1. **CALL TO ORDER**

The Council for Planning and Economic Development meeting for the County of Wetaskiwin No. 10 was called to order by Reeve T. Van de Kraats in the Council Chambers of the County of Wetaskiwin Administration Office, commencing at 9:01 a.m. on Thursday, January 10, 2019.

2. **APPROVAL OF AGENDA**

Resolution PD20190110.001
MOVED: by Councillor J. Bishop

that the agenda be accepted as presented.

Carried Unanimously

3. **MINUTES APPROVAL**

Resolution PD20190110.002
MOVED: by Councillor J. Bishop

to approve the minutes for the Council Planning and Economic Development Meeting held December 6, 2018 as presented.

Carried Unanimously

4. **DEVELOPMENT OFFICER REPORT**

4.1 Development Report December 2018

During the month of December 2018 there were fourteen (14) development permits completed with an estimated value of $1,612,300.00. The following table depicts the activities for the month.

<table>
<thead>
<tr>
<th>Development Permit Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Development Permits</td>
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</tr>
<tr>
<td>Commercial Development Permits</td>
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</tr>
<tr>
<td>Recreational Development Permits</td>
<td>0</td>
</tr>
</tbody>
</table>
Council Planning and Development Meeting, January 10, 2019

<table>
<thead>
<tr>
<th>Service</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Development Permits</td>
<td>13</td>
</tr>
<tr>
<td>Compliance Certificates</td>
<td>2</td>
</tr>
<tr>
<td>Request to Operate Business</td>
<td>0</td>
</tr>
<tr>
<td>Site Inspections</td>
<td>3</td>
</tr>
<tr>
<td>Subdivision Design Reviews/Inspections</td>
<td>4</td>
</tr>
<tr>
<td>Approach Inspections</td>
<td>0</td>
</tr>
<tr>
<td>Subdivision and Development Appeal Board Hearings</td>
<td>1</td>
</tr>
</tbody>
</table>

Administration recommended that Council approve the Development Report for December 2018 as presented.

Resolution PD20190110.003
MOVED: by Councillor K. Adair
that Council accept the 2018 Development Report as presented.

Carried Unanimously

4.2 2018 Year-End Development Report

The Planning and Development Department has created several 2018 year-end reports for the information of Council. The Land Use Amendment, Subdivision, and Year-End Reports are separated by Electoral District. The 2018 Year-End Review Report is compiled from all Electoral Districts combined.

Administration recommended that Council accept the 2018 Year-End Development Report as information.

Council requested clarification of the sum of estimated costs reported, stating the value seemed low compared to the count of developments.

Administration advised that not all estimated costs are provided by the developer and the value is gathered for information only and that permits may be granted for existing structures to make properties compliant. Estimated cost values are separate from the assessments, which are gathered by the Assessment Department through visual inspection.

Council discussed Safety Code Permit costs, specifically developers providing estimated values versus using square footage to determine permit fees. Administration understands Safety Code Permits are calculated using a formula which encompass the number of fixtures in a development.

It was noted the G3 Development was recorded in the Division Year End Report in Division 3 and should be located within Division 1.

Resolution PD20190110.004
MOVED: by Councillor K. Adair
that Council accept the 2018 Year-End Development Report as presented.

Carried Unanimously

9. UNFINISHED BUSINESS

9.1 Caretaker Dwellings - Land Use Bylaw Amendment

On July 16, 2018, Administration received a letter from Ted Reimchen requesting a delegation regarding amending the current Land Use Bylaw in order to apply to construct a ‘caretaker’ dwelling on his lot, located within NW 10-47-24-W4M, Plan 0420254, Block 2, Lot 3 in Bluebird Estates subdivision. The proposed amendment would be only to the Country Residential (CR) land use district. The caretaker would
specifically be for yard maintenance rather than personal care as result of medical conditions. 

At the August 14, 2018 Planning and Economic Development meeting, Council directed Administration to draft a Policy in regards to the allowance of caretaker dwellings as a request via delegation from Ted Reimchen for a caretaker dwelling on his own residential property.

The intent of this provision focuses on an individual providing the maintenance service to a resident whose property requires full-time care. The previous Land Use Bylaw did have a variation of this land use within the Country Residential (CR) land use district which would involve a secondary/mobile residence for reasons of health or infirmity and be a family member. However, during the course of the Land Use Bylaw amendments, the Country Residential (CR) district was removed from this allowance. The question now is whether there are sufficient planning justifications to help enable this to occur through a Policy.

