

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF LETHBRIDGE COUNTY HELD JUNE 1, 2016 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 (Present at 10:00 a.m.)
Division No. 4	- K. Benson
Division No. 5	- S. Campbell
Division No. 7	- M. Zeinstra

ABSENT:

Division No. 6	- T. White
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ADMINISTRATION PRESENT:

Chief Administrative Officer	- R. Robinson
Director of Municipal Services	- R. Bacon
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 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 1, 2016 agenda.

- J2. Consul-General of Japan Re: Welcome Reception – June 24, 2016
- K2. Land Matter

263/16	K. BENSON	MOVED that Council approve the agenda as amended.	CARRIED
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IN-CAMERA **K2. Land Matter**

264/16	S. CAMPBELL	MOVED that County Council go In-Camera at 9:37 a.m.	CARRIED
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Note: J. Willms present at 10:00 a.m.

265/16	M. ZEINSTRA	MOVED that County Council come out of In-Camera at 10:19 a.m.	CARRIED
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266/16	M. ZEINSTRA	MOVED that item K2. Land Matter be received for information.	CARRIED
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APPOINTMENTS **E1. NRCB – Andy Cumming, Director & Kevin Seward, Senior Field Services Officer**

Reeve Hickey welcomed Mr. Andy Cumming, Director and Mr. Kevin Seward, Senior Field Services Officer from the NRCB to the meeting at 10:22 a.m. Council introduced themselves to the delegation.

Mr. Cumming and Mr. Seward provided Council with a PowerPoint presentation regarding the NRCB application processes, notification – completed application,

Reeve

Chief Administrative Officer

permit decisions, application statistics, board reviews, role of inspectors, enforcement principles, complaint statistics and working with municipalities.

Reeve Hickey thanked Mr. Cumming and Mr. Seward for attending the meeting. The delegation departed at 10:58 a.m.

- 267/16 S. CAMPBELL MOVED that Council receive the presentation by Andy Cumming, Director and Kevin Seward, Senior Field Services Officer, NRCB for information. CARRIED
- 268/16 H. DOEVE MOVED that Bylaw 1456 - Public Hearing (Prairie Cedar Building Materials) - Amendment to Land Use Bylaw - Direct Control, Lot 2, Block 2, Plan 0210532 Municipal: 221078 Twp. Rd. 9-2 be placed back on the table at 11:00 a.m. CARRIED

E2. Bylaw 1456 – Public Hearing (Prairie Cedar Building Materials) - Amendment to Land Use Bylaw - Direct Control, Lot 2, Block 2, Plan 0210532 Municipal: 221078 Twp Rd. 9-2

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

V. Hales	G. Boycuk	P. Fiorino
P. Zmurchyk	T. Watmough	J. Marti
L. Chell	A. Chell	

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for Bylaw #1456 and that this is a continuation of the Public Hearing from the May 3, 2016 Council meeting.

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 1614560 Alberta Ltd. (Western Red Cedar Building Materials) to amend Land Use Bylaw 1404.
- The purpose of the amendment is to re-designate a 24 acre portion of Plan 0210532, Block 2, Lot 2 from Lethbridge Urban Fringe (LUF) to Direct Control (DC).
- The proposed re-designation is located along Highway 25 at the intersection of Township Road 9-2 and is approximately 0.85 miles north of the City of Lethbridge boundary.
- On March 3, 2016, the Public Hearing was opened and Administration recommended to Council to table the Public Hearing to allow the City and County Intermunicipal Development Committees the opportunity to meet to discuss the City's concerns with the application.
- The City was concerned with the creation of a mini-business park within a mile of the City's boundary and the increased traffic that the proposed development may have on Highway 25.
- County Council heard from the applicant and members of the public in attendance and subsequently tabled the meeting to April 21, 2016.
- The Intermunicipal Development Committee met on March 9, 2016 to discuss the application and to discuss any solutions that would address the City's concerns with the proposed rezoning application. At that meeting, the City and County agreed that the application could move forward with the following amendments and considerations:
 1. The applicant reduces the proposal to one lot instead of the proposed three lots.
 2. The applicant amend the Direct Control to only allow the following

Reeve

Chief Administrative Officer

uses:

- a) Lumber yard and building supply store
- b) Accessory buildings/structure to an approved use
- c) Signs – Type 1 and 2 (in accordance with Part 5 of the Land Use Bylaw)
- d) Extensive agriculture

3. The applicant is to complete a Traffic Impact Assessment (TIA) prior to second reading of the Bylaw.

- County Administration met with the applicant on March 14, 2016 and discussed the requested changes to the Direct Control zoning.
- The applicant has agreed to those amendments and has contacted MPE engineering to complete the TIA.
- Prior to the TIA being initiated, they are waiting for the completion of the TIA for the Coalhurst Southeast Access Collector Road which will form their own TIA.
- The applicant is still waiting for the Coalhurst Southeast Access Collector Road TIA to be completed and expect information will be available by the June 16, 2016 Council meeting.
- County Administration has received an updated letter from the Town of Coalhurst regarding Bylaw 1456 indicating that they are still opposed to the proposed amendment from Lethbridge Urban Fringe to Direct Control.

