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 9:00 a.m. on Thursday, April 11, 2019.

2. **APPROVAL OF AGENDA**

   Resolution PD20190411.001
   
   MOVED: by Councillor K. Adair
   
   that the agenda be accepted as presented.
   
   Carried Unanimously

3. **MINUTES APPROVAL - March 14, 2019 Meeting**

   Resolution PD20190411.002
   
   MOVED: by Councillor L. Seely
   
   to approve the minutes of the Council for Planning and Economic Development Meeting held Thursday, March 14, 2019 as presented.
   
   Carried Unanimously

4. **MARCH 2019 DEVELOPMENT REPORT**

   During the month of March, there were nineteen (19) development permits completed with an estimated value of $4,459,000. The following table depicts the activities for the month March:

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>March</th>
<th>Year-to-Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Development Permits</td>
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<td>0</td>
</tr>
<tr>
<td>Commercial Development Permits</td>
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<td>10</td>
</tr>
<tr>
<td>Recreational Development Permits</td>
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<td>2</td>
</tr>
<tr>
<td>Residential Development Permits</td>
<td>12</td>
<td>26</td>
</tr>
</tbody>
</table>
Administration recommended that Council approve the Development Report for March 2019 as presented.

Council requested clarification of the notification process for entering a property for inspection purposes.

Administration stated notification can be provided by either posting a specific date and time or a range of dates when an inspection will be conducted. A minimum of forty-eight (48) hours notice is required prior to entry. The County currently has a property which they are pursuing a Court Order which allows unfettered access which does not then require forty-eight (48) hours notice.

Council reviewed the decisions made by the Subdivision and Development Appeal Boards for the March appeals.

Resolution PD20190411.003
MOVED: by Councillor L. Seely
that Council approve the Development Report for March 2019 as presented.
Carried Unanimously

9. UNFINISHED BUSINESS

9.1 Hanson v County of Wetaskiwin No. 10 (Subdivision Authority) - Report

On September 24, 2018, Council moved to deny subdivision RW/18/29 for Douglas and Debbie Hanson within Lot 1, Plan 972 2447 within NE 13-47-24-W4M to create a Country Residential lot of approximately 4.1 acres (1.6 hectares) as it does not comply with Section 14 of the Subdivision and Development Regulation and the application did not receive the necessary variance in accordance with Section 14 from Alberta Transportation and that Administration provide a letter of support on behalf of Council for the applicant to the Municipal Government Board (MGB). (Ref. Resolution #PD20181108.1006)

A hearing was held on January 21, 2019 and results were received on March 20, 2019 for Decision: MGB 007/19, Hanson v County of Wetaskiwin No. 10 (Subdivision Authority). The “Overview” of the decision can be found on Page 2 as follows:

"The MGB must determine whether to approve a subdivision that the Subdivision Authority (SA) refused, as Alberta Transportation (AT) did not waive the legislated distance from a highway. AT requested that a 30 meter services road right-of-way (ROW) be dedicated by caveat along the highway frontage of both parcels and that the existing highway access be removed. The Appellants disagreed with AT’s requirements, stating at no earlier stage in their subdivision process did AT require these conditions. They argued it is unreasonable to remove the approach and require a service road ROW, as it would require removing costly infrastructure. The MGB finds that the removal of the direct highway access and provision of alternate access via service road is necessary for safe and orderly planning. Since the SA and the Appellants objected to AT’s requirements, the MGB finds it most appropriate to uphold

<table>
<thead>
<tr>
<th>Compliance Certificates</th>
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<tr>
<td>Walking Trail Request</td>
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<tr>
<td>Request to Operate Business</td>
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<tr>
<td>Site Inspections</td>
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<td>Subdivision Design Reviews/Inspections</td>
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<td>Approach Inspections</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Subdivision and Development Appeal Board Hearings</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>
the refusal, as a conditional approval in this case would be tantamount to a refusal. Accordingly, the MGB upholds the subdivision refusal.”

The actual decision, as well as the reasons are outlined on Page 14 of the Board Order provided by the Municipal Government Board.

Administration recommended that Council accept the decision received from the Municipal Government Board regarding the Hanson v County of Wetaskiwin No. 10 (Subdivision Authority) Appeal as information.

Council discussed the final decision of the Municipal Government Board and if Mr. and Mrs. Hanson have any further avenues to pursue for future development.

Administration stated that an appeal can be made to the courts regarding the hearing if an error in process was made by the Municipal Government Board.

Resolution PD20190411.004
MOVED: by Councillor K. Rooyakkers
that Council accept the decision received from the Municipal Government Board regarding the Hanson v County of Wetaskiwin No. 10 (Subdivision Authority) Appeal as information.

Carried Unanimously

5. DELEGATION - 9:30 A.M. PUBLIC HEARING

A delegation consisting of Pat Dageforde, Daryl Dageforde, Kevin Liner, Brenda Gallaugher, Bryan Gallaugher, Peter Trommelen, George Schmidt, and Jonathan Pollock entered the meeting at 9:35 a.m.