One of the criteria for supporting a policy would be the need for the same conditions in those districts where the use is allowed, an example being the written reasons from a physician. Additional justifications may include that such proposals be allowed only on an annual basis. In this regard, the approval would only be extended upon receiving an annual letter from a physician and subsequent annual inspection by the County. Following through with the direction of Council, Administration has drafted a proposed Policy regarding the allowance of caretaker dwellings. The draft Policy reads as follows:

1. **POLICY STATEMENT**

1.1 The Council of the County of Wetaskiwin No. 10 may, from time to time, receive requests from landowners who wish to construct a "caretaker" dwelling on their lot. The intent is to provide a residence for an individual providing yard and maintenance service to a resident who requires assistance with the day to day care of the property.

2.0 **DEFINITION**

2.1 Caretaker Dwelling means a dwelling subordinate to an existing primary dwelling and is to be used only by an individual that provides services to the landowner of the primary dwelling within a Country Residential land use district and is subject to the conditions outlined within that district.

3.0 **PROCEDURES**

3.1 Must require an annual Discretionary Development Permit. The initial Development Permit must have a written Doctor’s note with Doctor’s letterhead and subsequently further Development Permits must be submitted annually including the applicable application fee. Accompanying the application must include the annual or updated Doctor’s note supporting the assistance required;

3.2 Must be within or near the existing yard site, thereby, not facilitating a potential subdivision of the Caretaker’s Dwelling;

3.3 It would be a requirement that the Caretaker’s Dwelling be dependent on the main residence. In this regard, utilities must be connected to the main residence to the Caretaker's Dwelling. With this principle we can keep the secondary dwelling in a minor light and not potentially give credence to the Caretaker’s Dwelling being practically independent. Requiring the utilities, water and sewer services to be dependent on the main dwelling’s utility and service systems will keep this dwelling close by and would have little potential to be independent and subsequently subdivided. Utilities and charges would be the responsibility of and managed by the principle homeowner;

3.4 Security of $1,000.00 (before permit issued) to be returned when the use is no longer there (Note: if a stick built structure is to be kept, there would be a need to render the uninhabitable - example with kitchen facilities removed);

3.5 Maximum square footage of a stick built dwelling or mobile or modular would be no greater than 800 sq. ft. Example, a dwelling would be 24 X 32 ft. (768 sq. ft.);

3.6 A Mobile or Modular Home under part nine of the Safety Codes would be acceptable (easy to remove);
3.7 The dwelling unit must not be on a permanent foundation or basement; and

3.8 Recreation Vehicles or Park Models would not be eligible as they are not technically code compliant and not well suited to be used for year round residential accommodation.

Proposals of this nature must first satisfy this Policy. Upon satisfying the criteria within the Policy, the applicant would need to apply for and obtain a Development Permit with conditions. Both Policy and Development Permit would match one another. In this respect, the matter is also a land use issue that falls into and needs the support of the Land Use Bylaw. The Land Use Bylaw, provides for the necessary conditions and, if necessary, the enforcement mechanisms to address any concerns that result in non-compliance. If Council agrees with the Policy, the next steps would also include matching amendments to the Land Use Bylaw.

**Current Land Use Bylaw**

At the April 12, 2018 Council for Planning and Economic Development meeting, Council approved to add the restriction for multi lot Country Residential (CR) District residential subdivisions only as an amendment to Section 9.8.2(e) of Land Use Bylaw 2017/48.

9.8 Number of Dwellings on a Lot

9.8.2 Notwithstanding Section 9.8.1, the Development Officer may issue a development permit to:

e) in accordance with Sections 9.8.2 a), b) and c), permit the placement of a second dwelling, being solely a mobile dwelling, on a lot not designated as Lakeshore Residential District, Lakeshore Mixed Use District, Recreational Resort Holdings District, Mixed Recreational Residential District, Urban Residential District, or Country Residential District, in a Multi-Lot Residential Subdivision only, if the second mobile dwelling is a permitted or discretionary use and shall be used by a person(s) who require full-time care being provided by the primary resident of the parcel. Such person must provide detailed written reasons from a physician. The mobile dwelling(s) shall be removed when it is no longer being used for the purpose stated herein or upon the expiry of any associated development permit authorizing said use;

In most cases, the above Section 9.8.2(e) of the Land Use Bylaw is essentially to address requests to support elderly or infirm individuals who have the ability to be somewhat independent, however, still require family members to be close by. One reason the excluded districts are indicated in this section is due to the higher density of existing and intended development and servicing of these districts.

As additional information for Council, other related provisions in the Land Use Bylaw allow for the following similar land uses in the following districts.

- A Guest Cabin (if a primary dwelling exists) as defined in the Land Use Bylaw and is discretionary land use with in Lakeshore Residential and Mixed Recreational Residential.

