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, July 11, 2019.

2. **APPROVAL OF AGENDA**

Resolution PD20190711.001

MOVED: by Councillor K. Adair

to approve the following addition to the agenda pursuant to Procedural Bylaw 2018/04 under Section 12.2:

Margorie and Gordon Loov, Change to Environmental Reserve Boundary

and that the agenda be approved as amended.

Carried Unanimously

3. **MINUTES APPROVAL - June 13, 2019**

Resolution PD20190711.002

MOVED: by Councillor L. Seely

to approve the minutes of the Council for Planning and Economic Development Meeting held Thursday, June 13, 2019 as presented.

Carried Unanimously

4. **JUNE 2019 DEVELOPMENT REPORT**

During the month of June, there were thirty-six (36) development permits completed with an estimated value of $1,747,500. The following table depicts the activities for the month of June.
Administration also provided detailed summaries of further activities in the Planning & Economic Development Department, which have been provided for review by Council. Administration recommends that Council approve the Development Report for June 2019 as presented.

**Resolution PD20190711.003**  
MOVED: by Councillor L. Seely  
that Council approve the Development Report for June 2019 as presented.  
Carried Unanimously

### 10. NEW SUBDIVISION APPLICATIONS

#### 10.1 RW19/09 Pecuniary Interest

A Councillor must be excused from the meeting as the *Municipal Government Act*, part 5, Division 6, Section 170(1) states:

"Subject to subsection (3), a Councillor has a pecuniary interest in a matter if

(a) the matter could monetarily affect the Councillor or an employer of the Councillor, or

(b) the Councillor knows or should know that the matter could monetarily affect the Councillor’s family."

and

*The Municipal Government Act*, Part 5, Division 6, Section 172 states:

"When a Councillor has a pecuniary interest in a matter before the council, a council committee or any other body to which the Councillor is appointed as a representative of the council, the Councillor must, if present,

(a) disclose the general nature of the pecuniary interest prior to any discussion of the matter."

Councillor L. Seely is the Applicant of the Subdivision proposed under application RW19/09.

**Resolution PD20190711.004**  
MOVED: by Councillor K. Rooyakkers  
that Councillor L. Seely be excused from the meeting at 9:07 a.m.  
Carried Unanimously
10.1.1 RW/19/09 - 824440 Alberta Ltd. - SW 4-46-7-W5M, Roll #4789.00 - Report

On May 23, 2019, Administration received a Subdivision Application from Mr. Lyle Seely of 824440 Alberta Ltd. to subdivide out eleven (11) Urban Residential (UR) Lots, one (1) Public Utility Lot, three (3) Municipal Reserve Lots and a remainder of the SW 4-46-7-W5 as Phase 1 in accordance to the adopted Area Structure Plan Bylaw 2016/23 and rezoning Bylaw 2019/33.

At the June 13, 2019 Council for Planning and Economic Development meeting, Council provided three readings to Bylaw 2019/33 to authorize the redistricting from Urban Fringe (UF) to Urban Residential (UR) for further subdivision known as “Fieldstone Acres” within SW 4-46-7-W5M for Mr. Lyle Seely, in accordance with the adopted Area Structure Plan Bylaw 2016/23.

(Ref. Resolution #PD20190613.011)

The site inspection on June 12, 2019 identified the following:

- There is an existing lagoon further west of the subject property. There is a 300 metre building restriction from an existing lagoon. The proposed subdivision is approximately 500 metres from the Alder Flats Lagoon. Therefore, the proposed subdivision meets the minimum requirement under the Subdivision and Development Regulations;
- There are existing sewage manholes running along the west side of the subject property and into the Alder Flats Lagoon;
- The property is currently vacant and will need a new main entrance into the subdivision and new approaches for individual lots for access onto the internal road;
- The three (3) dead ends will need a temporary turnaround which can be registered on titles of the proposed Lot 3, 9, 10 and 11;
- The remainder has two (2) accesses from existing road within Alder Flats. There are field accesses from 2nd Street and Centre Street. One (1) of these accesses will need to be inspected and upgraded if it is not up to County of Wetaskiwin Standard;
- As per the Area Structure Plan, in lieu of road contribution of $2000.00 per new lot, 2nd Street West and 4th Street West will be paved going north from Highway 13 in Section 8 of the Area Structure Plan;
- The Off-Site Sewer Levy of $2034.00 per new lot is recommended in accordance with Bylaw 2007/38; and
- Road widening is recommended along the frontage of the Public Utility Lot and the proposed Lot 4 as per the Area Structure Plan.

Furthermore, Alberta Transportation was referred to as the application is within the 1.6 kilometres of a provincial highway and the comments of Alberta Transportation are as follows:

- "Although the proposed subdivision does not comply with Section 14 of the Subdivision and Development Regulations, we have no objections to the proposal as submitted and are prepared to grant a variance in accordance with Section 16 of the Subdivision and Development Regulations. Legal and physical access to the parcel(s) is from the local road. Consideration should be given by the County of Wetaskiwin that continued subdivision/developments accessing the intersection of Highway 13 and Range Road 74 may trigger and accelerate the need for improvements. The County of Wetaskiwin is responsible for collecting and arranging for transportation network improvements (consisting of local roads and provincial highway) from land use changes."
With these comments, it appears that Alberta Transportation is not requiring improvements at the moment tying into Highway 13, but is providing advance comment for the County to be responsible for future subdivisions/developments by collecting and arranging the resources necessary for transportation network improvements at the subject intersection.

Additionally, Fortis Alberta commented that they do not need an easement, but that the developer should contact them to make application for electrical services.

Copies of the proposed subdivision application, relevant maps, and a letter from Alberta Transportation have been provided for review by Council.

Administration recommended that the proposed subdivision RW/19/09 for 824440 Alberta Ltd. (Mr. Lyle Seely) within the SW 4-46-7W5 to create eleven (11) Urban Residential Lots, three (3) Municipal Reserve Lots, one (1) Public Utility Lot, and a remainder, 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 for registration at Land Titles Office.
   a. On that plan it must show the following:
      i. 5m road widening,
      ii. Three-municipal reserves, and a
      iii. Public Utility lot for the storm water pond

2. The applicant is to engage an Alberta Land Surveyor to prepare a utility plan concurrently with the subdivision plan for registration at Land Titles Office.

3. The applicant is to build all necessary internal roads, approaches, sewer utility infrastructure and culverts to serve the proposed lots and enter into a development agreement with the County that will specify the standards for these improvements. In the development agreement, the applicant shall also pave internal subdivision roads, 2nd Street West and 4th Street West north of Highway 13 to the subject property. Note: It is recognised that such paving shall be substantially completed, or security provided prior the registration of Phase II and/or Phase III. Contact the Director of Planning and Economic Development, David Blades at the County office regarding this agreement. The agreement may also include the following:
   a. Construction of an internal road that is to County standard and dedicate temporary turnaround at the three dead ends of the internal subdivision road.
   b. That securities are provided to the County for local and other municipal improvements.
   c. Administration, engineering design review and inspections fees.
   d. The applicant must contact the local gas and power utility company, provide service to the new lots, and provide any easements required. (You should contact the utilities before finalizing the survey because they may require easements to be registered simultaneously with the plan of subdivision.)

4. Enter into a separate agreement with the County under section 655 of the Municipal Government Act to register a servicing agreement for water and sewer systems. This agreement will be registered by caveat on title of the lots to be created.

5. In accordance to Subdivision Entrance Sign Policy 32.1.11 the applicant is to name their subdivision and install an entrance sign prior to registration. (The applicant may also provide a security deposit to ensure installment will occur). You may call the County Office for further details.

6. The applicant is exempt from paying the road contribution fee as the developer is paving the 2nd Street West and 4th Street West north of Highway 13 to the subject property. The paving must be up to County’ standards.

7. The applicant is to register a caveat against the new lots to be created for the off-site sewer levy of $2,034 per new lot made payable to the County. The caveat
shall specify that payment may be required at the time of registration of the lots at Land Titles or prior to transfer of title to a third party. In the event, that no transfer occurs to a third party, the levy shall be required at the time of Development Permit application.

