

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF LETHBRIDGE COUNTY HELD SEPTEMBER 17, 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
Director of Corporate Services	- T. Anderson
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 9:02 a.m.

AMENDMENTS TO THE AGENDA

Rick Robinson, Chief Administrative Officer and members of Council made the following additions to the September 17, 2015 agenda.

- G1. Development in Flood Prone Areas

381/15 K. BENSON MOVED that Council approve the agenda as amended.
CARRIED

IN-CAMERA APPOINTMENT

E1. Land Update

382/15 J. WILLMS MOVED that County Council go In-Camera at 9:03 a.m.
CARRIED

383/15 M. ZEINSTRAS MOVED that County Council come out of In-Camera at 9:58 a.m.
CARRIED

CONFIRMATION **B1. Confirmation of Minutes**

384/15 S. CAMPBELL MOVED that the September 3, 2015 Council Minutes be approved as presented.
CARRIED

APPOINTMENTS **E2. Introduction of Brittany Gerris – Communications Coordinator**

Larry Randle, Director of Community Services introduced Ms. Brittany Gerris, Lethbridge County's new Communications Coordinator to members of Council.

Ms. Gerris provided Council with a brief history of her education and employment. Council welcomed Ms. Gerris to Lethbridge County and wished her success in her position as Communications Coordinator.

Reeve

Chief Administrative Officer

- 385/15 J. WILLMS MOVED that Council receives item E1. Introduction of Brittany Gerris – Communications Coordinator for information.
CARRIED

MUNICIPAL SERVICES

F2. ASB South Region Conference - October 28, 2015 - Hosted by Special Areas 4 in Veteran, Alberta

- 386/15 T. WHITE MOVED that any member of Council wishing to attend the 2015 South Region Conference in Veteran, Alberta scheduled for October 28, 2015 be authorized to do so. CARRIED

F3. Agricultural Service Board Provincial Conference - January 18-21, 2016 – Fantasyland Hotel, Edmonton

- 387/15 H. DOEVE MOVED that any member of Council that wishes to attend the 2016 Agricultural Service Board Provincial Conference in Edmonton scheduled for January 18-21, 2016 be authorized to do so. CARRIED

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

COMMUNITY SERVICES

G1. Development in Flood Prone Areas

Chief Administrative Officer Rick Robinson reported that a meeting was held with the Town of Coaldale, MPE Engineering and Alberta Environment regarding Phase 2 of the Malloy Drain Storm Water Master Plan. He stated that the more proactive the Plan proponents are, the higher the score is regarding funding opportunities which address regional issues affecting them. The Town of Coaldale and Lethbridge County are encouraged to pass similar resolutions and identify areas where development should be discouraged in Lethbridge County and around Coaldale and surrounding areas due to flooding risk.

- 388/15 H. DOEVE MOVED that Lethbridge County endeavors to take the steps necessary to create a sustainable solution for storm water runoff in Lethbridge County and around Coaldale and surrounding area;
AND WHEREAS Lethbridge County endeavors to embark on storm water solutions that are environmentally sustainable;
AND WHEREAS Lethbridge County desires future growth and development in areas not deemed to be at risk of flooding; and conversely, to preserve areas suitable for wetland restoration and storm water purposes.
NOW THEREFORE BE IT RESOLVED that Council direct Administration to collaborate with the Town of Coaldale and relevant technical consultants to gather information required to create a draft policy framework that will guide the area or zones in which development, within both jurisdictions, will be discouraged. CARRIED

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

Reeve

Chief Administrative Officer

CORPORATE SERVICES**H1. Freedom of Information and Protection (FOIP) Training for Councillors and Senior Administration – November 13, 2015, Lethbridge County Administration Building**

- 389/15 J. WILLMS MOVED that County Council attends the FOIP Day 1: Introduction & Privacy session scheduled for Friday, November 13, 2015. The training will commence at 8:30 a.m. until 4:30 p.m. and if they are unable to attend the November 13st session they may attend an alternate date of September 18 or October 8, 2015. CARRIED

H2. Rate Comparison between Canmore, Waterton and Deerfoot Inn, Calgary for the 2016 Strategic Planning Session

