

MINUTES

REGULAR COUNCIL MEETING

Mountain View County

Minutes of the Regular Council Meeting held on Wednesday, November 4, 2009, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT:

Reeve A. Kemmere
Councillor K. Blain
Councillor G. Day
Councillor G. Ingeveld
Councillor E. Page
Councillor L. Negropontes
Councillor L. Yakimchuk

IN ATTENDANCE:

D. Plamping, Chief Administrative Officer
D. Hawryluk, Director, Planning and Development Services
T. Martens, Director, Legislative and Community Services
S. McInnis, Director, Operational Services
G. Wiens, Director, Corporate Services
J. Koch, Communications Coordinator

CALL TO ORDER:

Reeve Kemmere called the meeting to order at 9:08 a.m.

The meeting began with the recitation of the Lord's Prayer.

Reeve Kemmere introduced Council and Staff.

AGENDA

Reeve Kemmere requested that the Agenda be amended as follows:

- (6.1) Remove from Agenda
- (6.2) Remove from Agenda
- (8.5) Add to Agenda - James River Community Association
- (8.6) Legion Ceremonies on November 11
- (4.2) To be moved ahead of Item 4.1 due to the need for a conference call

Moved by Councillor Ingeveld
RC09-704 That Council adopt the agenda of the Regular Council Meeting of November 4, 2009 as amended. Carried.

Moved by Councillor Page
RC09-705 That Council adopt the minutes of the Regular Council Meeting of September 23, 2009 and the Regular Council Meeting Minutes of October 7, 2009. Carried.

Moved by Councillor Yakimchuk
RC09-706 That Council adopt the minutes of the Organizational Council Meeting Minutes of October 14, 2009. Carried.

PUBLIC HEARINGS
Bylaw #LU 38/09
SW 5-31-27 W4M

Ken Taylor, applicant, joined the meeting via telephone conference call.

Reeve Kemmere opened the public hearing regarding Bylaw #LU 38/09.

The application for redesignation of the SW 5-31-27 W4M, was introduced by the Planning and Development Department and the following information was introduced as provided in the agenda package such as the application for redesignation, location map, assessment map, site map, and aerial photos. The Planning and Development Department provided specific information to the application as follows:

- To redesignate 6 acres from Agricultural District "A" to Country Residential (1) District "CR(1)"
- Division 3
- Rural Community: Lonepine

The Planning and Development Department recommended that Bylaw #LU 38/09 be given second reading.

The Planning and Development Department advised that all correspondence received was provided to Council.

Ken Taylor, applicant, stated that

- the information presented by planning was supported
- proposed 3 lots with 300m Alberta Transportation setback
- one mile away from closest Confined Feeding Operation
- supports growth of community and continuity of the school

Reeve Kemmere asked if there were any comments from the gallery.

Bill Rieder who owns adjacent land concerned that this development does not meet the distance needed from a confined feeding operation. Has 300 animals at calving time, and has 500 if feeding out, Directly south of the proposed redesignation area. Have had a complaint on too much noise and animals at large.

Shirley Froese, resident of an acreage directly west of the proposed redesignation area, stated that when they purchased the acreage understood that there was only one parcel per quarter and expected not to have neighbours. Question on granaries now on the property when it is to become Country Residential. She stated that her rural lifestyle would be diminished.

Council questions resulted in the following information:

- All the grain bins are empty now and would be moved off the site.
- The mobile homes were moved onto the site after location permit approvals about March 2008, as existing Land Use Bylaw does not allow refusal of location permits or specify the location of the home if it complies with the bylaw.
- Intent of placement of mobile homes by owner was to increase the community population to support the Midway Community School attendance, which is about 2 ½ miles away.
- Land on west side of the existing subdivision is not suitable for development of 3 lots.
- Locating to the east provides separation to the feedlot operation
- The Municipal Development Plan Bylaw allows the application under the residential land use policies as the parcel is on the County Collector Network.
- Mobile home to the west had been occupied a majority of the time. The mobile home to the east does not have water or septic at this time as they are waiting for the approval of the subdivision.
- Mobile homes currently on site will comply with the Land Use Bylaw setbacks.
- If application was reduced to a total of 10 acres from the quarter, it would not have to be advertised if not changing location.
- Page 75 of the agenda provides information on the process for the application to the NRCB for a confined feeding operation.

