

Wednesday, February 14, 2024

MUNICIPAL PLANNING COMMISSION REGULAR MEETING AGENDA

Administration Building and Zoom

9:00 AM

Valleyview AB **CALL TO ORDER** ADOPTION OF AGENDA 3.1 ADOPTION OF MUNICIPAL PLANNING COMMISSION REGULAR 3 MINUTES MEETING MINUTES HELD JANUARY 10, 2024 3.2 **BUSINESS ARISING FROM MINUTES** S22-016 / COZY ACRES / MULTI-LOT SUBDIVISION / SW 29-70-4.1 7 SUBDIVISION 24-W5M / STURGEON HEIGHTS AREA CODY BEAIRSTO – BEAIRSTO AND ASSOC D23-210 / MADER & FLORENCE / PERMITTED USE - ACCESSORY 25 5.1 **DEVELOPMENT PERMITS** BUILDING IN FRONT YARD / SW 17-72-21-W5M / NEW FISH CREEK AREA JENNIFER MADER #6 MARCH 13, 2024 **NEXT MEETING ADJOURNMENT**

Minutes of a

MUNICIPAL PLANNING COMMISSION REGULAR MEETING MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Greenview Administration Building [and Zoom] Valleyview, Alberta, on Wednesday, January 10, 2024

CALL TO ORDER

PRESENT Chair Ryan Ratzlaff

Vice-Chair Sally Rosson Christine Schlief (Zoom) Member Jennifer Scott (Zoom) Member Bill Smith (Zoom) Member Member Tom Burton Member Dave Berry Member Winston Delorme Member Tyler Olsen Member Dale Smith

ATTENDING Director, Planning & Economic Development Martino Verhaeghe

Director, Infrastructure & Engineering
Manager, Planning and Development
Samantha Dyck
Municipal Planner
Development Officer
Recording Secretary
Nancy Harris

ABSENT CAO Stacey Wabick

GUESTS Christie Jones, Borderline Surveys (S23-012)

Val Erker (S23-012) Dale Perrott (S23-012) Debbie Perrott(S23-012)

#2 MOTION: 24.01.01 Moved by: Member Tyler Olsen

AGENDA That the January 10, 2024, agenda be adopted as presented.

CARRIED

#3 3.1 MINUTES OF REGULAR MEETING MINUTES

MOTION: 24.01.02 Moved by: Member Jennifer Scott

That the minutes of the Municipal Planning Commission regular meeting held on

December 13, 2023, be adopted as amended:

- S23-005 Condition 6, remove "and any lands shown to be protected under an Environmental Reserve Easement in Condition 9 would be removed from the reserve calculation"

CARRIED

3.2 BUSINESS ARISING FROM MINUTES

NONE

#4 SUBDIVISIONS

4.1 S23-012 / PERROTT / FIRST PARCEL OUT / NW 20-71-25-W5M / CROOKED CREEK AREA

Municipal Planner Jan Sotocinal presented an overview of a Subdivision Application for a First Parcel out within NW 20-71-25-W5M. The property was zoned Agricultural One (A-1) District.

NW 20-71-25-W5M

MOTION: 24.01.03 Moved by: Member Dale Smith

That the Municipal Planning Commission APPROVE the subdivision application S23-012 for the creation of approximately 8.10 hectares (20 acres) parcel within the lands legally described as, NW 20-71-25-W5M, subject to the following:

Conditions:

- 1. The applicant shall submit to the MD of Greenview No. 16, a Plan of Survey suitable for registration with Alberta Land Titles. The size and location of the subdivided parcel shall be as per the approved tentative plan.
- 2. The applicant shall pay a final subdivision endorsement fee, in accordance with the MD of Greenview No. 16's Schedule of Fees Bylaw 24-970.
- 3. The applicant shall pay all taxes owing to the MD of Greenview No. 16, up to the year in which the subdivision is to be registered, prior to signing the final subdivision endorsement documents.
- 4. The applicant shall apply and pay all applicable fees in accordance with the Schedule of Fees Bylaw 24-970 for the construction of a gravel approach to the proposed subdivision. The MD of Greenview No. 16 reserves the right to determine the date of construction of the approach.
- 5. In accordance with Policy 6003, road widening of 5.03 metres along the proposed subdivision frontage of Township Road 714 shall be dedicated and road widening of 5.03 metres along the remnant lands of NW 20-71-25-W5M along Township Road 714 and Range Road 255 and a corner cut of 15 metres by 15 metres at the intersection of along Township Road 714 and Range Road 255 shall be sold to the MD of Greenview No. 16 in accordance with Schedule of Fees Bylaw 24-970. The road widening and corner cut shall be registered as road within the Plan of Survey for the subdivision at no expense to the MD of Greenview No. 16.

Notes:

- 1. You are located in the vicinity of an agricultural operation.
- 2. No development, construction, or site work is allowed without an approved Development Permit from Greenview.

CARRIED

#5 DEVELOPMENT PERMITS

5.1 D23-201 / HIRSCHER / PERMITTED USE – ACCESSORY BUILDING WITH FRONT YARD SETBACK VARIANCE IN HR / PLAN 7821799;1;8 / DEBOLT AREA

Development Officer Nicole Friesen presented an overview of a development permit application for Permitted Use – Accessory Building with Front Yard Setback Variance in HR on Plan 7821799; Block 1; Lot 8 within SW 12-72-01-W6M. The property was zoned Hamlet Residential (HR) District.

SW 12-72-01-W6M

MOTION: 24.01.04 Moved by: Member Tom Burton

That the Municipal Planning Commission APPROVE development permit application D23-201 for an Accessory Building (Garage, Detached), subject to the following:

Conditions:

- 1. That an 19% variance is granted to the front yard setback to the south property boundary, from the required 7.5 m (24.6 ft) to 6.1 m (20 ft) for the placement of the Accessory Building.
- 2. The Accessory Building shall be located no closer than 1.5 m (4.9 ft) from the Dwelling or another Accessory Building.
- 3. Prior to construction or commencement of any development it is the responsibility of the applicant to ensure they obtain all necessary permits required by Alberta Safety Codes Authority, including but not limited to Building, Gas, Plumbing, and Electrical permits, in accordance with the Safety Codes Act of Alberta. Copies of such permits are to be provided to the Municipal District of Greenview No. 16.

Standards:

- 1. The applicant is responsible for weed control. Contact Greenview's Agricultural Fieldman at 780.524.7602 for further information.
- 2. The use of the Accessory Building for business, industrial, and residential purposes is not permitted. The Accessory Building shall be used for personal use only.

Notes:

1. This permit indicates that only the development to which it relates is authorized pursuant to the provisions of the Land Use Bylaw. Compliance

- with the provisions of Land Use Bylaw 18-800 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation.
- 2. All development must conform to the conditions of this development permit and the approved plans, and any revisions as required pursuant to this approval. Any subsequent changes, amendments, or additions to this development permit shall require a new development permit application, including but not limited to, an expansion or intensification of the use.
- 3. You are located in the vicinity of an agricultural operation.

CARRIED

#6 **NEXT MEETING** Wednesday, February 14, 2024

#7 **ADJOURNMENT**

MOTION: 24.01.05 Moved by: Member Tyler Olsen

That the meeting be adjourned at 9:25 a.m.

