

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF LETHBRIDGE COUNTY HELD NOVEMBER 3, 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
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. Place
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 9:36 a.m.

Note: S. Ashbee, Sunny South News present at 9:36 a.m.

AMENDMENTS TO THE AGENDA

Rick Robinson, Chief Administrative Officer and members of Council made the following additions and deletions to the November 3, 2016 agenda.

- G5. Letter of Support for API Labs for Health Canada
- G6. Picture Butte – Self-Contained Breathing Apparatus (SCBA)

556/16 J. WILLMS MOVED that Council approve the agenda as amended. CARRIED

CONFIRMATION B1. Confirmation of Organizational Meeting Minutes

557/16 K. BENSON MOVED that the October 20, 2016 Organizational Council Meeting Minutes be approved as presented. CARRIED

B2. Confirmation of Council Minutes

558/16 S. CAMPBELL MOVED that the October 20, 2016 Council Minutes be approved as presented. CARRIED

REPORTS D1. Sr. Planner/Development Officer – 3rd Quarter Report

559/16 K. BENSON MOVED that item D1. Sr. Planner/Development Officer – 3rd Quarter report be received for information. CARRIED

APPOINTMENTS E1. Introduction of Maria Zavala, HR Coordinator – 11 Month Term

Acting Director of Corporate Services Jennifer Place introduced Ms. Maria Zavala, who will be filling the role of HR Coordinator for an 11 month term. Ms. Zavala provided a brief history of her professional and educational background.

Reeve

Chief Administrative Officer

Council welcomed Ms. Zavala to Lethbridge County and wished her success on her term.

560/16 J. WILLMS MOVED that item E1. Introduction of Maria Zavala, HR Coordinator – 11 Month Term be received for information.
CARRIED

MUNICIPAL SERVICES

F1. Bylaw 1432 – Felgar Farming Road Closure, Sale & Consolidation

561/16 J. WILLMS MOVED second reading of Bylaw 1432. CARRIED

562/16 T. WHITE MOVED third reading of Bylaw #1432, and hereby closes the following described road, subject to rights of access granted by other legislation, pertaining to:

“THAT PORTION OF GOVERNMENT ROAD ALLOWANCE LYING BETWEEN SW-27-7-21-4 AND NW-22-7-21-4 FORMING PART OF LOT 1, BLOCK 3, DESCRIPTIVE PLAN ____ (SURVEYORS FILE 14-12206E) CONTAINING 0.266 HECTARES (0.66 ACRES) MORE OR LESS, EXCEPTING THEREOUT ALL MINES AND MINERALS.”

“THAT PORTION OF GOVERNMENT ROAD ALLOWANCE AND ROAD PLAN 3545 EZ CONTAINED WITHIN AREA ‘A’ ON PLAN ____ (SURVEYORS FILE 14-12206A) CONTAINING 1.177 HECTARES (2.91 ACRES) MORE OR LESS, EXCEPTING THEREOUT ALL MINES AND MINERALS.”

“THAT PORTION OF GOVERNMENT ROAD ALLOWANCE, ROAD PLAN 3545 EZ AND ROAD PLAN 8610005 CONTAINED WITHIN AREA ‘B’ ON PLAN ____ (SURVEYORS FILE 14-12206A) CONTAINING 1.962 HECTARES (4.85 ACRES) MORE OR LESS, EXCEPTING THEREOUT ALL MINES AND MINERALS.”

“THAT PORTION OF GOVERNMENT ROAD ALLOWANCE AND ROAD PLAN 3545 EZ CONTAINED WITHIN AREA ‘C’ ON PLAN ____ (SURVEYORS FILE 14-12206A) CONTAINING 2.261 HECTARES (5.59 ACRES) MORE OR LESS, EXCEPTING THEREOUT ALL MINES AND MINERALS.”

CARRIED

COMMUNITY SERVICES

G1. Bylaw 1479 – Councillors’ Code of Conduct – 2nd & 3rd Reading

563/16 M. ZEINSTRA MOVED that item G1. Bylaw 1479 – Councillors’ Code of Conduct – 2nd & 3rd reading be tabled until further clarity is received on the bylaw. CARRIED

G3. Land Use Bylaw – Workshop Dates

564/16 T. WHITE MOVED that Council choses the date of November 30, 2016 for a Land Use Bylaw Review Workshop. Workshop to commence at 1:00 p.m. at the Lethbridge County Administration Building. CARRIED

G4. Potential February 2017 Trip to Anyang County, China

565/16 K. BENSON MOVED received for information. CARRIED

Reeve

Chief Administrative Officer

566/16 H. DOEVE MOVED that the representative to make a presentation to Council on international relationships at the November 21, 2016 Council meeting. Presentation to be limited to 30 minutes.
CARRIED