**Country Residential Land Use District**

Administration has reviewed the idea of a Caretaker Dwelling and particularly with such cases as relayed as a delegation to Council by Ted Reimchen. The concept was proposed specifically to the Country Residential (CR) Land Use District and focus of discussion of Administration has been based on how the proposal would affect that district and how it could be addressed in that district. In August of 2018, Council had directed Administration to address the matter through Policy and as mentioned earlier, such circumstances should also be subject to Development Permit application and subsequent conditions as expanded upon further below. This use would also only be considered as a Discretionary Land Use within the Country Residential (CR) district. This would require an amendment to the Land Use Bylaw for the purpose of completing the necessary Development Permits.

**Development Permit Pre-Requisites and Conditions**

- Must require an annual Discretionary Development Permit. The initial Development Permit must have a written Doctor’s note with Doctor’s letterhead and
subsequently further Development Permits must be submitted annually including the applicable application fee. Accompanying the application must include an annual or updated Doctor’s note supporting the assistance required;

- Must be within or near the existing yard site, thereby, not facilitating a potential subdivision of the Care Taker’s Dwelling;

- It would be a requirement that the Care Taker’s Dwelling be dependent on the main residence. In this regard, utilities must be connected to the main residence to the Care Taker’s Dwelling. With this principle we can keep the secondary dwelling in a minor light and not potentially give credence to the Care Taker’s Dwelling being practically independent. Requiring the utilities, water, and sewer services to be dependent on the main dwelling’s utility and service systems will keep this dwelling close by and would have little potential to be independent and subsequently subdivided. Utilities and charges would be the responsibility of and managed by the principle homeowner.

- Security of $1,000.00 (before permit issued) to be returned when the use is no longer there (Note: if a stick built structure is to be kept, there would be a need to render the uninhabitable - example with kitchen facilities removed);

- Maximum square footage of a stick built dwelling or mobile or modular would be no greater than 800 sq. ft. Example, a dwelling would be 24 X 32 ft. (768 sq. ft.);

- A Mobile or Modular Home under part nine of the Safety Codes would be acceptable (easy to remove);

- The dwelling unit must not be on a permanent foundation or basement; and

- Recreation Vehicles or Park Models would not be eligible as they are not technically code compliant and not well suited to be used for year round residential accommodation.

Definition

Caretaker Dwelling means a dwelling subordinate to an existing primary dwelling and is to be used only by an individual that provides services to the landowner of the primary dwelling within a Country Residential land use district and is subject to the conditions outlined within that district.

In reviewing the proposal made by Mr. Reimchen and the development of the proposed Policy in accordance with the direction of Council, Administration had the following comments and concerns regarding the proposal, which are provided for review by Council:

- “In April 2018, Council had directed us and it is shown under the Land Use Bylaw to not allow medical residences within the CR district if it is a part of a multi-lot subdivision. That should probably carry forward to this;

- Why is a residence required for someone to take care of someone else’s yard? There are lots of mobile yard keeping businesses. And with CR properties being 5 acres in size at the top end, I think it is not realistic or necessary for a residence to be placed just to cut the grass or weed a flower bed; and

- If it is a Country Residential multi-lot subdivision, the Land Use Bylaw does not allow it currently. This is where I struggle with this one, although I recognize and appreciate that Mr. Reimchen has a medical condition, can he not hire an individual to attend his property, but not live there? Additionally, I am not too keen on developing a Policy for one person’s situation.

- How long would this dwelling be permitted? If it continued for 15+ years, it would become a record keeping nightmare. Especially if inspections are required annually.”

Information previously provided to Council has been provided once again for their review.

Options for Consideration by Council:

- That Council direct Administration to move forward with the approval of the proposed draft Caretaker Dwelling Policy as presented in accordance with Policy and Procedures Standards Policy #12.0.1;
• That Council direct Administration to move forward with the approval of the proposed draft Caretaker Dwelling Policy as presented in accordance with Policy and Procedures Standards Policy #12.0.1 and further direct Administration to move forward with an advertised Public Hearing to amend the Land Use Bylaw;
• That Council forward the matter to Land Use Bylaw Committee for further review; or
• That Council direct Administration to not proceed with the creation of Policy and/or Land Use Bylaw amendments related to caretaker dwellings, thereby not allowing the permittance of caretakers dwellings for the purpose of yard maintenance in Country Residential (CR) districting and further for Administration to advise Mr. Ted Reimchen of the decision of Council.

Administration recommended that Council direct Administration to move forward with the approval of the proposed draft Caretaker Dwelling Policy as presented in accordance with Policy and Procedures Standards Policy #12.0.1 and further direct Administration to move forward with an advertised Public Hearing to amend the Land Use Bylaw.


Administration confirmed a Secondary Suite is located within the residence and currently allowed within a Multi Lot Country Residential Subdivision. A Secondary Residence would be its own separate structure and is not allowed within a Multi Lot Country Residential Subdivision under the Land Use Bylaw 2017/48.