CARRIED

CHAIR

DIRECTOR, PLANNING & ECONOMIC DEVELOPMENT MARTINO VERHAEGHE

RYAN RATZLAFF





REQUEST FOR DECISION

SUBJECT: **S22-016 Multi-Lot Subdivision in CR-2**

SUBMISSION TO: MUNICIPAL PLANNING COMMISSION REVIEWED AND APPROVED FOR SUBMISSION MEETING DATE: February 14, 2024 DIRECTOR: MAV PRESENTER: NF REPORT TYPE: Subdivision Application MANAGER: SD WRITER: NF

FILE NO.: S22-016 LAND USE DISTRICT: Country Residential Two

LEGAL LOCATION: SW 29-70-24-W5M (CR-2)
AREA: Ward 7, Cosy Cove Area (Cozy Acres Area Structure Plan)

APPLICANT/SURVEYOR: Beairsto & Associates Engineering & Survey

LANDOWNER: Darcy & Patricia Clarke

BACKGROUND/PROPOSAL:

Administration received subdivision application S22-016 in October of 2022; however, a Minor Area Structure Plan and Land Use Bylaw Amendment were required before the application could be considered by the Municipal Planning Commission. On August 22, 2023, Council adopted the Cozy Acres Area Structure Plan Bylaw 23-948 and on November 28, 2023, Council adopted Land Use Bylaw Amendment Bylaw 23-953, rezoning the subdivision area from Agricultural One (A-1) to Country Residential Two (CR-2). The applicants completed the changes to the tentative plan of subdivision required by the Bylaws 23-948 and 23-953 on December 12, 2023, and made additional changes to accommodate approach locations due to the landscape on January 15, 2024.

The proposed subdivision is within the quarter section legally described as SW 29-70-24-W5M which is located 22 km west of the Town of Valleyview, 0.6 km south of Sturgeon Lake in the "Cosy Cove" area, north of Highway 43. The proposed subdivision is for five (5) new Country Residential Two (CR-2) lots, and one (1) Public Utility Lot (PUL) totalling 8.35 hectares (20.64 acres).

The internal subdivision road was previously developed as eight (8) lots are already subdivided from the quarter section. The new lots will be accessed from the existing internal road and no access will be permitted via Township Road 704 or Range Road 245. A condition that the applicant submit applications and pay all applicable fees for construction of gravel approaches to each of lots 9, 10, & 12-14 is included in the recommended motion.

Following circulation of the application, no concerns were received. TELUS has requested Utility Rights-of-Way be provided for servicing the development as a condition of approval, this process will be the responsibility of the applicant as stated in the recommended motion.

Site Assessment

The applicant completed the following studies for the proposed subdivision area in preparation of the Cozy Acres Area Structure Plan:

- Biophysical Impact Assessment (Desktop)

1.01.22

- Geotechnical Evaluation
- Groundwater Availability Study

PROPERTY DETAILS:

Proposed Servicing: Private, wells and septic holding tanks

Soil Type: Loam & Clay Topography: Rolling

Wetland Inventory: Swamp within quarter section LSRS Spring Grains Rating: 3(10): Moderate limitation

RELEVANT LEGISLATION AND POLICY CONSIDERATIONS:

Municipal Government Act (MGA) Part 17, Division 8 - Reserve Land, Land for Roads and Utilities Roads, utilities, etc

662(1) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of the parcel of land for the purpose of roads, public utilities or both.

The tentative plan of subdivision includes a Public Utility Lot (PUL) which will be in the name of the MD of Greenview No. 16 following registration of the plan. The 6.06 m (19.9 ft) PUL is intended for emergency exit from the cul-de-sac due to the 700 m (2,290 ft) dead-end road but may also be used for franchise utility lines or drainage purposes.

Municipal and school reserves

666(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of land that is the subject of a proposed subdivision

- (b) to provide money in place of municipal reserve, school reserve or municipal and school reserve,
- (3) The total amount of money that may be required to be provided under subsection (1) may not exceed 10% of the appraised market value, determined in accordance with section 667, of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.
- (3.1) For greater clarity, for the purposes of calculating the 10% under subsection (2) or (3), the parcel of land includes any land required to be provided under section 662.

Section 666(2) of the MGA allows municipalities to specify the amount of Municipal Reserve (MR) taken during subdivision within their Municipal Development Plan. In the absence of such policy, Greenview relies solely on the above requirements of section 666 therefore, 10% of the market value of the entire subdivision area, including the PUL is required to be paid prior to registration of the subdivision. The approximate market value of the subdivided lots provided by Accurate Assessment is \$70,000 for 3-acre lots, \$80,000 for 5-acre lots, and \$10,000 for the 0.23-ac PUL. Utilizing the actual lot sizes on the tentative plan, administration has calculated a total market value of approximately \$379,886.66, equating to an average of \$18,406.36 per acre.

Municipal Development Plan (MDP)

- 4.3.6 Multi-lot country residential subdivisions shall only be supported if the following conditions are met:
 - (b) The proposed subdivision is contiguous to other country residential development to encourage cluster development unless it cannot be supported due to environmental constraints;

The proposal aligns with the existing Country Residential subdivision; therefore, the requirements of the MDP are met.

Sturgeon Lake Area Structure Plan Bylaw 20-865

Residential Development Policies Section 3.2

- 3.2.1 The Development Area shown on Map 3 is intended primarily for residential and recreational purposes. These areas shall, subject to rezoning and subdivision approval, be reserved for:
 - a. Country residential development,
- 3.2.2 Residential lots in the Development Area shall be:
 - a. A minimum of 0.2 ha (0.5 ac) provided such lots are services with municipal or communal water and sewer system,
 - b. A maximum of 4.0 ha (10 ac), and
 - c. Shall meet the development regulations of the CR-3 District of the LUB.

The type of development proposed meets the requirements of section 3.2.1, and the lot sizes adhere to section 3.2.2. However, the subject area is zoned Country Residential Two (CR-2), which aligns with the existing lots but does not meet the intention of section 3.2.2.c.

Cozy Acres Area Structure Plan Bylaw 23-948

3.2 Air Quality, Noise, and Climate

For further conservation, a vegetated buffer of 15 metres adjacent to the township and range roads will be required to mitigate noise disturbance from the adjacent highway.

The retention of a 15 metres vegetated buffer can be addressed by registering a restrictive covenant on the lots pursuant to section 651.1 of the *MGA*. This requirement is stated in the recommended motion as condition 7.

3.3 Water Courses & Wetlands

At the time of development, a silt fence along the east boundary of Lot 9 will be required during construction to prevent impact to the neighbouring wetlands and to ensure that any water from the work areas does not enter the wetlands.

3.5 Biodiversity

The development is located within the B5 nesting zone (Alberta Wetland Mitigation Directive, 2018.), and the birding window extends from late April to late August. During this period, a nest search must be performed before any removal of vegetation can occur.

Sections 3.3 and 3.5 should be addressed as conditions of approval for development permits on the applicable lots. No additional conditions are required at this stage.

Land Use Bylaw 18-800

Section 8.5 Country Residential Two (CR-2) District

.2 Minimum Parcel Size 0.2 ha (0.5 ac)

.3 Maximum Parcel Size 2.0 ha (5.0 ac)

The proposed lots sizes comply with the permitted lot sizes of the Country Residential Two (CR-2) district.

Policy 6003

- 2. Policy Statement
- 2.1 Road Widening will be taken along road rights-of-way on all parcels being subdivided in accordance with the MGA, unless previously taken along the respective road rights-of-way or as recommended by the Director of Infrastructure & Engineering.