Ms. Janzen noted that the applicant is requesting that the Public Hearing be tabled until the June 16, 2016 Council meeting as they are awaiting the Traffic Impact Assessment report information.

Reeve Hickey asked if there were any questions of Council for Ms. Janzen. Council enquired about the re-advertising process. Ms. Janzen noted that if Council gives a special time and date to continue the Public Hearing, the Public Hearing does not have to be re-advertised. The reason for re-advertising this Public Hearing was because the date of the Council meeting had changed.

Council enquired if there is a limit to how many times a Public Hearing can be tabled. Ms. Janzen replied, no. Council can make a decision on the Public Hearing if they felt there is enough information.

Council questioned whether the Town of Coalhurst Traffic Impact Assessment (TIA) was complete yet. Ms. Janzen indicated not that she was aware and that the Town has had some issues obtaining some of the information. Ms. Janzen further noted that Lethbridge County will most likely receive a letter from the Town indicating that the TIA is complete.

Mr. Josh Marti addressed Council and noted that he is representing the applicant. Mr. Marti noted that they should have the TIA by the end of the week.

Council asked as to who requested that the Public Hearing to be tabled to the June 16, 2016 council meeting? Ms. Janzen noted that at the time of writing of the report it was the applicant.

269/16

H. DOEVE MOVED that County Council tables the public hearing for Bylaw 1456 – Prairie Cedar - Amendment to the Land Use Bylaw from Lethbridge Urban Fringe (LUF) to Direct Control (DC) for a portion of Plan 0210532, Block 2, Lot 2 (SW 14-9-22-W4) until June 16, 2016 at 11:00 a.m. CARRIED

Reeve Hickey thanked the delegation for attending the meeting. The delegation retired at 11:15 a.m.

Reeve

Chief Administrative Officer

COMMUNITY SERVICES**G1. Bylaw 1461 - Stafford Development Corp - Area Structure Plan - Lot 4, Block 1, Plan 1014119 & Ptn of NE 14-9-19-W4 – 1st Reading**

270/16 M. ZEINSTRA MOVED first reading of Bylaw 1461. MOTION DEFEATED

G2. Bylaw 1462 - Stafford Development Corp - Amendment to the Land Use Bylaw From Rural Agriculture to Grouped Country Residential - Lot 4, Block 1, Plan 1014119 & Ptn. of NE 14-9-19-W4 – 1st Reading

271/16 H. DOEVE MOVED first reading of Bylaw 1462. MOTION DEFEATED

G3. Bylaw 1470 – Hayley & William Scott – Amendment to Land Use Bylaw From Recreational/Agriculture (RA) To Rural Recreational (RR) (Small Riding Arena), Lot 1, Plan 9512071, Ptn. of SE 4-10-19-W4 / Municipal 10004 RR 19-3 – 1st Reading

272/16 S. CAMPBELL MOVED first reading of Bylaw 1470. CARRIED

G4. Silent Advisor Radar Speed Trailer & Data Tool Purchase

Item to be discussed later in the meeting when the Supervisor of Public Works will be present.

G5. County of Lethbridge Community Learning Council Re: Varley Grant Fund Application

273/16 H. DOEVE MOVED that Lethbridge County partners with the County of Lethbridge Community Learning Council in support of their grant application to the Community Foundation for the purpose of creating health-related videos to be produced in Low German language. CARRIED

CONFIRMATION B1. Confirmation of Minutes

274/16 H. DOEVE MOVED that the May 19, 2016 Council Minutes be approved as amended. CARRIED

May 19, 2016 minutes currently read:

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

May 19, 2016 minutes should read:

Deputy Reeve Doeve welcomed the delegation to the meeting. The delegation consisted of:

275/16 M. ZEINSTRA MOVED the meeting recess for lunch at 11:59 a.m. CARRIED

The meeting reconvened at 1:31 p.m. with all members of Council present as previously stated.