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

9. Pay an endorsement fee of $200 per lot (including the remainder) to West Central Planning Agency prior to the registration of the subdivision. A total of $2,400.00 is payable to WCPA.

10. Reserves are owing and will be dedicated on the plan of subdivision as shown on the West Central Planning Agency drawing. The remaining MR owing will be deferred into the remainder parcel. WCPA will prepare the necessary documents prior to the registration of the subdivision.

Discussion ensued regarding the following:

- Whether each lot will be supported by its own well;
- That County should be looking into getting water service provided in the Hamlet;
- The lot sizes of the proposed lots; and
- That the Applicant had addressed concerns with condition Number 3 of the proposed subdivision approval.

Administration stated each lot will have their own well and that Phase 2 and 3 would be when pavement is required by the Developer.

Resolution PD20190711.005

MOVED: by Councillor K. Rooyakkers

that Council approve the proposed subdivision RW/19/09 for 824440 Alberta Ltd. (Mr. Lyle Seely) within the SW 4-46-7W5 to create eleven (11) Urban Residential Lots, Three (3) Municipal Reserve Lots, one (1) Public Utility Lot, and a remainder, 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 for registration at Land Titles Office.
   a. On that plan it must show the following:
      i. 5m road widening,
      ii. Three-municipal reserves, and a
      iii. Public Utility lot for the storm water pond

2. The applicant is to engage an Alberta Land Surveyor to prepare a utility plan concurrently with the subdivision plan for registration at Land Titles Office.

3. The applicant is to build all necessary internal roads, approaches, sewer utility infrastructure and culverts to serve the proposed lots and enter into a development agreement with the County that will specify the standards for these improvements. In the development agreement, the applicant shall also pave internal subdivision roads, 2nd Street West and 4th Street West north of Highway 13 to the subject property. **Note:** It is recognised that such paving shall be substantially completed, or security provided prior the registration of Phase II and/or Phase III. Contact David Blades at the County office regarding this agreement. The agreement may also include the following:
   a. Construction of an internal road that is to County standard and dedicate temporary turnaround at the three dead ends of the internal subdivision road.
   b. That securities are provided to the County for local and other municipal improvements.
   c. Administration, engineering design review and inspections fees.
d. The applicant must contact the local gas and power utility company, provide service to the new lots, and provide any easements required. (You should contact the utilities before finalizing the survey because they may require easements to be registered simultaneously with the plan of subdivision.)

4. Enter into a separate agreement with the County under section 655 of the Municipal Government Act to register a servicing agreement for water and sewer systems. This agreement will be registered by caveat on title of the lots to be created.

5. In accordance to Subdivision Entrance Sign Policy 32.1.11 the applicant is to name their subdivision and install an entrance sign prior to registration. (The applicant may also provide a security deposit to ensure installment will occur). You may call the County Office for further details.

6. The applicant is exempt from paying the road contribution fee as the developer is paving the 2nd Street West and 4th Street West north of Highway 13 to the subject property. The paving must be up to County’ standards.

7. The applicant is to register a caveat against the new lots to be created for the off-site sewer levy of $2,034 per new lot made payable to the County. The caveat shall specify that payment may be required at the time of registration of the lots at Land Titles or prior to transfer of title to a third party. In the event, that no transfer occurs to a third party, the levy shall be required at the time of Development Permit application.

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

9. Pay an endorsement fee of $200 per lot (including the remainder) to West Central Planning Agency prior to the registration of the subdivision. A total of $2,400.00 is payable to WCPA.

10. Reserves are owing and will be dedicated on the plan of subdivision as shown on the West Central Planning Agency drawing. The remaining MR owing will be deferred into the remainder parcel. WCPA will prepare the necessary documents prior to the registration of the subdivision.

Carried Unanimously

Councillor L. Seely returned to the meeting at 9:20 a.m.

10.2 RW/19/10 - Ian & Marian Whitby - NE 1-45-7-W5M, Roll #4630.00 - Report

On April 13, 2016, Administration received an application from Ian and Marian Whitby to rezone approximately 88.32 acres (35.7 hectares) within the west half of NE 1-45-7-W5M from Agricultural (AG) to Severed Agricultural (SA). Regarding the rezoning, the Applicants planned to subdivide the 88.32 acres into two (2) lots. The property is located 0.2 miles west of Highway 22 just west of Range Road 70A and the proposal complied with Land Use Bylaw 95/54.

Administration recommended approval and Council unanimously passed three (3) readings of Bylaw 2016/21 rezoning the property to Severed Agricultural (SA).

On May 12, 2016, the former Assistant Chief Administrative Officer, Rod Hawken, sent a letter to notify Mr. & Mrs. Whitby of their approved zoning application and it was directed that the next step would be for a new subdivision application to be submitted to West Central Planning Agency. The correspondence has been provided for review by Council.

On May 29, 2019, West Central Planning Agency received an application for subdivision approval from Ian and Marian Whitby to subdivide out an approximately 34.2 acres (Proposed lot) with the property line being south of the creek and the existing tree line. The remainder will be entirely south of the existing creek.

The property is adjacent and located on the west side of the provincial Highway 22. Alberta Transportation has no objection and grants a waiver of Sections 14 and 15(2) of the Subdivision and Development Regulation as shown in the correspondence provide for review by Council.
A site inspection was conducted on June 12, 2019 and the approaches were identified. The first approach onto the proposed lot is about one hundred (100) metres south of the north quarter section property line. There is an unoccupied cabin on the proposed lot. The cabin has water and sewer, but no power. The remainder is vacant and it is partly cleared with a patch of trees. The remainder has two (2) existing approaches with one (1) being a lease approach and one (1) being a field approach. All the approaches are accessing onto Range Road 70A. The creek slope is very steep and it drops down to approximately 30 feet or more. Therefore, it is not passable from the north to the south side of the creek.

West Central Planning Agency notes that Municipal Reserves are owing and that it is recommended to defer the reserves proportionally into the proposed lot and the remainder. If the property is further subdivided, then the Municipal and Environmental reserves will be reviewed better during the Area Structure Plan process.

The application is brought before Council to review based on the location of the property and due to the multiple split caused by a County roadway and a waterbody being a creek.

In considering this application, West Central Planning Agency has recognized that severed or remainder agricultural parcels would still have a provision for “first parcel out” – only one (1) though out of the quarter section. By extension of this concept, the application should be acceptable. Any further proposed subdivisions would clearly require an Area Structure Plan and new districting.

Administration recommended that Council approve subdivision application RW/19/10 Ian & Marian Whitby within NE 1-45-7-W5M to create one (1) Severed Agricultural lot 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 dated May 24, 2019 for registration at Land Titles Office.
   a. The property line south of the creek must be at least 5 metres from the top of bank.

2. If necessary, upgrade the existing approaches into the proposed lot and into the remainder of the quarter section to meet County standards. County standards require a minimum 500mm (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 (s) 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.

3. The applicant is pay road contribution fee of $2000.00 per new lot to the County.

4. The applicant is to register a caveat against the new lots to be created for the off-site sewer levy of $2,034 per lot made payable to the County if sewer treatment is required.

5. The applicant should contact the local gas and power utility company, provide service to the new lot and the remainder, and provide any easements required. (You should contact the utilities before finalizing the survey because they may require easements to be registered simultaneously with the plan of subdivision.)

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

7. Municipal reserves are owing and it is to be deferred proportionally into the proposed lot and the remainder. West Central Planning Agency will prepare the necessary documents prior to the registration of the subdivision.

8. The applicant is to pay an endorsement fee of $200 to WCPA when the plan is submitted for endorsement.
Discussion ensued regarding the following:

- How much Environmental Reserves and Municipal Reserves can be taken;
- That if there is a multi-Lot subdivision usually Municipal and Environmental reserves will be taken at that time;
- Why power and gas are being required to be put into the lot at the subdivision stage;
- That in a multi-lot subdivision, it is important for development that utilities should be provided for residential development;
- That the power and gas condition should be removed;
- That when there is a multi lot subdivision with smaller parcels, yes the Developer should be responsible for power and gas, but in this type of situation, it is not required; and
- That providing easements for utilities would be applicable.