APPOINTMENTS **E2. PUBLIC HEARING – Bylaw 1476 - Enerclean Thomson (Hypervac Technologies Development) - Area Structure Plan for Lot 2, Block 1, Plan 0812940 and Lot 3, Block 1, Plan 1512847 in a portion of SW 1-9-21-W4 and Bylaw 1477 Amendment to Land Use Bylaw - Grouped Country Residential - Lot 2, Block 1, Plan 0812940 in SW 1/4 1-9-21-W4**

567/16 M. ZEINSTRA MOVED that the Public Hearing for Bylaw 1476 - Enerclean Thomson (Hypervac Technologies Development) - Area Structure Plan for Lot 2, Block 1, Plan 0812940 and Lot 3, Block 1, Plan 1512847 in a portion of SW 1-9-21-W4 and Bylaw 1477 Amendment to Land Use Bylaw - Grouped Country Residential - Lot 2, Block 1, Plan 0812940 in SW 1/4 1-9-21-W4 open at 11:02 a.m.
CARRIED

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

S. Schnitzerliak
J. Thomson

M. VanDerKooi
M. Redgrave

A. VanDerKooi
E. Martin

Reeve Hickey declared that the public hearing is being held pursuant to the Municipal Government Act as amended for Bylaw #1474.

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

- An Area Structure Plan (Bylaw 1476) and Land Use Bylaw Amendment (Bylaw 1477) have been prepared by Martin Geomatic Consultants Ltd on behalf of Hypervac Technologies.
- The parcels included are Lot 2, Block 1, Plan 0812940 and Lot 3, Block 1, Plan 1512847.
- The proposed Area Structure Plan and re-designation are located along Range Road 21-1 between Highways 3 and 512.
- The area is adjacent to existing country residential parcels to the north, south and east and to the west is a church.
- It is the intent of the landowner to subdivide Lot 2, Block 1 Plan 0812940 (13.31 acre parcel) into three parcels for country residential purposes.
- The proposed Area Structure Plan provides for the orderly development of the properties and addresses subdivision, access, and stormwater management to the satisfaction of the County and meets the requirements as set out in the Lethbridge County Municipal Development Plan Section 6.2.1.
- The parcels proposed in the Area Structure Plan and Land Use Bylaw amendment are fragmented and are considered poor agricultural lands.
- As such the use of the properties for Country Residential purposes has been determined to be a suitable use for the lands and is compatible with the existing adjacent land uses.
- The purpose of the Land Use Bylaw Amendment (Bylaw 1477) is to re-designate Lot 2, Block 1, Plan 0812940 Lethbridge Urban Fringe (LUF) to Grouped Country Residential (GCR).
- The proposed re-designation is supported by the Enerclean Thomson Area Structure Plan. The intent of the re-designation is to allow a three lot subdivision of the above mentioned property.
- The applications have been circulated to other County Departments and external agencies for review and comment.

Reeve

Chief Administrative Officer

- County Administration had some comments with regards to the original Area Structure Plan, to which the applicant amended the application to address those comments.
- The stormwater plan submitted by the applicant has been reviewed and approved by the Municipal Services Department.
- Comments were received from Alberta Transportation, ATCO Gas, SMRID, and Fortis, none of which had any concerns or objections to the proposed application. No comments were received from the City of Lethbridge regarding the application.
- Comments have also been received from ORRSC which are generally in support of the proposed Area Structure Plan and re-designation. The comments made by Mr. Harty would be addressed at the time of subdivision and through the conditions of the subdivision.
- A notice of the bylaw applications was posted in the October 11 and 18 editions of the Sunny South News and sent to the adjacent property owners. No comments were received regarding the proposed applications.

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

Council enquired as to which lot was the old Hog Marketing Board. Ms. Janzen noted that it is the SW 1-9-21-W4, Lots 11, 12 and 13. The owner has re-purposed the hog barn and are proposing to subdivide.

Council noted that we are dealing with the Area Structure Plan right now. Ms. Janzen noted that was correct and it is presented to Council for 2nd and 3rd reading. Council noted that in the agenda package there is a copy of the Site Drainage Analysis for the bylaws. A map in the drainage plan shows a lot of driveways for the new proposed lots. Council asked why couldn't there be only one driveway for all the lots. Ms. Janzen noted that the road is quite short and there no highway to speed on and further that due to the size of the lots it is fine to have one access for each lot. Municipal Services will review the speed limit on the road in the future.

Reeve Hickey asked if there were any further questions. There were no further questions.

Reeve Hickey asked three times if there was anyone wishing to speak in opposition of the Bylaws. No one came forward.

Reeve Hickey asked if there was anyone wishing to speak in favor of the Bylaws. Mr. Ed Martin addressed Council at this time.

Mr. Martin noted that County staff did an excellent job of making the presentation for the bylaws and he is here just to answer any questions Council may have.

