

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF LETHBRIDGE COUNTY HELD JUNE 18, 2015 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
Acting/Director of Corporate Services	- J. Beagrie
Director of Municipal Services	- R. Bacon
Director of Community Services	- L. Randle
Recording Secretary	- D. Irwin

**REEVE LORNE HICKEY IN THE CHAIR**

**CALL TO ORDER** Reeve Hickey called the meeting to order at 9:35 a.m.

**AMENDMENTS TO THE AGENDA**

Rick Robinson, Chief Administrative Officer and members of Council made the following additions and deletions to the June 18, 2015 agenda.

- F1. Municipal Services – Spatial Needs Assessment & Pre-Design Study
- H3. Lethbridge Biogas Property Tax Concession - 2015
- I2. Flood Mapping Grant Program

271/15 H. DOEVE MOVED that Council approve the agenda as amended.  
CARRIED

**IN-CAMERA** **K1. Land Matter; K2. Legal Matter**

272/15 J. WILLMS MOVED that County Council go In-Camera at 9:36 a.m.  
CARRIED

273/15 S. CAMPBELL MOVED that County Council come out of In-Camera at 10:25 a.m.  
CARRIED

Note: S. Ashbee, Sunny South News present at 10:25 a.m.

**CONFIRMATION** **B1. Confirmation of Minutes**

274/15 M. ZEINSTRAS MOVED that the June 4, 2015 Council Minutes be approved as presented.  
CARRIED

**APPOINTMENTS** **E1. Introduction of Shawn Lapointe – Community Peace Officer**

Mr. Darryl Beaton, Emergency Services Coordinator introduced Mr. Shawn Lapointe, the new Community Peace Officer to members of Council. Mr. Lapointe provided Council with a brief history of his education and employment history.

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Reeve

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Chief Administrative Officer

Council welcomed Mr. Lapointe to Lethbridge County and wished him success in his position as our second Community Peace Officer.

275/15 H. DOEVE MOVED that Council receives item E1. Introduction of Shawn Lapointe, Community Peace Officer for information. CARRIED

### MUNICIPAL SERVICES

#### F1. Municipal Services – Spatial Needs Assessment & Pre-Design Study

276/15 H. DOEVE MOVED that County Council grants Administration approval to retain MPE's services and expend up to \$20,000 on a Spatial Needs Assessment and Pre-Design Study to be funded from the Public Works Reserve. CARRIED

### COMMUNITY SERVICES

#### G1. Regional Pathway Update

277/15 H. DOEVE MOVED that Lethbridge County support in principle a regional pathway between Lethbridge and Coaldale and applies for funding as it becomes available. CARRIED

#### G2. CPR Land Project Update

278/15 M. ZEINSTRA MOVED that the CPR Land Project update be received for information. CARRIED

#### G3. Nobleford Fire and Rescue Services Agreement

279/15 H. DOEVE MOVED that County Council approves the 2015 – 2019 Village of Nobleford and Lethbridge County Fire and Rescue Services Agreement as presented and that County Council approves of a transfer of funds from the Emergency Services Reserves to cover the 2015 additional expenses in the amount of \$23,300. CARRIED

### CORPORATE SERVICES

#### H1. 2016 -2018 Budget Schedule

280/15 T. WHITE MOVED that Council approves the 2016-2018 Budget Calendar as presented. CARRIED

#### H2. Coaldale-Lethbridge Community Growing Project 2015 Re: Waiver of Taxes on N.W. 11-10-19-W4

281/15 S. CAMPBELL MOVED that County Council donate \$500.00 through the Lethbridge County Donations Policy to the Coaldale-Lethbridge Community Growing Project for 2015. Funding to be utilized from Donation Reserve. CARRIED

#### H3. Lethbridge Biogas Property Tax Concession - 2015

282/15 H. DOEVE MOVED that County Council deny the request for property tax relief and that Administration instead be directed to work with Lethbridge BioGas to develop a revised deferral payment plan that can accommodate both parties fairly. CARRIED

### APPOINTMENTS

#### E2. Peter Neels & Jeff Anderson Re: Encroachment of Laneway of Block 15 Diamond City

Reeve Hickey welcomed Mr. Peter Neels and Mr. Jeff Anderson to the meeting at 11:30 a.m. The delegation provided Council with a presentation regarding the

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Reeve

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Chief Administrative Officer

laneway at Block 15 in Diamond City and the possible options available to them regarding the removal of obstructions in the laneway.

