

Claresholm, Alberta, November 23, 2016

The regular meeting of the Council of The Municipal District of Willow Creek No. 26 was held in the Administration Building on the above date with Reeve Hemmaway, Deputy Reeve Alm, Councillors Kroetsch, Sandberg, Sundquist, Van Hierden and Wilson and CAO Vizzutti present.

1. Reeve Hemmaway called the meeting to order at 1:12 p.m.
2. Moved by Councillor Sandberg the meeting goes in camera under Section 21 of FOIP – Disclosure harmful to intergovernmental relations at 1:12 p.m.
Carried.

Moved by Councillor Sundquist to come out of in camera at 1:34 p.m.

Executive Assistant MacOdrum, Manager of Planning and Development Services Gibeau, Development Officer Chisholm entered the meeting at 1:34 p.m.

Lawrence Gleason – Reporter entered the meeting.

Moved by Councillor Sundquist to approve the Alberta Community Partnership Applications for the Regional Water Study and the Regional Fire Governance Model Study.

Carried.

Moved by Councillor Sandberg to recess the Council meeting at 1:36 p.m.

Carried.

3. **PUBLIC HEARING**

Reeve Hemmaway called the Public Hearing to order at 1:36 p.m.

(a) Public Hearing Application A-12-16 – Land Use Amendment SW 5-10-25-4

Manager of Planning and Development Services Gibeau presented Application A-12-16 for a Land Use Bylaw Amendment put forward by Ed and Melissa Groeneweg to redesignate 8.00 acres in the SW 5-10-25-5 from ‘Rural General – RG’ to ‘Vacant Country Residential – VCR’ to accommodate a proposed subdivision for country residential use. She advised the site is located within SW 5-10-25-4 and is abutted by Township Road 100 to the south which will provide direct access to the parcel once subdivided. The Lethbridge Northern Irrigation District canal runs through the subject lands creating an 8.00 acre parcel and the surrounding farmlands are designated ‘Rural General – RG’. There is a confined feedlot in the SW 4-10-25-4, approximately ½ mile north-east of the subject lands.

Manager of Planning and Development Services Gibeau presented the following development considerations:

1. Soil suitability for a septic system has been verified by a report prepared by Down to Earth Labs Inc., confirming that the site will allow: gravity, pressure distribution, mound, holding tank or a secondary treatment system.
2. The applicant proposes the water source to be by cistern.

3. The landowner for the lands immediately east of the subject lands (SE 5-10-25-4) cited a potential concern that he would no longer be able to spread manure on his lands. The concern was raised with NRCB who responded in writing.

Manager of Planning and Development Services Gibeau advised pursuant to sections 230, 606 and 692 of the Municipal Government Act notice of the Public Hearing was advertised in the Macleod Gazette for two consecutive weeks, November 9th & 16th, 2016 and adjacent landowners were notified by mail. She advised the following agencies were also notified, Lethbridge Northern Irrigation District (LNID), Alberta Environment and Parks (AEP) and Natural Resources Conservation Board (NRCB) and all three have submitted comments.

Comments from Agencies

Alberta Environment and Parks – Jessica Firth

Manager of Planning and Development Services Gibeau stated and email from Jessica Firth of Alberta Environment and Parks advised they have no concerns with regards to the application.

Lethbridge Northern Irrigation District – Alan Harrold – General Manager

Manager of Planning and Development Services Gibeau read a letter from Alan Harrold, General Manager, advising LNID has no objection to the proposed development. He provided the following comments:

1. That Alberta Environment & Parks main canal exists immediately northwest of this property. District guidelines prohibit any construction, within 30 metres of the toe of the outside canal bank.
2. Alberta Environment & Parks should be contacted with respect to any concerns they may have about any development in proximity to the main canal.

Natural Resources Conservation Board – Karl Ivarson – Inspector

Manager of Planning and Development Services Gibeau read a letter from Karl Ivarson – Inspector, NRCB advising Agricultural Operations Practices Act (AOPA) does not address or provide for siting requirements for residences in proximity of confined feeding operations (CFO's) or land being used for manure spreading. Conversely, AOPA does provide manure application set back requirements from residences, specifically, AOPA Standards and Administration Regulation Sec. 24(5). He advised for arable lands that are not covered by sec. 24(5) the CFO operator may apply manure on lands that he owns up to the property line provided that the manure is incorporated within 48 hours, (AOPA Sec 24(1)). He advised there is no manure application setback requirement in this instance however AOPA sec 24(9)(c) may be of relevance which does not allow manure, composting materials or compost to be applied within 30m of a water well. He advised if a water well is established on the proposed residential rezoning the setback would need to be met by the CFO operator. He advised Foothills Farms is an NRCB permitted CFO, operating under permit LA 10063, as a

5,000 head beef finisher or bison or combination of both. Permit LA10063 specifically notes that:

“The operator is to adhere to follow the requirements of the Agricultural Operations Practices Act (AOPA) and the regulations passed pursuant to that Act.”

