

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF LETHBRIDGE COUNTY HELD FEBRUARY 6, 2014 IN THE COUNTY ADMINISTRATIVE OFFICE, LETHBRIDGE, ALBERTA.

PRESENT:

Division No. 1	- L. Hickey, Reeve
Division No. 3	- H. Doeve, Deputy Reeve
Division No. 2	- J. Willms
Division No. 4	- K. Benson
Division No. 5	- S. Campbell
Division No. 6	- T. White
Division No. 7	- M. Zeinstra

ADMINISTRATION PRESENT:

Chief Administrative Officer	- R. Robinson
Director of Corporate Services	- T. Anderson
Director of Municipal Services	- K. Viergutz
Director of Community Services	- L. Randle
Recording Secretary	- L. Megella

REEVE LORNE HICKEY IN THE CHAIR

CALL TO ORDER Reeve Hickey called the meeting to order at 10:11 a.m.

Note: S. Ashbee, Sunny South News present at 10:11 a.m.

AMENDMENTS TO THE AGENDA

Rick Robinson, Chief Administrative Officer and members of Council made the following additions and deletions to the February 6, 2014 agenda.

- G1. Economic Development
- H2. Bylaw 1410 – RAVE Storm Pond Purchase – 1st Reading – **DELETED**
- H4. Bylaw 1412 – Lethbridge Airport Borrowing Bylaw – 1st Reading
- I8. Coaldale Library Board – Wine & Cheese Event – February 18, 2014

35/14 J. WILLMS MOVED that Council approve the agenda as amended.
CARRIED

CONFIRMATION B1. Confirmation of Minutes

36/14 S. CAMPBELL MOVED that the January 16, 2014 Council Minutes be approved as presented.
CARRIED

MUNICIPAL SERVICES

F1. Haul Route – Calcium & Stabilization Test

37/14 K. BENSON MOVED that County Council authorizes Administration to proceed with planning and scheduling the construction of granular calcium stabilized gravel test section and an increased gravel test section and that Administration report back to Council on the actual cost of the test program as soon as those costs are determined.
CARRIED

Reeve

Chief Administrative Officer

COMMUNITY SERVICES**G1. Economic Development**

Deputy Reeve Henry Doeve provided information to Council regarding a hemp fibre processor, which is planning on locating its plant in an undetermined location in Southern Alberta. A discussion was held concerning the matter.

- 38/14 H. DOEVE MOVED that the Reeve and CAO along with Evan Berger schedule a meeting with the Cylab Plant representatives to have a discussion about the opportunities Lethbridge County can offer to their organization. CARRIED

CORPORATE SERVICES**H1. Alberta Capital Finance Authority (ACFA) Re: Master Loan Agreement**

Note: M. Zeinstra departed at 10:30 a.m.

- 39/14 T. WHITE MOVED that County Council authorize the Reeve and CAO to execute the Alberta Capital Finance Authority Master Loan Agreement. CARRIED

H2. Bylaw 1410 – RAVE Stormpond Purchase – 1st Reading

Deleted from the agenda.

H3. Bylaw 1411 – Duncan Industrial Park Drainage – 1st Reading

Note: M. Zeintra present at 10:33 a.m.

- 40/14 H. DOEVE MOVED first reading of Bylaw 1411 – Duncan Industrial Park Drainage. CARRIED

H4. Bylaw 1412 – Lethbridge Airport Borrowing Bylaw – 1st Reading

- 41/14 S. CAMPBELL MOVED first reading of Bylaw 1412 – Lethbridge Airport Borrowing Bylaw. CARRIED

ADMINISTRATION**I1. MGA Review: Municipal Elected Officials Session – February 28, 2014, Lethbridge Lodge**

- 42/14 K. BENSON MOVED that any member of Council wishing to attend the MGA Review for Municipal Elected Officials scheduled for February 28, 2014 from 10:00 a.m. to 4:00 p.m. at the Lethbridge Lodge be authorized to do so. CARRIED

Reeve Hickey recessed the meeting at 10:46 a.m.

The meeting reconvened at 10:55 a.m.