- 390/15 M. ZEINSTRA MOVED that County Council selects the Coast Canmore Hotel and Conference Centre for the annual Strategic Planning Retreat scheduled for January 25 to 28, 2016. CARRIED

ADMINISTRATION**I1. Council Meeting Date Changes - October 15, 2015, November 19, 2015, and January 14, 2016**

- 391/15 S. CAMPBELL MOVED that County Council schedules the 2015 Organizational Meeting for October 15, 2015 commencing at 9:00 a.m., re-schedule the November 19, 2015 Council meeting to Monday, November 23, 2015, schedule the January 2016 Council meetings for January 14, 2016 commencing at 10:00 a.m. and re-schedule the March 17, 2016 Council meeting to Monday, March 21, 2016. CARRIED

I2. Subdivision & Development Appeal Board Members – Appointment of New Members

- 392/15 H. DOEVE MOVED that County Council direct Administration to set up interviews for the applicants for the SDAB, prior to appointing members to the Subdivision & Development Appeal Board, with a tentative interview date of the afternoon of October 15, 2015 during the Council meeting. CARRIED

Reeve Hickey recessed the meeting at 10:55 a.m.

The meeting reconvened at 11:04 a.m. with all members of Council present as previously stated with the exception of Councillor John Willms.

APPOINTMENTS**E3. PUBLIC HEARING Bylaw #1451 - Transmark Ltd. (Viterra) - Amendment to Land Use Bylaw - Rural Agriculture (RA) to Rural Grouped Industrial (RGI) – Ptn. of SW & NW 27-7-20-W4**

- 393/15 K. BENSON MOVED that the Public Hearing for Bylaw #1451 - Transmark Ltd. (Viterra) - Amendment to Land Use Bylaw - Rural Agriculture (RA) to Rural Grouped Industrial (RGI) – Ptn. Of SW & NW 27-7-20-W4 open at 11:05 a.m. CARRIED

Note: Councillor J. Willms present at 11:05 a.m.

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for Bylaw #1451.

Reeve

Chief Administrative Officer

Reeve Hickey welcomed the delegation to the meeting, the delegation consisted of:

D. Sherwood D. Degenstein

Reeve Hickey invited Larry Randle, Director of Community Services to give an overview of the application.

Mr. Randle stated the following:

- An application has been made by Transmark on behalf of Viterra to amend Land Use Bylaw 1404.
- The purpose of the amendment is to rezone a portion of SW and NW 27-7-20-W4 from Rural Agriculture (RA) to Rural General Industrial (RGI). The proposed re-designation is located along Township Road 7-4, in-between Highway 4 and Highway 845.
- It is the intent of the landowner to re-designate the subject lands which would allow for the subdivision of the subject lands and to use the lands for rail car storage.
- The parcel must be re-designated prior to subdivision in order to comply with the County's policies on subdivision of agricultural lands.
- The application was sent to other County Departments, concerns have been expressed regarding the application as it was not accompanied by an Area Structure Plan for the larger area.
- County Administration requested that an Area Structure Plan for the larger area accompany the proposed re-designation application, the applicant chose not to do so.
- In addition, the landowner (Viterra) was previously advised when they applied to re-designate and subdivide the UFA site (Bylaw 1437) that any subsequent development, subdivision or re-designation would require an Area Structure Plan for the remaining lands.
- This is an area of interest for future industrial growth given the existing uses (rail car facility, grain handling facility) and proximity to Highways 4 and 845.
- An Area Structure Plan would provide the necessary detail on the future use of the lands, opportunities and constraints on development, phasing for development, access (either highway or local road access), transportation considerations (i.e Canamex Highway), servicing of the site, and stormwater/drainage.
- The application has been sent to external agencies and no objections were received regarding the application.
- The application was also sent to the Oldman River Regional Services Commission (ORRSC) for review and comment, as the applicant did not provide an Area Structure Plan to support their proposal, ORRSC has recommended that the proposed re-designation be refused.
- A notice of the Public Hearing was sent to the adjacent residents and was also advertised in the August 25 and September 1 editions of the Sunny South News.
- The County received one phone call from an area resident who was concerned with the proposal, the resident indicated that they will be attending the public hearing and provide a submission for County Council's consideration.

Reeve Hickey asked if Council had any questions of Mr. Randle.

