

Claresholm, Alberta, January 13, 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 Wilson, Deputy Reeve Hemmaway, Councillors Alm, Kroetsch, Sandberg, Sundquist and Van Hierden, CAO Vizzutti and Executive Assistant Arlene MacOdrum as recording secretary present.

Rob Vogt – Reporter entered the meeting.

Director of Finance Hannas entered the meeting.

Emergency Services Manager Coleman entered the meeting.

1. Reeve Wilson called the meeting to order at 10:19 a.m.

CAO Vizzutti left the meeting at 10:19 a.m.

2. **ADDITIONS TO THE AGENDA:**

The following items were added to the agenda:

3. (p) M.D. Water License Update

(q) Twin Valley Reports

3. **MINUTES:**

(a) **December 16, 2015 Council Meeting Minutes**

Moved by Councillor Alm the December 16, 2015 Council meeting minutes be accepted as presented.

Carried.

4. **Emergency Management Services:**

(a) **Elwin Moyer Fire Bill**

Emergency Services Manager Coleman presented a request from the Stavely Fire Department to not send Elwin Moyer a fire bill as he supplies the location and vehicles for fire department practice and training. He advised the firefighters will not charge the M.D. for their hours.

Moved by Councillor Sundquist the M.D. cancel Elwin Moyer's fire bill in lieu of him providing a training location and vehicles for the Stavely Fire Department.

Carried.

Emergency Services Manager Coleman left the meeting at 11:51 a.m.

5. **FINANCIAL MANAGEMENT:**

(a) **Cheque Register**

Director of Finance Hannas presented the cheque register for cheque #'s 20492 – 20579 in the amount of \$749,276.19 as information.

John Barlow – MP and Wanda Sommerfeldt entered the meeting at 11:55 a.m.

Director of Finance Hannas left the meeting at 11:59 a.m.

Meeting recessed for lunch at 11:59 a.m.

Meeting reconvened at 12:46 a.m.

6. **DELEGATIONS:**(a) **Macleod MP John Barlow**

Macleod MP John Barlow was present to update Council on federal government programs such as the Canada Summer Jobs Program, New Building Canada Program and Green Infrastructure Program and answer any questions.

Tara Kitchen entered the meeting at 12:50 a.m.

John Barlow advised of the Liberal push for electoral reform without a referendum and requested individuals to sign the e-petition on his website.

Ryan Scott, Art Scott and Deanna Scott entered the meeting at 12:58 p.m.**Gerald Lyon entered the meeting at 12:58 p.m.**

John Barlow advised there are no programs at this time to offset the low oil prices and increasing unemployment.

Cheryl Brown entered the meeting at 1:06 p.m.**John Barlow and Wanda Sommerfeldt left the meeting at 1:06 p.m.****Arne Berger entered the meeting at 1:09 p.m.**7. **COUNCIL MANAGEMENT:**(a) **Fort Macleod Handibus – Funding**

CAO Vizzutti presented a letter from the Fort Macleod Handibus Society requesting \$4,000.00 annually be included in the MD budget to assist with ongoing operation of the handibus.

Mike Burla – MD Planner, Development Officer Chisholm and Kelsey Kilborn entered the meeting at 1:10 p.m.

Moved by Councillor Kroetsch the request from the Fort Macleod Handibus Society to budget \$4,000.00 annually be included in budget discussions.

Carried.

(b) **Hon. Danielle Larivee – Alberta Community Partnership Grant**

CAO Vizzutti presented a letter from Hon. Danielle Larivee advising applications are being accepted for the 2015/16 Alberta Community Partnership grant program. Changes to the ACP grant program encourage and support municipal collaboration.

CAO Vizzutti advised Cardston County and Vulcan County would jointly apply with the M.D. for funding under the Alberta Community Partnership grant program for flood mapping.

Councillor Sandberg asked if the Province will recognize the M.D. flood mapping.

CAO Vizzutti stated the comprehensive flood mapping will be used by the M.D. for development purposes and is not intended for use by Disaster Recovery Program.

Claresholm, Alberta, January 13, 2016

Moved by Councillor Alm to instruct Administration to submit an application under the Alberta Community Partnership (ACP) grant program for a joint flood mapping project with Cardston County and Vulcan County, and the M.D. of Willow Creek will be the managing partner.