I2. Coaldale & District Chamber of Commerce Re: 34th Annual Appreciation & Awards Banquet – March 22, 2014, Gem of the West Museum

- 43/14 M. ZEINTRA MOVED that Council authorize the Lethbridge County representative for the Coaldale Chamber of Commerce, Deputy Reeve Henry Doeve, to attend the Coaldale & District Chamber of Commerce 34th Annual Appreciation & Awards Banquet scheduled for Saturday, March 22, 2014 at the Gem of the West Museum. CARRIED

Reeve

Chief Administrative Officer

I3. Reynolds Mirth Richards & Farmer LLP – 2014 Annual Municipal Law Seminar – March 14, 2014, Airdrie

- 44/14 K. BENSON MOVED that any member of Council wishing to attend the Reynolds Mirth Richards & Farmer LLP 2014 Annual Municipal Law Seminar scheduled for March 14, 2014 in Airdrie be authorized to do so. CARRIED

I4. 2014 Alberta Order of Excellence

- 45/14 H. DOEVE MOVED that Council nominate an individual within the region for the 2014 Alberta Order of Excellence by the deadline date of February 15, 2014. CARRIED

I5. Barons-Eureka-Warner FCSS Re: All Councils Meeting – March 13, 2014, Taber

- 46/14 M. ZEINSTRA MOVED that any member of Council wishing to attend the Barons-Eureka-Warner FCSS All Councils meeting scheduled for Thursday, March 13, 2014 at the Heritage Inn in Taber be authorized to do so. CARRIED

I6. 50th Anniversary Committee Re: Distribution of 50th Anniversary Pins to Palliser School Division

- 47/14 T. WHITE MOVED that Council authorizes the attendance of each member of Council to attend all school assemblies within Lethbridge County for the purpose of distributing 50th Anniversary Lethbridge County pins. CARRIED

I7. Councillor Tom White Re: To be Excused for More than Two Council Meetings (Verbal)

Councillor Tom White indicated that he would be away on vacation until April 1, 2014 and would be missing the February 20, March 6 and March 20, 2014 County Council meetings.

- 48/14 J. WILLMS MOVED that Council approve the absence of Councillor Tom White from the February 20, March 6 and March 20, 2014 Council meetings. CARRIED

I8. Coaldale Library Board – Wine & Cheese Event – February 18, 2014

- 49/14 M. ZEINSTRA MOVED that County Council approves Councillor John Willms as the County's representative on the Coaldale Library Board to attend the Coaldale Library Board Wine & Cheese Event scheduled for Tuesday, February 18, 2014 from 4:00 p.m. to 5:30 p.m. at the McCain Gallery in the Coaldale Library and further that if any other members of Council wish to attend that it be at their own expense. CARRIED

APPOINTMENTS E1. Ian Donovan, MLA, Little Bow

Reeve Hickey welcomed Mr. Ian Donovan, MLA for Little Bow to the meeting at 11:22 a.m.

Mr. Donovan thanked Council for the opportunity of meeting today and congratulated the County on their 50th Anniversary. Mr. Donovan noted the following:

Reeve

Chief Administrative Officer

- The spring session of the legislature will be starting on March 3rd.
- Mr. Donovan understands that the County has hired Mr. Jack Hayden as a consultant to lobby the Province for funding for road infrastructure.
- MSI Funding
- MGA Review – Several sessions have been scheduled for Elected Officials, Administrators, etc. The sessions will commence the last week of February and continue into March.
- Mr. Donovan attended the Transportation Strategy scheduled in Fort Macleod.
- Town of Coalhurst and Village of Nobleford interchanges.
- Building Canada grant funding – new funding opportunities.

Reeve Hickey thanked Mr. Donovan for attending the meeting. Mr. Donovan retired at 11:50 a.m.

50/14 M. ZEINSTRA MOVED the meeting recess for lunch at 11:50 a.m. CARRIED

The meeting reconvened at 1:55 p.m. with all members of Council present as previously stated.

Reeve Hickey presented Councillor Ken Benson with a 3 year pin and Councillor John Willms with a 15 year pin for their years of service as Councillors with Lethbridge County.