- 283/15 T. WHITE MOVED that County Council agrees to permanently close the lane in Block 15 in Diamond City subject to the following conditions: 1) That Fortis Alberta moves their lines out of the lane at the property owners' expense and 2) That all the land comprising the closed lane is subdivided, sold at fair market value and consolidated with the adjacent parcels on Block 15 in a manner and configuration acceptable to Lethbridge County, at the property owners' expense, within 90 days of the Fortis infrastructure being relocated. CARRIED

#### **ADMINISTRATION**

##### **I1. Lethbridge Chamber of Commerce Re: Chamber of Commerce Advisory Council**

- 284/15 H. DOEVE MOVED that County Council authorize Reeve Lorne Hickey to participate on the Lethbridge Chamber of Commerce Advisory Council. CARRIED

##### **I2. Flood Mapping Grant Program**

- 285/15 M. ZEINSTRA MOVED that County Council agrees to participate in an inter-municipal application under Stream 2 of the National Disaster Mitigation Program for the purpose of flood mapping, appointing Vulcan County to the role of managing partner. CARRIED

#### **INVITATIONS**

##### **J1. Western Tractor Re: Grand Opening, July 29, 2015, #48 Broxburn Blvd., Lethbridge**

- 286/15 T. WHITE MOVED that any member of County Council wishing to attend the Western Tractor Grand Opening scheduled for July 29, 2015 be authorized to do so. CARRIED

##### **J2. DuPont-Pioneer Grand Opening Celebration – July 8, 2015**

- 287/15 S. CAMPBELL MOVED that any member of Council who wishes to attend the DuPont Pioneer Grand Opening Celebration scheduled for Wednesday, July 8, 2015 from 10:00 a.m. to 1:00 p.m. be authorized to do so. CARRIED

Note: S. Ashbee, Sunny South News retired at 12:09 p.m.

- 288/15 T. WHITE MOVED the meeting recess for lunch at 12:09 p.m. CARRIED

The meeting reconvened at 1:10 p.m. with all members of Council present as previously stated.

#### **COMMUNITY SERVICES**

##### **G4. Bylaw 1450 - Mercer Seeds Ltd. - Amendment to Land Use Bylaw From Agriculture to Rural Recreational - NE NW SE SW 22-7-20-W4**

- 289/15 H. DOEVE MOVED first reading of Bylaw 1450. CARRIED

#### **APPOINTMENTS** **E3. S.D. Applicatoin #2015-0-088 - John Maxwell Davis - SW 1/4 15-9-22-W4**

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Reeve

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Chief Administrative Officer

- 290/15 T. WHITE MOVED that the Country Residential subdivision of SW 1/4 15-9-22-W4M (Certificate of Title No. 151 119 596), to subdivide a fragmented cut-off title of 40.32 acres (16.32 ha) into two titles along an irrigation canal ditch, being 15.27 acres (6.18 ha) on the west side and 25.05 acres (10.14 ha) on the east side respectively, for country residential use; BE APPROVED subject to the following:
- CONDITIONS:**
1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
  2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
  3. That the applicant provide a Surveyors sketch to illustrate the exact dimensions and parcel size and the location of all improvements on the proposed parcel(s) as approved. The final plan should reflect the boundary of the canal area the LNID is formally obtaining as title or registered R/W so it is under the districts formal ownership.
- MOTION DEFEATED**
- 291/15 K. BENSON MOVED that the Country Residential subdivision of SW1/4 15-9-22-W4M (Certificate of Title No. 151 119 596), to subdivide a fragmented cut-off title of 40.32 acres (16.32 ha) into two titles along an irrigation canal ditch, being 15.27 acres (6.18 ha) on the west side and 25.05 acres (10.14 ha) on the east side respectively, for country residential use; BE APPROVED subject to the following:
- RESERVE:** The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 40.32 acres at the market value of \$12,000.00 per acre with the actual acreage and amount to be paid to Lethbridge County be determined at the final stage, for Municipal Reserve purposes.
- CONDITIONS:**
1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
  2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
  3. That the applicant provide a Surveyors sketch to illustrate the exact dimensions and parcel size and the location of all improvements on the proposed parcel(s) as approved. The final plan should reflect the boundary of the canal area the LNID is formally obtaining as title or registered R/W so it is under the districts formal ownership.
  4. The applicant is required, at their expense, to provide an engineered Area Structure Plan for the entire 40.32 acre title, to be provided to and deemed acceptable to Lethbridge County.
- REASONS:**
1. The proposal complies with the Land Use Bylaw as the proposed subdivision conforms to the bylaw definition of a cut-off (fragmented) parcel due to the LNID irrigation canal which is a significant physical barrier that is present.