Council enquired about the 23 metres of water for the on-site release. Council questioned how much water is that for a 1:100 year flood. Mr. Martin noted that this is historical data that is stored at the Airport that shows the rainfall over a period of time; the information is used to calculate the rainfall in the area. This formula is used all through Alberta to calculate rainfall. This is an Alberta Environment formula that is used throughout Alberta. Rick Bacon, Director of Municipal Services noted that they use the "Chicago Storm Event" that is used across North America. The "Chicago Storm Event" will be used in the County's Storm Water Master Plan so that everyone can use the information.

Council enquired how many inches of water can be collected in the catch lagoon. Mr. Martin noted five inches of rain over a 24 hour period. There is a surface drainage path that will be used and also an emergency overflow is provided so it doesn't flood the house.

Reeve

Chief Administrative Officer

Reeve Hickey asked if there were any further questions.

Council noted that the information is based on 5 inches in 24 hours, is this the total maximum capacity. Mr. Martin noted that it is not the maximum and that they do a pre-development and that takes into account pavement, etc. and that the difference between the two is what is stored. The grades are set on a house and even if there is 10 inches of rain the house will be safe from flooding.

Council questioned the two drainage outlets into the drainage canal. Council noted that they are asked to approve a document that should be approved by another organization which is the SMRID. The applicant met with the SMRID and they have granted approval for the drainage outlets. The County also has a letter from the SMRID stating they have no objection to the proposal and the letter is also included in the agenda package.

Reeve Hickey asked if there were any other questions.

Council noted that when an assessment is done of the 1:100 flood and there is 5 inches of rain, is there any form of documentation that indicates that this area has been irrigated for the last 30 years because there is saturation. Mr. Martin noted that there is a percentage that will soak into the ground. We assume that 100% of the water will get into the pond. This is a rainfall time draft over 24 hours. More of the water is getting into the pond at different rates. There are formulas that are calibrated to say that this formula works for 95% of the cases in the City.

Reeve Hickey asked if there were any other questions. There were no further questions.

Reeve Hickey asked two times if there was anyone else wishing to speak in favor of the Bylaws. No one came forward.

Reeve Hickey asked if there were any last comments. No last comments.

568/16	M. ZEINSTR	MOVED that the Public Hearing for Bylaw <u>1476</u> - Enerclean Thomson (Hypervac Technologies Development) - Area Structure Plan for Lot 2, Block 1, Plan 0812940 and Lot 3, Block 1, Plan 1512847 in a portion of SW 1-9-21-W4 and Bylaw <u>1477</u> Amendment to Land Use Bylaw - Grouped Country Residential - Lot 2, Block 1, Plan 0812940 in SW 1/4 1-9-21-W4 close at 11:24 a.m.	CARRIED
569/16	T. WHITE	MOVED second reading of Bylaw 1476.	CARRIED
570/16	K. BENSON	MOVED third reading of Bylaw 1476.	CARRIED

COMMUNITY SERVICES

G5. Letter of Support for API Labs for Health Canada

571/16	M. ZEINSTR	MOVED that County Council approves the letter of support signed by the Reeve to API Labs that verifies to Health Canada, Office of Controlled Substances (OSC), that API is in compliance with all Lethbridge County zoning and bylaws for the purposes of its research and operations within its jurisdiction for Pt.NE 2-9-21-W4 (GeneCo Holdings Ltd.).	CARRIED
--------	------------	--	---------

Reeve

Chief Administrative Officer

G6. Picture Butte - Self Contained Breathing Apparatus (SCBA)

- 572/16 S. CAMPBELL MOVED that County Council approves the transfer of \$20,278 from the Emergency Services Capital Reserve for payment of the County's 50% of the purchase price for Self- Contained Breathing Apparatus in accordance with the Lethbridge County / Town of Picture Butte Fire and Rescue Services Agreement. CARRIED

CORPORATE SERVICES**H1. Nieboer, William & Pearl / Nieboer Farm Supplies – Tax Notice Penalty Waiver**

- 573/16 H. DOEVE MOVED that Council denies the request from William & Pearl Nieber / Nieber Farm Supplies for a waiver of tax penalties on Account #63570100. CARRIED

Note: S. Ashbee, Sunny South News retired at 11:41 a.m.

COMMUNITY SERVICES**G2. Industrial/Commercial Land Use Strategy**

- 574/16 K. BENSON MOVED that County Council adopts the Industrial-Commercial Land Use Strategy by resolution and directs Administration to proceed with the implementation of the strategy. CARRIED
- 575/16 M. ZEINSTRÄ MOVED the meeting recess for lunch at 12:10 p.m. CARRIED

The meeting reconvened at 1:42 p.m. with all members of Council present as previously mentioned with the exception of Reeve Lorne Hickey.