Resolution PD20190711.006
MOVED: by Councillor K. Rooyakkers to defer discussion regarding Subdivision Application RW19/10 for Ian and Marian Whitby to a later time in the meeting due to time constraints
Carried Unanimously

5. 9:30 A.M. PUBLIC HEARING

Reeve T. Van de Kraats declared the Public Hearing open at 9:32 a.m. and a delegation consisting of Robert Riddett and Travis Peirens entered the meeting.

5.1 Proposed Area Structure Plan - Campground - Travis & Leigh Peirens - NE 28-45-3-W5M, Roll #3360.00 - Report

On March 29, 2019, Administration received a proposed Area Structure Plan (ASP) from Robert Riddett, on behalf of landowners Travis and Leigh Peirens, located within NE 28-45-3-W5M. The proposed Area Structure Plan is to create up to one hundred (100) Recreational Vehicle (RV) sites for seasonal rentals on the north end of the parcel, which is located on the west side of Highway 20, six (6) kilometres south of the Hamlet of Winfield. The current parcel is zoned Agricultural (AG) and if the proposed ASP is approved, rezoning to Recreational (R) would be undertaken by the Applicants.

Referral letters were sent to West Central Planning Agency, the Alberta Energy Regulator (AER), Alberta Sustainable Resource Development (ASRD), Alberta Environment, Alberta Transportation, and Administration on March 29, 2019.

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

Alberta Transportation

- “With reference to the above, we would offer no objections in principal to the approval of the proposed Area Structure Plan and would offer the following comments:
  - Upgrades to the direct highway approach to the proposed RV Park may be required to accommodate the type of vehicles accessing the site. The applicant should contact the department to arrange for an inspection. Upgrades to the approach would be the responsibility of the applicant.
  - A Roadside Development Permit will be required from this office for the proposed RV Park. The department is prepared to approve the first stage of the development (25 sites). If further development is to occur beyond what is being proposed in phase 1, an updated application will be required and the department may require a Traffic Impact Assessment.”
In respect of the comments made by Alberta Transportation, Administration would deal with any approvals needed from Alberta Transportation as a condition placed on the Applicants during the Development Permit stage.

**Administration**

- "42 acres are assessed at 33%, the other 113.91 acres are under the 30% threshold as stated by the County's MDP. From what I can tell when comparing their supplied Map 7 with the soil assessment maps that the proposed development area is located on the approximate 42 acres of land that has the 33% assessment rating.

- The 1986 caveat from Ducks Unlimited is a concern and comments should be obtained from Ducks Unlimited if the agreement affects an area covered by the ASP.

- Do we want to pursue the development agreement as indicated in Section 11? It could be done as a part of the development permit; we haven't typically gone this route though with any other campgrounds or RV parks to my knowledge.

- In Section 14, the Applicants state the lowest supply limit for water at 163 m3/day while the average daily rate might be 171m3.

- Administration cannot charge the offsite levy because the property is not in the levy area even if they are hauling to the lagoon.

- Under Section 3 on page 2, regarding the caveat in favour of Ducks unlimited. An original agreement in 1986 for 30 years would go until 2016, not 2006 as the ASP states.

- Sections 9 and 10 seem to contradict each other a bit. Section 9 states that renters will have the option of leaving their units on site, while section 10 says that clients will leave their RV on site, with the implication that that would not be optional."

Regarding the comments made by Administration, there has been revisions and additional clarification provided by Mr. Riddett.

First, Mr. Riddett will be in attendance at the Public Hearing to provide additional documentation and clarification regarding the proposed area and the soil quality involved.

Secondly, the references to Ducks Unlimited and the respective caveat have been correct in the final draft ASP submitted. Administration notes that the annual renewal of the caveat would be a matter that would have to be satisfied between the landowner and Ducks Unlimited.

Respecting the concept of utilizing a Development Agreement, Administration would handle this matter in accordance to previous practice with similar developments by ensuring construction standards are met through the placement of a condition to that effect during the Development Permit stage.

Regarding Water Supply, it was concluded by Envirowest Engineering Inc. that the proposed development of one hundred (100) new recreational stalls would not have significant impact on the local groundwater resources. Also, Envirowest Engineering Inc. concluded that adequate water resources likely exist in the area of the proposed development. The predicted water withdrawal rate is not expected to adversely impact water quantity in wells in close proximity to the site. Administration notes that the Report and the qualifications of the individuals that completed it are satisfactory in all areas. However, a remaining requirement would also suggest that a minimum two (2) hour pump test be done. In this regard, Administration would accept the report to the stage of first phase of the project, up to twenty-five (25) units, after which a two (2) hour pump test must be provided. This would be a condition placed during the Development Permit stage.

Regarding the comment relating to off-site levies, Administration requested that the ASP include reference to the off-site levy if the area in which the Bylaw is applicable is
amended. Administration also notes that it may be advantageous to not charge the levy until such time that future subdivision should occur on the lands.

Finally, the current ASP draft has clarified that individuals using the campground would leave their Recreational Vehicles on-site during the summer season.

In summary, the Area Structure Plan covers and addresses several key requirements under Requirements for Area Structure Plans Policy #61.1.6. Those requirements include, but are not limited to Public Consultation, Access, Water Supply, and Sewage Treatment.

Once comments were received from referral agencies/departments, a Public Hearing was set and the Notice of Public Hearing was advertised in the June 27, 2019 and July 7, 2019 issues of the Pipestone Flyer. The Notice of Public Hearing was mailed to the landowner and adjacent landowners on June 21, 2019.

Additionally, Administration notes that during March of 2019, a summary of the proposed Area Structure Plan was sent to fifteen (15) adjacent landowners and Crown Leaseholders within the required referral area by the Applicant.

Copies of the proposed Area Structure Plan, Notice of Public Hearing, relevant maps, photos of the property, other relevant documentation, and referral comments have been provided for review by Council.

Administration recommended that Council provide three readings to Bylaw 2019/36 for the proposed Area Structure Plan for a Recreational Vehicle Campground within NE 28-45-3-W5M for Travis & Leigh Peirens.

Robert Riddett addressed Council with the following:

- That he would dispute the soil rating map and provided Council with an updated map;
- That the area proposed for development is mostly entirely tree covered and that the other area is muskeg that is not going to be developed;
- That the County has approved other RV Campgrounds, which also have high soil ratings; and
- That there was an adjacent landowner that had suggested new fire ban restrictions which would include following adjacent Municipal Fire Bans, and going by different times as otherwise outlined in the County of Wetaskiwin’s Noise Bylaw.

Council questioned if the Applicant is aware of the Blackmoore Shooting Range, and whether the Road Contribution Fee would be collected with this proposal.

Travis Peirens stated that he is aware of the Shooting Range adjacent to the proposed campground and stated he barely hears the Range.

Mr. Blades stated that the Road Contribution Fee would be looked at during the Development Permit stage and may be necessary beyond the twenty-five (25) unit stage after consultation with Alberta Transportation.

Reeve T. Van de Kraats declared the Hearing closed at 9:50 a.m. and Council thanked the delegation for attending and they left the hearing.

By-law 2019/36 is a By-law in the County of Wetaskiwin No. 10 in the Province of Alberta, to authorize the adoption of an Area Structure Plan for the purpose of providing a framework for an Area Structure Plan for Travis and Leigh Peirens of NE 28-45-3-W5M in accordance with Section 633 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, and amendments thereto.

Resolution PD20190711.007
MOVED: by Councillor K. Rooyakkers

that By-law 2019/36 be given First Reading.

Carried Unanimously

Resolution PD20190711.008
MOVED: by Councillor J. Bishop
that By-law 2019/36 be given Second Reading.

**Resolution PD20190711.009**

MOVED: by Councillor K. Adair

that By-law 2019/36 be presented for Third Reading.