Reeve Hemmaway asked if anyone has any comments.

Manager of Planning and Development Services Gibeau advised the Municipal Development Plan allows for a maximum 5 acre ‘Vacant Country Residential – VCR’ subdivision and therefore a waiver would be required at the subdivision stage.

Councillor Alm asked about setback requirements.

Manager of Planning and Development Services Gibeau advised there are no setback concerns due to the parcel size of 8 acres.

Moved by Councillor Sundquist to adjourn the Public Hearing.

Carried.

Reeve Hemmaway reconvened the Council meeting.

4. **BYLAWS:**

(a) **Bylaw No. 1756**

Moved by Councillor Sandberg Bylaw No. 1756, being a bylaw to amend the Land Use Bylaw No. 1616 by redesignating 8.00 acres in the SW 5-10-25-4 from ‘Rural General – RG’ to ‘Vacant Country Residential – VCR’, be given first reading.

Carried.

Moved by Councillor Wilson Bylaw No. 1756 be given second reading.

Carried.

Moved by Councillor Kroetsch all Councillors present are in agreement to giving Bylaw No. 1756 third and final reading.

Carried Unanimously.

Moved by Councillor Sundquist Bylaw No. 1756 be given third and final reading and the Reeve and Chief Administrative Officer be authorized to sign and counter sign on behalf of the Municipal District.

Carried.

5. **DEVELOPMENT:**

Manager of Planning and Development Services Gibeau asked if there is any feedback regarding the Municipal Development Plan Review document provided at the November 9th meeting.

Manager of Planning and Development Services Gibeau stated three main points that need to be addressed are:

1. Parcel Size

She provided statistical information regarding the subdivision parcel size that has been approved over the last 12 years with a high percentage receiving a waiver of the 5 acre maximum.

Discussion ensued regarding a maximum parcel size for a bare land subdivision and a larger maximum for the subdivision of an established farm site. Manager of Planning and Development Services Gibeau said administration needs clear guidelines when a waiver of the maximum parcel size will be considered. Noted Manager of Planning and Development Services Gibeau will draft criteria for consideration for a waiver of 5 acre maximum parcel size and present for Council's consideration.

2. Definition of Fragmented Parcels

Manager of Planning and Development Services Gibeau advised there are currently three criteria for a fragmented parcel subdivision being railway lines, roads development to MD standard and the Oldman River and asked if Council is in agreement to remain with the three.

Council agreed the definition of a fragmented parcel should stay the same.

3. Number of Residences on a Quarter Section

Discussion ensued regarding the number of residences that should be allowed on a quarter section.

Manager of Planning and Development Services Gibeau advised the Water Act specifies if there are 6 subdivisions on a quarter section a water study is required.

Recommendations to Streamline MPC Meetings

Manager of Planning and Development Services Gibeau provided recommendations to streamline the Municipal Planning Commission meetings and the application process. She recommended Council expand administration's approval authority with regards to certain types of discretionary use applications. She feels it will streamline the work load presented to Council and turnaround time on applications for ratepayers. She provided information obtained from an informal survey of 29 Rural Municipalities in Alberta regarding the handling of development permit applications and subdivision applications.

Council reviewed the survey provided.

CAO Vizzutti left the meeting at 2:28 p.m.

Manager of Planning and Development Services Gibeau presented the following recommendations:

1. Administration approves some discretionary use applications;
2. The uses that administration may decide on should be clearly denoted in the LUB;

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3. Administration/Agency decide on some subdivisions – VCR and 1st parcel out not requiring a waiver;
4. Administration decides on those uses within the Direct Control district that would otherwise be a permitted use eg. Home Occupation – Minor, first residence, accessory buildings etc.

Suggested Preliminary List of uses administration may approve within RG – list to be generated in each district.

Second and/or subsequent Residences	Signs
Home Occupation – Major	Towers
Farmsteads	Welding Shops
Food Service Catering	WECS 1 & 2
Household Repair	Workshop
Kennel 1	

Administration at their discretion could refer any application (discretionary or permitted) to the Municipal Planning Commission.

Council agreed that streamlining the process would be beneficial and will discuss this matter further on December 21, 2016.

Manager of Planning and Development Services Gibeau and Development Officer Chisholm left the meeting at 2:37 p.m.

6. **COUNCIL MANAGEMENT:**

(a) Insurance Coverage for Members at Large

CAO Vizzutti advised Members at Large appointed by resolution of Council are covered under the M.D.'s liability insurance policy.

