

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF LETHBRIDGE HELD MAY 3, 2012 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:**

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 10:07a.m.

Note: K. Bly, Sunny South News present at 10:07a.m.

**AMENDMENTS TO THE AGENDA**

Dennis Shigematsu, County Manager and members of Council made the following additions and deletions to the May 3, 2012 agenda.

- E1. – Moved to In-Camera (Land Issue)
- F3. – Waste to Energy Workshop - verbal report – T. White
- F4. – Road Maintenance – M. Zeinstra

167/12 J. WILLMS MOVED that Council approve the agenda as amended.  
CARRIED

**CONFIRMATION B1. Confirmation of Minutes**

168/12 S. CAMPBELL MOVED that the April 19, 2012 Council Minutes be approved as amended/presented.  
CARRIED

**MUNICIPAL SERVICES**

**F1. Alberta Farm Safety Centre (Res. #11/12 ASB Mtg April 12/2012)**

169/12 T. WHITE MOVED that County Council agrees to fund the Alberta Farm Safety Centre in the amount of \$5,000 in support of their program; funds to be utilized from Councillor Discretionary Fund. The Alberta Farm Safety Centre also be requested to make a presentation to Council regarding their program.  
**MOTION DEFEATED**

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Reeve

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County Manager

- 170/12 M. ZEINSTRAS MOVED that the Alberta Farm Safety Centre be invited to make a presentation to Council regarding their program and that following the presentation, County Council will determine if they agree to fund the Alberta Farm Safety Centre in the amount of \$5,000 in support of their program; funds to be utilized from Councillor Discretionary Fund. CARRIED

Note: B. Axtell present at 10:55a.m.

**F2. Policy 352 Road Use for Industrial / Commercial Truck Hauls**

Council discussed the proposed policy and felt that as it is a sensitive issue they require more time to discuss it in further detail.

- 171/12 T. WHITE MOVED that a workshop be set up for Council to discuss Policy 352 - Road Use for Industrial / Commercial Truck Hauls on June 12, 2012 as 9:00 a.m. and the Policy be brought back to a future Council meeting prior to the June 21<sup>st</sup> Council meeting. CARRIED

Note: K. Bly, Sunny South News and B. Axtell departed at 11:09a.m.

**IN-CAMERA**

**J1. Land Issue**

- 172/12 T. WHITE MOVED that Council go In-Camera at 11:09 a.m. CARRIED

Note: J. Willms departed at 11:50 a.m.

- 173/12 H. DOEVE MOVED that Council come out of In-Camera at 12:00 p.m. CARRIED
- 174/12 K. BENSON MOVED the meeting recess for lunch at 12:00 p.m. CARRIED

The meeting reconvened at 1:39 p.m. with all members of Council present as previously stated.

Note: J. Willms present at 1:39 p.m.

**IN-CAMERA**

**J1. Land Issue**

- 175/12 H. DOEVE MOVED that County Council refer the land issue to the Town of Coalhurst Intermunicipal Committee, with a report to be brought back to the May 17, 2012 Council meeting. CARRIED

**MUNICIPAL SERVICES**

**F3. Southern Waste from Waste to Energy Alliance Workshop – Vulcan, AB – T. White**

Councillor Tom White provided Council with an update regarding the Southern Waste from Waste to Energy Alliance Workshop in Vulcan he attended on April 27, 2012.

- 176/12 H. DOEVE MOVED that item F3. Southern Waste from Waste to Energy Alliance Workshop – Vulcan, AB – T. White be received for information. CARRIED

**F4. Road Maintenance – M. Zeinstra**

Councillor Morris Zeinstra discussed his concern regarding Iron Springs Road.

- 177/12 S. CAMPBELL MOVED that Council receive item F4. Road Maintenance – M. Zeinstra for Information. CARRIED

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Reeve

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County Manager

**COMMUNITY & LEGISLATIVE SERVICES****G1. Staffing Request: Community Peace Officer – Level 1**

178/12 H. DOEVE MOVED that County Council directs Administration to begin steps to employ a full time Community Peace Officer Level 1, under the Alberta Public Security Peace Officer Program, pending the 2013 budget discussions. CARRIED

Reeve Hickey recessed the meeting at 2:08 p.m. to proceed with the Public Hearing for By-Law

**APPOINTMENTS****E2. PUBLIC HEARING for By-Law 1385 - Amendment to Land Use By-Law – Perry Wong (via Westcott Consulting) – From Rural Agriculture (R-A) to Grouped Country Residential (G.C.R.) S.W. 31-10-21-W4**

179/12 M. ZEINSTRA MOVED that the Public Hearing for By-Law 1385 - Amendment to Land Use By-Law – Perry Wong (via Westcott Consulting) – From Rural Agriculture (R-A) to Grouped Country Residential (G.C.R.) S.W. 31-10-21-W4 open at 2:08 p.m. CARRIED

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

S. Harty	B. Wescott	P. Wong
P. Trefan	G. Hoffarth	D. Trefan

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for By-Law 1385.