**Carried Unanimously**

Resolution PD20190711.010

MOVED: by Councillor D. Woitt

that By-law 2019/36 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**

10. **NEW SUBDIVISION APPLICATIONS**

10.2 **RW/19/10 - Ian & Marian Whitby - NE 1-45-7-W5M, Roll #4630.00 - Report**

10.2.1 **RW19/10 Discussion Resumed**

Discussion resumed on Subdivision File RW/19/10 for Ian and Marian Whitby regarding:

- That more people are using propane in that area;
- That the Land Use Bylaw Committee review subdivision conditions regarding servicing lots with utilities;
- That easements should be covered at the subdivision stage; and
- That Condition 5 could be reworded.

**Resolution PD20190711.011**

MOVED: by Councillor L. Seely
to defer discussion regarding Subdivision file RW19/10 for Ian and Marian Whitby to a later time in the meeting due to time constraints.

**Carried Unanimously**

6. **10:00 A.M. PUBLIC HEARING**

Reeve T. Van de Kraats declared the Public Hearing open at 10:03 a.m.

6.1 **Spot Rezoning - Agricultural (AG) to Agricultural Hobby Farm (AHF) - Donald & Shirley Laczo - SE 12-46-5-W5M, Roll #4114.00 - Report**

On April 30, 2019, Administration received an application from Donald and Shirley Laczo to rezone approximately 10.85 acres (4.93 hectares) within SE 12-46-5-W5M from Agricultural (AG) to Agricultural Hobby Farm (AHF). If rezoning is approved, the Applicant intends to subdivide a 10.85 acre (4.93 hectare) yard site out of the quarter. The property is located along Range Road 50.

On May 23, 2019, referral letters were sent to West Central Planning Agency, the Alberta Energy Regulator (AER), Alberta Sustainable Resource Development (ASRD), Alberta Environment, Alberta Transportation, and Administration.

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

- "With reference to your file LUA 19008, I would advise that the department would offer no objections to the rezoning as proposed. If the application proceeds to subdivision, the proposal would meet the requirements of Section 14(c) and 15 (3) of the Subdivision and Development Regulation."

**Administration**

- "Had questions about the panhandle as it makes sense to take the property line right to the edge of the quarter section and they are not near the maximum size. However, Administration would understand not wanting an easement, this could be a possible lot line adjustment in the future."

Administration notes that the proposal would include excluding the area of an oil and gas access road along the top of the property. The width of the oil and gas access road will need to be a reasonable width for road maintenance reasons. At the time of survey and subdivision, it would be expected that a minimum twenty (20) metre (66 ft.) panhandle would be necessary. This should not cause any issue with the proposed lot as no buildings are in this area.

Additionally, there were questions about the panhandle as it makes sense to take the property line right to the edge of the quarter section and they are not near the maximum size. However, Administration would understand not wanting an easement, this could be a possible lot line adjustment in the future.

Furthermore, in reviewing the proposal with the Applicant, the soil rating is within area III of the 1984 file soil record. In addition, this has been affirmed with later records with the proposed soil area being 8.5 percent.

A residence is located within the proposed lot and if subdivision is applied for, this would be the first parcel to be taken out of the quarter. In this regard, an Area Structure Plan is also not required.

Once comments were received from referral agencies/departments, a Public Hearing was set. The Notice of Public Hearing was advertised in the June 27, 2019 and July 4, 2019 issues of the Pipestone Flyer. The Notice of Public Hearing was mailed to the landowner and adjacent landowners on June 21, 2019.

Copies of the proposed rezoning application, relevant maps, land report outlining the soil ratings of the property, and the Agricultural Hobby Farm (AHF) District provisions as contained within the Land Use Bylaw have been provided for review by Council.

Administration recommends that Council provide three readings of Bylaw 2019/37 to rezone approximately 10.85 acres (4.39 hectares) within SE 12-46-5-W5M from Agricultural (AG) to Agricultural Hobby Farm (AHF) for Donald and Shirley Laczo.

Council questioned if the panhandle could be adjusted if the lease is ever abandoned. Administration stated that yes it could be an easy lot line adjustment.

Reeve T. Van de Kraats declared the Hearing closed at 10:07 a.m.

By-law 2019/37 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 10.85 acres (4.93 hectares) within SE 12-46-5-W5M from Agricultural (AG) to Agricultural Hobby Farm (AHF) for Donald and Shirley Laczo.

**Resolution PD20190711.012**

MOVED: by Councillor L. Seely

that By-law 2019/37 be given First Reading.

Carried Unanimously

**Resolution PD20190711.013**

MOVED: by Councillor K. Rooyakkers

that By-law 2019/37 be given Second Reading.
Resolution PD20190711.014
MOVED: by Councillor K. Adair
that By-law 2019/37 be presented for Third Reading.

Carried Unanimously

Resolution PD20190711.015
MOVED: by Councillor J. Bishop
that By-law 2019/37 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

10. NEW SUBDIVISION APPLICATIONS

10.2 RW/19/10 - Ian & Marian Whitby - NE 1-45-7-W5M, Roll #4630.00 - Report

10.2.1.1 RW/19/10 Discussion Resumed

Discussion resumed on Subdivision File RW19/10 for Ian and Marion Whitby regarding:

- Future subdivisions possibilities;
- Concerns about weeds along the creek;
- That the creek should be the subdivision line or that Environmental Reserve with the creek at this time; and
- That taking the Environmental Reserve at this time as this would be a pro-active approach now rather than waiting after further development or subdivision occurs.

Resolution PD20190711.016
MOVED: by Councillor J. Bishop
that Council approve subdivision application RW/19/10 Ian & Marian Whitby within NE 1-45-7-W5M to create one (1) Severed Agricultural lot 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 dated May 24, 2019 for registration at Land Titles Office.
   a. The ER must be 5 m from the top of the bank on both the north and south side of the creek.

2. If necessary, upgrade the existing approaches into the proposed lot and into the remainder of the quarter section to meet County standards. County standards require a minimum 500mm (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 (s) 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.

3. The applicant is pay road contribution fee of $2000.00 per new lot to the County.

4. The applicant is to register a caveat against the new lots to be created for the off-site sewer levy of $2,034 per lot made payable to the County if sewer treatment is required.
5. The applicant should contact the local gas and power utility company, provide service to the new lot and the remainder, and provide any easements required. (You should contact the utilities before finalizing the survey because they may require easements to be registered simultaneously with the plan of subdivision.)

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

7. Municipal reserves are owing and it is to be deferred proportionally into the proposed lot and the remainder. West Central Planning Agency will prepare the necessary documents prior to the registration of the subdivision.

8. The applicant is to pay an endorsement fee of $200 to WCPA when the plan is submitted for endorsement.

Carried Unanimously

The meeting recessed at 10:21 a.m.

The meeting reconvene at 10:30 a.m.

7. 10:30 A.M. PUBLIC HEARING

Reeve T. Van de Kraats declared the Public Hearing open at 10:30 a.m and a delegation consisting of Joey Wolter entered the meeting.

7.1 Spot Rezoning - Agricultural (AG) to Agricultural Hobby Farm (AHF) - Neil & Joseph Wolter - NW 32-45-27-W4M, Roll #2278.00 - Report

On May 3, 2019, Administration received an application from Neil & Joseph Wolter to rezone approximately 19.88 acres (8.04 hectares) within NW 32-45-27-W4M from Agricultural (AG) to Agricultural Hobby Farm (AHF). If rezoning is approved, the Applicants intend to subdivide a yard site out of the quarter section. The property is located along Township Road 460 and Range Road 275.

On May 23, 2019, referral letters were sent to West Central Planning Agency, the Alberta Energy Regulator (AER), Alberta Sustainable Resource Development (ASRD), Alberta Environment, Alberta Transportation, and Administration.

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

**Alberta Transportation**

- "Reference your file, noted above, for rezoning. 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. As such, the Minister of Transportation is not a required referral. Notwithstanding the foregoing, we have no objections/concerns with the rezoning as proposed and/or favorable consideration by the County of Wetaskiwin subdivision authority"

**Administration**

- Numerous comments were made that the proposal as submitted did not meet the soil assessment requirements as currently contained within the Land Use Bylaw.