Reeve

Chief Administrative Officer

Council enquired if the recommendation is to refuse, do we refuse, or just not proceed?

Mr. Randle responded that if Council makes no motion, the bylaw sits in limbo. If Council requires additional information before a final decision is made, no recommendation is required but if Council wishes to not proceed with the bylaw supporting the recommendation is recommended.

Council stated that Administration requested an Area Structure Plan (ASP) that was for the whole area, not just the described 40 acres. However it has been brought to our attention that the 40 acres required does not really need an ASP because the development is proposed to stop some of the flows going in a direction we do not want them to go in. Correct?

Mr. Randle stated there is a risk in an area such as this, which is under scrutiny for potential further development and is not supported by an overall plan, including infrastructure, transportation and stormwater runoff. This development in and of itself may work at this time, but if future development occurs the County has the risk of managing four stormwater ponds rather than one if it were planned comprehensively at the onset of development. If the area were planned comprehensively in one engineered Area Structure Plan that would be ideal, and that is what the County is lacking at this point. In keeping with the direction of Council's Strategic Plan, an ASP would help to ensure that developers bear an appropriate level of risk and that any problems do not become a burden on the taxpayer.

Reeve Hickey asked if there were any further questions for Mr. Randle.

There were no further questions for Mr. Randle from Council.

Reeve Hickey asked if anyone present wished to speak in support of Bylaw 1451.

Mr. Dallas Sherwood of Transmark came forward and stated the following:

- In discussion with Viterra who I am here representing today, we did provide an overview of the Area Structure Plan that I have submitted. We have worked with Mike Spencer Geometrics, and have done some storm sewer planning and I have that with me if Council would like to see it.
- Viterra has no future plans to do anything with that land. Just very basic with more rail storage / track space. There is no plan to change the flow of the land, just adding more tracks and a little bit of surface change with the water being directed to the settling ponds that we had planned there.
- There is no traffic coming in and nothing changing in that area, just an addition to the railway tracks that are there already.
- We can't control what CP does on the main line, but other than that it is just a very simple addition to what we are doing out there currently.

Reeve Hickey thanked Mr. Sherwood for his presentation and asked if Council had any questions of him.

Council enquired regarding other businesses in that area that maybe do not want to comply with the Area Structure Plan. The flows are not going to change with this development and it appears the tracks will hold the flow back a bit even more than if it were not developed further. Is that correct?

Mr. Sherwood replied that yes that is correct, it would change the flow to hold it back more and there is the track going into Viterra now which acts as a barrier to Highway 845. Development would enhance what is currently there.

Reeve

Chief Administrative Officer

Reeve Hickey asked if there were any more questions for Mr. Sherwood.

There were no more questions from Council for Mr. Sherwood.

Reeve Hickey asked three times if anyone else wished to speak in favour of Bylaw 1451.

No one came forward.

Reeve Hickey asked if anyone present wished to speak in opposition to Bylaw 1451.

Mr. Doran Degenstein came forward and stated the following:

- I have been a resident in the proposed area since 2007.
- Council already has a large amount of information before them, so I would like to reiterate that a number of things have happened that have moved this application beyond the original intention of being a grain handling facility. The application can be now moved into industrial applications.
- I have expressed my concerns to County administration and to you Mr. Chairman.
- My concern remains that the County has an opportunity to develop a cohesive plan for industrial development along the Canamex corridor and it is not just about Transmark but a whole bunch of potential other things that can happen in this area.
- My concern is; how do we deal with the smaller residential agricultural guy like me, who was there before these industrial changes that have happened and are affecting me?
- When we talk about the spur line being the control of the flow, it is not a fair assessment because simply to increase the flow you increase the traffic and that is what has happened in the last five years; 1200 trains a year according to CPR, that is a lot of traffic.
- What kind of affect does this increased traffic have? As members of this community we need to know what those affects can be. Even establishing a 40 acre rail yard, it is the change in the landscape that is going to affect drainage. Tracking gravel won't drain like farm land.
- Mirroring what your own administration is saying, further study is needed. The County, to my understanding, has the ability to enact railway bylaws that govern future direction in regards to railway activity. Perhaps that is something that should be investigated.
- Thank you for listening to my comments today.

