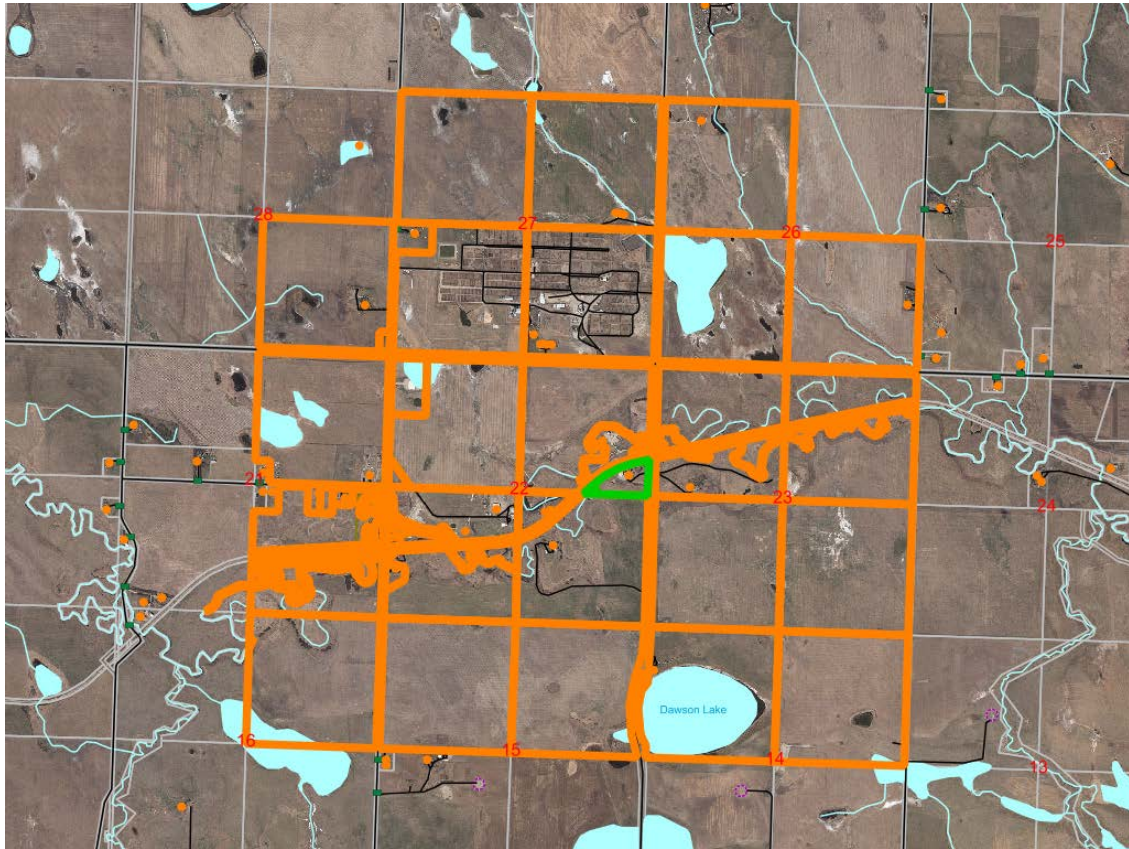
Appendix E: CMRB Plan Area



Appendix F: Area Structure Plans



Appendix G: Circulation Area



Appendix H: Photos



Trailer Structure which will form part of the proposed dwelling





Example of Completed Structure



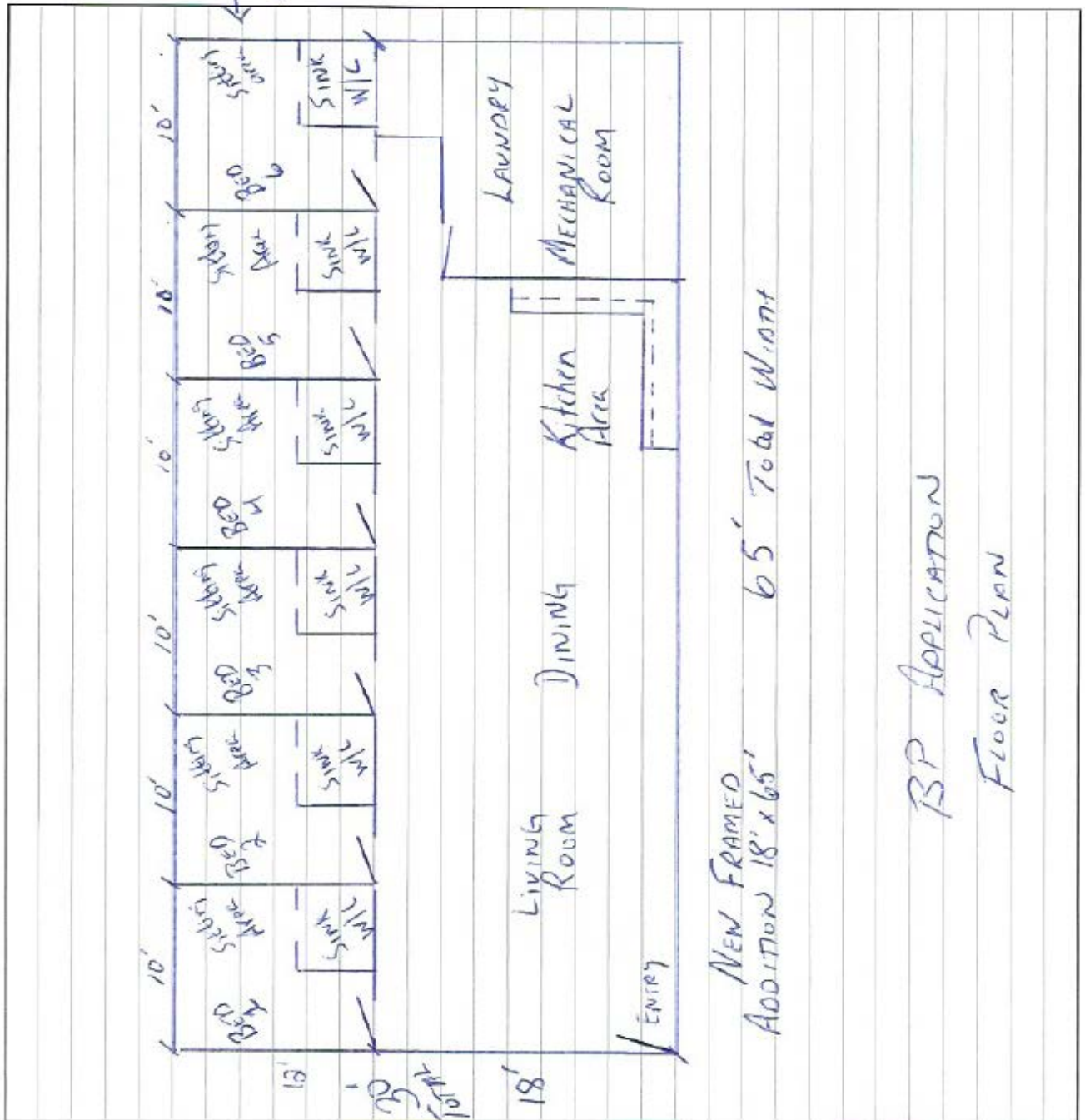
Appendix I: Proposed Floor Plan Provided for Building Permit Application



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Box 5173, High River, AB T1V 1M4

Cell: 403.333.1788 / Fax 403.603.3362

robert@farrellyhomes.com / www.farrellyhomes.com