The applicant was provided the opportunity for closing remarks and stated:

- The application meets all requirements of the Land Use Bylaw and the regulations, and every standard for a 6 acre redesignation and a clustered 3 lot subdivision.
- There is an existing shelter belt and the owner will add to the shelter belt.
- The existing granaries will be removed.
- Council needs to support the Midway Community School.

The Planning and Development Department was provided the opportunity for closing remarks and declined.

Hearing no further comments Reeve Kemmere closed the Public Hearing.

Moved by Councillor Page

RC09-707 That Council give second reading to Bylaw No. LU 38/09 to redesignate lands in the SW 5-31-27 W4M.

The question on Motion RC09-707 was not called.

Moved by Councillor Ingeveld
RC09-708 That Council amend Bylaw No. LU 38/09 to reduce the size of the redesignation to 2.2 acres to the east of the existing subdivision.

Carried.

The question on Motion RC09-707 was called.

Motion Defeated.

Ken Taylor left the telephone conference call.

Reeve Kemmere recessed the meeting at 10:25 am and reconvened at 10:31 am

Bylaw #LU 19/09
SE 29-31-5 W5M

Reeve Kemmere opened the public hearing regarding Bylaw #LU 19/09.

The application for redesignation of the SE 29-31-5 W5M, was introduced by the Planning and Development Department and the following information was introduced as provided in the agenda package such as the application for redesignation, location map, assessment map, site map, and aerial photos. The Planning and Development Department provided specific information to the application as follows:

- To redesignate 3 acres from Agricultural District "A" to Country Residential "CR" from a previously unsubdivided quarter section
- Division 4
- Rural Community: Bergen

The Planning and Development Department recommended that Bylaw #LU 19/09 be given second reading.

The Planning and Development Department advised that all correspondence received was provided to Council.

Richard Siemens with Bert Brown Land Consultants and Thomas Thomas, owner, stated that

- Raise bison this property with a partner
- Residence on the property to be redesignated is intended for the partner so they can be at the agricultural operation
- Proposes a panhandle to shift the 3 acre site to the west and allow access to the balance of the parcel

Reeve Kemmere asked if there were any comments from the gallery. No one came forward.

Council questions resulted in the following information:

- That a laneway could be utilized to gain access to the balance of the parcel
- An access agreement would meet requirement for physical access

The applicant was provided the opportunity for closing remarks and declined.

The Planning and Development Department was provided the opportunity for closing remarks and declined.

Hearing no further comments Reeve Kemmere closed the Public Hearing.

Moved by Councillor Blain
RC09-709 That Council give second reading to Bylaw No. LU 19/09 to redesignate lands in the SE 29-31-5 W5M.
Carried.

Moved by Councillor Negropontes
RC09-710 That Council give third reading to Bylaw No. LU 19/09 to redesignate lands in the S SE 29-31-5 W5M.
Carried.

Moved by Councillor Yakimchuk
RC09-711 That Council recommend to the Approving Authority that the access to the parcel be dealt with by an agreement.
Carried.

Bylaw #LU 45/09
NW 18-33-1 W5M

Reeve Kemmere opened the public hearing regarding Bylaw #LU 45/09.

The application for redesignation of the NW 18-33-1 W5M, was introduced by the Planning and Development Department and the following information was introduced as provided in the agenda package such as the application for redesignation, location map, assessment map, site map, and aerial photos. The Planning and Development Department provided specific information to the application as follows:

- To redesignate 10 acres from Agricultural District "A" to Country Residential "CR"
- Division 7
- Rural Community: Netook

The Planning and Development Department recommended that Bylaw #LU 45/09 be given second reading.

The Planning and Development Department advised that all correspondence received was provided to Council.

Lorne and Margaret Coonfer, owners, stated that

- They intend to have the first parcel out and are considering selling the balance
- They have no intent to subdivide in future

Reeve Kemmere asked if there were any comments from the gallery. No one came forward.