Regarding soil assessment and the concerns of Administration, Administration discussed these particulars with the Applicants and the Applicants asked to undertake a verification of the soil assessment by a third party at their own cost, to which Administration had no objections towards. Therefore, the Applicants retained the services of Mr. Ernie Nycholat, P. Ag, of Camrose to perform a review of the soil assessment and provide an "average rating" of the proposal. This information has been provided for review by Council.

In respect of the information provided by Mr. Nycholat, Administration notes that the methodology used shows a blended average with four areas being the yard-site, which is considered excluded area, trees only from the northern portion of the proposal, a block of pasture located east of the yard site, and land not specifically identified, but within the application area. With this methodology using the aforementioned portions considered, the numbers do not appear to be consistent and do not result in the same calculated soil areas. For example, it appears that the northern portion of the property that is listed at a fifty-one percent (51%) soil rating...
is not included in the calculations. Regardless, even without this, the remaining overall area would be considered to be greater than the averages indicated in the application detail.

After the review of the soil ratings both utilizing internally available information and the information provided by Mr. Nycholat, Administration notes that the proposal as applied for does not meet the criteria for soil assessment for the Agricultural Hobby Farm (AHF) District. Therefore, Administration developed two (2) potential alternatives, aside from the proposal as applied for to attempt to make the rezoning proposal work for the Applicants.

The first alternative, with a straight east-west line, removes a portion of the northerly higher rated soil resulting in the following percentages:

- The fifty-one percent (51%) soil rating is removed;
- 26.2% of area with forty-six percent (46%) soil rating;
- 62.1% of area with eighteen percent (18%) soil rating; and
- 11.6% of area with forty-six percent (46%) soil rating (yard site).

Administration notes that this alternative would not meet the current soil assessment provisions found within the Land Use Bylaw, but may meet the proposed changes to be considered by Council relating to amendments to the Land Use Bylaw in the future.

The second alternative, following the tree line, also removes a portion of the northerly higher rated soil resulting in the following percentages:

- The fifty-one percent (51%) soil rating is removed;
- 23.9% of area with forty-six percent (46%) soil rating;
- 65.5% of area with eighteen percent (18%) soil rating; and
- 10.6% of area with forty-six percent (46%) soil rating (yard site).

Administration notes that this alternative also would not meet the current soil assessment provisions found within the Land Use Bylaw, but may meet the proposed changes to be considered by Council relating to amendments to the Land Use Bylaw in the future.

With other previous applications for Agricultural Hobby Farm, the farm sites have also been considered due to their size, which always vary, and the potential of buildings or sites being abandoned. This aside, in this case even if the farm site (0.77 hectares) was removed out of the equation, the proposal and alternatives would not meet the provisions for soil assessment as currently contained within the Land Use Bylaw for the Agricultural Hobby Farm (AHF) District.

Once comments were received from referral agencies/departments, a Public Hearing was set. The Notice of Public Hearing was advertised in the June 27, 2019 and July 4, 2019 issues of the Pipestone Flyer. The Notice of Public Hearing was mailed to the landowner and adjacent landowners on June 20, 2019.

Copies of the proposed rezoning application, relevant maps for the original application and developed alternatives, land report outlining soil ratings of the property, and the Agricultural Hobby Farm (AHF) District provisions as contained within the Land Use Bylaw have been provided for review by Council.

Administration recommended that Council adhere to the established provisions in the Land Use Bylaw and defeat Bylaw 2019/38 at First Reading as the proposal does not meet provisions for the Agricultural Hobby Farm (AHF) District as currently contained within the Land Use Bylaw of the County of Wetaskiwin.

Mr. Wolter addressed Council with the following:

- That his application does not meet the 80% soil rating as listed within the Bylaw;
- Details on the layout of property and buildings on the proposed lot;
- That he would be ok with reducing the size to 12 acres;
- Details on the septic system and water system on the property; and
That with the soil quality the septic system would need to be open discharge;

Mr. Blades discussed the following:

- That the first parcel out option; and
- That Council has the option of reviewing and amending the Bylaw not to include the farm site.

Council discussed the following:

- Why the farm site soil rating is taken into account;
- Where Administration got the soil ratings and maybe that the County should be updating the soil rating assessment sheets;
- The soil ratings on the map; and
- Possible options to move the property lines.

Administration stated that soil ratings are from historical soil assessments of the County.

Reeve T. Van de Kraats declared the Hearing closed at 10:55 a.m. and Council thanked the delegation for attending and they left the hearing.

Administration indicated that even with the farmsite being removed from the equation, the proposal would not meet the Bylaw.

Council discussed that this property at a whole is around 30% or more soil rating and would be outside of Policy.

Council discussed the unique circumstances regarding this proposal.

By-law 2019/38 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 19.88 acres (8.04 hectares) within NW 32-45-27-W4M from Agricultural (AG) to Agricultural Hobby Farm (AHF) for Neil and Joseph Wolter.

**Resolution PD20190711.017**

MOVED: by Councillor K. Adair

that By-law 2019/38 be given First Reading.

Carried Unanimously

**Resolution PD20190711.018**

MOVED: by Councillor K. Rooyakkers

that By-law 2019/38 be given Second Reading.

Carried Unanimously

**Resolution PD20190711.019**

MOVED: by Councillor D. Woitt

that By-law 2019/38 be presented for Third Reading.

Carried Unanimously

**Resolution PD20190711.020**

MOVED: by Councillor J. Bishop

that By-law 2019/38 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 meeting recce at 10:58 a.m.

The meeting reconvene 11:01 a.m.
8. **11:00 A.M. DELEGATION**

A delegation consisting of Brian Bethune entered the meeting at 11:01 a.m.

8.1 **Request for Delegation - Brian Bethune - Development Variances - SW 25-45-1-W5M, Roll #2858.79 - Report**

On October 31, 2018, Administration received a Development Permit application from Brian and Judy Bethune for a New Modular Home (21' 8" x 44' x 16') with 10' Covered Deck and existing Shed (10' x 20') to be placed on Lot 32, Block 2, Plan 1424259, SW 25-45-1-W5M within the Dorchester Ranch Resort.

On November 6, 2018, Administration sent correspondence to Mr. Bethune requesting further information regarding the Development Permit application and outlined the Building Placement provisions as contained within Section 10.31.6 of Land Use Bylaw 2017/48. From November 6, 2018 to December 19, 2018, numerous correspondence occurred between Administration and Mr. Bethune, which have been provided for review by Council.

On December 18, 2018, Administration issued Development Permit D18/235 for Brian and Judy Bethune as a discretionary use for a New Modular Home (21' 8" x 44' x 16') with 10' Covered Deck and existing Shed (10' x 20') subject to the following conditions:

"1. Proposed Development not to encroach on Registered Rights of Ways or Utility Service Lines. In addition to this, the applicant is advised that it is their responsibility to contact Alberta-One-Call at 1-800-242-3447 to locate buried facilities if there is a plan to excavate or disturb the ground in Alberta prior to the excavation or ground disturbance and meet these set-backs as required.

2. Location and use of proposed development shall be as specified by documents submitted by applicant.

3. The applicant shall be responsible to contact Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

4. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

5. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

6. The area of land covered by all buildings must not exceed 40% of the area of the lot on which the buildings are situated.

7. The existing Shed (10' x 20') shall be restricted in height to a maximum of 3.7 m (12 ft.) above grade at its highest point and shall not exceed the height of the principal dwelling/RV unit.

8. The proposed New Modular Home (21' 8" x 44' x 16'), with 10' Covered Deck shall be a maximum of one (1) story AND not more than 6.7m (22 ft.) above grade at any point.

9. The owner must comply with the sanitary system regulations as outlined in the development agreement registered on the lots title by caveat #172269460. Private Sewage Disposal Systems in the County of Wetaskiwin are regulated by Alberta Municipal Affairs through Superior Safety Codes Inc. The Developer is to contact them (either their Edmonton or Red Deer location) to carry out plumbing inspections in the County of Wetaskiwin to ensure that the Private Sewage Disposal System meets all requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs be provided for County file records.