Resolution PD20190110.005
MOVED: by Councillor K. Rooyakkers
to defer discussion regarding Caretaker Dwellings to a later time in the meeting due to time constraints.

Carried Unanimously

5. DELEGATION - 9:30 PUBLIC HEARING
Reeve T. Van de Kraats declared the Public Hearing open at 9:32 a.m. and a delegation consisting of Deanna Wagner, Jean Quast, and Cameron Quast entered the meeting.

5.1 Spot Rezoning - SW 13-45-28-W4M - Agricultural (AG) to Country Residential (CR) - Cameron Quast
On November 13, 2018, Administration received a rezoning application from Cameron Quast to rezone 14.7 acres (5.95 hectares) within SW 13-45-28-W4M from Agricultural (AG) to Country Residential (CR).

The property is located on the east side of Range Road 281 and north side of Township Road 452. The applicant is discontinuing farming, but wishes to retain the acreage site with the two (2) dwellings. The following are approved Development Permits issued by the County:
• Request to Operate Business, Card Readings by Deanna, approved February 27, 2007;
• Request to Operate Business, Windy Spruce Massage, approved February 27, 2007;
• DP05/173, Quonset with Apartment Loft, issued September 19, 2005;
• Request to Operate Business, Mound Red Auctioneering, January 29, 2003;

On November 20, 2018, referral letters were sent to West Central Planning Agency, the Alberta Energy Regulator (AER), Alberta Sustainable Resource Development (ASRD), Alberta Environment, Alberta Transportation, and County Administration.

At the time of issue submission, Administration has received responses regarding the proposed rezoning, which are as follows:
Alberta Transportation

"Alberta Transportation would offer no objections to the proposed rezoning if the County of Wetaskiwin, as the land use authority, feels that it is an appropriate land use and complies with your bylaw. If the rezoning proceeds to subdivision we will review and provide comments/grant a variance upon receipt of a referral from WCPA."

Administration

- "The proposed size of parcel was well over the maximum 5 acres as stated within the Country Residential district of the Land Use Bylaw;
- The proposed parcel also contained two residences: one house and one residential loft within a shop. As per LUB 2017/48 only 1 dwelling was allowed on anything under 80 acres accept for a medical residence or a secondary suite of which neither is applicable in this instance.
- Further to the above, if the rezoning and then subdivision was approved by Council they would become legal non-conforming with respect to Section 9.18 Accessory Buildings of the County's Land Use Bylaw. Section 9.18 limits the total square footage of accessory buildings combined to 1506 sqft. Doing some rough calculations that appear to already be well over 3500 sqft. Based on this they would not be granted an approval for another accessory building until existing structures were removed.
- Concerned about the size of the second parcel. Administration understands the policy is up to 5 acres and this is almost three times the size. There seems to be no reason to have this parcel as there is no natural split or divide to cause the parcel to be this big.
- Concerned that if they sell the farmland the County will receive another application for a residence so the new owner can live on the land creating a third residence on this quarter.
- This application does not meet the size limitations and building allowances contained within the Land Use Bylaw and no other Policy provides an exemption. Therefore, Administration is clearly directed to recommend refusal. The accessory building issue also causes major problems that are not supported by the policy and bylaw direction set forth by Council."

After review of the proposed rezoning application, Administration is of the position that the rezoning should be denied due to a variety of issues that are not consistent with provisions contained within the Municipal Development Plan, relevant County Policies, and the Land Use Bylaw.

First, the subject property (total of 155.28 Acres) of the application has the following soil rating:

- 106 Acres at 52.3% or Class 3 to 4 soil:
- 26 Acres at 22.0% or A Pasture Rating Class 6 & 7
- 20.28 Acres at 12.0% A Pasture Rating Class 6 & 7

In respect to information related to soil quality, should there be good agricultural soil, an issue arises as to whether it is appropriate to further fragment good agricultural soil, as protection of good agricultural soil and farmland is a priority of Council in accordance with the Municipal Development Plan.

Additionally, Administration cannot support the Rezoning application as historically, options for subdivision for proposed parcels with two (2) houses on a lot have been restricted to a split of the quarter section into two (2) eighty (80) acre parcels or a first parcel out of the quarter section, with the potential of a second parcel out in adherence to the Second Yard Subdivisions Policy #61.1.7 of the County of Wetaskiwin. This convention is followed in adherence to the Municipal Development Plan (MDP) of the County of Wetaskiwin, which states under Objective 1.1 as follows:

"1.1.3 There should be no more than one subdivided lot plus a remainder on a previously unsubdivided quarter section in agricultural land unless rezoning or an area structure plan is approved.