Carried.

Council meeting recessed at 1:18 p.m.

Reeve Wilson called the Public Hearing to order at 1:18 p.m.

8. **PUBLIC HEARING**

**(a) Land Use Bylaw Amendment – Application A-12-15 –
Hutterian Brethren of Parkland SE 33-14-28-4 (22.07 acres)**

Tara Kitchen, Ryan Scott, Deanna Scott, Art Scott, Gerald Lyon, Cheryl Brown and Arne Berger were present.

Mike Burla – M.D. Planner advised a Land Use Bylaw amendment has been filed by Robert Strom on behalf of the Hutterian Brethren of Parkland. He stated they are seeking to redesignate 22.07 acres of land adjacent to the east side of Pine Coulee Reservoir from ‘Reservoir Vicinity – RV’ to ‘Grouped Country Residential – GCR’ to facilitate a proposed 5 lot subdivision. There are currently three residential subdivisions located on the west side of the reservoir. The Area Structure plan is in place around Pine Coulee and it is incumbent upon the applicants who propose any type of multi lot development to prepare an Area Structure Plan as a support document for any redesignation requests that would create four or more lots in a group scenario. Mr. Robert Strom has presented an Area Structure Plan on behalf of the Hutterian Brethren of Parkland.

Development Officer Chisholm read the staff report prepared by Manager of Planning and Development Services Gibeau. She read a bylaw was created in response to an application by the Hutterian Brethren of Parkland to amend the Land Use Bylaw by redesignating SE 33-14-28-4 containing 22.07 acres of vacant land, from ‘Reservoir Vicinity – RV’ to ‘Grouped Country Residential – GCR’ to allow for the proposed subdivision of the lands to create five (5) country residential lots.

Development Officer Chisholm read the subject land is a vacant parcel adjacent to crown lands on the east boundary of the Pine Coulee Reservoir and access is provided by a developed municipal road (Range Road 283). The parcel was created as a result of a subdivision approval which allowed for the portion of the quarter lying on the west side of the reservoir to be consolidated with an adjacent quarter and allowing the subject lands (22.07 acre parcel) to be on a separate title. The subject lands are within the Pine Coulee Area Structure Plan.

Development Officer Chisholm read there are no environmental significant areas within proximity to the subject lands. The closest CFO/ILO is the Parkland Colony operation which is 1.25 miles away. The minimum distance separation calculation is approximately 780 m (1/2 mile) based on the animal type and numbers.

There are no abandoned wells within proximity of the subject lands based on the AER database.

Development Officer Chisholm read that Section 8.3 of the Pine Coulee Area Structure Plan identifies a number of policies aimed at country residential use on lands within the plan area. The applicant does not contravene any of the noted policies contained in the document.

Development Officer Chisholm read the intent of the 'Grouped Country Residential – GCR' is to accommodate clustered country residential development within comprehensively planned multi-lot areas designated on fragmented or poor agricultural land provided the proposed uses will:

- not conflict with the agricultural, recreational or rural industrial uses on lands adjacent to or in close proximity to the proposal;
- not compromise the safe, efficient operation of the road network or urban expansion of neighbouring municipalities;
- comply with the pertinent development standards and requirements outlined in a detailed area structure plan or conceptual scheme for the area, this land use district and the pertinent development schedules of the Land Use Bylaw.

Development Officer Chisholm read the development conditions recommended regarding the site approval required from Alberta Culture and Tourism as a condition of approval of the subdivision. The ability to obtain this approval may dictate the feasibility of the lots being created. Manager of Planning and Development Services Gibeau provided suggested wording for the condition of approval if the applicants are successful in redesignation and subdivision.

Development Officer Chisholm read the Storm Water Management Plan was not prepared by the applicants; however Section 6.3 of the Area Structure Plan submitted indicates one will be prepared at the subdivision stage. As a condition of subdivision approval the applicants be required to provide the MD with verification that their Storm Water Management Plan has been approved by Alberta Environment prior to final endorsement. The Environmental Protection and Enhancement Act requires the applicant to obtain approval for the construction and operation of any storm water drainage facilities required.

Development Officer Chisholm read a Phase 1 Environmental Site Assessment is required in order for Alberta Health Services to assist in the evaluation of any health risk with the proposed development of the site prior to subdivision approval.