APPOINTMENT E3(a). Subdivision Application #2016-0-044 – Gerald & Alison Nikkel – Plan 7642FW, Block 8 within NE ¼ 3-9-20-W4

276/16 M. ZEINSTRA MOVED that the country residential subdivision of Plan 7642FW, Block 8 within NE1/4 3-9-20-W4M (Certificate of Title No. 991 363 799), to split a title of 18.81 acres (8.24 ha) into two titles, being 7.72 and 10.60 acres (3.12 and 4.92 ha)

Reeve

Chief Administrative Officer

respectively in size 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 deferred by caveat for the amount of the 18.81 acres and registered on both titles in the 10% amount applicable to each title, with the actual acreage amount to be provided 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 final subdivision plan as prepared by an Alberta Land Surveyor shall include the provision of approximately 10.06 m extra road widening (0.49 acres) provided parallel to the west perimeter of the landowners title, to align and match the road widening to the south.
4. That the applicant has a professional soils analysis completed for the new 10.6 acre parcel to demonstrate suitability of a private on-site septic treatment system on the land, or this may be deferred to a future development stage which may be specified in the Development Agreement.

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 is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority has determined the application meets the criteria of Lethbridge County's Land Use Bylaw in regards to the subdivision of existing small titles less than 20.0 acres in size.
4. The Town of Coaldale did not object to the proposal which is located within the IDP boundary with the Town and is of the opinion that it provides an opportunity to help work towards a solution to stopping the current use of the land. The Subdivision Authority has determined that given this proposal is a resplit of a title 20 acres or less in size, it is not inconsistent with any IDP policies for this area.
5. The proposed subdivision is consistent with the Area Structure Plan Bylaw No. 1305 (Spruce Meadow Estates) that contains a shadow/overlay plan and future road network applicable to this area.

CARRIED

E3(b). Subdivision Application #2016-0-054 – Jasper Van Ginkel & Jeanne Procee – Plan 081850, Block 1, Lot 1 within the NW ¼ 10-11-28-W4

2777/16

H. DOEVE

MOVED that the country residential subdivision of Plan 0811850, Block 1, Lot 1 within the NW1/4 10-11-28-W4M (Certificate of Title No.131 195 262), to subdivide a title containing 63.63 acres (25.76 ha) and create three country residential parcels, 6.07, 6.42 and 6.69 acres (2.46, 2.60 and

Reeve

Chief Administrative Officer

2.71 ha) respectively in size, and a residual 44.45 acre (17.99 ha) parcel, for storm water management and 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 19.18 acres at the market value of \$2,500 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. This agreement may make reference to approaches needed, future individual soil tests that may be required on each lot, and specify minimum development setback lines to Stud Horse Lake, amongst other matters as determined necessary.
3. That the applicant submits a surveyors sketch and plan as prepared by an Alberta Land Surveyor that certifies the exact location of any improvements on the land and the dimensions and sizes of the parcel(s) being subdivided.
4. That the applicant shall dedicate to Lethbridge County the low lying area (Stud Horse Lake) as shown on the tentative subdivision plan as the remainder of title, approximately 44.45 acres in size, for the protection and preservation as a storm water drainage area as either a PUL, ER (environmental reserve), or alternatively as a registered environmental reserve easement, as determined suitable and to the satisfaction of the Subdivision Authority, to address the policies of the IDP. This shall be reflected on the final plan of subdivision as prepared by the Alberta Land Surveyor.
5. That the applicant provides a copy of a restrictive covenant for a building scheme to be registered on title, to ensure minimum development setback lines to Stud Horse Lake are adhered to, identify building envelopes, and to provide individual lot septic sewage system restrictions, to the satisfaction of the Subdivision Authority as determined necessary.
6. That any easement(s) as required by utility companies or the municipality shall be established.

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 is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority is satisfied that the geotechnical report, drainage and soils analysis as prepared for the proposal by the applicant's engineer, supports the suitability of the proposed subdivision and meets the requirements of the Intermunicipal Development Plan (IDP) with the Village of Nobleford.

Reeve

Chief Administrative Officer

4. The Village of Nobleford did not object to the proposal which is located within the IDP boundary with the Village, and the Subdivision Authority has determined the proposal is consistent with the IDP policies applicable for this area.

5. The Subdivision Authority has placed specific conditions on the tentative approval to address policy requirements of the IDP with the Village of Nobleford. CARRIED

E3(c). Subdivision Application #2016-0-064 – Gary Neher, Fay Colleen Neher, Diamond City Feeders Ltd. NE ¼ 5-10-21-W4

278/16

K. BENSON

MOVED that the agriculture and country residential subdivision of NE1/4 5-10-21-W4M (Certificate of Title No. 167 087 285+1, 111 138 717, 901 156 869), to reconfigure the boundaries and sizes of three (3) adjacent parcels, presently 32.90, 21.64 and 33.70 acres in size, and create three (3) adjusted titles, 8.80, 20.17, and 58.26 acres (3.56, 7.16 and 23.58 ha) respectively in size, for agriculture and 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 submits a subdivision plan as prepared by an Alberta Land Surveyor that certifies the exact location and dimensions of the parcels being subdivided and consolidated.