APPOINTMENT

E2. PUBLIC HEARING Bylaw #1408 Land Use Bylaw Amendment – Direct Control – 710038 Alberta Ltd. (Douglas Bergen & Associates) 4305 – 4 Ave. South, Fairview

51/14 M. ZEINSTRA MOVED that the Public Hearing for By-Law #1408 Land Use Bylaw Amendment – Direct Control – 710038 Alberta Ltd. (Douglas Bergen & Associates) 4305 – 4 Ave. South, Fairview open at 2:00 p.m. CARRIED

Reeve Hickey welcomed the delegation to the meeting. The delegation consisted of:

J. Kellock	C. Lecuyer	M. Overes
N. Paladino	P. Van Ryn	N. Van Ryn
L. Van Ryn	P. Rose	L. Rose
J. Mykytiw	D. Groenheide	L. Groenheide
T. Filgas	R. Filgas	D. McKenna
S. Woods	T. Woods	C. Kempenaar
P. Kempenaar	K. Low	M. Low
A. Mills	M. Garner	P. Manderville
D. Mykytiw		

Reeve Hickey asked Council and Administration to introduce themselves to the delegation.

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for By-Law #1404 Land Use Bylaw Amendment.

Reeve Hickey invited Ms. Hilary Janzen, Development Officer/Senior Planner to give an overview of the application.

Ms. Janzen stated the following:

Reeve

Chief Administrative Officer

An application has been submitted by a private developer for Council's consideration to amend the Land Use Bylaw for a 0.8 acre parcel (Lot 13, Block 2, Plan 9732GF) in the Hamlet of Fairview from Hamlet Residential (HR) to Direct Control (DC) to allow for the development of a commercial building, with limited uses on the property.

Under the current Hamlet Residential District residential development (ranging from single detached to multi-family and senior housing) is the primary use contemplated under this district, no commercial development is allowed either as a permitted or discretionary use.

Many residents of the Hamlet have expressed concerns regarding the use of the property in question for commercial purposes and to keep it as Hamlet Residential. Up until the summer of 2012 the property had a single detached dwelling on it. Their concerns are around increased traffic, the proximity to residential, and the issue with storm water and sewer in the Hamlet. At a meeting on July 8, 2013 the residents submitted a petition with the signatures of 45 Hamlet of Fairview residents to the County stating their opposition to the rezoning of the property in question to either direct control or commercial or any other designation than residential (see attached document).

The Hamlet currently has a moratorium on further subdivision of lots as there is no capacity for additional dwelling/buildings in the existing sewer system. The residents are concerned that any further development will add to the problem and that the County should be fixing the sewer and stormwater issues before any further development occurs.

The applicant is aware of the concerns regarding the stormwater and brought in an engineer to look at how to manage the stormwater for the parcel in question. With regards to the sewer, there are currently three sewer/water hookups on that property but only one was used in the most recent past. The applicant has stated that the proposed development would use less water/sewer than a single detached dwelling.

The applicant held an open house on October 29, 2013 to gauge the reaction of the Hamlet of Fairview residents. The options provided were a commercial option and also a multi-residential development. The residents were provided with a survey to fill out indicating their preference. There were some residents in favour of the commercial development, but the majority were opposed to any type of development other than residential.

The applicant has chosen to proceed with the option of a commercial development through Direct Control, which has limited the uses to those that would be low water users. Although the permitted and discretionary uses are reduced from the standard Hamlet Commercial District there is still a range of potential end users. The Direct Control, as written, would also provide the applicant with the option to subdivide the parcel as they have indicated that the minimum parcel size would be 0.4 acres, which is half of the entire parcel. The site plan provided only shows the building on the south side of the property and no indication as to what would be proposed on the north part of the parcel. The approval authority for permitted uses of the site would be the Development Officer and for discretionary uses it would be County Council. For the proposed bylaw, Council would only have to approve a development permit if it were for a day care or if the proposed development was requesting a waiver of any of the standards in the proposed bylaw.

This application was circulated to internal departments, ORRSC, Alberta Transportation and the City of Lethbridge for comment. A notification was sent out to adjacent landowners and the proposed bylaw amendment was advertised in the January 14, 21, and 28, 2014 editions of the Sunny South News.