5.1 Spot Rezoning - Agricultural (AG) to Rural Commercial (RC) - Block B, Plan 5071TR, SW 28-46-24-W4M - Central Construction, Roll #1183.01 - Report

On February 7, 2019, Administration received an application from Central Construction Group Ltd. to rezone approximately 3.09 acres (1.25 hectares) within SW 28-46-24-W4M, Block B, Plan 5071TR from Agricultural (AG) to Rural Commercial (RC). If rezoning is approved, the Applicant intends to apply for a development permit to use the land as additional storage for their heavy equipment fleet and bring the current use into compliance with Land Use Bylaw 2017/48. The property is located approximately 350 metres north of Township Road 464 on Range Road 244 within Peace Hills Heights.

This application is for the same zoning, Rural Commercial, previously approved for a portion of the lands on December 9, 1997 through By-Law 97/72, which is attached for the reference of Council. The previous rezoning application was to reclassify 4.8 acres (1.9 hectares) from Agricultural (AG) to the Rural Commercial (RC) District and left the remainder of the lot as Agricultural (AG).

On February 12, 2019, referral letters were sent to West Central Planning Agency, the Alberta Energy Regulator (AER), Alberta Sustainable Resource Development, Alberta Environment, Alberta Transportation, and Administration.

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

External Referral Agencies
- Alberta Transportation: "The subject property is well removed from any road under our jurisdiction with indirect access being provided solely by way of the local road system.

Notwithstanding or foregoing, we have no objections with the rezoning as proposed and/or favorable consideration by the County of Wetaskiwin subdivision authority."
Alberta Transportation requires municipalities ensure their land use and development approvals consider the impacts and provide mitigation on major transportation corridors — including provincial highways.

If highway improvements are required as a result of land use decisions approved by the municipality, then the municipality is to arrange payment for and construct the highway improvement(s) to highway standard.”

Administration

- "When the business was approved, were there conditions on the maximum number of employees and does this application plan to expand on that? If so, there will be pushback because it is so close to a residential subdivision
- Does the rezoning automatically assume a development permit will be approved also for the expansion of the business?
- Is this good planning?
- With the numerous permits that have been issued for the property over the years, there has never been one that speaks to the number of employees and/or hours of operation. Any permits from the early 2000s back tend to have very limited conditions. And the intent with the rezoning is to rectify an existing expansion that occurred without a permit and without the necessary rezoning. We already have the development permit application and it was during the review of it that it was found that the whole property did not have RC zoning. What the application is for is to give validity to a storage yard that was created on the eastern side of an existing hill.
- During the initial review of the permit application Central was required to get in contact with Alberta Environment and in the end after amending their proposal had no requirements imposed by Alberta Environment. Attached is their development permit application for everyone's review to help give context to the end use of the land. Hypothetically speaking, if in the future the newly rezoned land was ever to be used for anything else other than for storage, a new development permit would need to be obtained and if it was for an expansion of the business conditions relating to number of employees and hours could be imposed.
- The question of if this is good planning is a complicated one for this circumstance. The mixed use (residential/heavy commercial) was already established historically through the previous rezoning and previous development permits. It now comes down to the questions of:
  - Are the lands that are being rezoned allowed to be rezoned according to County Policy/Bylaws?
  - Will the proposed rezoning further intensify the use of the lands beyond what is already established?
  - What uses are deemed compatible and to what degree will really come down to the feedback received from adjacent landowners. In this aspect we are somewhat lucky as we have the minutes from the previous rezoning meeting available to use from 1997 as well as the documents from the SDAB hearing that was held in 1992. When all of these are reviewed it paints a pretty clear picture of the concerns of adjacent landowners at the time and enables the applicant to try and provide relevant information to try and address those historical concerns with their new applications. If you take a look at the historical SDAB decision and the rezoning as well you will see that the eastern portion of the lands (where they are looking a t getting approvals for now) were to be left as is so as to provide a buffer.
  - Now in terms of soil assessment, since the area is zoned as Ag, we do not have any soil assessment rating for the parcel listed on webmap. That being said it would pass the 30% soil assessment restriction listed within the MDP.
  - At this time, the County, Central Construction and the residents of Peace Hills Heights have an imperfect situation with respect to incompatible adjacent land uses. That in mind the decisions that have been made up to this point cannot be undone and we have to look at how to meet in the middle and find a solution that makes sense. My recommendation would be to approve the rezoning (Based on no concerns from Alberta Environment, there being no soil assessment rating, and the fact the actual development of the site is subject to the County’s Land Use Bylaw and a development permit which can entail numerous conditions to address a wide variety of concerns and regulate the use of the lands to help ensure that
any future use of the proposed parking area does not become too intensive in nature and causing any further unintended conflict between adjacent landowners and users) and upon process of the development permit application pursue a thorough investigation and if deemed prudent approve a development permit subject to conditions.”