The adjacent Range Road 245 is 25.15 m (82.5 ft) and as road widening has previously been taken from SW 29-70-24-W5M, additional road widening would typically be taken from the adjacent quarter section SE 30-70-24-W5M. Township Road 704 to the south is currently 39.1 metres (128 ft) therefore road widening is not required.

RECOMMENDED ACTION:

MOTION: That the Municipal Planning Commission APPROVE subdivision application S22-016 for the creation of six (6) lots, including one (1) PUL, totalling 8.35 hectares (20.64 acres) within the parcel legally described as SW 29-70-24-W5M, subject to the following conditions:

- The applicant shall submit to the MD of Greenview No. 16 a Plan of Survey suitable for registration with Alberta Land Titles. The size and location of the subdivided parcel shall be as per the approved tentative plan.
- 2. The applicant shall pay a final subdivision endorsement fee in accordance with the MD of Greenview No. 16's Schedule of Fees Bylaw 24-970.
- 3. The applicant shall pay all taxes owing to the MD of Greenview No. 16 up to the year the subdivision is to be registered before signing the final subdivision endorsement documents.
- 4. The applicant shall contact TELUS at <u>rightofwayAB@telus.com</u> to secure the required Utility Right-of-Way for servicing the subdivided lots. Negotiations for the location and registration of the agreement shall be the responsibility of the applicant at no cost to the MD of Greenview No. 16.
- 5. The applicant shall apply and pay all applicable fees in accordance with the Schedule of Fees Bylaw 24-970 for construction of gravel approaches to proposed lots 9, 10, & 12-14. The MD of Greenview No. 16 reserves the right to determine the date of construction of the approach.
- 6. The applicant shall pay cash-in-lieu of municipal reserve in the amount of \$37,988.67, representing 10% of the appraised market value of the land of \$379,886.66 (\$18,405.36 per acre) or a market value determined by an appraisal by a qualified appraisal professional in accordance with section 667 of the Municipal Government Act. The final calculation of the municipal reserve will be done upon receipt of the final plan of survey.
- 7. Pursuant to Section 651.1(2) of the Municipal Government Act, the applicant shall enter into a Restrictive Covenant with the Municipality, respecting Lots 9, 10, & 12-14 as shown on the Subdivision Plan, as the Servient Tenements and the Municipal District of Greenview No. 16 roadways and Lot 11PUL, Block 3, Plan ______ serving as the Dominant Tenements restricting that a specified portion of the Subject Property being the 15 metres of property adjacent to Range Road 245 and Township Road 704 throughout each property (the "Covenant Area") are to not be built on or otherwise cleared of vegetation. Specifically, the covenant will limit the use of the Covenant Area by requiring this area to remain in its current vegetative state with no alterations to the grading, no construction, no removal of vegetation or any other grade altering activity. The Owner will be able to use, enjoy and maintain the Covenant Area and may undertake vegetation management to limit

or control the growth of weeds or to plant shrubs or small plants that will help to stabilize the slope, but not remove the buffering effect of the trees and natural landscaping in place. The Restrictive Covenant shall be registered on the titles of Lots 9, 10 & 12-14 at no cost the MD of Greenview No. 16.

Advisory Notes:

- 1. You are located in the vicinity of an agricultural operation.
- 2. No development, construction, or site work is allowed without an approved Development Permit from Greenview.

ALTERNATIVES:

Alternative #1: The Municipal Planning Commission may refuse the application, a reason for refusal must be stated. Administration does not recommend this option as the proposal meets all criteria critical for approval under the requirements of the Land Use Bylaw 18-800, Cozy Acres Area Structure Plan, Sturgeon Lake Area Structure Plan, and Municipal Development Plan.

Alternative #2: Municipal Reserve Deferral

The Municipal Planning Commission has the alternative to defer the Municipal Reserve area [approximately 0.835 ha (2.064 ac)] to the remainder of the quarter section. Administration does not recommend this option as the Cozy Acres Area Structure Plan does not provide land for future Municipal Reserve dedication and section 4.4 states MR will be dedicated in the form of cash.

Alternative Condition 6

Pursuant to Section 669(1) of the Municipal Government Act, a Deferred Reserve Caveat for 0.835 ha (2.064 ac) of Municipal Reserve owing will be registered on SW 29-70-24-W5M concurrently with the subdivision registration. The Municipal District of Greenview No. 16 will prepare and require registration at the time of endorsement.

FINANCIAL IMPLICATION:

All costs associated with the application will be borne by the applicant.

STAFFING IMPLICATION:

There are no staffing implications to the recommended motion.

PUBLIC ENGAGEMENT LEVEL:

Greenview has adopted the IAP2 Framework for public consultation.

The Municipal Government Act requires that applications for subdivision be circulated to adjacent landowners and referral agencies for a minimum of fourteen (14) days. Greenview's Subdivision Process Policy 6007 requires adjacent landowners and encumbrances listed on title be provided twenty-one (21) days to respond.

FOLLOW UP ACTIONS:

No follow-up action is required by the Municipal Planning Commission.

ATTACHMENTS:

- Subdivision Application
- Tentative Plan
- AGRASID Map
- Wetland Inventory Map
- Topography Map
- Aerial Map
- Location Map
- Site Inspection Photos



SUBDIVISION APPLICATION - FORM A

Municipal District of Greenview

4806 – 36 Avenue, Box 1079, Valleyview AB T0H 3N0 T 780.524.7600 F 780.524.4307 Toll Free 1.866.524.7608 www.mdgreenview.ab.ca

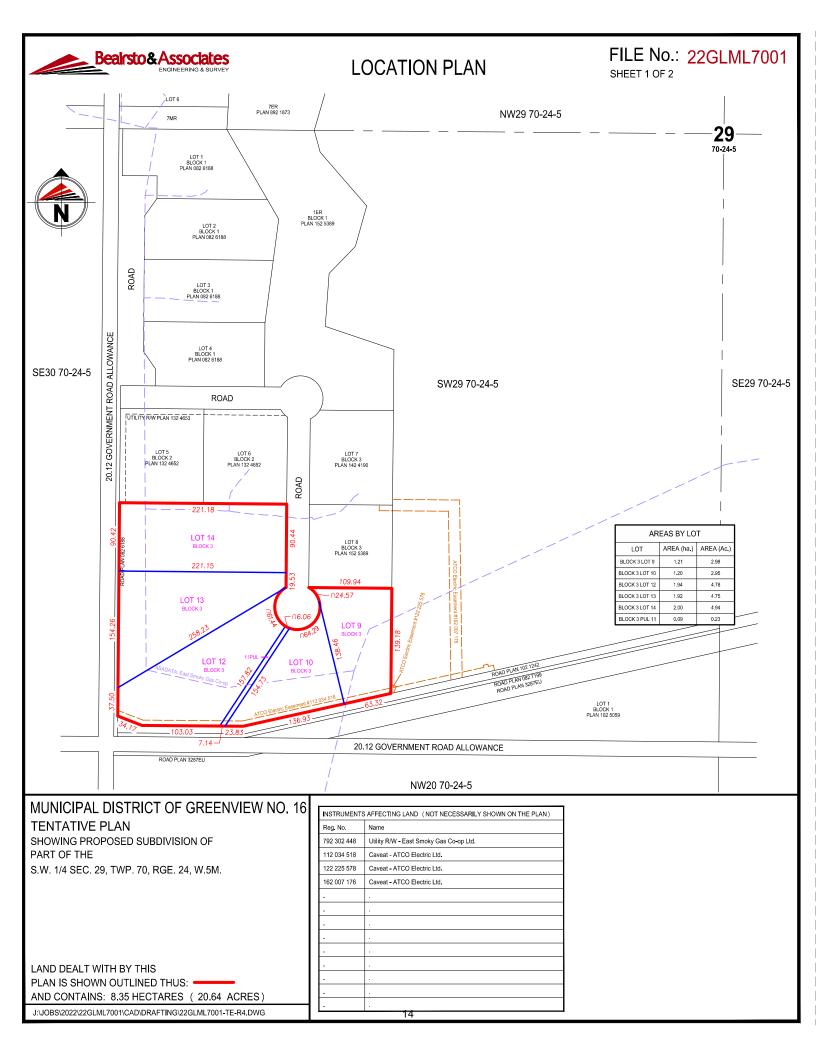
APPLICATION NO.	
FORM A AS COMPLE	ETED
FEES SUBMITTED	RECEIPT NO.
ROLL NO.	