1.1.4 In addition to Section 1.1.3, another subdivision is allowed subject to redistricting when:
a) creating a parcel to separate one additional existing residential farm site, as defined in the current land use bylaw, and in accordance with Policy #61.1.7 Second Yard Subdivisions, as amended; which requires improvements to be more than ten years old; or

b) there are natural or man-made barriers creating a natural severed split such as a river or stream, lake, road, or railway and pose difficulties to farm as one parcel."

Administration cannot support the proposed rezoning application in accordance with the provisions contained within the Land Use Bylaw. Under the Second Yard Subdivisions Policy #61.1.7 of the County of Wetaskiwin, in order to qualify for a second yard site, both the dwelling on the existing subdivided parcel, otherwise known as a first parcel out, and the dwelling on the proposed or second yard site parcel must be at least ten (10) years of age. In this case, both dwellings would indeed qualify as they have assessed effective years of 1972 and 2006. However, there remains the issue of two (2) dwellings situated within the proposed parcel that is the subject of the proposed rezoning. As a particular alternative, if one (1) of the dwellings was removed off of the subject parcel, it is very likely that the application would then meet the respective Municipal Development Plan, relevant County Policies, and the Land Use Bylaw.

Another key issue in considering this rezoning proposal is the two (2) dwellings on a 14.47 acre (5.86 ha) lot and the potential of the parcel being subdivided again. The future subdivision would then create four (4) parcels out of a quarter section and would be subject to an application for Area Structure Plan. Due to the issues where the application would not be supported by the Municipal Development Plan (MDP), relevant County Policies, and the Land Use Bylaw which have been explained in detail previous, Administration would be of the opinion that any proposed Area Structure Plan be refused, as is the case with this proposed rezoning.

Regarding past direction set forth by Council, Administration notes two (2) prior decisions rendered by Council this past year regarding similar matters where further subdivision, rezoning, and Area Structure Plan approvals were not supported by the Municipal Development Plan, relevant County Policies, and the Land Use Bylaw.

First, at the February 8, 2018 Council for Planning and Economic Development meeting, Council defeated Bylaw 2018/06 for the authorization of the Proposed Area Structure Plan for John & Barbara Bryson and Susanne Flett within SW 1-48-24-W4M Plan 9925410, Lot 1 at First Reading, due to it not being supported by the Municipal Development Plan, County Policies, and the Land Use Bylaw.

Second, at the April 12, 2018 Council for Planning and Economic Development meeting, Council defeated Bylaw 2018/10 for the authorization of the proposed Rezoning of approximately 3.64 hectares (9 acres) within NE 21-47-23-W4M from Agricultural to Country Residential for Tracy Mullin at First Reading, due to it not being supported by the Municipal Development Plan, County Policies, and the Land Use Bylaw.

Administration notes that although these two (2) prior situations do not all have the exact set of circumstances, they do have similarities including soil quality, the applicable provisions under the Second Yard Subdivisions Policy #61.1.7, and were all concerning being beyond the first parcel out.

More recently, Administration has received notification through legal counsel that the option of approving such proposals cannot include placing a caveat on title under Sections 650 and 655 of the Municipal Government Act. This is related to placing a charge on title related to two (2) dwellings and the eventual conditional removal and non-allowance of the replacement of the second dwelling.

Once comments were received from referral agencies and departments, a Public Hearing was set. The Notice of Public Hearing was advertised in December 27, 2018 and January 3, 2019 issues of the Pipestone Flyer and was mailed to the landowner and adjacent landowners on December 12, 2018.

Copies of the proposed rezoning application, relevant maps, land report outlining soil ratings of the property, Second Yard Subdivisions Policy #61.1.7, and the Country Residential (CR) District provisions as contained within the Land Use Bylaw have been provided for review by Council.
Administration recommended that Council defeat Bylaw 2019/02 to rezone approximately 14.47 acres (5.86 hectares) within SW 13-45-28-W4M from Agricultural (AG) to Country Residential (CR) for Cameron Quast at First Reading, as it is not supported by Land Use Bylaw 2017/48.

Mr. Quast commented on the following topics regarding his application:

- That the size and shape of the proposed rezoning was drawn for him and is flexible.
- That the long term goal was to subdivide the parcel with two residences and sell the farm land, allowing his elderly parents and disabled sister to remain in their residence after the sale of surplus lands.
- That a large portion of the proposed rezoning area is bush and there are no plans to remove it.
- About whether it is possible to have a subdivision for each residence.
- That confirmation is needed stating that only one residence may be subdivided at a later date and the remaining residence will remain with the balance of the quarter.