DEPUTY REEVE HENRY DOEVE IN THE CHAIR AT 1:42 p.m.**ADMINISTRATION****I1. 2017 Economic Developers Alberta Conference – March 22-24, 2017, Banff**

- 576/16 T. WHITE MOVED that Council authorize the Economic Development Committee members (L. Hickey, T. White and H. Doeve) to attend the 2017 Economic Developers Alberta Conference scheduled for March 22-24, 2017 in Banff. CARRIED

INVITATIONS**J1. Consul-General of Japan & Mrs. Kazue Tanabe Re: His Majesty, the Emperor of Japan Birthday Celebration - November 25, 2016, Calgary**

- 577/16 S. CAMPBELL MOVED that County Council authorize the Reeve and Deputy Reeve and their guests to attend the birthday celebration for His Majesty, the Emperor of Japan scheduled for Friday, November 25, 2016 in Calgary at the Official Residence of the Consul-General of Japan. CARRIED

J2. Town of Coaldale Re: Remembrance Day Services - November 11, 2016, Jennie Emery Elementary School, Coaldale

- 578/16 S. CAMPBELL MOVED that the Deputy Reeve be authorized to attend the Town of Coaldale Remembrance Day Services scheduled for Friday, November 11, 2016 at 10:30 a.m. at the Jennie Emery Elementary School and further that the Deputy Reeve lay a wreath on behalf of Lethbridge County. CARRIED

Reeve

Chief Administrative Officer

J3. Honouring Allies and Remembering Together (HART) Ceremony – November 19, 2016, Vimy Ridge Armoury

- 579/16 M. ZEINSTRA MOVED that Council authorizes the Reeve or his designate to attend the Honouring Allies and Remembering Together (HART) Ceremony scheduled for November 19, 2016 at 10:30 a.m. at the Vimy Ridge Armoury. CARRIED

J4. 702 Wing RCAF Re: Remembrance Day Ceremony - Open House, November 11, 2016, 702 Wing Building, 174 Stubb Ross Road

- 580/16 T. WHITE MOVED that County Council authorizes the Reeve or his designate to attend the 702 Wing RCAF Open House scheduled for November 11, 2016 at the 702 Wing Building, 174 Stubb Ross Road at 1:30 p.m. CARRIED

J5. 17th Annual Country Christmas Parade of Lights - November 25, 2016 - Coaldale

Note: Reeve Lorne Hickey present at 1:50 p.m.

- 581/16 T. WHITE MOVED the Councillor Morris Zeinstra be authorized to attend the 17th Annual Country Christmas Night of Lights on Friday, November 25, 2016 in Coaldale and further that Lethbridge County provide a Silver Sponsorship at a cost of \$300. CARRIED

J6. Mayor's Prayer Breakfast - December 3, 2016, Lethbridge Lodge

- 582/16 K. BENSON MOVED that County Council authorizes the Reeve to attend the Mayor's Prayer Breakfast scheduled for December 3, 2016 at 9:00 a.m. at the Lethbridge Lodge. CARRIED

J7. Town of Coalhurst Re: 22nd Annual Staff & Volunteer Appreciation Banquet - November 25, 2016

- 583/16 K. BENSON MOVED that Council authorizes the Coalhurst Intermunicipal Committee (Ken Benson, Tom White and Henry Doeve) to attend the Town of Coalhurst 22nd Annual Staff & Volunteer Appreciation Banquet scheduled for Friday, November 25, 2016 at the Coalhurst Community Centre. CARRIED

J8. Coaldale & District Emergency Services Annual Christmas Awards & Banquet - November 26, 2016, Coaldale Community Centre

- 584/16 T. WHITE MOVED that County Council be authorized to attend the 2016 Coaldale & District Emergency Services Annual Christmas Awards & Banquet scheduled for November 26, 2016 at the Coaldale Community Centre. CARRIED

REEVE HICKEY IN THE CHAIR AT 2:01 P.M.

APPOINTMENT

E3. PUBLIC HEARING – Bylaw 1480 - Norland Barn Development - Amendment to the Land Use Bylaw from Lethbridge Urban Fringe (LUF) to Direct Control (DC) for Lots 2 & 3, Block 1, Plan 1012612

- 585/16 M. ZEINSTRA MOVED that the Public Hearing for Bylaw 1480 - Norland Barn Development - Amendment to the Land Use Bylaw from Lethbridge Urban Fringe (LUF) to Direct Control (DC) for Lots 2 & 3, Block 1, Plan 1012612 open at 2:01 p.m. CARRIED

Reeve

Chief Administrative Officer

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

J. Fleming
A. Fritz

V. Mackay
M. Stickel

K. Fritz
D. Lehr

Reeve Hickey declared that the public hearing is being held pursuant to the Municipal Government Act as amended for Bylaw #1480.

