

MUNICIPAL PLANNING COMMISSION MEETING
June 25, 2020

A meeting of the Kneehill County Municipal Planning Commission was held on June 25, 2020, commencing at 9:00 a.m.

Present

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

Absent

Deanna Keiver Planning & Development Officer

Applicants present at the onset of the meeting

None

Call to Order

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

Adoption of Agenda

Wade Christie moved to accept the agenda as presented.

CARRIED

Approval of Minutes

Kenneth King moved to approve the Municipal Planning Commission Minutes dated May 28, 2020.

CARRIED

3840-20-D Jacoma Farms Ltd. (Landowner), Neufeld, Conrad (Applicant) Ptn. NE 22-29-26 W4M Plan 091 3345 Block 1 Lot 1 – Garden Suite – Agriculture District – Division 3

- To consider a Residence on Plan 091 3345, Block 1, Lot 1 within NE 22-29-26 W4. A mobile home exists on the property, and once the residence is completed, the mobile home would be considered the garden suite.
- A Garden Suite is allowed on any sized parcel within the Agriculture District and no more than one will be permitted on a lot. The applicants are aware that this structure will not be allowed to be subdivided in the future.
- The Garden Suite must be located within the yard site of the established primary residence. This will apply to the newly constructed residence where it would be considered just within the current yardsite.
- The applicant wishes to use the mobile home as a rental property. Since the mobile home

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is over 35 years old, should anything change, it will be required to be removed.

- The new residence will be placed near the barn which will also be removed at some point in the future. The residence will be a stick built home with attached garage.
- This parcel was originally a 35 +/- acre parcel which was subdivided in 2007 to only include the existing farm site.
- The parcel is adjacent to Selkirk WSA. There is a riser in place for this parcel.
- The applicant intends to tie into existing services, but a new sewer system will be installed.
- A new municipal address sign will be required for the new residence.
- All safety code permits and approvals will need to be obtained.
- Setbacks to all property lines are satisfied as per Section 86(4)(b)(c)(d).
- The parcel is accessed via Highway 575 and surrounding properties are zoned Agriculture, and Light Industrial directly east (however it appears the site is only being used for residential purposes).
- This application is not within an Environmentally or Historical Significant Area.
- This application was referred to internal and external agencies and adjacent property owners:
 - Alberta Health Services recommends the locations of existing private sewage systems and wells be located to ensure they meet current regulations.
 - To date, no objections from adjacent landowners or any other agencies have been received.

Relevant Sections of Land Use Bylaw 1773:

Section 86 – Agriculture District

Section 57 – Housing, Garden Suite

- | | |
|--|-----|
| • New Build on Site | Yes |
| • Move on Structure | No |
| • Structure to be Moved On: Newly Built Off Site | No |
| • Structure to be Moved On: Existing | No |
| • Creative Architecture | No |
| • Permanent Foundation Required | Yes |
| • Services to be Provided in Structure (Water, Power, Gas, Electricity, Septic etc...) | Yes |
| • Residential Use | Yes |
| • Accessory Use | No |
| • New/ Additional Rural Address Sign Required | Yes |
| • Road Upgrade Required | No |
| • Setbacks from Property Lines Satisfied (Structural) | Yes |
| • Relaxation Required | No |
| • Application to Alberta Transportation for Roadside Development Permit Required | Yes |
| • Riser on Property | Yes |
| • Water Modelling Application Required | No |
| • Water Modelling Application Submitted | No |

Debbie Penner questioned the proximity of a garden suite to the primary residence and Barb Hazelton stated that there are no setbacks on existing yardsites.