Reeve

Chief Administrative Officer

Lethbridge County administration has the following comments with regards to the proposed rezoning application:

- The proposed application does not take into consideration the comments or concerns of the Hamlet of Fairview residents.
- The proposal does not address the style or architecture of the building or how it would mitigate any impacts to the single detached residents that it would be adjacent to (how does it integrate with the residential character of the Hamlet).
- The proposal allows for a number of possible end users of the property, some of which may generate more traffic and cause more concerns in the Hamlet.
- Concern with rezoning the whole parcel when only half is being proposed for development.
- There are storm water issues in the Hamlet that need to be resolved prior to more intense development occurring.
- There is a moratorium (on subdivision) in place in the Hamlet due to the sewer capacity, as we are not aware of the final use, the amount of sewer effluent could exceed that generated by the original house.
- The proposed driveway is not desirable as it is offsetted from the intersection of 4th Avenue and the service road to the south, which is too close to the intersection with 43 Street already (similar comments from Alberta Transportation and the City of Lethbridge).
- Regarding Section 9 of the proposed bylaw there are concerns with how the water retained on site will be disposed of.
- Regarding Section 10 of the proposed bylaw there are concerns with garbage disposal on the site, the lane may not be large enough to handle commercial solid waste collection vehicles.

Alberta Transportation has the following comments:

- There is insufficient information to properly assess the impact on the highway.
- Upon any development a permit would be required from Alberta Transportation.
- A condition including but not limited to the application provide an engineer's assessment demonstrating adequate spacing (stacking distance) between Highway 4/43 Street and the proposed access as a condition of development.
- Access to the site would be more appropriate on the east side of the property from their perspective.

The City of Lethbridge has the following comments:

- The City of Lethbridge Transportation Department would require completion of a Traffic Impact Assessment to assess the intersection of 43 Street South & 4 Avenue South and improve the geometry of the east approach of this intersection.
- The access to the site shall be located on the east boundary of the parcel.
- Concerns with water supply for firefighting purposes.

ORRSC commented on the difficult nature of developing this site for either residential or commercial uses. The parcel may be suitable for commercial uses as a transition from 43 Street to the established area but more detail may be required in order to give more certainty on the development parcel. They have suggested that amendments could be made to the Direct Control Bylaw to address the issues identified with the site including, architecture and design controls, delegation of authority (Council instead of Development Officer), firmer language with regards to the servicing of the site.

The County has received a number of comments from area residents and landowners with regards to the proposed rezoning. As of February 5th, the

Reeve

Chief Administrative Officer

County has received three written comments in support of the proposed rezoning application. They support the rezoning and the use of the site for commercial purposes.

As of February 5, 2014 households from the Hamlet sent in letters of opposition to the proposed rezoning application. They do not support the rezoning and they are concerned with drainage, traffic, and impact to quality of life. This is in addition to the petition that was submitted to the County in July 2013. The residents also submitted another petition on February 5, 2014 that included 53 signatures (35 households) from the Hamlet residents.

If the bylaw were to proceed as is it would put the County in a difficult position as many of the citizens have expressed concerns regarding additional commercial development in their neighbourhood. The Bylaw, as proposed, is vague with no indication of what the end user would be or what the servicing needs will be. If the proposed application were to proceed it would require more detail and clarity on the development of the full parcel (0.8 acre), commercial uses, delegation of authority, servicing, and building design/architecture.

Ms. Janzen further noted that there are no concept or area structure plans for Fairview or any other Hamlets in Lethbridge County. Administration recognizes that studies should be completed for all Hamlets and this would give the County a better vision for future needs.

Ms. Janzen also stated that the Bylaw should be seen as a benefit to those living in the community. There are approximately 70 parcels in the Hamlet and the petition that the County received in opposition to the proposed rezoning application represented 35 of those properties.

Reeve Hickey asked if Council had any questions of Ms. Janzen. Council noted that this is a slightly different application than Direct Control. Ms. Janzen noted that the Development officer is the development authority for permitted uses and Council is the development authority for discretionary uses in the proposed bylaw.

Reeve Hickey asked if anyone present wished to speak in favor of Bylaw 1408.