Council requested clarification and made comments on the following:

- Whether the the property qualifies for a second residence under the pretense of Compassionate Care/ Caregivers regulations.
- Whether the second home could be left with the balance of the quarter.
- Whether it would be possible to apply for the Second Parcel as per Policy now and apply at a later date to subdivide the remaining residence.
- Whether the size of the proposed rezoning was adjustable.
- The general shape of the proposed rezoned parcel.

Administration confirmed the following:

- That the second home does not fall with in the guidelines for compassionate care. The current residence is stick build and must be a removable mobile home to qualify.
- That an Area Structure Plan or Waiver of Area Structure Plan would be required to proceed with attempting to subdivide each of the residences individually. At this time, there is no in place for a third subdivision with the involvement of an Area Structure Plan.
- That either residence would qualify for the Second Yardsite Subdivision in accordance with Policy 61.1.7 if there were no existing subdivisions.
- That it is possible to reduce the size of the a proposed rezoning site to include only one dwelling.

In consideration of the decision required by the applicant, Council granted a recess to allow Mr. Quast to review the rezoning options provided.

5.2 Recess/Reconvene
The meeting recessed at 9:55 a.m.
The meeting reconvened at 10:02 a.m.

5.3 Spot Rezoning - SW 13-45-28-W4M - Cameron Quast
After the recess, Mr. Quast advised Council he would prefer to rezone the northerly residence to Country Residential (approximately 5 acres +/-).

Administration reviewed possible future subdivision conditions for the information of the applicant and provided support for a possible rezoning of the northerly residence with a reduced footprint.

Reeve T. Van de Kraats declared the Hearing closed at 10:06 a.m.

By-law 2019/02 is a By-law in the County of Wetaskiwin No. 10, in the Province of Alberta, for the purpose of amending the Land Use By-law by reclassifying
approximately 5 acres (2.02 hectares) within SW 13-45-28-W4M from Agricultural (AG) to Country Residential (CR) for Cameron Quast.

**Resolution PD20190110.006**
MOVED: by Councillor K. Rooyakkers
that By-law 2019/02 be given First Reading.

*Carried Unanimously*

**Resolution PD20190110.007**
MOVED: by Councillor B. Krahn
that By-law 2019/02 be given Second Reading.

*Carried Unanimously*

**Resolution PD20190110.008**
MOVED: by Councillor K. Adair
that By-law 2019/02 be presented for Third Reading.

*Carried Unanimously*

**Resolution PD20190110.009**
MOVED: by Councillor J. Bishop
that By-law 2019/02 be given Third Reading and it be declared finally passed and the Reeve and Chief Administrative Officer be authorized to sign and affix thereto the corporate seal of the County of Wetaskiwin No. 10.

*Carried Unanimously*

The delegation left the hearing at 10:08 a.m.

9. **UNFINISHED BUSINESS**

9.2 **Caretakers Dwellings**
Discussion resumed regarding Caretaker Dwellings which was deferred earlier in the meeting due to time constraints.
(Ref. Resolution #PD20190110.004)
Council provided comments and asked questions including the following:

- Whether there is a specific reason a property caretaker is required at all times to live on the property.

Administration provided clarification on the following:

- That the effects of a policy designed for one which affects many and may cause future challenges for enforcement.
- The letter provided by Mr. Reimchen which provided details of the applicant and his circumstances.
- The decision alternatives provided for Council.

**Resolution PD20190110.010**
MOVED: by Councillor K. Adair
that Council not proceed with the creation of Policy and/or Land Use Bylaw amendments related to caretaker dwellings, thereby not allowing the permittance of caretakers dwellings for the purpose of yard maintenance in Country Residential (CR)
districting and further for Administration to advise Mr. Ted Reimchen of the decision of Council.

Carried

10. NEW BUSINESS

10.1 Amendments to Appeal Hearing Procedures Policy #61.0.1

The Appeal Hearing Procedures Policy #61.0.1 was reviewed and amended to make the Policy current in content and formatting. This Policy was created in 1996 and there have been several changes made to this Policy within the proposed amendments, with the most significant being:

- The re-writing of Section 1, Policy Statement, to be more concise with expectations of the Subdivision and Development Appeal Board (SDAB) and removal of the Purpose statement which read: "To provide fair hearing for members for the public by the Subdivision and Development Appeal Board." This statement was reworked into the Policy Statement.
- Section 1, Policy Statement, has been expanded to offer more detail of responsibilities. The following was removed, reworded, or relocated:
  - Appeal Hearing "members" shall be:
    - appointed by resolution of Council.