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Rick Vickery moved to approve Development Permit Application 3840-20-D for a Garden Suite on Ptn. NE 22-29-26 W4M Plan 091 3345 Block 1 Lot 1 with the following conditions:

- 1. This permit is being issued pursuant to Section 57 of Land Use Bylaw 1773. The development must conform to the site plan that was submitted with the application, signed and dated June 25, 2020, as attached to this approval.*
- 2. This Garden Suite must remain on the lot with the primary residence and will not be considered for a separate subdivision.*
- 3. No further Garden Suites are allowed on this parcel.*
- 4. An auxiliary dwelling cannot be located on this parcel.*
- 5. The applicant must apply and attain an approval from Alberta Transportation for a Roadside Development Permit for the proposed development.*
- 6. The developer/ applicant must apply for a Rural Address Sign at the fee set out in the master Rates Bylaw prior to or at the time of application for a Building Permit. The assigned rural address will be mounted at a location on the subject property to the satisfaction of Kneehill County.*
- 7. All relevant Safety Codes Permits pertaining to Building, Private Sewage Disposal System, Gas, Electrical, and Plumbing must be applied for prior to any work being performed on site.*
- 8. The applicants must ensure adequate water and wastewater services either through a shared or individual system.*
- 9. The garden suite shall be a standalone unit and shall not be attached to the primary residence. The floor area of the garden suite will be less than the primary residence on this parcel.*
- 10. The location of the proposed development must meet the minimum distance requirements from the existing sewage system(s) as set out in the Alberta Private Sewage Disposal System Regulation and Safety Codes Act.*
- 11. The developer is responsible for making suitable arrangements with the utility companies for provision of services and/or necessary easements and ensuring all development is outside active utility rights-of-ways.*
- 12. The design, siting, external finish and architectural appearance of the Garden Suite shall be to the satisfaction of the development authority. The Garden Suite must have a permanent foundation capable of supporting the maximum anticipated load of the structure during all seasons without settlement or other movement in accordance with Alberta Building Codes.*
- 13. All future additions and developments (including, but not limited to, enclosed decks and porches) will require the appropriate development and safety codes permits and approvals.*
- 14. Approval by the approving authority does not exclude the need and/ or requirements of the applicants to obtain any and all other permits as may be necessary under this or any other legislation, bylaws or regulations.*
- 15. This permit is valid for a period of 1 year from the date of issue or the date of an approved decision of the Subdivision and Development Appeal Board. If at the expiry of this period, the development or construction has not been commenced or*

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carried out with reasonable diligence, this permit shall be invalid.

16. Failure to comply with the conditions of this permit will render it null and void.

CARRIED

**KNE200140 – Kneehill County (Landowner), Kyle, David (Applicant) – NW 12-29-22 W4M
Plan 4267 CS Block 2 Lot 7-10 – 670.23 m² – Hamlet General District - Division 1**

- To consider a 670.23 m² ± subdivision within the NW 12-29-22 W4M, Plan 4267 CS, Block 2, Lot 7-10, zoned Hamlet General (HG) to address an encroachment and access issue with Lots 5-6.
- A residence and garage currently exist on the property. The portion to be subdivided is a bare parcel that provides access to the existing residence.
- This subdivision and consolidation is intended to remedy the access to the existing structures developed on Lots 5-6. This subdivision and consolidation would also mark out clearer property lines for the residential parcel.
- Consolidation of the lots will be a condition of subdivision.
- The existing private sewage system is not compliant and will need to be addressed prior to endorsement.
- Surrounding lands are primarily Hamlet General and agricultural/cropland.
- The Hamlet of Hesketh does fall within an historically significant area and is surrounded by an Environmentally Sensitive Area (Kneehills Creek, ESA Level 1).
- This parcel is bound by Main Street.
- The residential parcel (12 Main Street) is connected to the waterline and has an active account.
- An approach inspection will be necessary for the proposed subdivision.
- All required services must be located on the parcel they service. There can be no shared services between parcels. (i.e. electricity, gas, water, private sewage)
- Municipal Reserves will not be required for this subdivision as this subdivision is smaller than 0.8 hectares as per the Section 663(c) of the MGA and no new title is being created.
- All costs associated with this subdivision are to be borne by the applicant.
- This application was referred out to internal and external agencies as well as adjacent landowners.
 - No further concerns or objections have been raised for this proposed subdivision.