FOR ADMINISTRATIVE USE

THIS FORM MUST BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED LANDOWNER(S) OR BY AN AUTHORIZED AGENT ACTING ON HIS/HER (THEIR) BEHALF.

	me of registered owner(s) of land to be subdivided: ARCY CLARKE & PATRICIA CLARKE Address:		
	ame(s) in Block Capitals) Phone Nu		
Rur	ral Address:Email:		
10.00	ENT ACTING ON BEHALF OF REGISTERED OWNER: EAIRSTO & ASSOCIATES Address		
(Na	nme(s) in Block Capitals) Phone N		
	Email:		
LEC	GAL DESCRIPTION AND AREA OF LAND TO BE SUBDIVIDED		
AII,	/part of the SW		
	ng all / parts of Reg. Plan NoBlockLotC. of T. No		
Are	ea of the above parcel of land to be subdivided <u>8.35</u> HA <u>20.64</u> AC		
LO	CATION OF LAND TO BE SUBDIVIDED		
a.	Is the land situated immediately adjacent to the municipal boundary? If "yes", the adjoining municipality is		
b.	Is the land situated within 1.6 km (1600 m) of the right-of-way of a Highway? Yes No If "yes", the Highway is No. HWY 43		
c.	Does the proposed parcel contain or is it bounded by a river, stream, lake, other body of water, drainage ditch or canal? Yes No If "yes" state its name UNNAMED		
d.	Is the proposed parcel located within 1.5 km of a sour gas facility? Yes No 🗸		
e.	You must provide the Abandon Wellbore Search Information to identify all well locations or confirming the absence of any abandoned wells as per ERCB Directive 079 (see attached info). Date Search Complete: September 20, 2022		
EXI	STING AND PROPOSED USE OF LAND TO BE SUBDIVIDED Describe:		
a. Existing use of land AGRICULTURE b. Proposed use of land RESIDENTIAL			
c.	The designated use of land as classified under Municipal District No. 16's Land Use Bylaw is <u>CR-2</u>		
PH	YSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED		
a.	Describe the nature of the topography of the land (flat, rolling, steep, mixed) FLAT		
٥.	Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) MOSTLY TREED WITH SOME OPEN FIELD		
c.	Describe the kind of soil on the land (sandy, loam, clay, etc.) LOAM AND CLAY		
FXI	STING BUILDINGS ON THE LAND PROPOSED TO BE SUBDIVIDED		
77.	scribe any buildings, historical or otherwise, and any structures on the land and whether they are to be demolished or moved		
PLE	ASE COMPLETE WATER & SEWER SERVICE INFORMATION – FORM B		
DE.	GISTERED OWNER(S) OR AGENT ACTING ON BEHALF OF REGISTERED OWNER(S):		
	WEBEAIRSTO & ASSOCIATES ENGINEERING LTD. hereby certify that		
	(full name is block capitals)		
	am / are the registered owner(s), or lam the agent authorized to act on behalf of the registered owner, and that the properties or the form is full and complete and is, to the best of my / our knowledge, a true statement of the facts relating		
to l	his/her application for subdivision. NED Date: Oct 11th, 2022		

The personal information collected on this form is being collected under the authority of Sections 33 and 39(1)(a)(b) of the Alberta Freedom of Information and Protection of Privacy Act, and Section 301.1 of the Municipal Government Act. The information will be used to process your application(s). Your name, contact telephone number and address may be used to carry out current and/or future construction, operating programs, services or activities of the Municipality. If you have any questions about the collection, use or disclosure of the personal information provided, please contact the Freedom of Information and Protection of Privacy Coordinator at 780.524.7600.





LOCATION PLAN WITH AIRPHOTO

FILE No.: 22GLML7001

SHEET 2 OF 2



BURIED PIPE CONTAINING VARIOUS SUBSTANCE: SOUR SUBSTANCE: ABANDONED: DISCONTINUED:

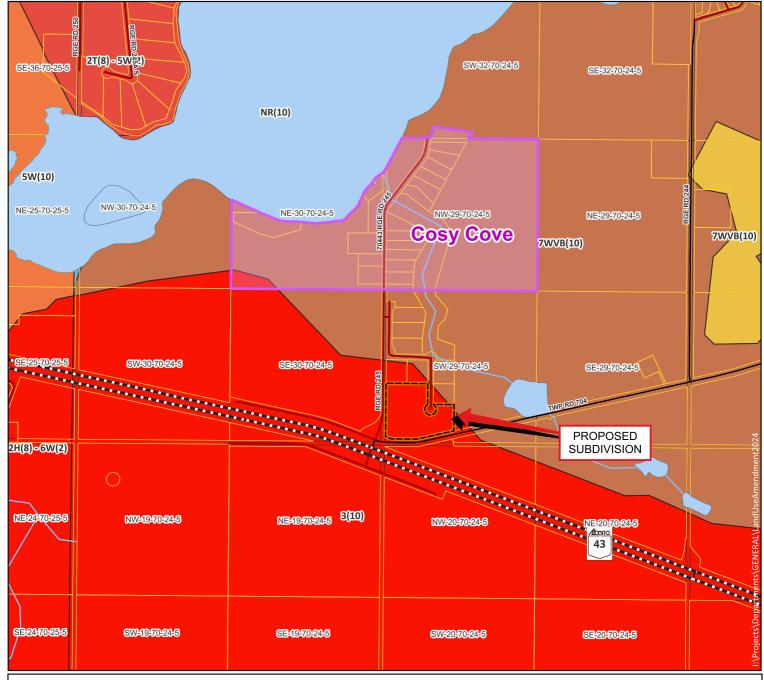
- Power Pole Anchor
- Light
- Pedestal Water Course

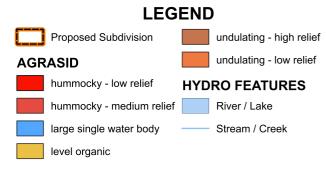
PROJECT DETAILS REVISIONS SURVEYOR: 1 BR - 02/24/23 ADDED SHADOW PLAN BRUCE C. E. TATTRIE, A.L.S. PROJECT: DARCY CLARKE BR - 10/06/23 ADDED PUL DRAFTED BY: BLAKE ROSSOL 3 BR - 12/12/23 ADJUST LOT SIZES CHECKED BY: DARRIN TRYDAL BR - 01/04/24 ADJUST BOUNDARIES 4 JANUARY 10, 2022 DATE: SCALE: 1:5000 J:\JOBS\2022\22GLML7001\CAD\DRAFTING\22GLML7001-TE-R4.DWG