10. The required front yard setback of 6 metres (19.6 feet) as per Land Use By-law 201 7/48, has been relaxed to the proposed distance of 2.43 metres (8 feet) as it appears on the submitted plot plan.
11. There shall be no parking or future development between the existing Shed (10’x 20’) and road allowance.

This is a discretionary use as specified by Section 10.31.6 (a) of Land Use By-law 2017/48.

Failure to comply with any of the above conditions will render this permit null and void.”

On May 21, 2019, Administration received an inquiry from Mr. Bethune requesting a change in location for the Shed to be located eight (8) inches from the front property line. Regarding this request from Mr. Bethune to move the Shed to a location eight (8) inches from the front property line, numerous correspondence occurred between Administration and Mr. Bethune between May 21, 2019 and June 17, 2019, all of which have been provided for review by Council. Within the correspondences, Administration had outlined that the proposal is outside the Variance Provisions outlined in Section 3.8 of Land Use Bylaw 2017/48. Under the Recreational Resort Holdings District – Dorchester Ranch Resort (RRH-DRR) zoning in which the property of Mr. Bethune is zoned as, the standard setback is six (6) metres, with the ability of Administration to reduce the setback by seventy-five percent (75%) to 1.5 metres or five (5) feet.

Therefore, Administration mentioned that if Mr. Bethune were to proceed with the application, Administration would have to refuse the application as per Section 3.8 of Land Use Bylaw and would be recommending refusal to the Subdivision and Development Appeal Board, who does have the ability to relax the setback completely up to the property line, should Mr. Bethune choose to appeal the refusal. Reasoning for this is that Administration is required to follow the direction of Council as contained within the approved Bylaws, Policies, and other provisions as set forth by Council, as well as other legislation from other orders of government that may be applicable. Additionally, having development within eight (8) inches of the property line would potentially cause significant issues with roadway sightlines and the maintaining of road infrastructure by the County of Wetaskiwin.

During the latest correspondence between Administration and Mr. Bethune, on June 12, 2019, Mr. Bethune requested to appear as a delegation to Council at the July 11, 2019 Council for Planning & Economic Development meeting in accordance with Section 18.1(a) of Procedural Bylaw 2018/04. Said request and the response by Administration has been included for review by Council.

Administration recommended that Council accept the presentation made by Mr. Brian Bethune as information.

Mr. Bethune addressed Council with the history of his development permit application and dealing with County with the proposed location of his shed. He has submitted a new application for a shed which is reduced in size to meet the bylaw requirements.

Councillor K. Adair stated that he has been out to the subdivision in the last few weeks.

Council questioned how far does Mr. Bethune have to be from the front property line. Administration confirmed that Mr. Bethune should be at a minimum five (5) feet from the front property line.

Council and Mr. Bethune had the following discussion:

- Whether Mr. Bethune can move the shed to the back of the yard;
- Whether Mr. Bethune could turn the shed to the side;
- That a front yard relaxation to eight inches is not a good precedent to set, when there is other options;
- Whether the shed still be usable, if you reduce the size, and
- That setback relaxations should be dealt with at the appeal board.

Reeve T. Van de Kraats thanked the delegation for attending and he left the 11:25 a.m.
Resolution PD20190711.021
MOVED: by Councillor J. Bishop
that Council accept the presentation made by Mr. Brian Bethune as information.

Carried Unanimously

12. **UNFINISHED BUSINESS**

12.1 **Enforcement of Environmental Reserves - Bayview Subdivision - Report**

In July of 2018, Administration received a complaint in regard to the unauthorized grooming and placement of structures on the Environmental Reserve (ER) that is adjacent to the Bayview Subdivision, which is located on the northwestern shores of Buck Lake.

Upon investigation of the complaint by Administration in adherence to Action 2.1.1.1 of the 2018 Strategic Plan of the County of Wetaskiwin as approved by Council which states "Be reactive to bylaw enforcement issues, with proactive enforcement in the neighbourhood after first complaint." and the associated Task which states "Conduct patrols in the County in response to complaints with the focus being on Municipal & Environmental Reserves", it was determined that there were several unauthorized developments including bridges, as well as significant grooming and modification of the Environmental Reserve. These unauthorized developments and grooming are prohibited under the following pieces of pertinent legislation as set forth by the Government of Alberta and County of Wetaskiwin Council as follows:

**Municipal Government Act (MGA)**

"676(1) Subject to section 676(1), environmental reserve must be left in its natural state or used as a public park."

**Municipal, Environmental, and Conservation Reserve and Public Utility Lot Bylaw 2018/53**

"3.2 No person on any Municipal Reserve, Environmental Reserve, Conservation Reserve or Public Utility Lot shall:

a) cut, break, bend, remove or in any way damage or deface any turf, tree, shrub, hedge, plant, flower or structure;

b) dig in the earth or remove any tree, plant, shrub or manmade structure;

c) place or erect any structures;

3.3 No person shall, without written authorization:

a) create a trail through a Municipal Reserve, Environmental Reserve, Conservation Reserve or Public Utility Lot in accordance with the Land Use Bylaw;"

**Land Use Bylaw 2017/48**

"9.3.5 In all districts

a) no trees or vegetation can be cleared within 6.0 meters (20 feet) of the edge of a water feature, except to provide pedestrian access up to the edge of the water feature and only to a maximum of 2.0 meters (6.5 feet) of the frontage.

b) no removal or destruction of trees, vegetation or disturbance of soil is allowed to occur on a Municipal or Environmental Reserve unless written approval is provided by the Development Officer and only to a maximum of 2.0 meters (6.5 ft.) in width and only for pedestrian access from the edge of the lot of the upland landowner to a water feature. No motorized equipment or machinery is allowed to create such 2.0 meter pedestrian access except the use of chainsaw equipment for this purpose.

10.26 Environmental Reserve District (ER)

10.26.1 Purpose
The purpose of the Environment Reserve District (ER) is to allow for the dedication and existence of environmental reserves in accordance with Section 664 of the Municipal Government Act as defined below.

10.26.2 Definition

A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of:

a) A swamp, gully, ravine, coulee or natural drainage course,

b) Land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or

c) A strip of land, not less than 6 meters in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of

i. Preventing pollution, or

ii. Providing public access to and beside the bed and shore.

10.26.3 Permitted and Discretionary Uses

Only those land uses as defined in the definition above are allowed and no development in any kind or form of land use will be allowed unless such use is consistent with the definition as prescribed in writing under this Bylaw.

10.26.4 Enforcement

Offenses and fines are outlined in Section 5, Contravention."

Therefore, on August 21, 2018, Administration followed through with the strategic direction of Council as contained within Action 2.1.1.1 of the 2018 Strategic Plan by sending informational notices to all property owners in the Bayview Subdivision which reads as follows:

"In my capacity as a Designated Officer of the County of Wetaskiwin No. 10, I am contacting you to advise that the County of Wetaskiwin has become aware of several instances of development occurring on the Environmental Reserve behind or near your property. Under Section 671 of Municipal Government Act, it states:

"Subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park".

At present, the Lands do not comply with the Section 671 of the Municipal Government Act given:

1. Sheds, decks, railings, docks, bridges and other objects have been placed on the Environmental Reserve.

2. Altering the appearance of the Environmental Reserve (Unauthorized Development)

Accordingly, if these developments are owned by you, you are hereby ordered to stop unauthorized development and use of the aforementioned Lands and structures thereon and comply by:

1. Removing Developments by the end of May 2019.

2. Stop any unauthorized development immediately.

If the developments are not removed, the County will remove and hold the items in storage for a period of time with storage fees being applied. In addition, any appropriate enforcement action, including fines, may be issued if noncompliance is continued.