Mr. Douglas Bergen of Douglas Bergen & Associates and Nick Paladino addressed Council. Mr. Paladino noted the following:

- He was asked on behalf of landowners of five properties to apply for the land use bylaw amendment for the property.
- Mr. Doug Bergen, Douglas Bergen & Associates and Jason Kellock, Hasegawa Engineering are also present to assist with the application.
- He provided Council with a Power Point presentation showing various developments in the City that co-exist in residential areas.
- There are approximately 18,000 vehicles per day travelling in both directions - north and south.
- Only the south portion of the property will be developed, the building will be approximately 5,000 square feet.
- The building will have a residential appearance with a pitched roof and will be one floor.
- A public information night was held with 24 people in attendance. Thirteen individuals filled out the survey with 8 in opposition of and 5 in favor of the development.

Reeve Hickey asked if Council had any questions of Mr. Paladino. Council asked if the fire hydrant has water. Mr. Kevin Viergutz, Director of Municipal Services noted that the hydrant has water, however, it may not provide adequate water for firefighting.

Reeve

Chief Administrative Officer

Mr. Bergen addressed Council at this time and noted the following:

- Thanked Council for the opportunity of speaking today.
- The owner of the property has retained his firm to apply for an amendment to the Land Use Bylaw for a commercial building.
- His firm has analyzed the site for servicing, etc.
- After much discussion, it was determined that the orientation of the building should be to the west towards 43rd Street.
- Also they oriented the parking lot to the west to take away noise from the residents of Fairview.
- BFI can pick-up a 6 yard bin for the development and can negotiate the corner to pick up the bin.
- On October 29, 2013 there was an open house conducted. Letters were written to the Fairview residents about the open house.
- He further noted that a more desired design was developed in order to fit into the residential area. The sign ban would be under the eaves, full basement, mechanical equipment located in the basement along with a storage area.
- The building will only be in use from 8:00 a.m. to 5:00 p.m. no evening uses. There would be no high water uses.
- He stated that they had three design options for the orientation of the building and entrance onto the property. For traffic purposes, the driveway for the proposed development should be on the east side of the lot to provide maximum distance for stacking of vehicles waiting for the traffic lights at 43rd Street. The 3rd design is where the access and parking lot will be on the west side.
- The vast majority of traffic would come up 43rd Street and go back onto 43rd Street.
- A Traffic Impact Assessment will be completed prior to a development permit being issued.

Reeve Hickey asked Council if they had any questions. Council had no questions.

Reeve Hickey asked if there was anyone else that wished to speak in favor of Bylaw 1408.

Mr. Jason Kellock, Hasegawa Engineering addressed Council. Mr. Kellock noted the following:

- When we looked at the best match for the development, by having a commercial development, we can mitigate the storm water. By having designed a storm event of 24 hour duration with a return period of 1 in 100 years, the water will be retained under the parking lot and then discharged at a slow rate. The water will be trucked away or pumped out to either the 43rd Street ditch or the gutter, we want a safe release.
- Under dry weather conditions, the system capacity will be 50%. The wet weather is when we experience a surge of water in the sanitary sewer.
- If this was a residential development, there would be 3 to 4 people residing in the location. We are looking at approximately 30 employees working and would generate the same amount of water/wastewater as the 3 to 4 people.
- There are concerns with fire protection, a fire flow test will be completed.
- Utilities have not been looked at yet.
- There will be no sprinkler system in the building.

Reeve Hickey asked if Council had any questions. Council asked how much water is required per day for the business. Mr. Kellock noted that if you have 30 individuals employed at the building, approximately 2.7 cubic metres. The permitted discharge from the entire Hamlet from the City is 91. Food handling is a prohibited use. With dry weather conditions, the usage would be only half.

Reeve

Chief Administrative Officer

There can be other things done to find out why the water is getting into the system.

Mr. Paladino addressed Council and noted that a proposed amendment could be made to the Bylaw and called "Schedule B". Schedule B would include the following prohibited uses: automobile sales and service, car truck wash facility, convenience store, pharmacy, gas station, laundromat, restaurants, bars and lounges, hotel/motel, video arcade, adult entertainment and casino.

Reeve Hickey asked if Council had any questions. Council asked about the size of the storage to hold the water. Mr. Kellock noted that the amount of rain to fall over a 24 hour period would be approximately 175 cubic metres, 86-87 cubic metres would stay on the surface of the parking lot and the rest would go into storage under the parking lot. This would be a zero release system. The water would be pumped out of the storage area or trucked away. Trucking the water away would be costly. The plan is to hold the water and pump out slowly for 5 days; pumping would be to the gutter or to the ditch along 43rd Street.