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

Mr. Paladino stated the following:

- Wescott Consulting, on behalf of the landowner Mr. Perry Wong, has applied for an amendment to the Land Use Bylaw. The request is to re-designate a portion (approximately 6 acres) of the south half of the S.W. 31-10-21-W4 from Rural Agriculture (R.A.) to Grouped Country Residential (G.C.R.).
- County Council gave first reading to Bylaw #1385 on April 5, 2012. A public notice was placed in two issues of the Sunny South News and area residents, O.R.R.S.C, as well as the Picture Butte Golf Club have been sent written notices. Administration has taken one phone call from an adjacent landowner who is planning to attend the hearing.
- Should rezoning be successful, the applicant intends on submitting an application for a separate title for the six acre site.
- The entirety of the existing title is 80 acres. This property includes a house and accessory buildings.
- The total area of agricultural land is estimated at about 50 acres, with the remainder as yard and coulee.
- As in the Deer Run development, the existing parcel is bisected by the Pyami Coulee. The existing cultivated area to the east of the coulee is approximately 28 acres, which is used for hay.
- The proposed site for rezoning is the northeasterly 6 acres of the land adjacent to the Picture Butte Golf Club and to Deer Run Estates.
- The proposal includes gaining access through the Deer Run subdivision through an existing lane, dedicated when the Deer Run plan was registered. The area proposed for rezoning lies outside the 300 metre setback required from the Shaughnessy wastewater lagoons.

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Reeve

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County Manager

- The site meets MDS requirements with respect to the nearest livestock feeding operations.
- The County's Municipal Development Plan encourages country residential uses adjacent to recreational areas such as lakes and golf courses.
- Typically, the Land Use Bylaw does not support the subdivision of "*higher quality agricultural lands*". However in this case, the existing 80 acre parcel is bisected by the coulee, and the land in cultivation to the east of the coulee and adjacent to the golf course is about 28 acres of hay land.
- The proposed residential land use is compatible with the development to the north and west, the golf course to the east, and the existing agricultural and residential use on the remainder of the owner's lands. For these reasons, staff feels that this application has merit.
- However, a couple of issues have been identified. First, the proposal represents an extension of the Deer Run Estates development, which already involves a long dead-end road without a secondary emergency access. Further, the proposed lot lacks direct access to a public County road, with only a lane access from the end of Deer Run Estates development. This access is suitable only for a single lot development on the Wong lands, and if approved in this fashion, future subdivision would not be supported. Policy 6.3.3(k) of the Municipal Development Plan specifies that "For a multi-lot or grouped country residential subdivision, each parcel created must have direct physical access to a public County road, unless it is part of a registered condominium plan . . . Private access easements . . . shall not be permitted." Based on MDP policy, if Council approves the rezoning, consolidation of the lane access from Deer Run Estates with the proposed 6 acre parcel should be considered as part of the subdivision approval.
- Proceeding with second and third reading to Bylaw #1385 would allow the landowner to apply for formal subdivision of the proposed site. Issues such as the final lot size, access, water supply, soil suitability for a septic system, storm water management, and architectural controls can be suitably addressed at that time.

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

Council enquired if the land was farmed now and could farm equipment fit through the lane?

Mr. Paladino stated the land is pasture and there is a crossing at the bottom of the coulee that would allow for a one ton truck.

Council enquired that if this parcel is designated to Grouped Country Residential (G.C.R.) does it have to have direct access to a roadway.

Mr. Paladino stated that the 10 metre-wide lane is considered legal access and it is a public lane that would not require easement; if and when this title is created, the County could close the road and sell it and add it to the title as a tail.

Council questioned whether the roadway would qualify as a legal access for a multiple lot subdivision.

Mr. Steve Harty, Senior Planner, Oldman River Regional Services Commission stated that a laneway registered on a plan at Land titles is a road under the MGA, thereby it is owned by the Queen and maintained by the County, it is a legal public road access, but because it is substandard in width it would only be sufficient for one parcel.

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Reeve

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County Manager

Mr. Paladino added that today's request for G.C.R. is a land use change; the subdivision phase would determine if it is more than one parcel.

Mr. Kevin Viergutz, Director of Municipal Services stated that as access to a single lot, 10 metres is adequate, however he would not support it for G.C.R.; for a single family lot easement would not be required.