Relevant Sections of Land Use Bylaw 1773:

Section 89: Hamlet Residential (3) (a) [Sitting Regulations]

Section 92 Hamlet General

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| • First Parcel Out | N/A |
| • Bare Parcel | Yes |
| • Fragmented Parcel | No |
| • Parcel Contains a Farmstead | N/A |
| • Septic Inspection Required | Yes |
| • Water Well | No |
| • Adjacent to Municipal Water Line | Yes |

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• Riser in Place	Yes
• Water Modelling Application Required	N/A
• The Proposed Parcel Contains a Suitable Building Site	Yes
• Soil Classification Level	N/A
• Legal and Year Round Physical Access Sufficient to Meet Proposed Use	Yes
• Adjacent/ Near Quarter Section Boundaries Without Jeopardizing Agricultural Operations on Quarter Section	No
• In Close Proximity to Existing Residential Parcels/ Farmsteads on Adjacent Quarter Sections	Yes
• Accessed Via (Road type-Gravel, Undeveloped, Paved, Highway, etc.)	Main Street Hesketh
• Road Upgrade Required	N/A
• New Rural Address Sign Required	N/A

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

Wade Christie asked about the sewer system and Brandy Morgan clarified that the sewer system will need to be addressed.

Debbie Penner moved approval of KNE200140, to subdivide 670.23 m² ± within the NW 12-29-22 W4M, Plan 4267 CS, Block 2, Lot 7-10, with the following conditions:

1. *The subdivisions must be registered in accordance with the tentative plan submitted and by a way suitable to Alberta Land Titles in accordance with the Land Titles Act. The 670.23m² ± Subdivision is to be consolidated with 12 Main Street at the time of subdivision registration.*
2. *Compliance with Kneehill County Land Use Bylaw setback requirements as demonstrated by an Alberta Land Surveyor. Setback requirements to a Provincial Highway fall under the jurisdiction of Alberta Transportation.*
3. *All costs associated with this subdivision are to be borne by the applicant.*
4. *All outstanding taxes on the land involved (current and arrears if any) are to be paid in full to the municipality before the subdivision may be endorsed.*
5. *Access is to be provided to the approved subdivided parcel and remnant parcel. Confirmation of compliance is required for all existing and proposed accesses which must be located and constructed in accordance with Kneehill County Approach Construction Guidelines Policy 13-15 and amendments thereto.*
6. *Confirmation of compliance with the requirements of the Alberta Private Sewage Disposal Regulation and Safety Codes Act for the private sewage disposal system location(s) upon the proposed lot, and adjacent to, by a letter from a certified Safety Codes Officer.*

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7. *Concurrent registrations of utility easements, rights-of ways and/or crossing agreements, as required by service providers.*
8. *All services (water, sewer, power etc.) are to be provided by the landowner at their expense and they must conform to the utility provider conditions.*
9. *Each developed parcel must be served by its own water source and private sewage treatment system. This applies to all other utilities including, but not limited, to electricity and gas.*
10. *All future site development will require the appropriate development and safety codes permits and approvals.*
11. *Approval by approving authority does not exclude the need and/or requirements of the applicants to obtain any and all permits as may be necessary under this or any other legislation, bylaws or regulations.*

CARRIED

Rick Vickery requested to be excused for the next file and left the meeting at 9:18 a.m.

KNE200141 – Vickery, Barrie and Sandra (Landowners and Applicant) – NE 5-34-25 W4M – 10.0 ± acres – Agricultural District - Division 6

- To consider a 10.0 ± acre subdivision of an existing farm site within the NE 5-34-25 W4M, zoned Agricultural District (A).
- This would be the first parcel out of the quarter section; therefore, Municipal Reserves will not be required.
- A residence, accessory buildings and **slough** will be included with the subdivision.
 - The **slough** is being included to accommodate watering the livestock.
 - The grain bins and shed will be left with the remnant.
- The existing private sewage system is a septic tank which lies to the east of the residence.
- Surrounding lands are primarily agricultural and cropland (zoned Agriculture).
- The quarter section has a CLI rating of 3+4. The existing yard site falls in the CLI 3.
- The parcel does not fall within an environmentally significant area or historically significant area. There is an Environmentally Sensitive Area (Three Hills Creek, ESA Level 3) to the north of the quarter section.
- This parcel is bound by Range Road 254 (east). Road widening will be required for this subdivision on Range Road 254.
- No redesignation is proposed on either parcel (proposed subdivision or remnant).
- The existing approach from Rge Rd 254 will be considered access to the new parcel and access to the remnant will be served from the lease approach? Approach inspections will be necessary for the proposed subdivision.
- All required services must be located on the parcel they service. There can be no shared services between parcels. (i.e. electricity, gas, water, private sewage)
- This application was referred out to internal and external agencies as well as adjacent landowners.
 - No further concerns or objections have been raised for this proposed subdivision.