Additionally, Council was provided with a proposed map which shows the proposed lot and air-photo together. It does indeed appear that the applied for area is currently used as a storage area for the equipment fleet. The original application was for +/- 2 acres, but after review with Administration, the Applicant learned that a smaller area was rezoned in 1997 than what they were aware of. Therefore, the current map represents the area which represents the revised area applied for and advertised.

Once comments were received from referral agencies/departments, a Public Hearing was set. The Notice of Public Hearing was advertised in the March 28, 2019 and April 4, 2019 issues of the Pipestone Flyer. The Notice of Public Hearing was mailed to the landowner and adjacent landowners on March 21, 2019.

On April 1, 2019, a letter was received from Daryl and Pat Dageforde, which is as follows:

"We bought our acreage at #33 Peace Hills Heights in the mid 1980’s to get away from the hustle and bustle in Wetaskiwin. Since then there have been a few issues with Central Oilfield Services (fuel storage as well as erecting a quansit building without a permit). When we moved to our acreage the noise level from Central's yard was minimal. It has changed dramatically since Central Construction Group has taken over.

This has to do with the major expansion of the area, parking of equipment pressure washing of equipment on agricultural land, crews working, back-up alarms, as well as heavy equipment being moved around. It is very irritating very early in the morning as well on weekends.

We have spent countless hours making our acreage into a beautiful serene place to enjoy in peace and quiet. This is being taken away. I do not trust the County or Central Construction Group when they say rezoning to Rural Commercial is for equipment parking only. Once it is rezoned there is nothing stopping future commercial development from happening such as erecting more buildings, working 24 hours a day, etc..

We are heavily opposed to the land being rezoned and would like restrictions put on the present land use. The current pressure washing of equipment may have an environmental effect and eventually have an effect on our well water.

One reason we do not trust the word of the County and the landowner is because of an issue with the race track years back. We were promised they would plant trees, put up a noise berm, make sure all cars had mufflers, no racing after 10:00 P.M., etc. None of this happened.

My final concern is our acreage losing resale value due the noise impact.

Thank you.

Daryl Dageforde Pat Dageforde”

Furthermore, on April 1, 2019 a letter was received from Brenda And Brian Gallaugher, which is as follows:

"In June, 1990 we purchased our present acreage — Lot 34 Peace Hills Heights as a home to raise our family in a quiet, rural setting. Up until recent years, it has been quiet serene country living with excellent neighbors- including Central Oilfield Services.

However, over the past several years, Central Construction Group has developed the "Agricultural District" in our backyard and has "regarded the area for equipment storage and parking." The fact that they are now applying to amend the land use By-law to rezone the land from agricultural district to Rural Commercial District is a little after the fact."
Although the previous owners were respectful of noise and pollution, we now hear and see equipment operating 7 days a week — day and night. We wake up to noise. We have recently replaced windows and insulation in our home which has not helped. As shift workers for years we find it difficult to sleep during the day due to the noise. Summers outside on the deck or back yard are obviously much noisier.

We contacted our County Councillor several times over the past few months as equipment is constantly being moved in and out of the yard. Is this allowed when road bans are on??? We were told a letter would be sent to the Company regarding this! We were also told by a By-Law officer that an extra officer would be put on patrol —night shift- to observe traffic to and from Central after hours. Equipment is regularly being pressure washed directly over the fence line of our property. As this area is zoned agricultural, has the soil ever been tested for pollutants?

As this area is already being heavily used with equipment, we also have concerns with the future plans of this company regarding possible construction of buildings or other uses of this land if rezoning is approved.

We are heavily opposed to the land being rezoned and would like restrictions put on the present land use. We feel that as well as the noise, the value of our acreage has decreased significantly due to Central Construction Group’s backyard.

Thankyou for your consideration.

Respectfully submitted.

Brenda Gallaugher

JB Gallaugher

Copies of the proposed rezoning application, relevant maps, the Land Use Bylaw and minutes from 1997, letters of opposition, and the Rural Commercial (RC) District provisions as contained within the Land Use Bylaw have been provided for review by Council.

Administration recommended that Council provide three readings of Bylaw 2019/11 to rezone approximately 3.09 acres (1.25 hectares) within SW 28-46-24-W4M, Block B, Plan 5071TR, from Agricultural (AG) to Rural Commercial (RC) for Central Construction Group Ltd.

Peter Trommelen asked about the process of business expansions and the approval process.

Administration stated that when a business grows to the size in which the use is no longer secondary and becomes the primary use of the lands, rezoning is triggered to make the property compliant.

Daryl Dageforde discussed the following:

• That there is concern of future development if rezoning is granted;
• The general operations of the business including parking, hours, traffic, and equipment size;
• That there is concern for environmental concerns and the effects of surface and ground water quality due to operations of the business; and
• The concern of property values being affected negatively.

Brenda Gallaugher discussed the location of her residence, noise, the business activities witnessed, environmental concerns, and the future affect of land values.

Council discussed the following:

• The installation of barriers for sound reduction; and
• The historical characteristics of the lot and changes made throughout the year.