Additionally, complaints have been received of several Off Highway Vehicles (OHVs) being used on the Environmental Reserve. Additional patrols will be made by the County of Wetaskiwin Protective Services Department and if OHVs are found being used on an Environmental Reserve, individuals may be charged accordingly. The County requests that any OHV use on Environmental Reserves cease immediately.

it is the preference of the County of Wetaskiwin No. 10 that your compliance occurs on a voluntary basis and that no formal action is taken. I trust the position of the
County of Wetaskiwin is clear. If you have any questions or concerns, please contact Bylaw Enforcement at 780-352-3321.

Thank you in advance for your cooperation in this matter.”

After the issuance of the Notice, at the November 8, 2018 Council for Planning and Economic Development Meeting, Council heard a Delegation presentation made by Mr. Charles Andrews regarding the Bayview Subdivision Environmental Reserve. Council resolved to "accept Mr. Andrew's presentation as information and table discussion in order to enable Council to conduct a site inspection to get a better understanding of what Council is discussing and for Administration to provide additional information in regards to shore high water mark, water body, water table, access and environmental reserve jurisdiction and clarification and to provide to Council at an upcoming meeting.”

(Ref. Resolution No. PD20181108.1022)

At the December 6, 2018 Council for Planning and Economic Development meeting, Council was updated regarding shore high water mark, water body, water table, access, and Environmental Reserve jurisdiction and clarification as information.

(Ref. Resolution No. PD20181206.1009)

During the June 12, 2019 West End Road Tour, Council attended the Environmental Reserve lands located at Lot R30, Block 2, Plan 7822965. There was a total of three (3) bridges with one (1) of the bridges spanning with one (1) side on Environmental Reserve and the other side being located on private property.

Moving forward, there are three (3) alternatives for Council to consider surrounding pedestrian bridges on the Environmental Reserve in Bayview Subdivision described as Lot R30, Block 2, Plan 7822965, which are as follows:

1. That Council direct Administration to move forward with enforcement action as outlined in the August 21, 2018 Notice, including the removal of the existing bridges as it is believed that this may set a precedent for other subdivisions within the County and there is public access to the lake through the Environmental Reserve lands without structural improvements being required.

2. That Council direct Administration to move forward with appropriate enforcement action as outlined in the August 21, 2018 Notice, including the removal of the existing bridges with direction for Administration to pursue the development of a plan for a County owned and maintained pedestrian trail system as allowed by Section 671 of the Municipal Government Act, including the potential of specific pedestrian bridges meeting required standards and to bring the plan forward to the 2019 Strategic Planning Sessions for 2020 Budget for further deliberation by Council.

3. That Council provide specific direction in respect of the enforcement of Environmental Reserves in both the Bayview Subdivision and the rest of the County of Wetaskiwin, including any changes, if applicable, that need to be made to the Strategic Plan of the County of Wetaskiwin.

Administration recommended that Council direct Administration to move forward with appropriate enforcement action as outlined in the August 21, 2018 Notice, including the removal of the existing bridges with direction for Administration to pursue the development of a plan for a County owned and maintained pedestrian trail system as allowed by Section 671 of the Municipal Government Act, including the potential of specific pedestrian bridges meeting required standards and to bring the plan forward to the 2019 Strategic Planning Sessions for 2020 Budget for further deliberation by Council.

Council discussed the following:

- That bridges that go onto private property are a safety and liability issue;
- That the discussion needs to be presented and discussed at Strategic Planning;
- How many applications for trails have been received;
• Whether it is possible for people within the subdivision to maintain the trail system at their financial cost, but that the County would put conditions and standards that it would have to be built to;
• That the County could treat this like Cemetery groups;
• That direction from Administration should be sent to the subdivision stating that they can have the option to raise their own funds to maintain the trail; and
• What is the County’s liability on Private Trails was for the County.

Administration stated that yes there has been two (2) applications for Trails. A trail system can be maintained by a community group. The County would still be liable for the trail as it is on County land.

Resolution PD20190711.022
MOVED: by Councillor K. Adair

That Administration move forward with enforcement action along the Environmental Reserve as outlined in the August 21, 2018 Notice, including the removal of the existing bridges as it is believed that this may set a precedent for other subdivisions within the County and there is public access to the lake through the Environmental Reserve lands. Residents should come together as a community to approach the County should structural improvements be contemplated.

Carried

12.2 Marjorie & Gordon Loov – Change to Environmental Reserve Boundary – Roll #1406.04 – Report

At the September 13, 2018, Council for Planning and Economic Development meeting, it was resolved by Council “to sell a portion of Plan 7722461, Block 2, Lot R4 (County Environmental Reserve) land to the Gordon and Marjorie Loov with Option 2 as outlined by the figures below:

Option 2: No County Costs & No Subdivision Costs
- Assessed land value - $1200.00
- Loov legal counsel - $1,000.00;
- Plan of Survey Showing Consolidation - $800.00 plus taxes ($40);
- Real Property Report - $1,000.00 plus taxes ($50);
- public hearing cost for boundary change - $160.00 per week with a required two week period and $17.70 for notification to adjacent landowners.

Total costs could potentially equal $4,427.70”
(Ref. Resolution #PD20180913.1017)

At the February 15, 2019 Council for Planning and Economic Development meeting, Council provided three readings of Bylaw 2019/07 for the boundary readjustment of Lot R4, Block 2, Plan 7722461 to Gordon and Marjorie Loov to rectify the encroachment within the lot.
(Ref Resolution No. PD20190215.006)

On July 9, 2019, Administration received a rejection notice from Alberta Land Titles. Administration has provided Council with the proposed amendments that Alberta Land Titles has requested prior to approval of the change in Land Title. Administration notes that these changes are extremely technical in nature and do not at all change the previous intent of Bylaw 2019/07, but is deemed necessary by Alberta Land Titles.

Notwithstanding Section 7.1 of the County’s Procedural Bylaw 2018/04, Section 8 Additions to Agenda allows for the addition of time sensitive issues to be added to the agenda. Section 8 states the following:

"Section 8 Additions to Agenda

8.1 Notwithstanding subsection 7.1 of this By-law, in exceptional circumstances, items of emergent business nature will be made available to Council. These items will only
be considered once made a part of the agenda pursuant to Section 8 of this By-law. Urgent items are considered to be time sensitive in nature without the ability to wait until the next appropriate meeting to be dealt with by Council.

8.2 Councillors and Administration may present information to be considered during a Council meeting prior to the acceptance of the Agenda. The item will then be placed under new business behind the last item that was originally set to be discussed.

8.3 When the time comes for the item to be discussed the party responsible for the items inclusion on the agenda will speak to the issue and discussion shall occur.

8.4 Once discussion has occurred the item will be accepted as information until the next meeting where it will be presented on the Agenda for decision. This will ensure that all proper research, possible advertisement, and citizen consultation has been conducted.

8.5 Notwithstanding subsection 8.4 of this By-law, if an issue is deemed by Council to be of a time sensitive nature, unable to wait until the next meeting, Council may provide direction on the issue providing there is a two-thirds (2/3) majority vote of Council.

8.6 Members of the public may not add new business to an Agenda outside of Section 7.3 of this By-law.”

Administration recommended Council provide three readings to Bylaw 2019/39 for the boundary readjustment of Lot R4, Block 2, Plan 7722461 for Gordon and Marjorie Loov to rectify the encroachment within the lot.

Resolution PD20190711.023
MOVED: by Councillor J. Bishop
that the addition to the agenda Marjorie and Gordon Loov, Change to Environmental Reserve Boundary be deemed of a time sensitive nature, unable to wait until the next meeting, pursuant to Procedural Bylaw 2018/04, Section 8.5.

Carried Unanimously

By-law 2019/39 is a By-law in the County of Wetaskiwin No. 10, in the Province of Alberta, for the boundary readjustment of Plan 7722461, Block 2 Lot R4 to Gordon and Marjorie Loov to rectify the encroachment within the lot.

Resolution PD20190711.024
MOVED: by Councillor J. Bishop
that By-law 2019/39 be given First Reading.

Carried Unanimously

Resolution PD20190711.025
MOVED: by Councillor K. Adair
that By-law 2019/39 be given Second Reading.

Carried Unanimously

Resolution PD20190711.026
MOVED: by Reeve T. Van de Kraats
that By-law 2019/39 be presented for Third Reading.