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Reeve

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Chief Administrative Officer

2. The proposed subdivision complies with both the Municipal Development Plan and Land Use Bylaw.
  3. This proposal conforms to the existing agricultural subdivision cut-off parcel policies that are applicable in accordance with the City of Lethbridge and County IDP 2004 plan boundary.
- CARRIED

**APPOINTMENTS**    **E4. PUBLIC HEARING Bylaw #1449 - Lethbridge Therapeutic Riding Association - Amendment to the Land Use Bylaw from Rural Agriculture (RA) to Rural Recreational (RR) for a portion of NE 31-8-20-W4**

292/15    M. ZEINSTRA    MOVED that the Public Hearing for Bylaw 1449 - Lethbridge Therapeutic Riding Association - Amendment to the Land Use Bylaw from Rural Agriculture (RA) to Rural Recreational (RR) for a portion of NE 31-8-20-W4 open at 2:00 p.m.    CARRIED

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

R. Auston

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for Bylaw #1449.

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

Ms. Janzen stated the following:

- An application has been made by Southwest Design and Construction on behalf of the Lethbridge Therapeutic Riding Association to amend Land Use Bylaw 1404.
- The purpose of the amendment is to rezone a portion of NE 31-8-20-W4 from Rural Agriculture (RA) to Rural Recreational (RR).
- The proposed re-designation is located along Highway 512, 4 miles east of the City of Lethbridge.
- It is the intent of the landowner to re-designate the subject lands to bring the use of the property (Riding Academy and Arena) into compliance with the Land Use Bylaw 1404 and allow them to rebuild and add to the Arena that was damaged in 2014.
- Under the current Land Use Bylaw 1404 Riding Academies and Arena (commercial) is not allowed, as either permitted or discretionary use, under the Rural Agricultural. The Rural Recreational District allows Riding Academies and Arena as a discretionary use.
- The application was sent to other County Departments and no concerns were raised with the proposed re-designation. The application has been sent to external agencies for review and comment. No objections were expressed by any external agencies regarding the proposed re-designation.
- The application was advertised in the May 26 and June 2 editions of the Sunny South News. One call was received from an adjacent resident who supported the Therapeutic Riding Association but had some concerns of possible noise increase with the expansion of the arena. No other comments were received.

Reeve Hickey asked if Council had any questions of Ms. Janzen.

Council enquired if this is simply an application to rezone from Rural Agriculture to Rural Recreational and is not conditional that it must be a riding arena, it is just a rezoning.

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Reeve

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Chief Administrative Officer

Ms. Janzen stated that yes, if the applicant want to add something supportive of the existing structure, like housing on the site, those are possibilities under Rural Recreation , but the landowners would have to go through a process to make sure it had no impact on neighbours on either the east or west side of the property.

Council enquired if the applicant had kept the riding arena the same size then no rezoning would be required?

Ms. Janzen replied yes, if the applicant had maintained the exact size and rebuilt what had been damaged in the fall, they would not have had to rezone because there is a rule in the Municipal Government Act where a non-conforming use can continue on as long as they do not add to or do a substantive change or if it was more than 75% destroyed and if you took all the buildings on the site and maintained the size of the arena at the original 12,000 square feet they could have just gone forward with that. But as such, the applicant wanted a 7,000 square foot addition onto what was there originally and that exceeded the terms of the Municipal Government Act for a non-conforming use.