Administration discussed the following regarding the future development plans:

• That the Applicant has a plan to install berms in various locations and plant trees on top of the berms which will be used for both noise reduction and storm water containment purposes; and
• That the development permit application is for strictly equipment storage and approval has been obtained from Alberta Environment for the proposed development.

Peter Trommelen stated their property has not had sound barriers in the past and the sound has grown louder as the business expanded.

Daryl Dageforde discussed the following:
• The location of his property;
• The topography of the Central Construction site;
• The direction of water drainage within the site; and
• The use, bans, and conditions of the roads accessing the property.

Council discussed the future uses of the property if rezoning is approved and the effects to traffic if rezoning is completed.

Administration stated that the Applicants are streamlining their processes and consolidating the business to one location.

Johnathon Pollock, Central Construction Group Ltd., discussed the following:
• That the area east of the building will be used for equipment storage only;
• That the equipment will move only during business hours;
• The proposed sound and containment berm locations;
• That there will be no new buildings constructed;
• That the reduced traffic will result from equipment not being trucked into the yard site for maintenance and move out to a secondary sight once completed;
• That the size and amount of equipment has not increased;
• That Central Construction Group Ltd. pays the County to assist with road maintenance;
• That traffic is limited to specific routes;
• That there are several other large businesses which operate within the area;
• That approval from Alberta Environment was obtained for the submitted development permit application; and
• The location of the containment area for runoff resulting from pressure washing which will occur on the west side of the property if rezoning is granted.

George Schmidt, Central Construction Group Ltd., discussed the following:
• That the goal is to work with neighbours to try and accommodate their needs and concerns;
• That Central Construction Group Ltd. is willing to conduct a sound impact study and is open to solutions and implementation of different sound barriers to mitigate the problem;
• That there was soil disturbance and a change of topography when a gas line which crosses the property, was previously changed to accommodate consumption needs;
• That the business currently owns two hydro-vac trucks and no vac trucks;
• That the runoff from the surrounding area affects the road conditions adjacent to the property;
• The topographical feature of the land including the location of the proposed rezoning; and
• That Central Construction Group is open to relocating the proposed parking area.

Kevin Liner discussed the following:
• That the major concern is the level of noise from the adjacent property;
• That the installation of berm may help reduce noise;
• The reason for currently addressing the issue when the applicant has been operating previously in the area;
• The potential for the hill eroding if there is regrading performed to the property boundary; and
• That there may be future structural development within the area that is to be rezoned.

Administration stated that in the event the property is not rezoned, the current development permits will remain in place.

Kevin Liner asked what the current land zoning for the east side of the property is.

Administration stated the balance of the property is currently zoned Agricultural.

Council clarified that future development permits will contain restrictions, which are then enforceable.

Johnathan Pollock stated that Central Construction Group Ltd. was unaware of concerns from north of the boundary.

Jeff Chipley, Assistant Chief Administrative Officer read a letter submitted by Mr. & Mrs. Randy Chapman, which reads as follows:

"Dear Mr. D. Blades:

RE: CHANGE IN LAND USE CLASSIFICATION OF SW-28-46-24-W4M

Please be advised that we are not in favor of reclassification in the above land use. Reasons being:
1) Our roads in this area are not meant for heavy duty trucks trailers.
2) More traffic on our roads.
3) Environmental issues ie: washing out the truck boxes and the run off is going into the ditch along the road. Also due to excavating in the back of this property, erosion is possible.
4) Noise factor late into the night.

Believe this area started out as an residential regarding the subdivision and surrounding acreages. A business such as this nature, needs to be in the city where implementation of rules and guidelines can be enforced.

Yours truly,
Mr. & Mrs. Randy Chapman
Peace Hill Heights"

David Blades, Director of Planning and Economic Development, indicated that a neighbour to the south of the property had inquired by phone about the proposal and was going to speak with the Applicants.

Kevin Liner question what is the next step of development.

Administration stated all permits approved will be discretionary and adjacent residents will be notified via mail. The adjacent landowners will then have the opportunity to appeal the permit through the Subdivision and Development Appeal process. This process allows Appellants to suggest further conditions so developments can coexist with landowners.

Peter Trommelen stated he is concerned with the process of business expansion, specifically that it appears the expansions occur and the business occurs only to become compliant after the fact.

Administration provided closing comments and recommended approval of the spot rezoning from Agricultural to Rural Commercial for Central Construction Group Ltd. Block B, Plan 5071TR, SW-28-46-24-W4M. The development permit process is an opportunity to reach a balance between the business and adjacent land owners.

Council questioned if repeated expansion without property approvals is considered during the permit process.

Administration stated monitoring requires resources. All property owners are given the opportunity to comply.
Kevin Liner questioned how the County would respond to different future scenarios, including development without approvals.

Administration stated several options are available for unauthorized development, including stop orders which state developments must be removed or permits must be applied for by certain dates.