Notice of an appeal hearing will be given as required by the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 section 679 and 686 (3). Procedures outlined herein conform to sections 680(1) and 687(1) of the Act.

and replaced with:

- The Subdivision and Development Appeal Board (SDAB):
  - Is required to follow notice requirements, hold a hearing, issue a written decision and reasons, and otherwise comply with the requirements of the Municipal Government Act;
  - Owes a duty of fairness to participants in the appeal process and must conduct a hearing in accordance with the principles of natural justice; and
  - Must consider planning principles and best practices.
  - Is appointed by Council.
- The County will:
  - Ensure relevant documents are made available for inspection to the public prior to the SDAB hearing.
  - Prepare an agenda and agenda package for the appeal hearing which includes:
    - The decision or order being appealed;
    - Notice of appeal;
    - Subdivision or Development Authority’s report or submissions to the Board; and
    - Any other correspondence or written submissions received by the County.
  - Ensure SDAB members and Secretary are trained in accordance with the Municipal Government Act.

Existing Procedures, which had outlined the steps of the hearing that are currently listed in Appendix A, were replaced with current requirements of the SDAB in accordance with the Municipal Government Act (MGA) as follows:

- Appeals must be submitted in writing with the appeal fee by the appellant, respondent, or affected persons, to the County of Wetaskiwin within the timelines as specified by the Municipal Government Act. A notice of appeal can be made by a person with respect to Subdivision Decisions, Development Permit Decisions, Issuance of a Stop order, or other decisions of the Development Authority.
- Written notice of an appeal hearing will be given as required by the Municipal Government Act. Please refer to Appeals for the most current timelines and procedures.
- During the SDAB meeting the Secretary to the Board will record the decision and the reasons for it and will provide notification in writing of the decision, at the
earliest possible date, or within 14 days, to those persons who have left their name and mailing address and those persons who were notified of the hearing.

- Procedure for Appeal Hearing can be found in the attached "Appendix A".

This Policy has been approved by Directors and is provided for review by Council. (Ref. Resolution #DM20181212.007)

Administration recommended that Council approve the proposed amendments to Appeal Hearing Procedures Policy #61.0.1 as presented.

Council and Administration reviewed the follow up process, including notifications, of an Appeal Hearing.

Council requested to be notified of all SDAB hearing results.

Resolution PD20190110.011

MOVED: by Councillor J. Bishop

that Council approve the proposed amendments to Appeal Hearing Procedures Policy #61.0.1 as amended:

2.3 During the SDAB meeting the Secretary to the Board will record the decision and the reasons for it and will provide notification in writing of the decision, at the earliest possible date, or within 14 days, to those persons who have left their name and mailing address and those persons who were notified of the hearing. Notice of the decision will also be provided to all of County Council.

Carried Unanimously

10.2 Amendments to Procedure for Administrative Approval of Simple Subdivisions Policy #61.1.3

The Procedure for Administrative Approval of Simple Subdivisions Policy #61.1.3 was reviewed and amended to make the Policy current in content and formatting. This Policy was created in 2001 and over the years, there have been several changes made to this Policy, with the most current version amended in 2014 by Resolution #CG20140306.1009.

Regarding the current proposed amendments, the only amendment to this Policy is an addition of further wording related to what is considered a “Simple Subdivision”, which reads as follows:

- 1.1.7 “Public utility lots for County use”

Policy Statement:

1. In order to streamline the process and improve customer service, Council has delegated subdivision approval authority for simple subdivisions to the Chief Administrative Officer (CAO) or his or her designate.

This Policy has been approved by Directors and is provided for review by Council. (Ref. Resolution #DM20181212.008)

Administration recommended that Council approve the proposed amendments to Procedure for Administrative Approval of Simple Subdivisions Policy #61.1.3 as presented.

Council requested a specific example of a Public Utility Lot using the Administratively Approved Simple Subdivision.

Administration verified that the Pigeon Lake Lift Station Subdivision would qualify as a Public Utility Lot using the proposed amendment.

Resolution PD20190110.012

MOVED: by Councillor J. Bishop

that Council approve the proposed amendments to Procedure for Administrative Approval of Simple Subdivisions Policy #61.1.3 as presented.
10.3 Amendments to Requirements for Area Structure Plan (ASP) Policy #61.1.6

The Requirements for Area Structure Plan (ASP) Policy #61.1.6 was reviewed and amended to make the Policy current in content and formatting. This Policy was created in 2002, with the most current version amended in 2016 by Resolution #PD20160211.1011.

Regarding the proposed amendments to this Policy, Administration notes there are several changes proposed to be made to this Policy, specifically in relation to Schedule A, Preparing an Area Structure Plan in the County of Wetaskiwin No. 10, with the most significant changes being:

- **Section 5.3** The removal of the statement: "Such report shall follow the guidelines and address the required elements of the Alberta Association of Municipal Districts and Counties and Alberta Municipal Affairs "Model Process for Subdivision Approval and Private Sewage". Information on the Model Process for Subdivision Approval and Private Sewage can be found at the following Alberta Association of Municipal Districts and Counties Site: "AAMD&C.com" then click on the "Advocacy Tab" then go directly to “Reports” and this page will list all the information necessary on the Model Process for Subdivision Approval and Private Sewage. Alternately, you may contact the County’s Planning and Economic Development Department for assistance."