Reeve Hickey asked three times if anyone else wished to speak in favor of Bylaw 1408. No one came forward.

Reeve Hickey asked if anyone present wished to speak in opposition to Bylaw 1408. Ms. Deidre McKenna addressed Council and noted the following:

- She has been asked by the Fairview residents to express their opposition to the application.
- The degree of opposition to the proposed rezoning:
 - A significant proportion of the residents who live in this Hamlet are opposed to this application. Many residents of the Hamlet have expressed their opposition to this proposed rezoning from residential to commercial to County Staff and elected County officials since at least 2012.
 - Two petitions have been presented to the County from July 2013 and January 2014. One petition had 46 residents, representing 31 homes in the Hamlet opposing this application. The recent petition was signed by 51 residents representing 36 homes in the Hamlet.
 - At least 9 residents have also submitted individual letters expressing their objection to this application.
- The proposed rezoning will exacerbate significant infrastructure issues within the Hamlet:
 - The residents believe the County acknowledges and understands there are significant issues with the Hamlet's infrastructure. There have been at least two formal meetings in the past two years with County representatives to discuss those issues. The issues are:
 - issues with storm water drainage and flooding in the Hamlet;
 - issues with sewer and potable water capacity;
 - issues with increased traffic, especially speeding motorists and noise.
 - The issues with the storm water drainage and sewer capacity were significant enough that the County placed a moratorium on subdivision development in the Hamlet in the 1990's, which continues today.
 - The nine letters submitted by residents in opposition to this application and the meetings the Fairview Community Association have had in the past two years with County employees and officials have described in detail the issues. We would, however, note the following:
 - Storm water drainage and flooding problems have only increased in the Hamlet with increased amounts of rain and the commercial development that was permitted for New Way Irrigation;

Reeve

Chief Administrative Officer

- The County has discussed a number of options with the Community Association to try and address the infrastructure and traffic issues, but to date, nothing has been implemented.
- Problems with the proposed bylaw:
 - The County's Land Use Bylaw indicates a Direct Control Bylaw is meant to be site specific. Proposed Bylaw 1408 is far too general and provides too much discretion and flexibility to the applicants to be able to modify what would eventually be built on the site.
 - We note the permitted uses in the bylaw itself are broad and could have a wide range of impacts on the issue of traffic, storm water, sewer and water. While the applicant has submitted they will not create an adverse impact on the sewer and potable water problems, there is nothing in the proposed bylaw to ensure accountability for this statement.
 - The proposed development provided for access to the facility by 4th Avenue South. This access will only increase and exacerbate the traffic problems that already exist at this intersection.
 - The proposed drawings identifying the plan for dealing with surface water drainage will not deal with the surface water drainage on that site and any form of commercial development will in fact only increase the problems with surface water drainage for the following reasons:
 - The site is already at the highest elevation compared to the rest of the Hamlet;
 - The owners will undoubtedly seek to raise the elevation of the site to ensure it is level with 43rd Street given it is a commercial development. This is a step taken by New Way Irrigation when they constructed their building, and the applicants here have already started trucking fill onto their property;
 - The proposed drawings do not account for the above expected change in elevation;
 - The proposed storm water drainage system in these drawings are exactly what was proposed with the New Way Irrigation development. This system has not worked and flooding for residents near that building has only increased.
- Fairness to the residents of the Hamlet of Fairview:
 - The moratorium placed on subdivision in the Hamlet in the 1990's led to a number of residents of the Hamlet being unable to proceed with subdivisions. This included a resident who, like the applicant here, has water and sewer hook-ups on her property, but was refused the opportunity to subdivide due to the County's concerns about the capacity of the sewer and potable water.
 - This moratorium prevented the residents from developing and enhancing the residential setting of the Hamlet, or "generate income" as the applicant states is seeking to do in their November 15, 2013 submissions to the County.
 - Further, the Fairview Community Association has been patiently working with the County to see a resolution to the problems with storm water drainage, the issues with the sewer and potable water, as well as the developing problems with traffic and noise. None of these problems have been resolved nor has the County still has yet to take action on (eg. retaining structures on SMRID right-of-way, traffic calming).
 - The County must be seen to be exercising its decision making powers fairly and consistently. The residents of the Hamlet submit it would be grossly unfair to approve this rezoning application and permit this commercial development to occur where residents have been prevented from residential subdivision for years due to infrastructure problems that have yet to be resolved and where.
- Response to the November 2013 submissions of the applicants for rezoning:

Reeve

Chief Administrative Officer

- The applicant took care in its November 2013 submissions to point out to the County that the Hamlet has other commercial developments. We would like to remind the County that all of these developments are on property that have been zoned commercial for many years and did not require any form of rezoning. This is the first occasion the County is being asked to rezone from residential to commercial.
- In addition, the most recent commercial development in the Hamlet (on a site that had already been zoned commercial) has led to an exacerbation of the flooding for residences near it – their storm water drainage plan, which is the same one that has been proposed here, has not worked.
- The residents take issue with the applicants statement in their November 2013 submissions that residential development is simply not feasible and that they require the rezoning to be able to generate incomes from the property.
 - We would challenge whether these applicants have been intended anything but commercial development on this property, given they have consistently advertised commercial development on this site with signs on the premises for a number of years.
 - There is no evidence before the County that residential development is not feasible on this site;
 - We would submit that the applicants appear to be confusing their desire to obtain a certain level of financial return from this property with what is feasible and appropriate for the site. The applicants purchase this property knowing the property was zoned residential.
- The November 2013 submissions of the applicant claimed that they have conducted preliminary engineering that shows the commercial development contemplated in the bylaw would generate less wastewater than 3 residences. We note we have not seen any such engineering to support this claim, nor has anything been included in the bylaw to ensure this would indeed be the case.
- Regardless, given the policy of the County that there can be no further subdivision and residential development, even where hook-ups exist, it is not reasonable to permit this. If there is an engineering to support their claims, where is it?
- We would respectfully request the County deny this application for rezoning this property to commercial.

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Mr. Dick Groenheide addressed Council and noted that once a decision has been made by Council, that will be the end result. Residents do not get a say in the development. Reeve Hickey noted that it will depend on which use the developer will be using. Ms. Janzen indicated that if the developer wishes to proceed with a “permitted use”, the application would come to the Development Officer and proceed through the regular channels.

Mr. Groenheide further noted that if Council approves a development and it becomes a problem, what avenues can the residents of Fairview have to alleviate the problem. For example, Mr. Groenheide lives besides the church in Fairview and there is a noise problem. The church is rented out to religious groups and the noise is loud. The residents do not know what is going to come of the development. Reeve Hickey noted that if there is a problem, residents need to contact Lethbridge County.

Reeve

Chief Administrative Officer

Mr. Groenehiede noted that Fairview does not have an area structure plan. Reeve Hickey noted that Council is not planning on completing an area structure plan as Fairview is as big as it is going to get.

Mr. Groenheide noted that there is no capacity for further water or wastewater. Reeve Hickey noted that the public hearing today is only to change the zoning for the property.

Mr. Tom Filgas addressed Council and noted the following:

- He will only touch on a few of the areas of the letter that was submitted by Deidre McKenna on behalf of the residents of Fairview.
- Thank you for giving the residents of Fairview the opportunity of being heard. There are 25 people present who are in opposition to the development.
- Traffic is a great problem.
- There is no capacity for water or wastewater, pumping and/or hauling the water away is a problem.
- Weeds were a problem on the vacant lot, we are told that a seniors home could be built on the property for those that wish to retire and the developer has not chosen to work with the residents of Fairview.
- New Way Irrigation gave a lot of assurances and it is not happening that way.
- Fifty percent of the residents in Fairview are in opposition to the development.

Reeve Hickey asked Council if they had any questions of Mr. Filgas. Council had no questions of Mr. Filgas.

Reeve Hickey asked if there was anyone else that wished to speak in opposition to Bylaw 1408.

Mr. Peter Kempenaar addressed Council and noted that he lives behind the Yamaha development. The water storage tank is always half full and every time it rains his property is flooded. There are several other issues with the development and requested that Council do something about the problems.

Reeve Hickey asked if anyone else wished to speak in opposition of Bylaw 1408.