Carried Unanimously

Resolution PD20190711.027
MOVED: by Councillor D. Woitt
that By-law 2019/39 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.
13. **NEW BUSINESS**


During an inspection by the Assessment Department in 2018, it was noted that on the SW 23-46-4-W5M, a mobile home had been placed on the property without obtaining the required Development Permit. Upon discovery of the developments, the Assessment Department notified the Planning and Economic Development Department, which in turn requested the services of the Protective Services Department, who assists in the enforcement of the Land Use Bylaw.

On November 19, 2018, Administration sent a Notice to the property owner as listed on title, Mr. Russell Lomas, by regular mail in accordance with the *Municipal Government Act* and County protocol to the address currently on file with the County of Wetaskiwin for a Rimbey, Alberta address as provided by Mr. Lomas in 2009 according to County records and utilized for an approach inspection application in August of 2016. Administration also notes that the current Land Title Certificate from Alberta Land Titles, which is address of precedence in accordance with the *Municipal Government Act* should no additional addresses be provided to the municipality was last updated in March of 2005 and lists an Alder Flats address, meaning that the Rimbey address provided in 2009 was the most current address within County records. The Notice and Land Title Certificate have been provided for review by Council.

Within the Notice, Mr. Lomas was requested to submit a completed Development Permit Application by December 19, 2018 for the mobile home placed on the property or a Warning Letter would be issued, leading to the requisite fee becoming $500.00 in accordance with the Fees and Charges Bylaw.

On December 21, 2018 after no response to the Notice had been received, Administration sent a Warning Letter by regular mail in accordance with the *Municipal Government Act* and County protocol to Mr. Lomas to the most current address provided for correspondence by mail, being the Rimbey, Alberta address. Mr. Lomas was requested to submit a completed Development Permit Application by January 19, 2019 for the mobile home placed on the property or a Stop Order would be issued, leading to the requisite fee becoming $1,000.00 in accordance with the Fees and Charges Bylaw. The Warning Letter has been provided for review by Council.

On January 23, 2019 after no response to the Warning Letter had been received, Administration sent a Stop Order by registered mail in accordance with the *Municipal Government Act* and County protocol to Mr. Lomas to the most current address provided for correspondence by mail, being the Rimbey, Alberta address. Mr. Lomas was requested to submit a completed Development Permit Application by February 23, 2019 for the mobile home placed on the property, with the requisite fee being $1,000.00 in accordance with the Fees and Charges Bylaw. The Stop Order has been provided for review by Council.

On February 13, 2019, the Stop Order sent by registered mail was returned to the County of Wetaskiwin as unclaimed.

On February 15, 2019 and March 11, 2019, Administration conducted numerous searches to obtain contact information for Mr. Lomas, including through the tax roll, enforcement history, file review, and other County documentation. At the conclusion of this search, which is not mandatory under the *Municipal Government Act*, but conducted by Administration in a proactive manner to attempt to contact Mr. Lomas, Administration found only the most current Rimbey, Alberta address and a telephone number that was out of service when contacted.

Therefore, on March 12, 2019, Administration attended the property and posted a new Stop Order in accordance with the *Municipal Government Act*. In this new Stop Order that was posted, Mr. Lomas was requested to submit a completed Development Permit Application by April 13, 2019 for the mobile home placed on the property, with the requisite fee being $1,000.00 in accordance with the Fees and Charges Bylaw. The Stop Order has been provided for review by Council.
On April 18, 2019, Administration attended the property and observed that the posted Stop Order had been removed, but no application was submitted, nor any contact made by Mr. Lomas to the County of Wetaskiwin.

On June 9, 2019, Administration posted a Notice of Inspection on the aforementioned property in order to move forward with the enforcement of the Stop Order and the bring of the property into compliance. The Notice of Inspection has been provided for review by Council.

On June 10, 2019, Mr. Lomas contacted Mr. David Blades, Director of Planning & Economic Development, by phone regarding the Notice of Inspection, even though Mr. Blades was not listed as the contact on any correspondence. Mr. Blades was informed of the most current telephone number and mailing address of Mr. Lomas at this time. Furthermore, the Protective Services Department contacted Mr. Lomas, who stated that he did not require a Development Permit and questioned the process undertaken by Administration in relation to the matter. Mr. Lomas was advised of the information as outlined for review by Council.

On June 11, 2019, Mr. Lomas attended the County Office and spoke with Mr. Jeff Chipley, Assistant Chief Administrative Officer, who reiterated that he requires a Development Permit and outlined the information as described. Mr. Lomas agreed that he would apply for a Development Permit, but stated that he could not pay the requisite fee of $1,000.00 due to personal reasons and that the County should have done a better job in attempting to inform him. Mr. Chipley reiterated the historical facts relating to the matter and advised Mr. Lomas that if he wished to seek a reduction to the requisite fee, that he would have to send correspondence to Council requesting a reduction as Administration does not have the ability to do so.

On June 13, 2019, correspondence was received from Mr. Russell Lomas requesting a reduction of Development Permit Application Fees from $1,000.00 to $100.00. A copy of the correspondence sent by Mr. Lomas has been provided for review by Council, which lists a telephone number, email address, and mailing address for Campbell River, British Columbia, all of which were not provided to the County of Wetaskiwin previously.

Regarding the request made by Mr. Lomas, Administration notes the following, that were explicitly mentioned in the numerous correspondence sent to Mr. Lomas in accordance with the Municipal Government Act and County protocol to the address currently on file with the County of Wetaskiwin for a Rimbey, Alberta address as provided by Mr. Lomas in 2009 according to County records over the almost seven (7) months where no action was undertaken by Mr. Lomas, including nearly two (2) months in which he stated he was in the Province of Alberta:

- Fees and Charges Bylaw "As per the Fees and Charges Bylaw...upon/with the issuance of a Stop Order that fee has been increased by ten (10) times to $1000.00."

Simply put, Administration is of the position that Mr. Lomas was given more than sufficient time and notice to complete a Development Permit application at the original fee of one-hundred dollars ($100) as Administration acted in accordance with the Municipal Government Act and County protocol to Mr. Lomas to the most current address provided for correspondence by mail, being the Rimbey, Alberta address, which was not updated by Mr. Lomas.

Council has the authority to either approve or deny the request by Mr. Russell Lomas for a reduction of Development Permit Application Fees from $1,000.00 to $100.00 or an amount in between in which Council sees fit.

Administration recommended that Council deny the request by Mr. Russell Lomas for a reduction of Development Permit Application Fees from $1,000.00 to $100.00 as Administration acted in accordance with the Municipal Government Act and County protocol to Mr. Lomas to the most current address provided for correspondence by mail, being the Rimbey, Alberta address, which was not updated by Mr. Lomas and that Mr. Lomas was given more than sufficient time and notice to complete a Development Permit application at the original fee of one-hundred dollars ($100).
Resolution PD20190711.028
MOVED: by Reeve T. Van de Kraats
that Council deny the request by Mr. Russell Lomas for a reduction of Development Permit Application Fees from $1,000.00 to $100.00 as Administration acted in accordance with the Municipal Government Act and County protocol to Mr. Lomas to the most current address provided for correspondence by mail, being the Rimbey, Alberta address, which was not updated by Mr. Lomas and that Mr. Lomas was given more than sufficient time and notice to complete a Development Permit application at the original fee of one-hundred dollars ($100).

Recorded

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<th>Opposed:</th>
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<tr>
<td>Reeve T. Van de Kraats</td>
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<td>Councillor J. Bishop</td>
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<td>Councillor D. Woitt</td>
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<td>Councillor L. Seely</td>
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Results 5 1
Carried (5 to 1)

16. ADJOURN
Resolution PD20190711.029
MOVED: by Councillor L. Seely
that the Council for Planning & Economic Development meeting be adjourned at 12:07 p.m.
Carried Unanimously

_________________________
REEVE

_________________________
CHIEF ADMINISTRATIVE OFFICER

MINUTES APPROVED:

Ref: Resolution #