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Relevant Sections of Land Use Bylaw 1773:

Section 86(2)(b) Subdivision Approval Maximum/Minimum Lot Areas
 Section 86(3)(a) Separate Services for Each Parcel
 Section 86(3)(b) Direct Legal and Physical Access
 Section 86(4) Siting Regulations

• First Parcel Out	Yes
• Bare Parcel	No
• Fragmented Parcel	No
• Parcel Contains a Farmstead	Yes
• Septic Inspection Required	Yes
• Water Well	Yes
• Adjacent to Municipal Water Line	No
• Riser in Place	No
• Water Modelling Application Required	N/A
• The Proposed Parcel Contains a Suitable Building Site	Yes
• Soil Classification Level	CLI 3+4
• Legal and Year Round Physical Access Sufficient to Meet Proposed Use	Yes
• Adjacent/ Near Quarter Section Boundaries Without Jeopardizing Agricultural Operations on Quarter Section	No
• In Close Proximity to Existing Residential Parcels/ Farmsteads on Adjacent Quarter Sections	No
• Accessed Via (Road type-Gravel, Undeveloped, Paved, Highway, etc.)	Rge Rd 254
• Road Upgrade Required	No
• New Rural Address Sign Required	n/a

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

Wade Christie moved approval of KNE200141, to subdivide the existing farm site from 160 acres on the NE 5-34-25 W4M, with the following conditions:

1. *The subdivision must be registered in accordance with the tentative plan submitted for a 10.0 +/- acre parcel, and by a way suitable to Alberta Land Titles in accordance with the Land Titles Act.*
2. *Compliance with Kneehill County Land Use Bylaw setback requirements as demonstrated by an Alberta Land Surveyor. Setback requirements to a Provincial Highway fall under the jurisdiction of Alberta Transportation.*
3. *All outstanding taxes on the land involved (current and arrears if any) are to be paid in full to the municipality before the subdivision may be endorsed.*

Initials: *gw*

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4. *Access is to be provided to the approved subdivided parcel and remnant parcel. Confirmation of compliance is required for all existing and proposed accesses which must be located and constructed in accordance with Kneehill County Approach Construction Guidelines Policy 13-15 and amendments thereto.*
5. *Confirmation of compliance with the requirements of the Alberta Private Sewage Disposal Regulation and Safety Codes Act for the private sewage disposal system location(s) upon the proposed lot, and adjacent to, by a letter from a certified Safety Codes Officer.*
6. *Concurrent registrations of utility easements, rights-of ways and/or crossing agreements, as required by service providers.*
7. *All services (water, sewer, power etc.) are to be provided by the landowner at their expense and they must conform to the utility provider conditions.*
8. *Each developed parcel must be served by its own water source and private sewage treatment system. This applies to all other utilities including, but not limited, to electricity and gas.*
9. *All future site development will require the appropriate development and safety codes permits and approvals.*
10. *Approval by approving authority does not exclude the need and/or requirements of the applicants to obtain any and all permits as may be necessary under this or any other legislation, bylaws or regulations.*
11. *The Owner/Developer shall enter into an agreement with regard to road right-of-way widening when required as follows:*
 - a. *Agree to sell a minimum of a 5m (16.5ft) strip of land for road widening to the County at such time as the County deems it necessary to widen the road adjacent to the quarter section, with the price of land to be in accordance with existing County policy at that time, and the survey for the road widening to be undertaken by the County at cost.*
 - b. *The County will file a caveat against the land to protect its interest in the land.*

CARRIED

DISCUSSION ITEMS


None

Next Meeting Date

The next Municipal Planning Commission is on July 23, 2020

Chairman Wittstock adjourned the meeting at 9:24 a.m.


Chairperson


Recording Secretary