

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF LETHBRIDGE HELD APRIL 19, 2012 IN THE COUNTY ADMINISTRATIVE OFFICE, LETHBRIDGE, ALBERTA.

PRESENT:

Division No. 1	- L. Hickey, Reeve
Division No. 3	- H. Doeve, Deputy Reeve (Present at 10:10 a.m.)
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:

County Manager	- D. Shigematsu
Director of Corporate Services	- R. Robinson
Director of Municipal Services	- K. Viergutz
Director of Community & Legislative Services	- A. Frootman
Recording Secretary	- D. Irwin

REEVE LORNE HICKEY IN THE CHAIR

CALL TO ORDER Reeve Hickey called the meeting to order at 10:07 a.m.

AMENDMENTS TO THE AGENDA

Dennis Shigematsu, County Manager and members of Council made the following additions and deletions to the April 19, 2012 agenda.

- E1. Emily Boehme Re: Letter of Appeal – Burning during Fire Ban – Waiver – ***DELETED***
- F1. Storm Water Master Plan Low Impact Development Workshop - May 10, 2012

Note: H. Doeve present at 10:10 a.m.

155/12 M. ZEINSTRAS MOVED that Council approve the agenda as amended. CARRIED

CONFIRMATION B1. Confirmation of Minutes

156/12 M. ZEINSTRAS MOVED that the April 5, 2012 Council Minutes be approved as presented. CARRIED

COMMUNITY & LEGISLATIVE SERVICES

G1. Southland International Trucks – G. Kirkham – Development Application #2011-127 – S.W. 10-9-21-W4

157/12 T. WHITE MOVED that Council authorize the Planning & Development Manager to issue a Development Permit for Lot 4, Block 1, Plan #1113171 (S.W. 10-9-21-W4) to Southland International Trucks and include the following conditions:

Reeve

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- Access to the site shall be at the point where 44th Street intersects with 9th Avenue North and not offset.
- All finished lot grading shall be constructed and maintained to the satisfaction of the County of Lethbridge and shall be in accordance with the County's Engineering Guidelines and Minimum Servicing Standards.
- A detailed landscaping plan is to be submitted to the satisfaction of the County for the 20' (6.1m) strip proposed on the west and south sides of the property.
- All storm water shall be retained on site to pre-development levels. The design and construction of the storm pond and future expansion shall be to the satisfaction of the County Director of Municipal Services.
- Any required water and sewer services that may be considered for future development shall be approved by Council through the adoption of an Area Structure Plan and shall meet the minimum engineering standards as determined by the County. CARRIED

MUNICIPAL SERVICES

F1. Storm Water Master Plan Low Impact Development Workshop - May 10, 2012

- 158/12 M. ZEINSTR A MOVED that any member of Council wishing to attend the Storm Water Master Plan Low Impact Development Workshop scheduled for May 10, 2012 at 9:30 a.m. at the County of Lethbridge be authorized to do so. CARRIED

COMMUNITY & LEGISLATIVE SERVICES

G2. Vulcan County Re: Intermunicipal Development Plan with County of Lethbridge

- 159/12 H. DOEVE MOVED that County Council direct the County Manager to attend the meeting on April 27, 2012 in Vulcan County to explore opportunities and processes for sharing information and report back to Council with its findings. CARRIED

CORPORATE SERVICES

H1. Regional Community Airport Coalition of Canada Conference – May 8-11, 2012, Calgary (George Cuff Presentation – May 9, 2012)

- 160/12 M. ZEINSTR A MOVED that any member of Council wishing to attend the George Cuff Presentation on Airport Governance on May 9, 2012 from 9:30 a.m. to noon at the Regional Community Airports Coalition of Canada Conference be authorized to do so. CARRIED

APPOINTMENTS **E1. Emily Boehme Re: Letter of Appeal – Burning during Fire Ban – Waiver**

Item has been deleted from the agenda.

Note: B. Axtell present at 11:28 a.m.

- 161/12 H. DOEVE MOVED the meeting recess at 11:30 a.m. until 1:30 p.m. CARRIED

The meeting reconvened at 2:00 p.m. with all members of Council present as previously stated.

Reeve

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Reeve Hickey recessed the meeting at 2:00 p.m. to proceed with the Public Hearing for By-Law 1383 – Hank’s Feedmill Services – N.E. & S.E. 2-11-21-W4.

APPOINTMENTS **E2. PUBLIC HEARING for By-Law 1383 - Hank's Feedmill Services – N.E. & S.E. 2-11-21-W4 - Rural Grouped Industrial**

162/12 S. CAMPBELL MOVED that the Public Hearing for By-law 1383 Hank's Feedmill Services – N.E. & S.E. 2-11-21-W4 - Rural Grouped Industrial open at 2:00 p.m. CARRIED

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

Q. Reurink L. Peterson
S. Harty T. Bochan

Reeve Hickey declared that the public hearing is being held pursuant to the Municipal Government Act as amended for By-Law 1383.