Development Officer Chisholm read pursuant to Sections 230, 606 and 692 of the Municipal Government Act, notice of the Public Hearing was placed in both the Claresholm Local Press and the Nanton News for two consecutive weeks (November 10 & 18, 2015). Adjacent landowners were notified of the Public Hearing by mail. The following government agencies were also notified, Alberta Environment and

Claresholm, Alberta, January 13, 2016

Parks (AEP), Alberta Culture and Tourism and Alberta Health Services. All three government agencies have submitted comments for consideration.

Written Submissions from Government Agencies

Alberta Health Services – Richard Steeves – Executive Officer

CAO Vizzutti read the response dated November 10, 2015 from Richard Steeves of Alberta Health Services advising the proposed application for land use bylaw amendment A-12-15 was reviewed by Environmental Public Health of Alberta Health Services (Calgary Zone) on November 10, 2015 and provided the following recommendations:

- a) A Phase 1 Environmental Site Assessment should be completed and provided to AHS to assist in identifying potential health risk;
- b) If each lot has its own water well, the lot owner will be solely responsible to ensure provision of water in sufficient quantity to meet the needs of any development on the lot;
- c) The homeowner will be responsible to ensure provision of potable water for household use and drinking. If a water distribution system or water co-op be considered to supply potable water to all of the lots, approval from Alberta Health Services is required;
- d) Ensure all households install a private sewage disposal system that meets Alberta Municipal Affairs requirements;
- e) A storm water management plan should be considered;
- f) Potential purchasers should be made aware that the lots are surrounded by agricultural lands and they may be subjected on occasion to noise, dust and odour associated with agricultural activities.

Alberta Environment – Michelle Keohane

CAO Vizzutti read the comments dated November 19, 2015 from Michelle Keohane of Alberta Environment regarding the proposed land use bylaw amendment. Michelle Keohane provided a copy of Pages 5 & 6 of the Reservoir Lands Guidelines that specifically speaks to private land developments adjacent to reservoir lands. She said there should be an environmental reserve and municipal reserve in the form of land to ensure the integrity of the crown reservoir lands is maintained as well this area falls within a key wildlife biodiversity area. She advised Alberta Environment requires information regarding storm water/drainage plan to ensure crown lands are not impacted. She said there is Historic Resources that come up for this area so a Historic Resources Clearance should be part of the approval.

Historical Resources Management Branch – Anna Curtis

Development Officer Chisholm read comments date November 9, 2015 from Anna Curtis of Historic Resources Management Branch regarding a proposed land use bylaw amendment. She advised the area will have to be reviewed by Alberta Culture and Tourism prior to any development occurring. No land disturbance activities

Claresholm, Alberta, January 13, 2016

may occur within the subdivision area until such time a Approval has been granted by Alberta Culture and Tourism.

Written Responses from Adjacent Landowners

Peggy Monkman

Development Officer Chisholm read a letter dated November 22, 2015 from Peggy Monkman regarding the proposed land use bylaw amendment. She stated they live close to the property being proposed for redesignation and have a lot of concerns and questions. The population in the Group Country Residential subdivisions in the Pine Coulee area doubles from spring to fall plus various firearm violations and reckless driving. She also expressed concern with the number of camper units on each lot. She feels there should be a building commitment as Grouped Country Residential implies residential.

Art & Deanna Scott

Development Officer Chisholm read a letter dated November 23, 2015 from Art & Deanna Scott stating their opposition to the bylaw amendment for 5 Group Country Residential lots from the Reservoir Vicinity designation. They stated there are still 17 vacant lots in the Radler and Fancy development. Most of the current lots are trailer ghettos and they feel there should be a building commitment on all of the lots to create a tax base for the MD. They expressed concern with the number of illegal boat docks as well as motorbike, ATV and gun issues for residents in the immediate vicinity. They are requesting the MD get control of these situations and no further development be allowed at this time.

Ryan & Chantelle Scott

Development Officer Chisholm read the letter dated November 23, 2015 from Ryan and Chantelle Scott expressing their opposition regarding the proposed Land Use Bylaw amendment within SE 33-14-28-4. They stated the area is becoming an eye sore with a collection of sheds, old boats/vehicles and weekend party pads. The safety hazards created by off road vehicles and random use of firearms is a concern. They are asking the MD to designate how all Group Country Residential is to be used and guidelines for development and a plan for enforcement. They requested the MD to be prudent in their decision.