Administration stated complaints are received, files are started and investigations occur. Options are then provided to work with the land owners to rectify the concerns. These solutions may include, but are not limited to applying for development permits and rezoning.

Council stated that it is impartial and does not discuss issues outside of the information received within the Public Hearing.

Reeve T. Van de Kraats declared the Hearing closed at 10:38 a.m.

Resolution PD20190411.005
MOVED: by Councillor K. Rooyakkers to defer discussion regarding spot rezoning a portion of Plan 5071TR, Block B, SW 25-46-24-W4M from Agricultural District to Rural Commercial to a later time in the meeting due to time constraints.

Carried Unanimously

5.2 Recess & Reconvene
The meeting recessed at 10:39 a.m.
The meeting reconvened at 10:48 a.m.

7. NEW SUBDIVISION APPLICATIONS
7.1 DELEGATION - 10:30 A.M. - Adam Pluim, Dylan Graff, & Kevin Graff
A delegation consisting of Adam Pluim and Dylan Graff entered the meeting at 10:48 a.m.

7.1.1 RW/19/02 - Rosebriar Farms - NE-1-44-23-W4M, Roll #453.00 - Report
On January 30, 2019, West Central Planning Agency (WCPA) received an application for a subdivision from Rosebriar Farms Ltd. (Dylan Graff) within NE 1-44-23-W4M to subdivide out an existing yard site of approximately seven (7.0) acres (2.85 hectares), as shown on the West Central Planning Agency subdivision drawing dated January 29, 2019, which is attached for review by Council.

On February 20, 2019, a site inspection identified that the proposed lot has an existing approach and it is accessing onto Township Road 441. The site has residential building, shed, barn, and a garage. All of the buildings are located in close proximity with the quarter section property line. There is an existing shelter belt on both sides of the buildings. The proposed lot is including a cleared area to the east of the trees that the applicant wished to keep within the proposed lot. The cleared area east of the buildings is not being farm at the moment and the current status is mostly covered with grass and trees.

The pump out location is noted by the Applicant and it is southeast of the buildings as per the application attachment. The location of the pump out is more than ninety (90) metres away from the house as per Challenger tentative plan. The existing sewage system will have to be inspected and upgraded if necessary, as per the final report from the inspector. Administration notes that in order to keep an existing open discharge system, the discharge location must be in a perfect center location and the lot size will need to be at least ten (10) acres to meet provincial regulations.

Therefore, Applicant presented an additional alternative, listed as Alternative #3, which is approximately 10.9 acres. There is an existing drainage (ephemeral draw) on the east side of the proposed lot, which does get wet during spring. The water flow from north to the south and many properties drain down to this drainage swale.
The main issue with this application is that the Applicant applied for +/- seven (7) acres, which is not consistent with the Municipal Development Plan, Land Use Bylaw, and relevant County of Wetaskiwin Policy, particularly Procedure for Administrative Approval of Simple Subdivisions #61.1.3. However, during the application process, the Applicant has requested that Council consider the 10.9 acres, listed as Alternative #3, for approval and is of the opinion that they do not want anything smaller than seven (7) acres. The additional two (2) acres is not for the reason of including the existing of a “driveway, water well, shelter belt, proximity of a nearby property boundary or buildings necessary for and associated with a dwelling.” WCPA contacted the Applicant requesting a Real Property Report (RPR) to provide evidence to support the application for the additional two (2) acres. However, the timeline for the Applicant in selling the proposed lot would not allow for completing an RPR in time for Council. Usually, the RPR is required as a condition of the subdivision approval however, Administration is of the position that it be required prior to approval because of the additional two (2) acres in question. Therefore, after further review and the site inspection, Administration and WCPA cannot support the fully seven (7) or 10.9 acre options and recommend the approval be lowered to five (5) acres to exclude the cleared land on the east side of the buildings. Regarding all the above, this is why this application has been brought forward to Council for consideration.

The Applicant contacted Challenger Geomatics Ltd. And they, through Adam Pluim, ALS, provided tentative plan showing the setbacks of buildings, location of the pump out and among other features on the plan. The tentative plan does show a few wet areas just east of the existing tree line.

The Subdivision and Development Regulation, Section 6(b), only allows for sixty (60) days to process the application, the Applicant agreed to provide additional time over the sixty (60) day limit so it can be reviewed at the April 11, 2019 Council meeting.

The remainder is vacant and it is cleared for production. During the site inspection, there were lot of snow on the ground so an approach was not located. However, the tentative plan submitted by Adam Pluim shows there is an existing approach just east of the ephemeral draw, but it will need to be inspected and upgraded if necessary.

Furthermore, road widening is not required for the Township Road 441 and Administration

No reserves are due as this is the first subdivision out of the quarter section.

After review, Administration and WCPA deemed that the proposed subdivision application does not comply with the following:

**Municipal Development Plan**

"Objective 1.1 Prevent fragmentation of farmland in the County

1.1.5 - The parcel size and the configuration of a new subdivision on an unsubdivided quarter section should be such that the least amount of land is taken out from agricultural production. The recommended parcel size is 2.0 ha (5 ac.).