Proposed Subdivision S22-016 AGRASID





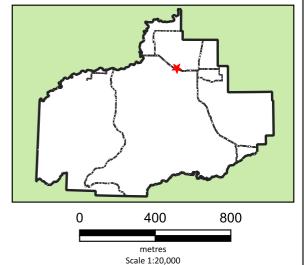


^{**} Spring Grain LSRS Values Displayed**

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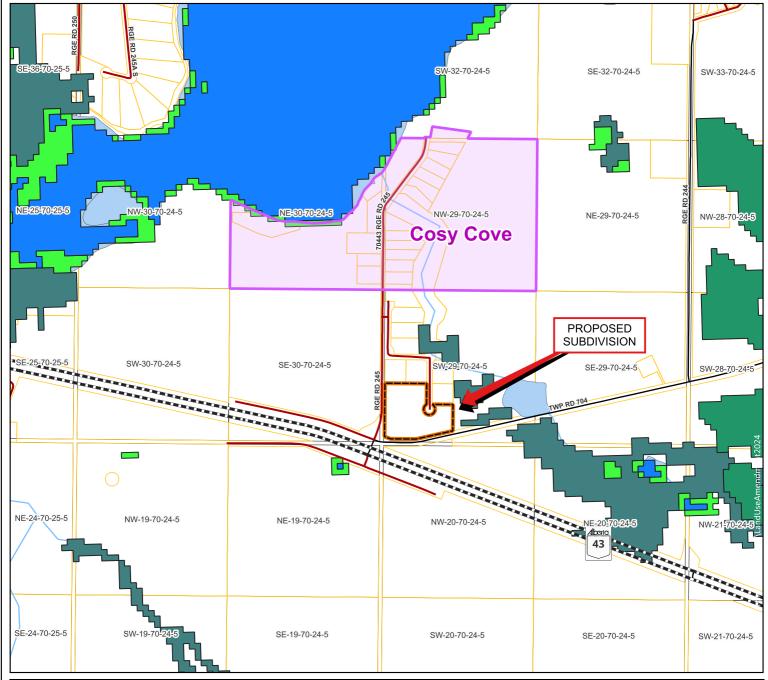


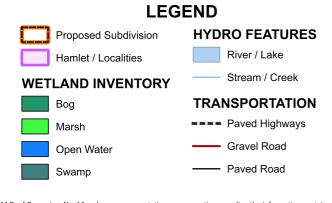
PROJECTION: UTM Zone 11N NAD 83



Proposed Subdivision S22-016 Wetland





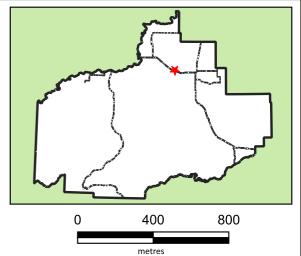


Map Print Date : January 30, 2024

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Scale 1:20,000
PROJECTION: UTM Zone 11N NAD 83



Proposed Subdivision S22-016
Topography





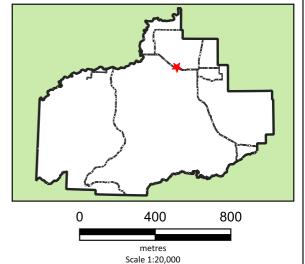


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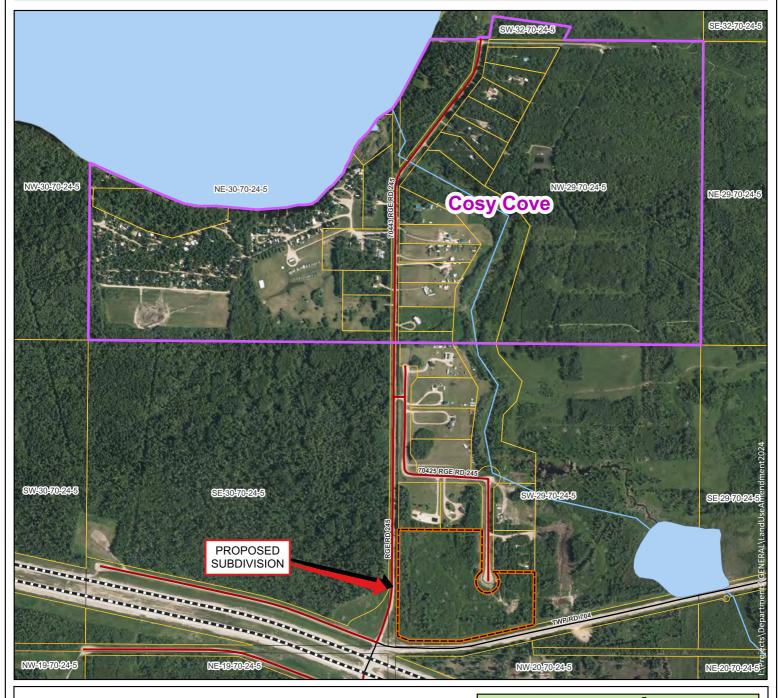


PROJECTION: UTM Zone 11N NAD 83



Proposed Subdivision S22-016 **Aerial**







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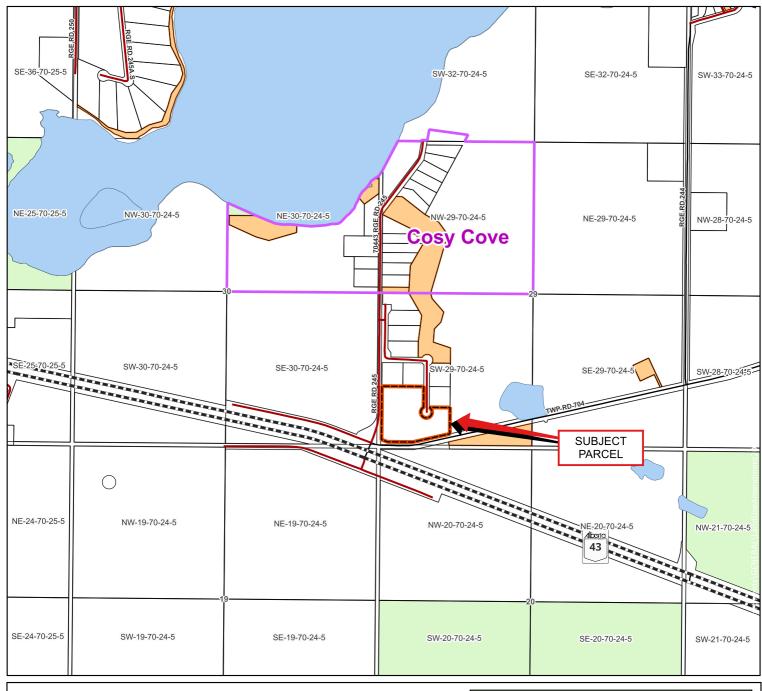
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200 400 metres Scale 1:10,000 PROJECTION: UTM Zone 11N NAD 83



Proposed Subdivision SW-29-70-24-W5M Location





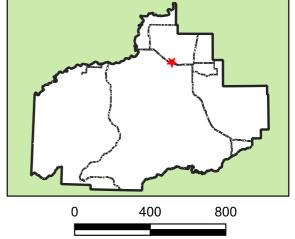


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Map Print Date : January 16, 2024



metres Scale 1:20,000 PROJECTION: UTM Zone 11N NAD 83

SITE INSPECTION PHOTOS

S22-016 Darcy & Patricia Clarke SW 29-70-24-W5M



cul de sac facing south and southwest



cul de sac facing southeast



ditch on west and east sides of road





REQUEST FOR DECISION

SUBJECT: D23-210 Permitted Use in A-1; Accessory Building in Front Yard

SUBMISSION TO: MUNICIPAL PLANNING COMMISSION REVIEWED AND APPROVED FOR SUBMISSION MEETING DATE: February 14, 2024 DIRECTOR: MAV PRESENTER: NF REPORT TYPE: Development Permit MANAGER: SD WRITER: NF