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

- An application has been made by Alvin Fritz Architect Inc. to amend Land Use Bylaw 1404.
- The purpose of the amendment is to re-designate Lots 2 and 3, Block 1, Plan 1012612 from Lethbridge Urban Fringe (LUF) to Direct Control (DC).
- The proposed re-designation is located along Highway 512 and Sunnyside Road (Range Road 21-2) 1 mile east of the City of Lethbridge.
- In consultation with County Administration, it was the decision of the applicant to apply for a Direct Control district in order to allow the existing uses to continue and expand in the future.
- The existing uses include a heritage residence, bed and breakfast business, office/administration building for Alvin Fritz Architect Inc., and special events venues (i.e. seasonal tent).
- The uses are broad in nature and do not fit within any single land use district within the County's Land Use Bylaw.
- A Direct Control District can include all of them with specific regulations tailored to meet the needs of the applicant and the County.
- Administration is of the opinion that a Direct Control District is a good fit for the property and provides a clear direction on future approvals on the property.
- The application has been circulated to other County Departments, the City of Lethbridge and external agencies for review and comment.
- Comments have been received from Alberta Transportation, Alberta Health Services, Fortis, and the City of Lethbridge, none of which expressed any concerns or objections to the proposed application.
- Comments have been submitted by ORRSC which support the proposed Direct Control. In their comments they did express a concern regarding the possibility of a restaurant on the site given that the parcel is not on municipal sewer services and a septic system may not be able to handle additional capacity required by a restaurant.
- A notice of the amendment was sent to the adjacent landowners and advertised in the October 11 and 18 editions of the Sunny South News. No concerns or objections have been made regarding the proposed application.

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

Mr. Steve Harty, ORRSC Planner addressed Council and provided the following comments regarding the bylaw:

- The application is to amend the Land Use Bylaw to allow an existing mixed-use parcel to potentially expand the uses and be regulated under a more comprehensive land use district.
- In respect of the aforementioned and in considering the suitability of the proposal, the following planning related matters may be considered.
- In reviewing the land, location, existing uses and various municipal planning documents, I do not foresee concerns with rezoning to the Direct Control district. This redesignation is likely a preferred course of action to undertake

Reeve

Chief Administrative Officer

as there are already a number of different uses occurring on the property with the architect office, residence, B & B, wedding events, etc. Thus, it is already operating as a type of mixed-use parcel in accordance with various municipal development permit approvals granted over the years. Direct Control is considered the best district to capture and regulate the number of existing and proposed future developments that may occur on this land. It is also recognized that Land Use Bylaw No. 1404 supports and allows for mixed-use developments to occur in the County.

- The location of the parcel(s) means it is located within the Intermunicipal Development Plan (IDP) boundary with the City of Lethbridge (policy area 4 (3) (b) is applicable), that recognizes there is some existing fragmentation in this area and appropriate planning should be considered, which the DC zoning will assist with. As this land is within the referral area of the IDP, any comments or concerns of the City of Lethbridge will need to be taken into consideration.
- That being said, there are a number of small bylaw items that may warrant further consideration in the document:
 - Under section 5, the proposed setbacks are in consideration of existing and proposed uses on the property and are recognized as being less than typical bylaw standard setbacks. However, as the land will be designated as Direct Control, County Council can stipulate and approve setbacks as they feel are appropriate for the land and development. It is recognized that there are some land constraints with existing buildings and structures onsite, along with the location of the septic field system. The setback to Highway 512 will ultimately be at a minimum distance at whatever Alberta Transportation stipulates, and it is understood Alberta Transportation stated it will approve the setbacks as proposed in the bylaw.
 - With this being in the IDP boundary area with the City of Lethbridge, it was previously suggested there should be reference in the DC bylaw to the fact that any future subdivision would require the preparation of an ASP acceptable to the County (with a referral to the City of Lethbridge), to help reiterate IDP policy direction.
 - The uses listed as permitted and discretionary in the bylaw are largely limited to the existing uses that are on the parcel, along with some potential supplementary new ancillary/ associated type uses (e.g. events barn); thus, there should be no additional impacts or land use conflicts created by putting the DC zoning in place.
 - There may be a small concern with how well a 'Restaurant' use fits the district in respect of the parcel itself and no municipal sewer services available. This is in practice not a great use to be utilizing an on-site septic system, as there is typically more grey water produced and often grease and oils in the water by-product. This can often lead to a future disaster for septic systems and often leads to early septic failure. This perhaps needs some more consideration whether it is a suitable use, or perhaps a further statement in the bylaw that such a use would only be considered if it is determined the septic and water capacity can handle the proposal. Alternatively, if it is left in as a discretionary use, there may be further opportunities at a future development permit stage to address it through conditions on a permit. It is recognized there are products and technology, such as grease separators/filters, that kitchens can install to help with this problem somewhat. As a discretionary use, it could likely be managed if and when it occurs at the development stage.
- Overall, the rezoning should allow the existing mixed-use development on the land to be regulated under a clearer and more comprehensive land use district. In respect of land use and planning considerations, I see no major concerns with the land use re-designation to DC and see merit in the proposal to do so.

Reeve

Chief Administrative Officer

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

Council noted that a comment was made about the restaurant, would you address the issue of stalls and parking at that time.