Objective 1.2 - Protect agricultural land to remain in production

1.2.1 Productive agricultural land includes

a) land in production with a farmland assessment value of 30 % or more;

b) grey-wooded soil producing hay, forage or other crops;

c) land currently used for grazing."

**Land Use Bylaw 2017/48**

"Section 11.4.4 Subdivision Standards - Existing Yard site

c) parcel size is to be determined by the minimum number of acres required to include residential improvements but not including any other land or buildings;

d) provided it does not include any land which is cleared or in production, a proposed lot served by an existing open discharge sewer system may be created large enough to allow open discharge to be used after subdivision.

Section 11.4.5 Subdivision Standards - New or Abandoned Yard site"
c) the maximum parcel size is 2.02 hectares (5 acres);"

**Procedure for Administrative Approval of Simple Subdivisions Policy**

#61.1.3

"Simple subdivisions” include, but are not limited to those applications which request:

c) First parcel out of a quarter section to a maximum size of 5 acres with the discretion to allow an additional 2 acres (total of 7) for the reason of including or due to the existence of a driveway access, water well, shelter belt, proximity of a nearby property boundary or buildings necessary for and associated with a dwelling;"

Additionally, Administration notes six (6) previous decisions on subdivision applications that have been similar in nature, which are as follows:

**Subdivision File RW/11/16**

The above application was to create a 10.5 acre yard site. In order to comply with the Rural Residential District under Section 2.4 of the Land Use Bylaw, the proposal was reduced to five (5.0) acres. The Applicant had applied with a larger size in order to accommodate the septic discharge setback. The Applicant appealed the revised plan to the Subdivision and Development Appeal Board. The Board favoured the decision by the County to have the proposed lot set at five (5.0) acres. The decision was based on the regulations found within the Rural Residential District of the Land Use Bylaw, specifically Section 2.4.

**Subdivision File RW/13/14**

The above application was to create a twenty (20) acre home site. The proposal was to follow the existing fence line. County approved the proposal at a reduced size (5.0 acres) in order to comply with the Rural Residential District under Section 2.4 of the Land Use Bylaw. The Applicant appealed the decision to the Subdivision and Development Appeal Board. The Board favoured the decision by the County to have the proposed lot set at five (5.0) acres, based on Section 2.4 of the Land Use Bylaw and Objective 1.1.5 of the Municipal Development Plan.

**Subdivision File RW/15/10**

The above application was to create a 12.7 acre lot. The proposal was to include a strip of farm land to the east of the proposed lot. WCPA recommended that the application is refused as 12.7 acres exceeded the size for rural residential parcels. The County refused the application for the 12.7 acres parcel. The Applicant appealed the refusal to the Subdivision and Development Appeal Board. WCPA brought forth three options for the Subdivision and Development Appeal Board to review at the appeal hearing. One was a five (5) acre parcel to be approved, the second was a seven (7) acre parcel to be approved, and the third was to refuse the proposed 12.7 acres and uphold the decision of Council. The Board amended the decision of the County from a refusal to an approval of a proposed lot set at five (5.0) acres. The decision was based on the regulations found within the Rural Residential District of the Land Use Bylaw, specifically Section 2.4.

**Subdivision File RW/15/30**

The above application was to create a 13.4 acre lot. The proposal was to include an area of treed land and some corrals to the south of the house. WCPA recommended that the application is approved at 9.2 acres for the yard. Council reduced and approved the application for a 7.3 acre parcel. The Applicant appealed the refusal to the Subdivision and Development Appeal Board. The Board upheld the decision made by Council of an approval to have the proposed lot set at 7.3 acres. The decision was based on the regulations found within the Rural Residential District of the Land Use Bylaw, specifically Section 2.4.

**Subdivision File RW/16/20**

The above application was to create a ten (10.0) acre lot. The proposal was to include an area of treed land and some corrals to the south and east of the house. WCPA recommended that the application is approved at seven (7.0) acres for the yard site. Council reduced and approved the application for a 7.0 acres parcel. The Applicant appealed the refusal to the Subdivision and Development Appeal Board. The Board upheld the decision made by Council of an approval to have the proposed lot set at
seven (7.0) acres or an eighty (80) acre subdivision out of SW 1-46-5-W5M and deny the appeal as submitted by the Applicant. The decision was based on the regulations found within the Rural Residential District of the Land Use Bylaw, specifically Section 2.4.

**Subdivision File RW/18/03**

The above application was to create a 22.1 acre lot. The Applicant wanted to apply for +/- 22.1 acres because they are wanting to have some land for horses, along with having the pasture for the horses and to keep as much of the shelter belt as possible to stay with the yard site rather than the remainder. Administration suggests that one option for the keeping of horses, would be for the owner to consider leasing a portion of land from the future remainder. WCPA recommended that the application is approved at five (5.0) acres for the yard site. Council reduced and approved the application for a five (5.0) acre parcel. The Applicant appealed the refusal to the Subdivision and Development Appeal Board. The Board upheld the decision made by Council of an approval to have the proposed lot set at five (5.0) acres subdivision out of NE 29-46-25-W4M and deny the appeal as submitted by the Applicant. The decision was based on the regulations found within the Rural Residential District of the Land Use Bylaw, specifically Section 2.4.