Mr. Harty stated that Council will have ultimate control because they are the subdivision authority. The MGA it states there has to be suitable access.

Council can deny the request or have the landowner change it if they come back with a multiple lot subdivision application. GCR is the correct zoning for this application because it is next to existing country residential development.

Council stated that since this was considered non-marginal farmland, a rezoning would infringe on others rights as to what they can and cannot do.

Mr. Paladino stated that Deer Run Estates was also recognized as marginal land and that the same effect would be reached if the creek was used as cutoff and you could describe the titles as the east side/west side of the coulee.

Council enquired if it is designated to G.C.R. the developer could potentially add another 10 lots and work together with Deer Run. Once that happens, there is an ASP that addresses the 36 lots in Deer Run but not the additional 10. Now we are in a situation where we fall out of scope of the 36 lot ASP.

Mr. Paladino stated that he does not think that the subject area could accommodate more than 2 or 3 lots with a 2 acre minimum. The developer has suggested only one lot, so it is best to take his word for it until the subdivision is applied for and then Council may reject it if it doesn't comply.

Council enquired if Alberta Transportation was notified.

Mr. Albert Flootman, Director of Community and Legislative Services stated that Alberta Transportation have not been notified because as this application deals only with a rezoning, they do not need to be notified at this stage.

Mr. Harty added that Alberta Transportation would be notified at the subdivision application stage, they approve development and access, but they do not approve rezoning's.

Council enquired if the owner wants a development permit for another house.

Mr. Paladino answered that the landowner could apply for, and receive, a permit for two dwellings on the present title.

Reeve Hickey then asked if anyone present wished to speak in favour of By-Law 1385.

Mr. Bob Westcott, Wescott Consulting Group addressed Council and stated he is speaking on behalf of Mr. Perry Wong, the landowner regarding his application to designate to G.C.R. The application does comply with all requirements of the County of Lethbridge.

Staff reports to Council are comprehensive and exemplary. Council approved Deer Run Estates to the north of the Wong lands and both sides of the Pyami Coulee, a subdivision application for 33 lots, with roads and utilities installed.

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Reeve

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County Manager

During the process for Deer Run Estates, Council requested substantial information to be included with the ASP; the geotechnical from that ASP extends to the Wong lands, the slope of the Pyami, for example. The technical investigations also apply to both. Mr. Wong is required to apply for G.C.R. designation prior to development.

The intent is to have two permanent residents for family members on the property. The application, as presented, does comply with the Municipal Development Plan (MDP).

Comments from staff, referencing the 80 acres, the physical barrier does create limitations, getting close to 20 acre limitations. Staff does feel the application has merit. In the ORRSC report it is indicated the parcel of land is within the required 300 metre setback of the Shaughnessy wastewater treatment lagoon, so there can be no further development beyond the blue line because of provincial regulation. For the ASP for Deer Run Estates, the developer completed a Traffic Impact Assessment (TIA) with respect to Hwy 25 that recommended the construction of a Type 2 intersection, with new access to Highway 25. These improvements can more than accommodate the proposed development on this lot which would access through the Deer Run lands. Similarly, the comments from the Deer Run Estates ASP from Alberta Environment regarding the storm water management plan, apply to Wong parcel.

Deer Run Estates and Mr. Wong have worked collaboratively to ensure access to potable water from the North County Co-op, and with the golf course. There is a lot of cooperation and a collegial relationship between all parties. Discussions for cart access to the golf course have occurred between the Wong's and Deer Run Estates, and the west boundary of the golf course. This is a situation where you have multiple landowners that are working collaboratively and in agreement. Deer Run and the golf course have raised no concerns regarding this application. If it were a were an application for a 15 unit subdivision plan, then yes, request an ASP, but as it is presented, this application does not require an ASP. The Wong parcel has irrigation water. The spigot from the irrigation district serves the Wong's property. Potable water reaches the the Wongs through the collaboration of the two neighbours.

What is being asked for today is to rezone the land to G.C.R. If it moves forward to subdivision and development, Council can put parameters on the development and request that no further subdivision occurs. With respect to the access, Deer Run Estates provided a 10 metre dedicated lane, and it is a legal access. It has been discussed with Deer Run and they have an easement on the east boundary of the lane that can accommodate underground services, and if necessary, an additional 10 metres can be added on the west side, but only if Council requires it be 20 metres. Again, these landowners are working collaboratively. An easement provides for underground power and gas services from Deer Run Estates. The architectural controls for Deer Run are at a higher level than the County's Land Use By-Law, and those architectural controls would also apply to the Wong's property. Council will have optimum control over the subdivision when and if it comes forward. Today, we are asking for your support on the redesignation to G.C.R. only.