Reeve Hickey invited Mr. Nick Paladino, Planning and Development Manager to give an overview of the application.

Mr. Paladino stated the following:

- The subject property is a portion of two quarter sections located on the eastern edge of Picture Butte in the N.E. & S.E. of Section 2-11-21-W4.
- The proposal is to reclassify approximately 4.47 acres of land presently zoned Rural Urban Fringe (R.U.F.) to Rural Grouped Industrial (R.G.I.).
- The site chosen is a dry pivot corner of both quarters. The applicant intends on constructing a new 11,000 square foot building to house his business of fabricating and repairing feedmill and seed cleaning equipment.
- Council gave first reading to By-Law #1383 on February 16, 2012. Public notices were placed in two issues of the Sunny South News. Neighboring landowners have been sent written notification and since the land is located within the fringe of Picture Butte, the Town was given written notice as well.
- The Town supports the proposed rezoning with conditions, but would prefer to have this proposal follow the preparation of a statutory plan (Intermunicipal Development Plan or Area Structure Plan).
- The County’s Municipal Development Plan (MDP) generally directs commercial or industrial land uses along transportation corridors or routes and areas where similar land uses exist. This proposal is to the east of the Town of Picture Butte’s industrial park, approximately ½ mile north of Highway 519.
- The M.D.P. for the Town of Picture Butte includes policies supporting future industrial development in this area east of town.
- The Town appears to be receptive to providing water and sewer for this development on a temporary basis and would prefer to see a service road dedicated east of Factory Drive for efficient traffic management and future utility right-of-way.
- If this rezoning application is successful, a subdivision application will likely be forthcoming. Rezoning the lands to R.G.I. would allow the future consideration of a subdivision without requiring a waiver of the County’s subdivision policies.
- The subdivision process would then provide the County an opportunity to enter into a servicing agreement with the Town and the developer that can address the need for a service road and details for the provision of sewer and water. Given the location of irrigation pivots on these properties, it’s unclear

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whether this proposal will attract other applications for similar proposals east of Factory Drive. However, to protect the long term interest of both the Town and the County in this area, it should be made clear that additional development should not occur without the benefit of an Intermunicipal Development Plan with the Town, and eventually a comprehensive Area Structure Plan.

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

Council enquired what was the purpose of confirming the County's interest to pursue an Integrated Development Plan (IDP), and if it was necessary to mention at this time.

Albert Frootman, Director of Community and Legislative Services stated the intent is to reflect the Town of Picture Butte's desires and also the County's to proceed with an IDP when convenient; get the statutory plan in place to see what will develop before considering more applications. This particular application for rezoning would work; however, we would not want to consider additional development without an IDP.

Council enquired about the diagram and where the quarter section line is in relation to the diagram.

Mr. Paladino stated that the quarter section line is around where the 100 foot dimension mark is.

Council enquired why the applicant would need both pieces from both quarters.

Mr. Paladino stated that he surmises it is because there are four acres, it is all dry, and the applicant wants to buy all of the non-irrigated land.

Mr. Reurink, the applicant, stated that he is currently on three acres and it would be nice to have more room.

Steve Harty, Oldman River Regional Services Commission confirmed that it is comprised of 4 acres, 2.5 acres and 1.5 from the south.

Reeve Hickey asked if there were any questions of Nick. There were no further questions of Mr. Paladino.

Reeve Hickey asked three times if anyone present wished to speak in favour of By-Law 1383.

No one came forward.

Reeve Hickey asked three times if anyone present wished to speak in opposition of By-Law 1383.

No one came forward.

Reeve Hickey asked if there were any further presentations or enquiries regarding By-Law 1383.

Council enquired about Page 23 of the agenda and questioned if the new drawing reflects the new alignment of road; and what would become of the bit of a corner where the old road used to be.

Mr. Paladino stated that it would remain in the County's road right-of-way.

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Council was concerned about the Town's comments regarding a potential service road and wondered if the setback provided enough room for a service road. Noting that the County does not want to move too quickly and rush development, without a proper ASP in place, Council enquired as to how long it would take to develop an ASP and who would pay for one.

Mr. Flootman replied that the ASP requirements of the MDP call for detailed documents with significant engineering work; and therefore, may be preferable to tackle this from a special policy approach. The County will work cooperatively with the Town, and hold meetings to flesh out the details; this is quicker than going through the whole IDP process for this rezoning. It would be early fall before something is worked out. During this process, Factory Drive Road will be discussed, hearing the Town wishes to see a service road built. At this time it is not known what the Town's real plans are for the long-term function of Factory Drive, but even if a service road is not needed, an easement on the east side for servicing would be essential.