Peter H. Duerholt

Development Officer Chisholm read a letter dated December 30, 2015 from Peter H. Duerholt expressing opposition to the application for land use redesignation as he feels the lake is overdeveloped and sufficiently polluted. He stated cleaning up existing lots and ensuring the longevity of clean water for Claresholm should be the prime focus.

Roddie Law Office – Marie J. LeClerc, Barrister & Solicitor

CAO Vizzutti read a letter dated January 12, 2016 from Marie J. LeClerc of Roddie Law Office stating her clients have reviewed the various letters from

Claresholm, Alberta, January 13, 2016

MD residents and would like to advise most concerns expressed are legitimate however do not pertain to this application for land use redesignation. She advised the issues expressed should be dealt with by the proper authority. She said the amendment being applied for will not change the fact that these types of developments are allowed under the current Land Use Bylaws. She stated she expects her client's application to be considered objectively, without considering the neighbors alleged violations and inappropriate behaviours in accepting or rejecting this application.

Reeve Wilson asked if a site development plan would be beneficial.

Mike Burla advised the site development plan will be dealt with at the subdivision application stage.

CAO Vizzutti clarified the statement made in Marie J. LeClerc's letter regarding the Land Use Bylaw. She stated that the MD Land Use Bylaw does not allow for camping on Grouped Country Residential. The Bylaw has a discretionary use under that designation for holiday trailer and RV storage, not camping. She advised there is currently a Stop Order against Radler Subdivision and is presently being enforced by the MD under the act. She said camping is not a permitted or discretionary use in Reservoir Vicinity.

Councillor Sandberg asked if they are allowed to live in an RV on their own property or is that considered camping.

CAO Vizzutti stated it is considered camping under the definition.

Councillor Sandberg asked why the MD doesn't require an environmental site inspection at the redesignation stage rather than at the subdivision and development stage.

Mike Burla suggested if the ESA is required prior to the subdivision stage, all studies should be required to remain consistent.

Councillor Van Hierden stated historically the studies have not been required prior to redesignation due to the expense incurred if not successful.

Comments from Landowners

Ryan Scott

Ryan Scott presented photos to be displayed and stated he is opposed to the redesignation. He showed the various camping taking place in the area during the summer, including a dirt bike track and garbage. He confirmed that he is opposed to this regrouping and does not want to see any more of these in his area or anywhere in the MD. He asked the MD to enforce and cleanup this activity.

Art Scott

Art Scott advised he agrees with what Ryan Scott presented. He is concerned the MD is not generating the taxes they should off the land with a trailer compared to a house.

Arne Berger

Arne Berger states the MD shouldn't dictate what people can do on their own land. He has a trailer on his property and the MD is saying it is illegal.

Councillor Sandberg asked if someone is going to build a house and want to live in their trailer on site during the construction is that considered to be in contravention.

CAO Vizzutti stated it is in contravention.

CAO Vizzutti advised the bylaw is clear, there is a difference between 'Rural General – RG', 'Reservoir Vicinity – RV' and 'Grouped Country Residential – GCR' and under 'Grouped Country Residential – GCR' it is for group country residential development. If you are going to have a trailer on site while you are building a house you require a temporary permit for a certain set of criteria. She said the MD does not know where the water is coming from or where the sewer is being disposed of. Presently the MD has an action in place to enforce its bylaw under Grouped Country Residential which takes time.

Mike Burla suggested at the time when an Area Structure Plan is submitted the MD could encourage the developer to establish architectural controls. The architectural controls are registered on the title and a condition of sale and dealt with by the developer.

Gerald Lyon asked for clarification asking if the staff report stated the land is not an environmentally sensitive area.

Development Officer Chisholm advised the report stated there are no environmental significant areas within the proximity to the subject lands.

Gerald Lyon said Ms. Keohane of Alberta Environment mentions there is wildlife and biodiversity and conflicts with Manager of Planning and Development Services Gibeau's report.

CAO Vizzutti stated in consideration of this bylaw careful attention should be made to the statements of Ms. Keohane that in Environment's opinion there is an issue with wildlife biodiversity in that area.