There were no more questions for Ms. Janzen from Council.

Reeve Hickey asked three times if anyone present wished to speak in opposition of Bylaw 1449.

No one came forward.

Reeve Hickey asked if anyone present wished to speak in favour to Bylaw 1449.

Mr. Rick Auston, Executive Director of the Lethbridge Therapeutic Riding Association addressed Council and noted the following:

- When the arena collapsed, there were a couple of issues, for example, fire regulations. The arena could not be attached to the barn without a substantial increase in cost.
- It was decided to separate the building, which meant we had to go bigger. We belong to an organization called the Canadian Therapeutic Riding Association which has strict rules regarding therapeutic riding and we have to abide by their rules.
- We also considered the arena was built 47 years ago, was it still adequate for what we needed it to do in the future, and in our estimation it didn't. We wanted it wider, thereby better for cantering.
- The project expanded and it was decided to do build a very nice building that will be good for the next 50 years.
- It will be a very nice looking structure, first class, and a positive addition to the area.

Reeve Hickey asked three times if anyone else wished to speak in favour of Bylaw 1449.

No one came forward.

293/15	K. BENSON	MOVED that the Public Hearing for Bylaw #1449 close at 2:11 p.m.	CARRIED
294/15	T. WHITE	MOVED second reading of Bylaw #1449.	CARRIED
295/15	S. CAMPBELL	MOVED third reading of Bylaw #1449.	CARRIED

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Reeve

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Chief Administrative Officer

**E5. S.D. Application #2015-0-093 - W J Feeders Ltd. - SE 1/4 23-9-19-W4 and Access Road and Extra Canal ROW Plan 8011101 (N 1/2 Sec 14-9-19-W4)**

- 296/15 J. WILLMS MOVED that the Country Residential subdivision of SE1/4 23-9-19-W4M (Certificate of Title No. 091 154 331), to subdivide a 5.91-acre (2.39 ha) parcel from a title consisting of 125.24 acres (50.68 ha), for country residential use; BE APPROVED subject to the following:
- CONDITIONS:**
1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
  2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
  3. The final subdivision plan shall include and dedicate as road a 30 m wide strip (the west existing road area), from the west side of the reservoir spillway over to Highway 512 to the west, in order to legally open the road as municipal public roadway.
  4. That the necessary agreements between the County and SMRID pertaining to the taking over and dedication of the road from the SMRID be finalized to the County's satisfaction, prior to final endorsement of the subdivision.
  5. That the proposed 20m x 20m access right-of-way for the shared approach be provided by the applicant and registered concurrently with the subdivision.
- REASONS:**
1. The proposed subdivision complies with both the Municipal Development Plan and Land Use Bylaw.
  2. The proposed parcel is deemed to be the first subdivision from the quarter section and is determined to be suitable for the intended purpose.
  3. There are no concerns or objections, including Alberta Transportation and the SMRID, and with the conditions pertaining to the road, this will enable legal and physical access to be provided to the lot being subdivided. CARRIED

**IN-CAMERA**

**K1. Land Matter**

- 297/15 J. WILLMS MOVED that County Council authorize Administration to pursue the land matter based on the recommendation. CARRIED

**K2. Legal Matter**

- 298/15 T. WHITE MOVED that County Council authorize Administration to negotiate on the legal matter. CARRIED

Reeve Hickey recessed the meeting at 2:33 p.m.  
The meeting reconvened at 2:45 p.m.