Reeve Hickey asked if there were any questions of Mr. Degenstein.

Council enquired if 165 trains per year was the correct number of trains, when Mr. Degenstein moved into his property in 2007?

Mr. Degenstein stated that is was somewhere less than 200 trains.

Council enquired if CP provided the information that there are currently 1200 trains per year?

Mr. Degenstein answered that, according to a publication from Canada Border Service Agency, 667 trains were processed in 2012, going north on that line as they have nowhere else to go. CPR last week stated an averaging was 4 trains per day, and a lot of that activity is at night. To meet the capacity requirements of Transmark facility, which is doubling in size, when will this activity take place?

Reeve

Chief Administrative Officer

The main line has to be kept open to a degree and at the same time, there still has to be some opportunities to divert traffic on to the spur line to Transmark and to Viterra and I think there is an obligation to mitigate that the best we can. It is hard to stand in the way of economic progress, but we have a diligence to do all the checks and balances we can. The entire activity is alluded to in my submission. It is about much more than just the 40 acres in the proposal.

Mr. Randle indicated on the map where Mr. Degenstein lives in relation to the proposed development.

Reeve Hickey asked three times if anyone else wished to speak in favour or opposition to Bylaw 1451.

No one came forward.

Reeve Hickey enquired if Council had any further questions.

There were no further questions from Council.

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| 394/15 | T. WHITE | MOVED that the Public Hearing for Bylaw #1451 close at 11:25 a.m. CARRIED |
| 395/15 | T. WHITE | MOVED that County Council refuse second and third reading of Bylaw 1451 as no Area Structure Plan was provided to support the redesignation. MOTION DEFEATED |
| 396/15 | H. DOEVE | MOVED that County Council approve second reading of Bylaw 1451 and prior to going to third reading propose that further information be provided by the applicant, such as an Area Structure Plan. CARRIED |
| 397/15 | M. ZEINSTRA | MOVED the meeting recess for lunch at 12:10 p.m. CARRIED |

The meeting reconvened at 1:40 p.m. with all members of Council present as previously stated.

APPOINTMENTS **E4a. SD Application 2015-0-126 - Nancy Van den Broek - Lot 1, Block 1, Plan 8910304 within NW 1/2 32-8-20-W4**

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| 398/15 | H. DOEVE | <p>MOVED that the Grouped Country Residential subdivision of Lot 1, Block 1, Plan 8910304 within NW1/2 32-8-20-W4M (Certificate of Title No. 141 158 722), to split a grouped country residential title of 6.33 acres (2.56 ha) into two titles, being 3.83 acres (1.55 ha) and 2.50 acres (1.01 ha) respectively in size; <u>BE APPROVED</u> subject to the following:</p> <p>CONDITIONS:</p> <ol style="list-style-type: none"> 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 meets the conditions of Alberta Transportation including the provision of a 20 m wide service road right-of-way perpendicular to and across the highway frontage of the parcel to be created and the remnant land by plan of survey. This shall be reflected on the final subdivision plan submitted for final endorsement. |
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Reeve

Chief Administrative Officer

4. That the applicant provides at their expense a professional soils analysis by an accredited agency or engineer to ensure suitability for a private on-site septic treatment system for the new 2.50 acre parcel being created.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.

2. The Subdivision Authority is satisfied that the proposed subdivision of a parcel designated as grouped county residential use is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.

3. The proposal meets the criteria of Lethbridge County's Land Use Bylaw and in regards to the subdivision of grouped county residential designated land.

4. Alberta Transportation has no concerns and has granted an approval, and waiver of Sections 14 and 15(2) of the Regulation, pending the provision of the service road right-of-way.

5. No objections have been received regarding the application and the SMRID has no concerns with the proposal. CARRIED

E4b. SD Application 2015-129 - Lethbridge County - Lot 3, Block 1, Plan 0610256 within NE 1/4 25-10-22-W4

399/15

T. WHITE

MOVED that the Industrial/Public-Institutional subdivision of Lot 3, Block 1, Plan 0610256 within NE1/4 25-10-22-W4M (Certificate of Title No. 061 031 812+1), to subdivide a 2.27 acre (0.918) title owned by Lethbridge County and create two 0.59 acre (0.24 ha) parcels, a 0.15 acre (0.06 ha) PUL, and a 0.96 acre (0.39 ha) remainder title, for both hamlet industrial and public institutional use; BE APPROVED subject to the following:

CONDITIONS:

1. That a final surveyed subdivision plan as prepared by an Alberta Land Surveyor that certifies the exact location and dimensions of the parcel(s) being subdivided be submitted for final endorsement.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.