Reeve Wilson asked if there are any further comments from the people present.

Art Scott said with regards to the water catchment area in these new subdivisions he understands there is a problem in the Radler subdivision and asked what is happening.

Ryan Scott advised five years ago there was a moratorium on development around reservoirs in the MD has studies had not been done.

Councillor Alm advised the moratorium was put on until the Cumulative Effects Study was completed.

CAO Vizzutti advised the Cumulative Effects Study has addressed these issues and provided the parameters. She said it is the lack of compliance on

Claresholm, Alberta, January 13, 2016

existing subdivisions that is the issue. MD is currently working with Alberta Environment with regards to the storm water drainage issue and illegal placement of campers on 'Grouped Country Residential – GCR'.

CAO Vizzutti advised the Radler subdivision storm water management plan has not been completed as required under the registered development agreement registered against those properties.

Mike Burla presented the history of Pine Coulee reservoir and the Area Structure Plan that was initially required. He said the reservoir was constructed for three purposes:

1. provide water for irrigation and agricultural purposes;
2. provide reliable domestic water for downstream users;
3. provide recreation opportunities for water related activities.

Mike Burla advised initially the MD placed a 'Reservoir Vicinity – RV' district around the reservoir which is a secondary agricultural district similar to 'Rural General – RG'. He advised confined feeding operations and spreading of manure are not allowed in 'Reservoir Vicinity –RV'. In the Area Structure Plan other uses included 'Grouped Country Residential – GCR' for high quality residential development and 'Rural Recreational – RR' which deals with boat launches and campgrounds. The Land Use Bylaw clarifies the uses and Grouped Country Residential – GCR' is for residential purposes. If someone wants to have a trailer then 'Rural Recreational – RR' is the avenue to pursue.

Councillor Sandberg said under discretionary uses under 'Group Country Residential – GCR' there is private and public recreation use.

CAO Vizzutti read the definition of private and public recreation use for clarification. The definition of campground does not fit under 'Group Country Residential – GCR'.

Mike Burla asked if there are any more comments and advised that once the hearing is closed no additional comments can be presented.

Moved by Deputy Reeve Hemmaway the Public Hearing on Application A-12-14 for a Land Use Amendment from 'Reservoir Vicinity – RV' to 'Grouped Country Residential – GCR' (SE 33-14-28-4, 22.07 acres) be recessed until such time as information required by Council is received.

Carried.

Public Hearing recessed at 2:31 p.m.

Delegation left the meeting at 2:31 p.m.

Mike Burla, Development Officer Chisholm and Kelsey Kilborn left the meeting at 2:31 p.m.

Council meeting reconvened at 2:39 p.m.

Claresholm, Alberta, January 13, 2016

7. **COUNCIL MANAGEMENT (CONT:)**

(c) **Alberta Order of Excellence –**

Noted the nomination deadline is February 15, 2016.

(d) **Foothills Little Bow Assoc.**

CAO Vizzutti advised the next Foothills Little Bow Association meeting is January 15, 2016.

(e) **Letter from Paul & Yvonne Graf – Re: Moon River Water Rate Increase**

CAO Vizzutti presented a letter from Paul & Yvonne Graf expressing their concern regarding the loss of the fire hall and the 75% increase in water rates at Moon River Estates.

(f) **Land Use 2016 –May 4 & 5, 2016**

CAO Vizzutti will see if AAMDC are attending the conference.

Moved by Councillor Sandberg the Land Use 2016 conference be tabled to January 27, 2016 for additional information.

Carried.

Development Officer Chisholm entered the meeting.

(g) **Unbillable Fire Calls Report** – presented.

(h) **Elected Officials Education Program**

Councillor Kroetsch will attend the Good the Bad and the Ugly: Ethics and Municipal Politics course on Monday May 14, 2016 in Edmonton.

(i) **Allow Chickens in Parkland**

Discussion ensued regarding the application fee to raise chickens in Parkland due to the Direct Control District.

Councillor Sundquist left the meeting at 3:07 p.m.

Development Officer Chisholm left the meeting 3:07 p.m.

(j) **AUMA – Linear Property Taxation Symposium** - presented as information.