FILE NO.: D23-210 LAND USE DISTRICT: Agricultural One (A-1)

LEGAL LOCATION: SW 17-72-21-W5M AREA: Ward 5, New Fish Creek

APPLICANT: Jennifer Mader & Alexander Florence LANDOWNER: Jennifer Mader & Alexander Florence

BACKGROUND/PROPOSAL:

Administration has received a development permit application for an accessory building on SW 17-72-21-W5M. The accessory building has already been constructed as a farm building, therefore not requiring a development permit. However, the applicants would also like to use the building as a shop for personal use and are seeking a development permit for the existing structure to achieve compliance with the Land Use Bylaw 18-800. The subject property is not subdivided and is located approximately 17 km north of the Town of Valleyview, 1.5 km east of Highway 49, adjacent to Township Road 722. Accessory buildings are permitted within all districts however, this application requires a variance due to the building being within the Front Yard which is not permitted by Section 5.22.1.e) of Land Use Bylaw 18-800.

The accessory building is located 51.8 metres (170 feet) from the front (south) property line, meeting the minimum setback requirement in the Agricultural One (A-1) district of 40.0 m (131.2 ft). The applicants chose this location rather than behind the home as they have cleared some of the area behind the home to increase the agricultural use of the land. Administration does not have concerns with the variance request as the shop is screened from view of the adjacent road by a mature tree line.

PROPERTY DETAILS:

Proposed Servicing: Private; well and open discharge

Soil Type: Clay, Sandy Clay

Topography: Flat

Wetland Inventory: 18; some swamp within section

LSRS Spring Grains: 5W(8) - 3(2); very severe limitation due to drainage and moderate limitation

RELEVANT LEGISLATION AND POLICY CONSIDERATIONS:

Land Use Bylaw 18-800

3.8 Variances

3.8.3 The Municipal Planning Commission may approve a variance of the regulations and standards stated in the Bylaw provided the intent of the Bylaw are met.

25

.01.22

The proposed accessory building is permitted within the district and will be contained within the parcel; therefore, the intent of the bylaw is met.

- 5.22 Accessory Buildings, Structures and Uses
- 5.22.1 Accessory buildings and structures are permitted in all Districts provided they comply with the following regulations:
- e) An accessory building should not be located within the front yard;

Administration brought the clarity issue of section 5.22.1.e) "accessory buildings *should* not be located in the font yard" to the Municipal Planning Commission at the November 15, 2023, meeting where the motion was made to correct the section in the new Land Use Bylaw rather than amending Land Use Bylaw 18-800. To comply with Land Use Bylaw 18-800 as it is written today, applications which do not meet section 5.22.1.e), whether intended as mandatory or optional, should be approved with a variance to the section.

9.0 Definitions

Yard, Front means part of a parcel lying between the front parcel line and the front of the principal building and extended across the full width of the parcel, as shown in Figure 9-11.



Figure 9-11: Illustration of Yards

The definition of Yard, Front applies to all parcels regardless of size or land use district, however, it is common on agricultural and larger residential parcels for accessory buildings to be located closer to the road than the home or principal structure.

RECOMMENDED ACTIONS:

MOTION: That the Municipal Planning Commission APPROVE development permit application D23-210 for an Accessory Building, subject to the following conditions:

- 1. That a variance is granted to Land Use Bylaw 18-800 Section 5.22.1.e) allowing the Accessory Building to be located within the Yard, Front.
- 2. The Accessory Building shall be located no closer than 1.5 m (4.9 ft) from the Dwelling or another Accessory Building.

Standards:

- 1. The applicant is responsible for weed control. Contact Greenview's Agricultural Fieldman at 780.524.7602 for further information.
- 2. The use of the Accessory Building for business, industrial, and residential purposes is not permitted. The Accessory Building shall be used for personal use only.

Advisory Notes:

- This permit indicates that only the development to which it relates is authorized pursuant to the
 provisions of the Land Use Bylaw. Compliance with the provisions of Land Use Bylaw 18-800 does
 not exempt the applicant from compliance with any provincial, federal, or other municipal
 legislation.
- 2. All development must conform to the conditions of this development permit and the approved plans, and any revisions as required pursuant to this approval. Any subsequent changes, amendments, or additions to this development permit shall require a new development permit application, including but not limited to, an expansion or intensification of the use.
- 3. Prior to construction or commencement of any development it is the responsibility of the applicant to ensure they obtain all necessary permits required by Alberta Safety Codes Authority, including but not limited to Building, Gas, Plumbing, and Electrical permits, in accordance with the Safety Codes Act of Alberta.
- 4. You are located in the vicinity of an agricultural operation.

ALTERNATIVES:

Alternative #1: The Municipal Planning Commission may refuse the application, a reason for refusal must be stated. Administration does not recommend this option as the proposal complies with the requirements of Land Use Bylaw 18-800 as a permitted use. Additionally, Section 5.22.1.e) being a "should" statement is unlikely to hold up in the event of an appeal, therefore it should not be used as grounds for refusal.

FINANCIAL IMPLICATION:

All costs associated with the application will be borne by the applicant.

STAFFING IMPLICATION:

There are no staffing implications to the recommended motion.

PUBLIC ENGAGEMENT LEVEL:

Greenview has adopted the IAP2 Framework for public consultation.

The Municipal Government Act allows applications for variances or discretionary use development permits to be appealed by affected parties up to 21 days following the issuance of the decision.

FOLLOW UP ACTIONS:

No follow-up action is required by the Municipal Planning Commission. Following approval, the applicant may proceed with the development as stated in the application and meet the conditions listed on the approval.

ATTACHMENTS:

Development Permit Application

- Variance Request Form
- Site Plan
- Aerial Map
- AGRASID Map
- Wetland Inventory Map
- Topography Map
- Owner Location Map
- Site Photos

Revision: April 28, 2022

APPLICATION FOR DEVELOPMENT PERMIT

Municipal District of Greenview No. 16

4806 – 36 Avenue, Box 1079, Valleyview AB T0H 3N0 T 780.524.7600 F 780.524.4307 Toll Free 1.866.524.7608

www.mdgreenview.ab.ca



VALLEYVIEW

I / We understand that this application will only be processed if submitted in complete form and accompanied by the applicable fee. A completed application includes the forms completely filled out, signatures, plot plan, fees and any other information the development authority deems necessary to make an informed decision.