Council questions resulted in the following information:

- Septic system would have to be upgraded at the time of subdivision
- The north shelter belt should be included in the subdivision

Reeve Kemmere asked if there were any comments from the gallery. No one came forward.

The applicant was provided the opportunity for closing remarks and declined.

The Planning and Development Department was provided the opportunity for closing remarks and declined.

Hearing no further comments Reeve Kemmere closed the Public Hearing.

Moved by Councillor Yakimchuk
 RC09-712 That Council approve the concept plan (low intensity development) submitted for NW 18-33-1-W5M.
 Carried.

Moved by Councillor Day
 RC09-713 That Council give second reading to Bylaw No. LU 45/09 to redesignate lands in the NW 18-33-1 W5M.
 Carried.

Moved by Councillor Ingeveld
 RC09-714 That Council give third reading to Bylaw No. LU 45/09 to redesignate lands in the NW 18-33-1 W5M.
 Carried.

NEW BUSINESS
 Canada's Outdoor
 Farm Show

Moved by Councillor Ingeveld
 RC09-715 That Council invite the Olds College Board of Governors to a joint meeting discussing the future of "Canada's Outdoor Farm Show" in Mountain View County.
 Carried.

Policy 6016 - Incomplete
 Applications

Moved by Councillor Yakimchuk
 RC09-716 That Council approve Policy 6016 - Guidelines for the Evaluation of Incomplete Redesignation, Subdivision, and Development Permit Applications and receive Procedure 6016-01 as information.
 Carried.

Time Extension
 SD 08-080

Moved by Councillor Ingeveld
 RC09-717 That Council approve the request for a 180 day time extension (until April 15, 2010) for SD 08-080 within the NW 19-29-1-5 as requested by the applicant, Doug Machacek.
 Carried.

Time Extension
 SD 08-080

Moved by Councillor Negropontes
 RC09-718 That Council approve that the fees for the time extension be reduced by 50% for this application SD 08-080.
 Carried.

Hours of Business
December 24/09 RC09-719 Moved by Councillor Day
That Council approve that all County staff (except in the event that Operational Services Staff are urgently required) be provided a half day of paid leave for Thursday, December 24, 2009; and further, that public notice be given by way of advertising that the County Office will closed half a day Thursday, December 24, 2009.

Carried.

James River Community
Association RC09-720 Moved by Councillor Ingeveld
That Council approve the addition of the James River Community Association to the County's Insurance policy as an Additional Insured at no cost to the County.

Carried.

Remembrance Day
Ceremonies
Reeve Kemmere discussed Council participation in local Remembrance Day Ceremonies.

RC09-721 Moved by Councillor Day
That Council authorize Councillors' attendance at local Remembrance Day Ceremonies.

Carried.

Recess and Reconvene
Reeve Kemmere recessed the meeting at 11:38 a.m. and reconvened at 1:05 p.m.

DELEGATIONS

Rural Roots
Association
Reeve Kemmere welcomed members of the Rural Roots Association to the Regular Council Meeting. He advised that this was a Council Meeting, and being recorded for the purposes of the minutes, the meeting will be open to the public.

The Rural Roots Association designate Paddy Munro, Kevin Good, Royden Anderson, and Leonard Hartzler advised that they would be speaking on behalf of the Association.

Representatives of Rural Roots Association stated:

- They have spoken to the majority of the County residents
- 1700 people have signed each of the petitions
- Presented results of their questionnaire
- Requested that Council undertake a review of the Operational Services and the Planning and Development Services Departments
- Requested that Council undertake an Independent review of employment standards etiquette regarding past and current employees,
- That Council not renew the Chief Administrative Officer's contract or set a ending date no later than November 2, 2010,
- Hold a plebiscite on whether 5 titles with 4 acreages in a cluster be allowed.
- Hold a plebiscite on whether medium density estate development of up to 80 parcels per quarter be allowed,