2. With the provision of services from the Hamlet of Shaughnessy, the Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.

3. No objections have been received regarding the application and Alberta Transportation has granted an approval.

4. The proposal meets the criteria of Lethbridge County's Land Use Bylaw and in regards to the subdivision of land for both industrial and public institutional use. CARRIED

E4c. SD Application 2015-0-130 - Diamond City Feeders Ltd. / Joannes & Elisabeth Groten - Lot 3, Block 1, Plan 0812865 and Lot 2, Block 1, Plan 0812864 within NE 1/4 5-10-21-W4

400/15

T. WHITE

MOVED that the Agricultural subdivision of Lot 3, Block 1, Plan 0812865 & Lot 2, Block 1, Plan 0812864 in the NE1/4 5-10-21-W4M (Certificate of Title No. 081 208 435, 131 075 073), to

Reeve

Chief Administrative Officer

reconfigure two adjacent titles by subdividing 5.29 acres from a 39.04 acre parcel and consolidating it to an adjacent parcel to create a 39.88 acre parcel for agricultural 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 provides a plan of survey as prepared by an Alberta Land Surveyor illustrating the area and dimensions of the parcels and the resulting consolidation.
4. That the 5.29 acre portion of land exchanged between the two parcels and the resulting titles be consolidated and registered by plan by an Alberta Land Surveyor in a manner such that the resulting title(s) cannot be further subdivided without approval of the Subdivision Authority.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Approval Authority of Lethbridge County has determined the proposed subdivision is a reconfiguration of titles and meets the subdivision criteria of the Land Use Bylaw, with no resulting increase in title density.
3. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.

CARRIED

MUNICIPAL SERVICES

F1. Bridge Workshop with Council – Potential Meeting Dates

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| 401/15 | S. CAMPBELL | MOVED that County Council approves the date of October 22, 1:30 p.m. for a half day Bridge Workshop with members of Council, Administration and Volker Stevin, to be held at the County Administration Building. | CARRIED |
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INVITATIONS

J1. Lethbridge Rural Innovation Forum – September 25, 2015 – Agricultural Research Centre

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| 402/15 | K. BENSON | MOVED that any member of Council wishing to attend the Lethbridge Rural Innovation Forum scheduled for September 25, 2015 at the Agricultural Research Centre be authorized to do so. | CARRIED |
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IN-CAMERA APPOINTMENT

E1. Land Update

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| 403/15 | H. DOEVE | MOVED that County Council chooses the date of October 22, 2015 at 9:00 a.m. to hold a workshop regarding the Land Update. | CARRIED |
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Reeve Hickey recessed the meeting at 2:21 p.m.

Reeve

Chief Administrative Officer

The meeting reconvened at 2:30 p.m. with all members of Council present as previously stated.

APPOINTMENTS **E5. Wayne King, President and Bert Lapointe, Director - 702 (RCAF) Lethbridge Wing Air Force Association of Canada Re: Land Lease Renewal Document YQL-397 attach to Lease YQL-349 174 Stubb Ross Rd.**

Reeve Hickey welcomed Wayne King, President and Bert Lapointe, Director, 702 (RCAF) Lethbridge Wing Air Force Association of Canada to the meeting at 2:30 p.m. Council introduced themselves to the delegation. A discussion was held regarding Land Lease Renewal Document YQL-397 attach to Lease YQL-349 for 174 Stubb Ross Road.

404/15	H. DOEVE	MOVED that Council directs Administration to grant 702 Wing a 10 year lease at \$1.186 per meter effective April 1, 2016 regarding Land Lease Renewal Document YQL-397 attach to Lease YQL-349 for 174 Stubb Ross Road.	CARRIED
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ADJOURNMENT

405/15	M. ZEINSTRA	MOVED the meeting adjourn at 2:56 p.m.	CARRIED
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Reeve

Chief Administrative Officer