the second transfer consequences in the					
lame of Applicant(s): Jennifer Mader & Alexander Florence					
(Complete if different from applicant) Registered Landowner(s) or Leaseholder(s)_					
Mailing Address:					
Primary Phone:					
Email:	(By providing email address you authorize Planning and Development Services to contact you via email)				
	Land Information				
Legal description of proposed development	site: LSD/QTR. <u>sw</u> SEC. <u>17</u> TWP. <u>72</u> RGE. <u>21</u> M. <u>5</u>				
Registered plan: Block Lot	MLL/MSL/LEASE NO.:				
Hectares: Acres:	Description of the existing use of the land: There's a modular home and small sheds on this quarter				
Property size:	and the rest of the quarter is used for grain farming.				
64.74 160					
The land is adjacent to:	☑ District Road TWP722 ☐ LOC#				
How is the site to be accessed? ☑ Existing	g approach $\ \square$ Proposed approach (please fill out and submit an approach application				
Do you have a rural address? Yes	Address: No				
OR ADMINISTRATIVE USE	× PERMITTED USE □ VARIANCE				
OR ADMINISTRATIVE USE	DISCRETIONARY USE PROHIBITED USE				
OLL NO.:	APPLICATION NO · D23-210				
EES:	DATE PAID: December 15, 2023				
005504					
ECEIPT NO.: 395534	DEEMED COMPLETE:				
AND USE DISTRICT: A-1	PROPOSED USE: Accessory building				



APPLICATION FOR DEVELOPMENT PERMIT

Municipal District of Greenview No. 16

4806 – 36 Avenue, Box 1079, Valleyview AB TOH 3N0 T 780.524.7600 F 780.524.4307 Toll Free 1.866.524.7608 www.mdgreenview.ab.ca

Development Information Describe your proposed development: (if additional space is required please attach sheet) We are looking to build a shop on our home quarter for our farm. Size of the proposed development: 5.5 Width 12.2 M metres Length ☑ metres 60 ☑ feet ☑ feet ☑ feet Total Floor area Accessory building: Height ☐ Attached (if applicable) X Sq. metres **X** Metres 2400 Sq. feet Feet ☑ Detached ☐ Attached Secondary suite information: (if applicable) ☐ Existing suite ☐ New suite □ Detached 167 Total floor area of Sq. metres 1800 primary residence: Sq. feet Indicate the proposed setback from the property line: Rear yard metres Front yard Metres **M** metres Side yard (1) Side Yard (2) metres 2393 Pfeet **™** feet 2106 Pfeet Does this development require a variance? ☑ No ☐ Yes, explain (If yes, please submit a Variance Request Form) End Date: February 2024 Construction Start Date: 2023 Completed Project Cost: \$ 120,000 Has the development commenced? ✓ Yes ☐ No Manufactured Home Manufacturer: Model: Sewage System Type of sewage system: Pump out **Abandoned Well Information** ALL development permit applications require a printout of a map from Alberta Energy Regulator (AER, previously known as ERCB). This can be obtained via website, phone, email, fax or mail.

If you require any assistance or do not have access to the internet please contact AER at 1.855.297.8311

Licensee name: ___

The location of all abandoned oil and gas well sites as well as the setback distances in relation to existing or proposed building sites must be shown on all applications. Please note: The Development Authority cannot approve a development application if the lot(s) do(es) not comply with the setback directed by the ERCB Directive 079. Abandoned well site information must be provided by the applicant and can be obtained by contacting Alberta Energy Regulator.

☑ No (printout must still be provided)

on the property?

Is there an abandoned well or pipeline ☐ Yes

VARIANCE REQUEST



Municipal District of Greenview No. 16

4806 – 36 Avenue, Box 1079, Valleyview AB T0H 3N0 T 780.524.7600 F 780.524.4307 Toll Free 1.866.524.7608

www.mdgreenview.ab.ca

APPLICATION NO.
DATE RECEIVED
ROLL#

		NOLE #
Applicant Information		
Name of Applicant(s): Jennifer Mader & Alex Flo	prence	
	City:	
(Complete if aifferent from application) Registered Landowner(s) or Leaseholder(s):		
Mailing Address:	City:	Postal Code:
Primary Phone:	Other Phone:	
Email:	(By providing email address you authorize Planning and Development Services to contact you via email)	
Land Information		
Legal description of proposed development site: Registered plan: Block Lot	LSD/QTR. SW SEC. 17	TWP. 72 RGE. 21 M. 5
Variances Requested		
List variances requested. Each variance should	also be marked on the site dra	wing.
1. Shop is to be located in our front yard Sout	hwest of our home.	
•		
2.		
3.		
2.		

the variance(s) being requested and why current regulations cannot be accommodated. (Attach additional pages necessary)					
The reason we are choosing to build the shop in the front yard is because we are converting the land					
behind our home from pasture to cultivate land.					
Declaration					
I/We HEREBY DECLARE THAT THE ABOVE INFORM	IATION IS, TO THE BEST OF MY/OUR KNOWLEDGE, FACTUAL				
	A Town As well the Commence and a second				
	Jan 2 2024				
	Date:				
	Jan 2, 2024 Date: Jan 2, 2024				
	Date:				

Provide a written rationale for each variance being requested. The written rationale should indicate the reasons for

Information and Protection of Privacy Act, and Section 301.1 of the Municipal Government Act. The information will be used to process your application(s). Your name, contact telephone number and address may be used to carry out current and/or future construction, operating programs, services or activities of the Municipality. If you have any questions about the collection, use or disclosure of the personal information provided, please contact the Freedom of Information and Protection of Privacy Coordinator at 780.524.7600.

The personal information collected on this form is being collected under the authority of Sections 33 and 39(1)(a)(b) of the Alberta Freedom of





Development Permit D23-210 Aerial





LEGEND



Proposed Shop

Cadastre

TRANSPORTATION

---- Gravel Road

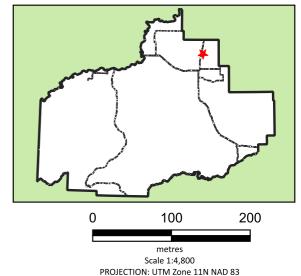
GV - Hamlet Imagery 2016

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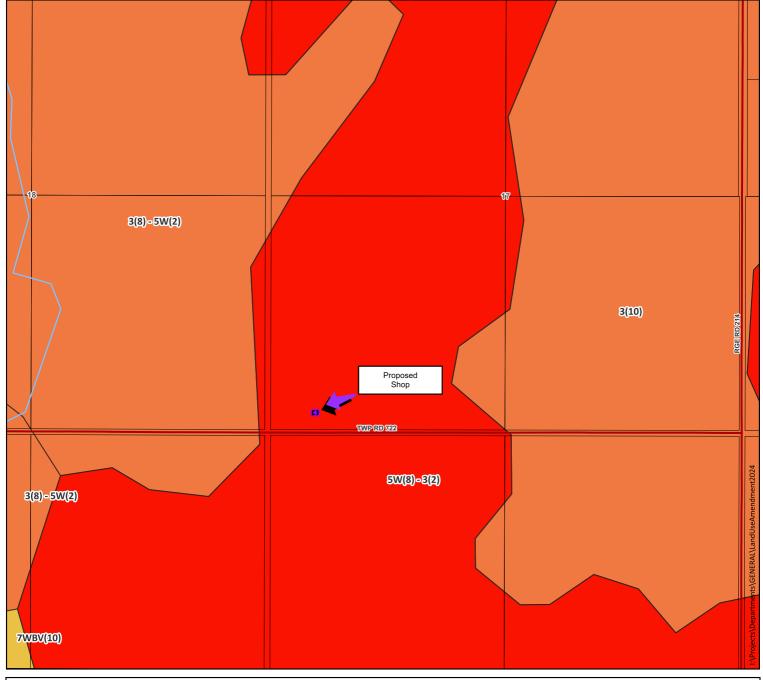
Map Print Date : January 17, 2024