Mr. Harty indicated yes, when you look at the restaurant you would also look at the number of patrons, parking and septic field.

Council asked if there has to be a parking stall for every seat. Ms. Janzen noted that in the Land Use Bylaw there are regulations regarding parking. Since this application is for Direct Control, Council would make the rules. When the application comes forward in the future, Council can look at parking, etc.

Council asked about the septic system and if there are any stipulations for residential or commercial. Mr. Harty noted that this is an on-site private system, it is used for the Bed & Breakfast and office businesses. It would be determined at the application stage if another system would need to be installed.

Mr. Rick Bacon, Director of Municipal Services asked about the water system. Ms. Janzen noted that the water is from the City of Lethbridge.

Mr. Jack Fleming addressed Council and noted that the area has a small water association with 10 members. They are at capacity and no other water allocations can be applied for and the system is not built for expansion.

Council enquired about the current uses for Direct Control to follow the existing uses on the property including the bed and breakfast, events tent and the office building. Ms. Janzen noted that the uses in the Direct Control are based off the existing uses with the addition of the events barn and restaurant. The existing uses have been permitted as home occupations (i.e. the office, bed and breakfast and the tent).

Mr. Fleming noted that there is some confusion about Direct Control stating that the business with the tent has been sold. How does the tent occupy 300 people, another dining room with 100 people along with the all-season events building? Parking has been an issue in the past, individuals have been parking in the Research Station parking lot. The LA Chef shed is already there and the Chefs have taken up the parking spaces.

Reeve Hickey asked if Council had any further questions. No further questions at this time.

Reeve Hickey asked if anyone wishes to speak in opposition of the Bylaw. Mr. Jack Fleming addressed Council. Mr. Fleming noted the following:

- Mr. Fleming lives 2 houses north of the Norland Manor.
- Since the tent has been erected there has been a lot of issues.
- An 8 foot fence has been built to the north of the neighbors to assist with the noise.
- Since the fence has been erected, the noise is less.
- Mr. Fleming questioned as to how many people want a party tent next door to their residence.
- Now there is a proposal for a restaurant.
- The water table is high to start with. When there is rain in the spring, the water table takes a long time to go down. All the water drains to Highway 3, the ditch on the Research Station side has been full of water since the spring.
- This will decrease their property values in the area.
- There shouldn't been anymore expansion, the tent and the parking should be moved.

Reeve

Chief Administrative Officer

Reeve Hickey asked three times if anyone else wished to speak in opposition of the Bylaw. No one addressed Council.

Reeve Hickey asked if anyone wished to speak in favor of the Bylaw. Alvin Fritz addressed Council and noted the following:

- He is the joint owner of the property in question along with Karen Fritz.
- They had a community consultation process.
- Jack Fleming did come to the consultation along with his wife Marilyn.
- Mr. Fritz explained to Council the history of the Norland Manor.
- The primary reason for the Direct Control is for the architect business, which is a home occupation. A home occupation is tied to a person not the property and if the person is not residing on the property, the permit is not valid.
- They have been on-site for the past 20 years.
- The Direct Control will allow him to continue operating his architect business at this location.
- The wedding site, events tent was sanctioned in 2009 in a development permit. The bed & breakfast was established in 2006 and 2009.
- Mr. Fritz would like the land brought into current status.
- Signs were recently erected on Highway 3 and Highway 512 displaying the "Norland Historic Estate".
- The barn will act as an "all-season" events centre.
- The tent is erected once the snow is all gone and taken down once the snow starts again.
- The highway speed is currently 60 km. per hour.
- Mr. Fritz has met with John Thomas from Alberta Transportation about the setbacks to Highway 512 and Alberta Transportation was okay with the proposed setbacks due to the existing mature trees along the roadside as well as the reduced speed (60 km.).
- An 8 foot fence has been constructed as a sound barrier.
- Mr. Fritz and his wife have been monitoring the sound decibels so that they do not raise above what is permitted.
- They would like the South Sunnyside Road speed limit also posted at 60 kms. per hour.
- Parking issues have been addressed. Have been reviewing the area for the best possible place for parking stalls. Signs will be put up in areas that "no parking" is allowed.
- Bathrooms have been installed in the wedding area. The septic field was built to 2010 standards which includes the services tent, bed & breakfast and office. They will welcome any expansion of the septic system if it is required.
- Mr. Fritz thanked Council for the opportunity of speaking today.

Council asked about the parking beyond the trees, how many stalls are there? Ms. Fritz noted that there are currently 140 plus an additional parking area located at the north end of the parcel. There are also 28 paved stalls by the office with the balance of the parking gravel.

Council asked about the septic system that was built to the 2010 standard, could the system be expanded? Mr. Fritz noted that the system could be expanded and the field enlarged. If there was a need to increase the capacity requirements there is a capacity margin. If the restaurant were to come to the table, the septic system would have to be looked at.