4. That the titles and portions of land to be subdivided and consolidated to reconfigure the boundaries and sizes of the three (3) adjacent parcels be done by a plan prepared by a certified Alberta Land Surveyor in a manner such that the resulting title cannot be further subdivided without approval of the Subdivision Authority.

5. That any conditions or requirements of Alberta Environment and Parks, and in particular addressing any request for confirmation of the bed and shore location of the Old Man River if required, shall be provided prior to final endorsement.

6. That the existing access easements for property owners shall remain as registered on title(s) to enable land owners to continue to use the historical private road access.

7. That the applicant is responsible to meet any conditions or requirements of the Historical Resourced Administrator, which is to be confirmed prior to 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. The Subdivision Authority is satisfied that in consideration of the flood elevation mapping and other information provided, the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.

Reeve

Chief Administrative Officer

3. The Subdivision Approval Authority of Lethbridge County has determined the proposed subdivision is a reconfiguration of existing titles and meets the subdivision criteria of the Land Use Bylaw, with no resulting increase in title density. CARRIED

COMMUNITY SERVICES

G4. Silent Advisor Radar Speed Trailer & Data Tool Purchase

279/16 J. WILLMS MOVED that County Council approves the purchase of a Silent Radar Speed Trailer to be funded equally from the Public Works Safety Reserve and the Emergency Services Operational Reserve for a total purchase price of \$10,000.

MOTION DEFEATED

MUNICIPAL SERVICES

F2. Request for Dust Control Twp. Road 8-2: Le Barons Car Club (Lethbridge Airport)

Note: K. Benson departed at 3:07 p.m.

280/16 H. DOEVE MOVED that Council authorizes Administration to provide a water truck for dust control on Township Road 8-2 from Highway 5 approximately 1,100 meters west for the Le Barons Car Club (Lethbridge Airport). Funds to be utilized from Councillor Discretionary Reserve. CARRIED

F1. Policy 353 – Pipeline and Canal Crossings

281/16 H. DOEVE MOVED that Council approves the proposed revisions and consolidation of Lethbridge County Policies 320, 322, 323, and 324 and to create “Policy 353 – Pipeline and Canal Crossings”, and further to eliminate “Policy 320 – Any Type of Pipeline in County Rights-of-Way”, “Policy 322 – Irrigation Crossing”, “Policy 323 – Energy Pipeline Crossings”, and “Policy 324 – Water Line Crossings on Road Allowances”, and further to approve the revised Drawing No. 323-05A to reflect the proposed changes to the policy as amended. CARRIED

282/16 J. WILLMS MOVED that item I1. AAMDC Member Visit – June 14, 2016 be brought back to the table. CARRIED

ADMINISTRATION

I1. AAMDC Member Visit – June 14, 2016

283/16 H. DOEVE MOVED that Lethbridge County pay for all the expenses of the entire AAMDC Board for their member visit on June 14, 2016 to Lethbridge County. Funding to be utilized from Councillor Discretionary Reserve. CARRIED

INVITATIONS

J1. 2016 Southern Alberta Summer Games – Lethbridge July 6-9, 2016 - Invite

284/16 H. DOEVE MOVED that County Council authorize the Deputy Reeve to attend the 2016 Southern Alberta Games Opening Ceremonies and Dignitary Reception scheduled for July 6-9, 2016 in Galt Gardens and Telegraph Taphouse. CARRIED

Reeve

Chief Administrative Officer

J2. Consul-General of Japan Re: Welcome Reception – June 24, 2016

285/16 M. ZEINSTRA MOVED that County Council authorize the Reeve and Councillor Morris Zeinstra to attend the Welcome Reception scheduled for Friday, June 24, 2016 in Calgary at the Official Residence of the Consul-General of Japan. CARRIED

IN-CAMERA**J1. Land Issue**

286/16 S. CAMPBELL MOVED that Council go in-camera at 3:40 p.m. CARRIED

Note: K. Benson present at 3:52 p.m.

287/16 M. ZEINSTRA MOVED that Council come out of in-camera at 3:58 p.m. CARRIED

288/16 H. DOEVE MOVED that County Council direct Administration to proceed with the communications as discussed. CARRIED

ADJOURNMENT

289/16 M. ZEINSTRA MOVED the meeting adjourn at 4:00 p.m. CARRIED

Reeve

Chief Administrative Officer