Development Permit D23-210 **AGRASID**





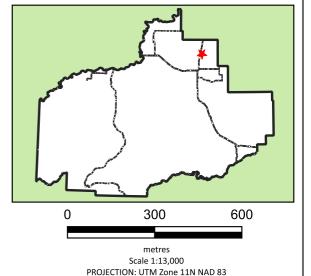


Map Print Date : January 17, 2024

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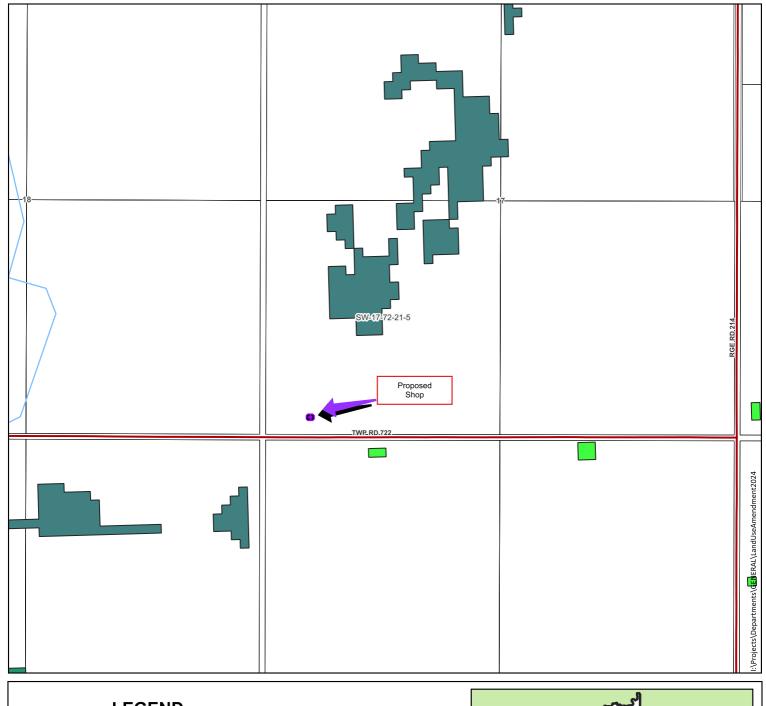
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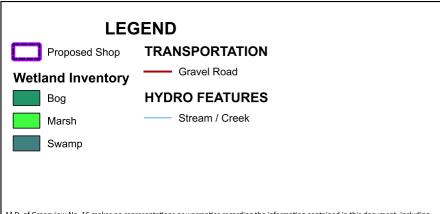




Development Permit D23-210 Wetland







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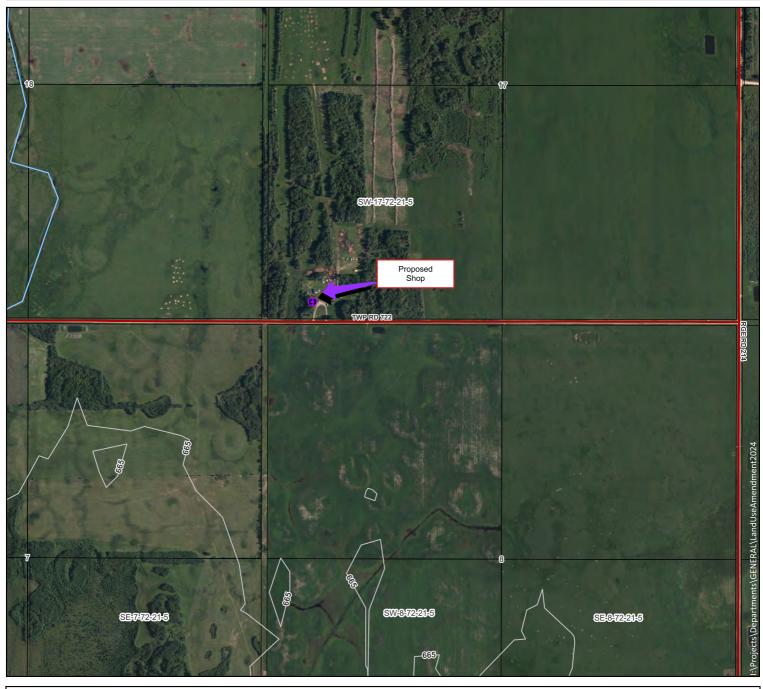
0 300 600

metres
Scale 1:13,000
PROJECTION: UTM Zone 11N NAD 83



Development Permit D23-210 Topography





LEGEND



Proposed Shop

Contour Line(m)

Minor Break

TRANSPORTATION

Gravel Road

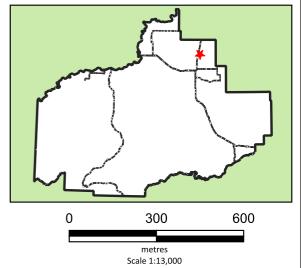
GV Imagery 2016

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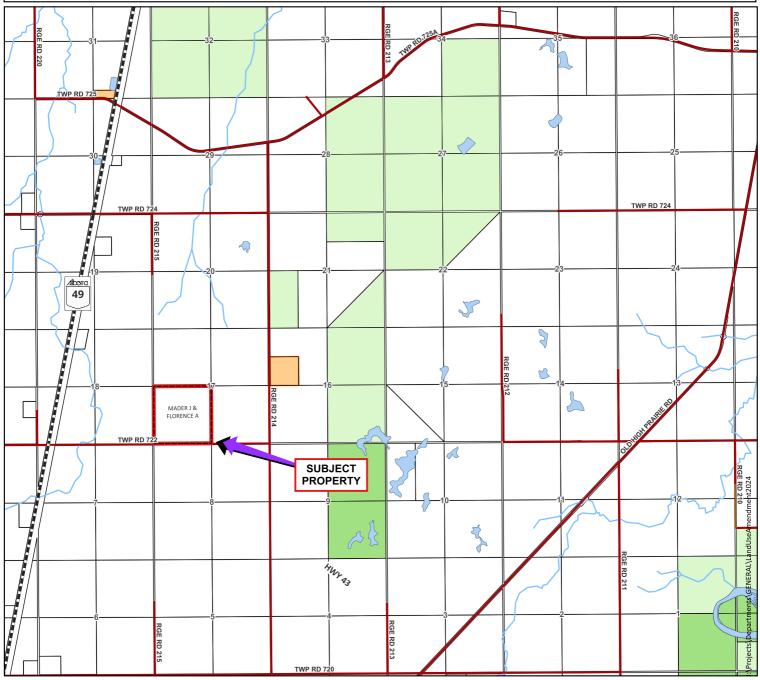
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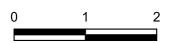




Township: 71 Range: 25

Meridian: 5





kilometres Scale 1:52,000 PROJECTION: UTM Zone 11N NAD 83

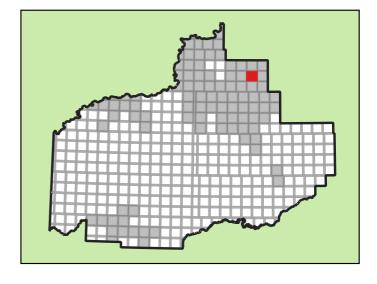


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Compiled from the Rural Cadastral Digital Base September 10, 2023
Land Ownership Compiled from municipal tax data, September 10, 2023.
Building/Site/Feature information compiled from municipal assessment data, September 2023.



SITE INSPECTION PHOTOS

D23-210 Jennifer Mader & Alexandre Florence SW 17-72-21-W5M



Shop facing west and north on property



View of property facing North from Township Road 722



View of property facing North from Township Road 722



View of property facing Northwest from Township Road 722