Council asked what the plan was for the events barn? Mr. Fritz noted it would take the pressure off the tent and could be an all-season building.

Reeve

Chief Administrative Officer

Council noted that they are hearing there is no room for expansion for potable water. Mr. Fritz noted that when Mr. Henk Vanee's house was built, he came onto the system as long as he had a cistern. It is a trickle feed system which fills the cistern. The Sunny South Water Users agreed to provide 1 unit of water.

Council asked if the buildings were on full-pressure. Mr. Fritz indicated yes, they do not irrigate with the potable water, irrigation is done through the SMRID.

Reeve Hickey asked if there were any other questions.

Mr. Bacon noted to Mr. Fritz that since there is a lot of historical value in the Norland Building, have you registered the building with the province. Mr. Fritz indicated, no, there is a lot of complexities with registration but they have been continuing the restoration of the Norland.

Reeve Hickey asked if there were any further questions. There were no further questions.

Reeve Hickey asked two times if anyone else wished to speak in favor of the Bylaw. Karen Fritz addressed Council and noted the following:

- This building and area has become special to us.
- There have been a few issues with neighbors and they are trying to make it right with them.
- All individuals that attended the community consultation process were happy with the exception of Jack Fleming.
- Parking continues to be an issue and is being worked on.
- More and more people are coming out to the site.
- They would like to see the property maintained and whoever owns it in the future continues working with the neighbours.

Council enquired if they would eventually sell the entire place. Mr. Fritz stated yes that is the plan. Mr. Fritz further noted that the cost of running and maintaining the property is quite high, for example to prune trees, the cost is \$30,000. You could really have a presence with the buildings and location.

Reeve Hickey asked if anyone else wished to speak. Mr. Jack Fleming addressed Council again. Mr. Fleming noted that:

- The zoning is being changed from Urban Fringe to Direct Control.
- LA Chefs already has the tent along with the catering business and then there is the bed & breakfast.
- The Fritz's will have to sell the property as one entity.
- They already have one unit of water and they have used that one meter for the house and other businesses. However, if they want to purchase another unit of water, they cannot because the Water Association is at capacity with their water allocations.

Mr. Fritz noted that their water consumption has greatly decreased because they no longer have the swimming pool.

Reeve Hickey asked Ms. Janzen to explain the "Direct Control" zoning to everyone present.

Ms. Janzen noted that if the Direct Control zoning is approved, the applicant would have to come before Council for approval. The use can be changed from permitted to discretionary; a discretionary use under a Direct Control District has to come to County Council for approval.

Reeve

Chief Administrative Officer

Council asked if the parcel could be further subdivided and if the property was sold would the home occupation continue. Ms. Janzen noted that subdivisions are the decision of the Subdivision Authority but that it would be difficult to subdivide the parcel as all the buildings are tied to the same septic system. With regards to the home occupations they are tied to the person who applied and is residing on the property. Once the person no longer lives on the property the permit is not valid.

Council noted that the traffic and parking is an issue. Ms. Janzen noted that if Council felt they didn't want the barn they could have removed the use to a discretionally use so Council would be the deciding authority on the building/use. Alternatively they could remove the use, or any other use, from the Direct Control District.

Council asked if all the buildings and trees are all removed, how many acres would be left. Ms. Janzen noted approximately 4 to 4 1/2 acres.

Council asked if both parcels are under Direct Control. Ms. Janzen indicated that is correct.

Reeve Hickey asked if there were any other questions. There were no other questions.

586/16 M. ZEINSTRA MOVED that the Public Hearing for Bylaw 1480 - Norland Barn Development - Amendment to the Land Use Bylaw from Lethbridge Urban Fringe (LUF) to Direct Control (DC) for Lots 2 & 3, Block 1, Plan 1012612 close at 2:56 p.m. CARRIED

587/16 M. ZEINSTRA MOVED second reading of Bylaw 1480 as presented.
MOTION DEFEATED

APPOINTMENT

E4a. Subdivision Application Subdivision Application #2016-144 - Darren Van Raay Farms Inc., Herman & Pieterella Loedeman - Lot 1, Plan 8910788 within SE 1/4 27-11-21-W4

588/16 M. ZEINSTRA MOVED that the Country Residential subdivision of Lot 1, Plan 8910788 within SE1/4 27-11-21-W4M (Certificate of Title No. 141 087 444, 091 291 359), to undertake a property line adjustment by reconfiguring and enlarging in size an existing 4.03 acre (1.63 ha) title by subdividing and consolidating 1.85 acres (0.75 ha) from the adjacent quarter-section 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 submits a copy of a final plan of survey from an Alberta Land Surveyor that subdivides and consolidates the land involved in the swap (reconfiguration) in a manner such that the resulting certificate of titles cannot be further subdivided without approval of the Subdivision Authority.
4. That the easement(s) as required by ATCO Gas shall be established prior to final endorsement.