**APPOINTMENTS**

**E6. S.D. Application #2015-0-095 - Van Giessen Growers Inc. - Lot 4, Block 1, Plan 0812961 within E 1/2 27-9-19-W4**

- 299/15 K. BENSON MOVED that the Country Residential subdivision of Lot 4, Block 1, Plan 0812961 within E1/2 27-9-19-W4M (Certificate of Title No. 081 215 618), to subdivide a 6.46 acre (2.61 ha) parcel from an agricultural title of 165.87 acres (67.126 ha), for country residential use; BE REFUSED for the following reasons:

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Reeve

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Chief Administrative Officer

**REASONS:**

The Subdivision Authority has determined this proposal has too many compliance issues and does not conform with a number of the County's subdivision policies and to Land Use Bylaw No. 1404 in the following areas:

1. The Subdivision Authority has determined the quarter-section is deemed to be previously subdivided. The yard area was originally located on northeast corner of the southeast quarter-section (SE 27-09-19-W4) and has been subdivided from that quarter-section. A previous land swap involving the adjacent feedlot subdivided this yard from the quarter-section and added it to the title for the NE quarter-section (NE 27-09-19-W4), while at the same time subdividing some land from the NE quarter-section and adding it to the title for the feedlot. The Subdivision Authority is of the opinion the proposal does not meet the intent and criteria of the County's subdivision policies and is therefore ineligible for subdivision.

2. The Subdivision Authority is not prepared to waive the applicable MDS of the Land Use Bylaw No. 1404 to an adjacent CFO as it still has an active permit for 3500 beef feeders. To approve this application would require a waiver of 123 m of the MDS, whereas an MDS of 483 m is required and an actual distance of 360 m exists to the closest dwelling.

3. The Subdivision Authority has determined the proposal does not conform to Land Use Bylaw No. 1404 regarding second residences on parcels less than 80 acres in size. The parcel as proposed will contain two dwellings if allowed to be subdivided, which may only be considered if the owners are employed in an agricultural pursuit for at least 6 months of the year.

4. The proposal does not comply with the subdivision criteria of the Land Use Bylaw No. 1404, as the actual developed area of the yard is under 2 acres but the proposal is including some undeveloped land behind the yard to the west. The Subdivision Authority does not see the merit in including this vacant agricultural land which does not contain any improvements. Land Use Bylaw No. 1404 stipulates that for titles over 3 acres in size, the area is to be limited to the physical improvements only as defined in the bylaw.

**MOTION DEFEATED**

300/15

J. WILLMS

MOVED that the Country Residential subdivision of Lot 4, Block 1, Plan 0812961 within E1/2 27-9-19-W4M (Certificate of Title No. 081 215 618), to subdivide a 6.46-acre (2.61 ha) parcel from an agricultural title of 165.87-acres (67.126 ha), for country residential use; BE APPROVED subject to the following:

**RESERVE:**

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the final surveyed parcel acres as approved at the market value of \$7,500.00 per acre with the actual acreage and amount to be paid to Lethbridge County be determined at the final stage, for Municipal Reserve purposes.

**CONDITIONS:**

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.

2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be

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 Reeve

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 Chief Administrative Officer



registered concurrently with the final plan against the title(s) being created.

3. That the final the parcel size approved is to be 2.0 acres plus the minimum area required to capture the existing septic system so it is within the confines of the property based on the existing yard improvements only.

4. The applicant must forfeit in writing to the NRCB and reduce the CFO permit rights to a livestock unit amount that would enable the closest dwelling to meet the applicable MDS of a minimum of 446 meters.

**REASONS:**

1. The Subdivision Authority has determined the proposal meets the intent and criteria of the County’s subdivision policies and is therefore eligible for subdivision, as a previous land swap involving the adjacent feedlot subdivided this yard from the SE 27-09-19-W4 and added it to the title for the NE 27-09-19-W4, while at the same time subdividing some land from the NE quarter-section and adding it to the title for the feedlot, so it is viewed as a boundary change between parcels.

2. The Subdivision Authority waived the MDS to an adjacent CFO on the basis both uses existed prior to 1998 and the first establishment of the MDS in the County’s bylaw with respect to policy 2(3), Part 7 of LUB No. 1404.

3. The Subdivision Authority is satisfied that the proposed subdivision is of an older established farmyard and is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.

**CARRIED**

**ADJOURNMENT**

301/15      T. WHITE      MOVED the meeting adjourn at 3:17 p.m.      CARRIED

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Reeve  
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Chief Administrative Officer