Council noted that the configuration, with the two pivots, the two corners on the two quarter sections does not interfere with the farming of it, however, if more development coming along, they'd now have to shorten the pivots. That is likely when we have to start looking at an ASP. It appears that there would be no pressing reason to require an ASP at this time.

Council wondered if the way it is drawn, would it fit into a business park in the future? Could a concept be designed for at least water and wastewater, and roads that would incorporate future development, but some conceptual design perhaps?

Mr. Harty stated that this proposal is in front of Council for rezoning, to take two portions out and the north quarter to be subdivided. County policy fully allows single-lot subdivisions; it does not require rezoning, nor waivers or special consideration. Because the land is next to the Town of Picture Butte and may impact future rezoning and development, parameters can be included under a discretionary permit, the Town would have a right to appeal the permit. The Town cannot appeal a subdivision application that is why the landowner was encouraged to apply for rezoning. Any further development would require an ASP which is usually prepared by the developer. Mr. Harty stated he would like to see an IDP with the Town similar to what the west side of Lethbridge has, with road networks, etc. An IDP should come first before a future ASP, which will be needed if this area is subdivided.

Council stated that they support the application and that once this development is in place, there may be the potential for more development. There was concern that an IDP then ASP could take two to three years to develop.

Council further stated that everyone is well aware of how valuable this land is going to be, but putting something in there now, that is out of our control, is starting piecemeal all the way around. An ASP for the whole area, not one development at a time is the way to go. The ASP and an IDP with the Town would make sure it was done properly.

Council stated that if this application for rezoning passes second and third reading, it would go to subdivision application, then development permit, and there is an opportunity to impose parameters at that time.

Council wondered if the site as it is, could be reconfigured in the future to adapt to an ASP at that time.

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Mr. Frootman stated that a line can be drawn straight south from the easterly point of the proposed lot, which would allow lots along Factory Drive. The Land Use Bylaw would address minimum street frontage for the lots and control access. The subdivision and development permit processes would address services such as water and set back waivers.

Council questioned, if the County should have those agreements in place before moving ahead with this application?

Mr. Frootman stated that this is something that could be a condition of the subdivision approval as a servicing agreement; Council has prerogative to make that a condition of subdivision approval.

Mr. Harty stated that it would not be appropriate to put conditions on a rezoning.

Council further enquired if it was possible, before rezoning, to determine if there will be services.

Mr. Harty replied that at this time the services would be just for water.

Kevin Viergutz, Director of Municipal Services stated that he has concerns about the rezoning as there are no agreement for provisions of services for this area and that there are many unanswered questions.

Mr. Harty stated that for sewer it would be a temporary pump out, not septic field.

Council stated that the applicant, if defeated at third reading today has to wait 18 months before he can reapply.

Council stated if Council is wondering about the services for this development, maybe the owner can answer.

Mr. Reurink stated that he can go underneath the highway for water and the Town will allow us to hook up at that location; there is only two staff present during the day, so he would use a pump out system.

Council enquired that if second reading for this rezoning application is passed today and if it is given third reading in the next few months, can it be taken to the Municipal Government Board?

Mr. Harty replied that the Town would need to prove that it is detrimental to them, and it may be difficult to prove.

Council stated that judging by the Town's letter; they appear to not have issues with this rezoning and it could be 20 years before more development is attracted to this area.

Reeve Hickey asked if there were any further questions of Council.

There were no further questions from Council.

Reeve Hickey asked if there were any further presentations regarding By-Law 1383.

There were no further presentations.

Reeve Hickey declared the Public Hearing for By-Law 1383 Hank's Feedmill Services – N.E. & S.E. 2-11-21-W4 - Rural Grouped Industrial close at 2:40 p.m.

Reeve

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163/12 T. WHITE MOVED second reading of By-Law 1383. CARRIED

A discussion was held between Council as to whether an ASP and IDP were required prior to the by-law going to third reading. Some Council members were opposed to moving forward without consultation, while others were in favour of the by-law going to third reading, and then, after the fact, enter into discussions with the Town regarding IDP and ASP. It was noted that representation is present from the Town who have provided a letter in support of the re-zoning and have been given the opportunity to speak in opposition, and have not.

164/12 T. WHITE MOVED third reading of By-Law 1383.

165/12 M. ZEINSTRA MOVED to postpone third reading of By-Law 1383. CARRIED

Reeve Hickey thanked the delegation for attending the meeting. The delegation retired at 2:57 p.m.

ADJOURNMENT

166/12 H. DOEVE MOVED the meeting adjourn at 2:56 p.m. CARRIED

Reeve

County Manager