Reeve

Chief Administrative Officer

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. As a reconfiguration of two adjacent titles, with no additional titles created above what presently exist, this application conforms to the subdivision policies.
4. The Subdivision Authority has determined the application is for a realignment of property boundaries that will rectify an encroachment issue, and the resulting parcel size at 5.83 acres exceeds the County's minimum 2.0 acre parcel size and is below the 10-0 acre maximum. CARRIED

E4b. Subdivision Application #2016-145 - Patrick Goodfellow - Block G, Plan 705AA within NW 1/4 6-10-21-W4

589/16

K. BENSON

MOVED that the Residential subdivision of Block G, Plan 705AA within NW1/4 6-10-21-W4M (Certificate of Title No. 161 070 616), to subdivide a 2.73 acre (1.10 ha) portion of a 9.58 acre (3.88 ha) title and create three new lots, 0.91 acres (0.37 ha) each respectively in size, for Hamlet 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 2.73 acres at the market value of \$35,000 per acre with the actual acreage and amount to be paid to Lethbridge County be determined at the final stage, for Municipal Reserve purposes.

AND FURTHER that a Deferred Reserve caveat be registered on the remaining 6.85 acre title to reflect the 10% reserve requirement, with the actual acreage and amount to be provided 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. The agreement should address the connection to hamlet sewer/water services and any costs or additional installation fees required should be accordingly addressed.
3. If not addressed through the terms of the Development Agreement, the applicant is responsible for the payment of applicable water and sewer connection fees, prior to final endorsement.
4. That a final subdivision plan must be prepared by an Alberta Land Surveyor in such a manner acceptable to the Subdivision Authority.
5. That any easement(s) as required by utility agencies or the municipality shall be established prior to finalization of the application.

 Reeve

 Chief Administrative Officer

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 and availability of hamlet municipal services, 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 proposed lots, at 117' x 342', meet and exceed the minimum width and overall area for a hamlet residential lot in accordance to the land use bylaw Hamlet Residential land use district.
4. The Subdivision Authority has determined the proposed lot layout configuration will adequately allow for future planning and subdivision of the larger parcel if additional services were to become available in the hamlet in the future. A lot overlay concept plan has been completed to ensure the lot size and shape will not hinder future development potential. CARRIED

E4c. Subdivision Application #2016-147 - Looker Racing Ltd., Arlene Plato, John Connors & Frank De Walle - Lot 3, Block 25, Plan 0610821 within SE 1/4 23-8-21-W4

590/16

J. WILLMS

MOVED that the Rural Industrial subdivision of Lot 3, Block 25, Plan 0610821 within SE1/4 23-8-21-W4M (Certificate of Title No. 141 299 692), to split a 9.79 acre (3.965 ha) parcel into four titles, with two at 2.0 acres (0.81 ha) each, and a 2.50 and 3.30 acre (1.01 and 1.34 ha) lot respectively in size, for Rural Industrial 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. The 2006 agreement registered on title should be reviewed and addressed accordingly.

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 proposal meets the criteria of the County's Rural General Industrial land use district and the lot sizes meet and exceed the minimum size required where municipal services are not available.
4. The Subdivision Authority has determined the proposal is an internal block re- subdivision and conforms to the Stewart Siding Area Structure Plan. CARRIED

 Reeve

 Chief Administrative Officer

E4d. Subdivision Application #2016-150 - John & Robert Deboer - NE 1/4 12-10-24-W4

- 591/16 T. WHITE MOVED that the Country Residential subdivision of NE1/4 12-10-24-W4M (Certificate of Title No. 961 074 884), to create a 12.21 acre (4.94 ha) parcel from a cut-off title containing 116.54 acres (47.16 ha) within a fragmented quarter-section, 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 8.72 acres at the market value of \$6,500.00 per acre with the actual acreage and amount to be paid to Lethbridge County be determined at the final plan 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 submits a final plan of survey as prepared by an Alberta Land Surveyor for the approved parcel. The final parcel, as approved, is to eliminate the north pasture area containing the dugout which is to remain with the remnant agricultural title, resulting in a final parcel size of approximately 8.72 acres.
- 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 subdivision is for a farm yard parcel from the greater half of a cut-off/fragmented agricultural quarter-section due to the historic CPR rail-line and meets the subdivision approval criteria.
 4. The Subdivision Authority granted the final approved parcel size in consideration of comments submitted from the LNID and based on the existing yard layout, improvements and irrigation situation present, as the application otherwise meets the criteria of the County's Land Use Bylaw. The parcel size of approximately 8.72 acres complies with the land use bylaw maximum 10.0 acre size policy.
 5. No objections or concerns have been received regarding the proposal and the Subdivision Authority has determined the proposal is suitable for the intended purpose. CARRIED

ADJOURNMENT

- 592/16 J. WILLMS MOVED the meeting adjourn at 3:45 p.m. CARRIED

Reeve

Chief Administrative Officer