In closing, as has been noted, the proposal does not comply with the provisions contained within the Municipal Development Plan, Procedure for Administrative Approval of Simple Subdivisions Policy #61.1.3, and the Land Use Bylaw 2017/48 of the County of Wetaskiwin. Also, WCPA and Administration outlined previous six (6) decisions by Council that reduced large subdivision applications down for the most part to approximately five (5) or seven (7) acres. Also, the Subdivision and Development Appeal Board in all the six (6) decisions, agreed with Council and upheld the decisions from County Council as the proposed lots should be approximately from five (5) to seven (7) acres. The tentative plan submitted by Challenger Geomatics Ltd. show the area to the east is cleared and wet and therefore, those areas should stay with the remainder where it can be more productive under the Agricultural district.

Additionally, on April 4, 2019, Administration through the Assistant Chief Administrative Officer received a request from Mr. Adam Pluim of Challenger Geomatics Ltd. asking for himself and Mr. Dylan Graff to appear as a delegation in front of Council to discuss their proposed application. A copy of their delegation request has been provided for review by Council.

**Options for Consideration by Council Include:**

1. That Council go outside of Policy and approve Subdivision Application RW/19/02 by Rosebriar Farms Ltd. within NE 1-44-23-W4M, to create a lot of approximately seven (7) acres;
2. That Council follow established Policy and approve Subdivision Application RW/19/02 by Rosebriar Farms Ltd. within NE 1-44-23-W4M, to create a lot of approximately five (5) acres;
3. That Council go outside of Policy and approve Subdivision Application RW/19/02 by Rosebriar Farms Ltd. within NE 1-44-23-W4M, to create a lot of approximately 10.9 acres as suggested by Challenger Geomatics Ltd.; or
4. That Council deny Subdivision Application RW/19/02.

Administration recommended that Council follow established Policy and approve Subdivision Application RW/19/02 by Rosebriar Farms Ltd. within NE 1-44-23-W4M, to create a lot of approximately five (5) acres subject to the following conditions:

1. The applicant is to engage an Alberta Land Surveyor to prepare a plan of subdivision as shown on the West Central Planning Agency (WCPA) subdivision drawing with a proposed size to an approximate size of 2.0 hectares (5 acres) for registration at Land Titles Office.
2. The applicant is to engage an Alberta Land Surveyor to prepare a Real Property Report and submit it to the County and WCPA for review prior to the registration of the subdivision.
3. If necessary, upgrade the existing approaches into the proposed lot and the remainder to meet County of Wetaskiwin standards. County standards require a
minimum 508mm (20 inch) steel culvert with a 7m (23 foot) driving surface. On completion of the work, contact the County’s Planning and Economic Development Department to arrange for an inspection. Please note that there will be a fee of $100 per approach for a site inspection of approaches for new subdivisions, this includes the initial site inspection of the approach(es). If deficiencies are noted and subsequent inspections required, an additional fee of $100 will be levied for each subsequent inspection. All payments must be received by the County prior to any site inspections.

4. Have the sewage disposal system on the proposed lot inspected by Superior Safety Codes Inc. and submit a copy of this report to the County and West Central Planning Agency. If the system does not meet current standards, the developer must upgrade it and provide a report certifying that this has been done and meets Provincial Safety Codes.

5. Property taxes must be at a zero ($0) balance.

6. Pay an endorsement fee of $200 to West Central Planning Agency prior to the registration of the subdivision.

Council discussed the following:

- The need for Hobby Farm Districts in wetter areas and the merits for creating them during first parcel out;
- The required setbacks for open discharge sewer systems and costs associated with upgrades to sewer systems;
- Whether an Applicant should be able to apply for Hobby Farm District at the time of first parcel out;
- That Hobby Farm soil ratings must be 30% or lower to currently qualify; and
- The different options of subdivision and the future of the property.

Administration discussed the following:

- Applicants in the past have been required to upgrade sewer systems when smaller parcels were approved;
- That the historical position Council held regarding sewers and subdivision did not take open discharge sewers into account when determining parcel size. Applicants are to work with licensed installers and Superior Safety Codes to ensure compliance;
- That if the direction of Council direction is to create larger parcels to accommodate open discharge sewer systems, a Policy and MDP review is required;
- That first parcels out do not require prior rezoning and are automatically assigned the Rural Residential District. If a Hobby Farm was desired, rezoning would be required prior to the subdivision application being submitted;
- That if an approval is provided, the Applicant retains the choice whether or not to register the subdivision; and
- That the condition regarding septic services must be completed prior to subdivision registration.