Councillor Sandberg advised members appointed by the Town of Fort Macleod to the Macleod Library Board don't have director's liability coverage. She asked if she could use the information received from Jubilee Insurance.

Director of Finance Hannas, Emergency Services Manager Coleman and Kelly Starling entered the meeting at 2:40 p.m.

7. **EMERGENCY SERVICES:**

Kelly Starling presented a package of the Medical First Response program which the M.D. needs to enroll in with Alberta Health Services. He advised the MD was in the pilot project with the response units and couldn't enroll in the MFR Program at that time. This program provides medical direction, oversight and protocols. If the M.D. wishes to continue providing medical first response enrollment in the program is required. He presented a letter to Alberta Health Services for Council approval.

Moved by Deputy Reeve Alm the M.D. of Willow Creek enter into the Medical First Response Program under Alberta Health Services.

Carried.

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Emergency Services Manager Coleman and Kelly Starling left the meeting at 2:57 p.m.

8. **FINANCIAL MANAGEMENT:**

(a) Cheque Register

Director of Finance Hannas presented the cheque register for cheque #'s 21750 – 21812 in the amount of \$427,809.50 as information.

(b) Investment Reconciliation

Director of Finance Hannas presented the Investment Reconciliation as of November 23, 2016 total of \$9,515,180.81 (General Investments & Community Reserve).

Moved by Councillor Sundquist to accept the Investment Reconciliation as of November 23, 2016 in the amount of \$9,515,180.81 as presented.

Carried.

CAO Vizzutti returned to the meeting at 3:04 p.m.

(c) Discretionary Reconciliation

Moved by Councillor Wilson to accept the Discretionary spending reconciliation as presented.

Carried.

(d) Operating and Capital Financial Report

Director of Finance Hannas presented the Operating and Capital Financial report as of November 23, 2016 as information.

6. **COUNCIL MANAGEMENT:**

(b) 2017 FCSS Funding Agreement

Moved by Councillor Wilson to accept the 2017 FCSS Funding Agreement as presented.

Carried.

Director of Finance Hannas left the meeting at 3:17 p.m.

(c) Tax Penalty Waiver Requests

CAO Vizzutti presented a request from Lorraine Mix to waive the November 1, 2016 tax penalty.

Moved by Councillor Sundquist the request for a waiver of the 2016 tax penalty by Lorraine Mix be denied.

Carried.

CAO Vizzutti presented a request from Robert Campbell to waive the November 1, 2016 tax penalty.

Moved by Councillor Alm the request for a waiver of the 2016 tax penalty by Robert Campbell be denied.

Carried.

(d) Claresholm Curling Club

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CAO Vizzutti presented a letter from Claresholm Curling Club requesting sponsorship for 2016/2017 season.

Moved by Deputy Reeve Alm the M.D. not purchase sponsorship with the Claresholm Curling Club however do support the Claresholm Junior Curling Club.

Carried.

(e) Claresholm Jr. Curling – Request for Donation

CAO Vizzutti presented a letter from the Claresholm Jr. Curling Club requesting a donation towards the purchase of club jackets.

Moved by Councillor Sandberg to donate \$800.00 to the Claresholm Jr. Curling Club from the following discretionary spending accounts:

Divisions 2 & 4 - \$150.00 each

Division 3 - \$100.00

Divisions 5 & 7 - \$200.00 each

Carried.

(f) Legacy of Our Land – Speaker

Moved by Deputy Reeve Alm to hire Chris Koch to speak at the Legacy of Our Land banquet.

Carried.

(g) Porcupine Hills Recreation Management Planning Sessions

CAO Vizzutti presented Porcupine Hills Recreation Management Planning sessions will be held on December 6th in Pincher Creek and 13th in Lethbridge.

Pincher Creek – December 6th - Glen & Earl

Lethbridge – December 13th – Henry

(h) M.D. Christmas Schedule

Moved by Reeve Hemmaway the M.D. will be closed December 26th & 27th for Christmas.

Carried.

Moved by Deputy Reeve Alm the meeting goes in camera at 3:35p.m. under Section 19 of FOIP – Confidential Evaluations.

Carried.

CAO Vizzutti and Executive Assistant MacOdrum left the meeting at 3:35 p.m.

Lawrence Gleason – Reporter left the meeting at 3:35 p.m.

Moved by Deputy Reeve Alm to come out of in camera at 4:00 p.m.

Carried.

9. **ADJOURNMENT:**

Moved by Councillor Sundquist to adjourn the meeting.

Carried.

Meeting adjourned at 4:01 p.m.

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Reeve

Chief Administrative Officer