Patsy Van Ryn addressed Council and noted that she resides beside Mr. Kempenaar. The residents were told by New Way Irrigation that the sewer system they were going to use would work. Is this the same sewer system that the proposed development is going to use? If it is, I'm against it. If this is a 100 year flood, the water was flowing 3 to 4 feet high. When it rains, the water hits my knees. This property is for a single family dwelling and not a commercial development.

Reeve Hickey asked if anyone wished to speak in favor of or in opposition to the Bylaw.

Council noted that it has been said that the water and wastewater is to capacity. Mr. Viergutz noted that the "yes" the water and wastewater is to capacity.

Marge Garner addressed Council and noted that:

- The traffic flow into the area will affect her property.
- The property should be sold as residential. There were residential property people interested in purchasing the property.
- After each storm, the water floods my property. I don't need any more water coming onto my property.

Mr. Bergen addressed Council and noted that there is a moratorium on subdivisions. When an individual came to apply for subdivision, they should

Reeve

Chief Administrative Officer

have been turned down but not the commercial development. We are not creating a subdivision. This is a transitional site that can co-exist with the residential area. There was a livestock operation to the west that was a thriving business. No one has applied to have the property developed, I think it is a new day. If you want to amend the site plan, etc. we are here in good faith and want to present a development that will be responsible.

Reeve Hickey asked if Council had any questions of Mr. Bergen. Council had no questions of Mr. Bergen.

Ms. McKenna addressed Council and noted that there is a moratorium on subdivisions. This property has 3 hook-ups and the only home on the property has been removed since the moratorium. The residents of Fairview feel that the water and sewer is at capacity right now.

Reeve Hickey asked if there were any further questions. Mr. Steve Harty, ORRSC addressed Council. Mr. Harty noted that:

- The main elements of a Direct Control District are that Council may regulate and control the use or development of land or buildings in the district in any manner it considers necessary.
- Direct Control is what is referred to as a “site specific redistricting”, as it creates certain standards and used for a specified parcel of land. This is because a conventional district in the bylaw, such as commercial, may not be appropriate especially with the other conventional uses that may be allowed in the district.
- This type of development proposal would require a two stage process for development permits. First, a permit would be required for the approval of the commercial building itself. Then each business would require a development permit approval of whatever use is proposed to go into the building.
- Council has four options for the development proposal:
 - If Council is of the opinion that the proposal is not suitable and any concerns cannot be addressed through standards of the bylaw, then 2nd reading might not pass, the bylaw is then defeated.
 - If Council is of the opinion, the bylaw as presented, limited uses are acceptable, then it would be reflected in passing 2nd and 3rd reading.
 - If Council is of the opinion, that prior to making a decision, you require more information, such as water volumes, then the hearing may be recessed to allow the opportunity to obtain the information, so it is brought back to a public hearing as presented. No new information can be presented. If the date and time when the hearing will be recessed is arranged in the meeting, then re-advertisement is not required.
 - If Council determines the Direct Control Bylaw may be appropriate if amendments and additional standards are added into the bylaw, then if those are mentioned in the hearing, a motion could include those and the bylaw may be passed as amended.

Reeve Hickey asked if Council had any questions of Mr. Harty. Council had no questions of Mr. Harty.

Reeve Hickey noted that this was the last call for anyone wishing to speak. Does Council have any further questions? Council asked that if the bylaw passes all three readings, then any of the uses on the property could be used? Reeve Hickey asked if Council had enough information to make a decision.

Reeve Hickey declared that the Public Hearing for By-Law #1408 Land Use Bylaw Amendment – Direct Control – 710038 Alberta Ltd. (Douglas Bergen & Associates) 4305 – 4 Ave. South, Fairview close at 3:30 p.m.

Reeve

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Reeve Hickey recessed the meeting at 3:32 p.m.
The meeting reconvened at 3:40 p.m.

52/14

T. WHITE MOVED second reading of By-Law 1408.

MOTION DEFEATED

Reeve Hickey thanked the delegation for attending the meeting. The delegation retired at 3:41 p.m.

ADJOURNMENT

53/13

M. ZEINSTRA MOVED the meeting adjourn at 3:42 p.m.

CARRIED

Reeve

Chief Administrative Officer