Adam Pluim discussed the following:

- The required septic setbacks for an open discharge sewer system must be forty-five (45) metres from existing boundaries, wet areas and wells, and ninety metres (90) metres from new boundaries;
- The current sewer system is approximately three to four years old and installed by Phil Crowe;
- The reasons for the proposed boundaries which included the existing sewer system, structures, and surrounding wet areas;
- The drawings provided for the information of Council; and
- The soil requirements for Hobby Farm district requirements.

Dylan Graff discussed the following:

- The lack of ability to farm the wet lands within the proposed subdivision;
- The topography of the proposed lot;
That a previous exception was granted when he received a thirteen (13) acre subdivision granted outside of County Policy; and
That the original subdivision application was amended to accommodate setbacks for an open discharge sewer system.

Jason Tran of West Central Planning Agency outlined the process that had been followed providing several opportunities and alternatives to the Applicant.

Resolution PD20190411.006
MOVED: by Councillor B. Krahn
that Council go outside of Policy and approve Subdivision Application RW/19/02 by Rosebriar Farms Ltd. within NE 1-44-23-W4M, to create a lot of approximately 10.9 acres subject to the following conditions:

1. The applicant is to engage an Alberta Land Surveyor to prepare a plan of subdivision as shown on the West Central Planning Agency (WCPA) subdivision drawing with a proposed size to an approximate size of 4.41 hectares (10.9 acres) for registration at Land Titles Office.
2. The applicant is to engage an Alberta Land Surveyor to prepare a Real Property Report and submit it to the County and WCPA for review prior to the registration of the subdivision.
3. If necessary, upgrade the existing approaches into the proposed lot and the remainder to meet County of Wetaskiwin standards. County standards require a minimum 508mm (20 inch) steel culvert with a 7m (23 foot) driving surface. On completion of the work, contact the County’s Planning and Economic Development Department to arrange for an inspection. Please note that there will be a fee of $100 per approach for a site inspection of approaches for new subdivisions, this includes the initial site inspection of the approach(es). If deficiencies are noted and subsequent inspections required, an additional fee of $100 will be levied for each subsequent inspection. All payments must be received by the County prior to any site inspections.
4. Have the sewage disposal system on the proposed lot inspected by Superior Safety Codes Inc. and submit a copy of this report to the County and West Central Planning Agency. If the system does not meet current standards, the developer must upgrade it and provide a report certifying that this has been done and meets Provincial Safety Codes.
5. Property taxes must be at a zero ($0) balance.
6. Pay an endorsement fee of $200 to West Central Planning Agency prior to the registration of the subdivision.

Recorded In Opposed:
Favour:  
Reeve T. Van de Kraats X
Councillor J. Bishop X
Councillor B. Krahn X
Councillor D. Woitt X
Councillor K. Adair X
Councillor K. Rooyakkers X
Councillor L. Seely X

Results 4 3
Carried (4 to 3)

Resolution PD20190411.007
MOVED: by Councillor K. Rooyakkers
to review simple subdivisions and Land Use Bylaw Policy at the Land Use Bylaw Committee meeting regarding lot sizes and related improvements on site.
5. **DELEGATION - 9:30 A.M. PUBLIC HEARING**

5.3 **Spot Rezoning - Agricultural (AG) to Rural Commercial (RC) - Block B, Plan 5071TR, SW 28-46-24-W4M - Central Construction, Roll #1183.01**

Discussion resumed regarding spot rezoning a portion of Plan 5071TR, Block B, SW 25-46-24-W4M from Agricultural District to Rural Commercial which was deferred earlier in the meeting due to time constraints.

George Schmidt reentered at 11:39 a.m to only observe the proceedings.

Council discussed the location and the layout of the property.

Administration stated there may be environmental limitations if the rezoning is moved south. Also, turning radii for trailers may create operational limitations.

By-law 2019/11 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 2.39 acres (0.97 hectares) within SW 28-46-24-W4M, Plan 5071TR, Block B from Agricultural (AG) to Rural Commercial (RC) for Central Construction Group Ltd. with Administration working with the Applicant to create an Agricultural buffer from the north boundary line.

**Resolution PD20190411.008**

MOVED: by Councillor L. Seely

that By-law 2019/11 be given First Reading.

*Carried Unanimously*

**Resolution PD20190411.009**

MOVED: by Councillor K. Rooyakkers

that By-law 2019/11 be given Second Reading.

*Carried Unanimously*

**Resolution PD20190411.010**

MOVED: by Councillor B. Krahn

that By-law 2019/11 be presented for Third Reading.

*Carried Unanimously*

**Resolution PD20190411.011**

MOVED: by Councillor K. Adair

that By-law 2019/11 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*
12. **ADJOURN**

Resolution PD20190411.012

MOVED: by Councillor K. Adair

that the Council for Planning & Economic Development meeting be adjourned at 11:49 a.m.

Carried Unanimously

_________________________
REEVE

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CHIEF ADMINISTRATIVE OFFICER

MINUTES APPROVED:

Ref: Resolution #