

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.

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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

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- 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.

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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.

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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

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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*

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- 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

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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.

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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