(k) **Preservation of Linear Assessment Resolution – Foothills Little Bow Assoc.**

CAO Vizzutti presented the Preservation of Linear Assessment Resolution for Council's consideration.

Moved by Councillor Alm to approve the resolution regarding the Preservation of Linear Assessment for Rural Municipalities and the resolution be presented at the Foothills Little Bow Association meeting on January 15, 2016.

Carried.

Claresholm, Alberta, January 13, 2016

(l) Reynolds Mirth Richards Farmer – 2016 Municipal Law

Seminar

Noted CAO Vizzutti will attend the 2016 Law Seminar in Airdrie on March 11, 2016.

(m) Road Allowance Gate Issue – John Vallieres

CAO Vizzutti presented a letter from John Vallieres regarding the road allowance lease adjacent to the east boundary of the NE 32-6-26-4. He expressed concern that Bryan Blunden had removed the gate at the south end of the lease and fenced across the approach denying him access to his land.

Moved by Councillor Alm to instruct CAO Vizzutti to send a letter to Bryan Blunden advising the fence at the south end of the road allowance adjacent to the east boundary of the NE 32-6-26-4 must be replaced by a gate within seven days.

Carried.

(n) Policy 230-02 – Emergency Services Equipment Rate

CAO Vizzutti presented a revised Policy 230-02 – Emergency Services Equipment Rate changing the last line as follows:

“Charges for medical co-response units dispatched to assist Alberta Health Services shall be billed to Alberta Health Services.”

Moved by Deputy Reeve Hemmaway Policy 230-02 – Emergency Services Equipment Rate be approved as presented.

Carried.

(o) Council Minutes of November 26, 2014

CAO Vizzutti presented Page 10549 of the November 26, 2014 Council minutes to be amended. She advised resolution #405/15 for rural household waste collection for the Towns of Stavely and Granum should have been \$900.00 per month not \$300.00 per week.

Moved by Councillor Kroetsch to amend resolution #405/15 as follows:

“Moved by Councillor Sundquist the monthly rural household waste transfer fee paid to the Towns of Stavely and Granum be increased to \$900.00 per month effective January 1, 2015.”

Carried.

(p) M. D. Water License Update

CAO Vizzutti advised Alberta Environment require the Westside Water Co-operative to be under an M.D. water license. Myles Kasin of MPE has completed the application for the M.D. water license for the Westside Water Co-operative. She has discussed the required changes with Cameron Fancy of the Co-op and a meeting has been arranged for January 25th at the MD office with Councillor Alm, herself and the ratepayers on the Westside Water Co-op.

Claresholm, Alberta, January 13, 2016

8. **BYLAWS:**

(a) **Bylaw No. 1738 – Close & Lease R/A – D. Jessop**

CAO Vizzutti presented Bylaw No. 1738, being a bylaw for the closure and lease of the East boundary of the NE 33-6-26-4 to David Jessop for grazing purposes, for Council's consideration.

Moved by Councillor Van Hierden Bylaw No. 1738, being a bylaw for the closure and lease of the East boundary of the NE 33-6-26-4 to David Jessop for grazing purposes be given first reading.

Carried.

9. **CORRESPONDENCE:**

(a) **Letter from Premier Rachel Notley – Re: Bill 6** – presented.

(b) **Letter from Hon. Lori Sigurdson, Minister of Jobs, Skills, Training and Labour** - presented.

(c) **Letter from Hon. Danielle Larivee, Minister of Municipal Affairs** – presented.

(d) **Al Kemmere – AAMDC Response Re: Bill 202 Alberta Local Food Act**

Discussion ensued with regards to Bill 202.

Noted Reeve Wilson will email Al Kemmere of AAMDC and Pat Stier, MLA to advise that Bill 202 is adjourned and not lost and CAO Vizzutti will email Kim Heyman of AAMDC.

Moved by Councillor Alm the meeting goes in camera to discuss legal and employee matters at 3:59 p.m..

Carried.

Rob Vogt left the meeting at 3:59 p.m.

Executive Assistant MacOdrum left the meeting at 4:00 p.m.

Moved by Councillor Kroetsch the meeting comes out of in camera.

Carried.

10. **ADJOURNMENT:**

Moved by Councillor Alm to adjourn the meeting.

Carried.

Meeting adjourned at 4:15 p.m.

Reeve

Chief Administrative Officer