Reeve Hickey asked if anyone present wished to speak in opposition of By-Law 1385.

Mr. Peter Trefan addressed Council and stated he is opposed to the redesignation because he wants to subdivide his land. There are 23 or 24 lots that have not yet been sold. Mr. Trefan asked where the power, gas, telephone and the sewer line coming from.

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Reeve

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County Manager

Mr. Paladino stated that there is no sewer line and the gas and power etc. are provided for out of Deer Run Estates.

Mr. Trefan circulated photos of water from Deer Run Estates into Mr. Wong's property and enquired if they used their own contractor to deliver this water to Mr. Wong.

Reeve Hickey declared this question not relevant as the two parties involved came to a mutual agreement.

Mr. Trefan enquired if there would be one house or two or more, if they are granted permission to subdivide.

Council stated it would have to go through a subdivision phase and the applicant would have to provide geotechnical and percolation tests to provide proof that the land could support more than one dwelling. Also, development could not occur within 300 metres from the sewage lagoon.

Mr. Trefan stated that this is good agricultural land. Mr. Trefan sold this land to Mr. Wong. Mr. Trefan had no trouble growing crops on this land. To subdivide a piece of property like that is taking good agricultural land out, as they did in Deer Run Estates. The portion of land bordering Highway 25 is irrigated through the coulee.

Reeve Hickey asked three times if there were any further presentations regarding By-Law 1385.

There were no further presentations.

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

There were no further questions from Council.

180/12	H. DOEVE	MOVED the Public Hearing for By-Law 1385 close at 2:58 p.m.	CARRIED
181/12	T. WHITE	MOVED second reading of By-Law 1385.	CARRIED
182/12	T. WHITE	MOVED third reading of By-Law 1385.	CARRIED

Reeve Hickey thanked the delegation for attending the meeting. The delegation retired at 3:00 p.m.

## **CORPORATE SERVICES**

### **H1. By-Law 1386 - 2012 Tax Mill Rate**

183/12	H. DOEVE	MOVED first reading of By-Law 1386.	CARRIED
184/12	M. ZEINSTRA	MOVED second reading of By-Law 1386.	CARRIED
185/12	T. WHITE	MOVED that Council proceed to 3rd reading of By-Law 1386.	<b>CARRIED UNANIMOUSLY</b>
186/12	S. CAMPBELL	MOVED 3rd reading of By-Law 1386.	CARRIED

Note: H. Doeve retired at 3:20 p.m.

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Reeve

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County Manager

**COMMUNITY & LEGISLATIVE SERVICES****G2. Recreation Volunteer Recognition Awards**

187/12 K. BENSON MOVED that County Council nominate Kevin Petrisor and Arnie Bergen-Henengowen for the 2012 Recreation Volunteer Recognition Awards. CARRIED

**CORPORATE SERVICES****H2. 2012/2013 Canadian Border Services Cost Recovery Agreement**

188/12 T. WHITE MOVED that County Council authorizes the Reeve to execute the 2012/2013 Agreement for the Provision of Border Services between the County of Lethbridge and Canada Border Services Agency and further that County Council authorize Administration to prepare a letter under the Reeve's signature to be forwarded to the Federal Minister of Transport Canada and MP Jim Hillyer protesting the fee charged to the municipality for the Provision of Border Services. CARRIED

**ADMINISTRATION****I1. Lethbridge College Re: 9<sup>th</sup> Annual Spaghetti Western – June 1, 2012, D.A. Electric Barn**

189/12 J. WILLMS MOVED that Council authorize the Reeve or his designate to attend the Lethbridge College 9<sup>th</sup> Annual Spaghetti Western scheduled for Friday, June 1, 2012 at the D.A. Electric Barn. CARRIED

**I2. Burnco Re: 100<sup>th</sup> Anniversary Gala – May 30, 2012, Coast Hotel**

190/12 K. BENSON MOVED that Council authorize the Reeve or his designate to attend Burnco's 100<sup>th</sup> Anniversary Gala scheduled for Wednesday, May 30, 2012 at the Coast Hotel, Lethbridge. CARRIED

**I3. Lethbridge College Re: Reception for Dr. Tracy Edwards – May 10, 2012, Garden Court Restaurant**

191/12 M. ZEINSTRA MOVED that Council authorize Reeve Hickey or his designate to attend the Lethbridge College Reception for Dr. Tracy Edwards scheduled for May 10, 2012 at 6:00 p.m. at the Garden Court Restaurant. CARRIED

**ADJOURNMENT**

192/12 K. BENSON MOVED the meeting adjourn at 3:37 p.m. CARRIED

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 Reeve

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 County Manager