- **Section 5.3** Addition of statement: "For further assistance and guidance, please contact the County’s Planning and Economic Development Departments."

- **Section 6.3.2** Amendment of statement to read: "Any land included in the Intermunicipal Development Plan between the County of Wetaskiwin and a neighbouring municipality, if within 3.2 km of the Plan Area. “This Section originally listed several Summer Villages.

- **Section 6.3.3** Amendment of statement to include First Nation Reserves and increasing of the distance from 0.8 km to 1.6 km in which adjacent municipalities and reserves shall be identified to coincide with approved Intermunicipal Development Plans.

- Relocated information/statements regarding Environmental, Municipal Reserves within the document.

- **Section 6.5** Addition of statement regarding Conservation Reserves: "Conservation Reserve is to allow for the dedication of lands to the County if the land, in the opinion of the development and/or subdivision authority, has environmentally significant features, and could not be required to be provided as environmental reserve, therefore allows for the County to protect and conserve the land."

- **Section 7.2** Update Documents Submitted to read digital copies, no disc ready originals.

- **Section 7.5** Addition of Safety Codes Council, Natural Resources Conservation Board (NRCB), and Alberta Energy Regulator (AER) in the list of Additional Contacts.

**Policy Statement**

The Council of the County of Wetaskiwin No. 10 receives requests from landowners who wish to develop their parcels into multi-lot subdivisions or propose recreational, multi-residential, commercial, and industrial developments without subdivision. In order to provide fair and consistent decisions regarding multi-lot subdivisions or proposals without subdivision of recreational, multi-residential, commercial, and industrial developments, Council deemed it necessary to establish this Policy.

Administration notes that the Policy Statement for this Policy has not changed, but rather the contents of Schedule A, which have been outlined previous.

This Policy has been approved by Directors and is provided for review by Council. (Ref. Resolution #DM20181212.009)
Administration recommended that Council approve the proposed amendments to Requirements for Area Structure Plan (ASP) Policy #61.1.6 as presented.

Council addressed the following topics with Administration:

- Times when a Conservation Reserve would be utilized during a subdivision.
- Whether the Policy assists or hinders provincial conservation efforts.
- Whether a Request to Waive Area Structure Plan is appealable to the SDAB, specifically if a Request to Waive ASP is denied.
- The idea of removing the "Request to Waive Area Structure Plan" from Policy 61.1.6 and future effects on applications for Administration and Council. It was noted a simplified Area Structure Plan could replace the information gathered when a Request to Waive ASP is requested.
- Whether the Conservation Reserve designation after land allocation to Municipal Reserve.
- Schedule A of Policy 61.1.6.

Administration responded with the following:

- That conservation reserves would be acquired, through purchase, when vulnerable lands are present within a subdivision, but have not been or cannot be addressed during the Environmental and Municipal Reserve stage. The municipality would have the ability to protect the uninhabitable and vulnerable lands when deemed necessary, but Administration does not anticipate a lot of Conservation Reserve acquisitions. However, the MGA has provided this option as a tool for Municipalities.
- That conservation reserves are a last resort for the County. The existing programs such as ALUS and allotting of Municipal reserves are preferred as the cost lands are not placed on the Municipality.
- That administration will review the designation process if Conservation Reserve is to be allotted before or after designation of Municipal Reserve.
- That a Request to Waive Area Structure Plan is non-appealable and in such event, the Applicant would then be required to submit a completed Area Structure Plan.

Resolution PD20190110.013
MOVED: by Councillor J. Bishop

that Council table the amendments to Requirements for Area Structure Plan (ASP) Policy #61.1.6 to February 15th, 2019 Council Planning and Development for Administration to provide revisions removing the ability for Waiver of Area Structure Plan, correct spelling error and review the wording regarding Conservation Reserves and timing of acquisition.

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Results

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Defeated (3 to 3)

Resolution PD20190110.014
MOVED: by Councillor K. Rooyakkers
that Council table the amendments to Requirements for Area Structure Plan (ASP) Policy #61.1.6 to February 15th, 2019 Council Planning and Development for Administration to correct a spelling error and review the wording regarding Conservation Reserves and timing of acquisition.

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**Results**

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Carried (4 to 2)

12. **ADJOURN**

**Resolution PD20190110.015**

MOVED: by Councillor K. Adair

that the Council for Planning & Economic Development meeting be adjourned at 10:55 a.m.

Carried Unanimously

________________________________________
REEVE

________________________________________
CHIEF ADMINISTRATIVE OFFICER