ADOPTED

- Hold a plebiscite on whether high density development of residential districts of up to 240 parcels per quarter be allowed.
- Hold a plebiscite on whether the “Off Site Levy” should be implemented
- Hold a plebiscite on how environmentally sensitive areas should be regulated
- Hold a moratorium on the proposed Land Use Bylaw until a referendum is held.
- Municipal Development Plan Bylaw be reviewed
- Undertake door to door discussion and obtain a minimum of 75% of the electorates opinions
- Direction of County is not where we want to go, don't want to be Pennsylvania, congested non-rural County in 10 years, or more than 10 years. Congestion makes it almost impossible to move farm equipment. Review how we collect information. This is a rural County. Bureaucratic and top heavy. Demand a more prudent way of spending revenues.
- Development should not strangle the towns.
- Staff scared to talk and have been threatened.
- Council should accept the Rural Roots Association's view on the Chief Administrative Officer's contract, and act on it.
- Rural Roots Association wants confirmation of electorate numbers.
- Office full and flowing over, bureaucracy has outstripped what is necessary.
- Council needs to pull things back. The Rural Roots Association feels that the County is being controlled from the top down.
- Public has never been asked what should happen.
- Council is asked to consider some things and tell the people at 3:00pm what you are going to do.

Council discussed the following:

- Prior to this Council did not have an opportunity to present their information
- Still open to input on the Land Use Bylaw, have public members on the Steering Committee, looking for further input on the draft and have set a meeting for November 25th
- More meetings if needed
- People will not be targeted because they signed the petition, and ready to allow an independent body to review the petitions, and will entertain discussion on the qualified neutral person.
- The requested moratorium on bylaws
- Rules on high density residential
- Rules on medium density residential
- Development around the towns in growth centers
- The need for a concept plan on low density residential clusters
- Role of environmentally significant areas
- Placement of a home on a quarter

Moved by Councillor Page

RC09-722 That Council will receive any petitions submitted to Mountain View County by the Rural Roots Association and after filing them with the Chief Administrative Officer, with the support of the Chief Administrative Officer, is willing to delegate the duties under the Municipal Government Act regarding the examination of petitions to a qualified neutral person.

Carried.

Council discussed the following:

- The requested moratorium on bylaws
- Rules on high density residential
- Rules on medium density residential
- Development around the towns
- The need for a concept plan on low density residential clusters
- Role of environmentally significant areas
- Placement of a home on a quarter
- What off site levies are being proposed for
- Impact of acreages on farm operations, stay with one parcel per quarter

Moved by Councillor Negropontes

RC09-723 That Council will continue to reassess its land use policies and bylaws, seeking to provide policies and bylaws that serve the best interests of the whole municipality, but pledges to the public and to the developers that it will not pass first reading of the proposed Land Use Bylaw or the Off Site Levy Bylaw until the results of an inquiry by the Minister of Municipal Affairs, if any, has been received;

AND that Council requests that the Chief Administrative Officer take immediate measures, within existing approved budgets, to enhance communications between Mountain View County and its residents, businesses and developers;

AND that Council requests that the Chief Administrative Officer review the municipal land use planning system and implement measures to streamline processes and improve systems.

Carried.

Council discussed the following:

- Follow up on dust and grading complaints
- Increase in traffic from 20 years ago
- Residents using gravel road instead of County Collector Network
- The Municipal Development Plan past process and the options on nodes or clusters
- Need two years to complete the review of a Municipal Development Plan
- High densities are part of the MOA and IDP with the towns
- How high and medium density residential developments are permitted

- Should the Municipal Development Plan be looked at before the Land Use Bylaw
- How much land should be kept for agricultural, will farms still exist
- Right to farm legislation needs strengthening by the Province
- Why progress with the Land Use Bylaw when changes to the Municipal Development Plan are needed

Moved by Councillor Yakimchuk

RC09-724 That Council request that the planned review of the Municipal Development Plan be accelerated and presented to Mountain View County Council following the 2010 Municipal Election.

Carried.

Council discussed the following:

- Encouraging Rural Roots Association to proceed with their request for an inquiry by the Minister of Municipal Affairs

Moved by Councillor Day

RC09-725 Be it resolved that Council encourages the Rural Roots Association to present a request to the Honourable Minister of Municipal Affairs, Ray Danyluk, to conduct an inquiry, as Council believes that if such an inquiry is approved by the Minister it would show that:

- (a) The process of the development of the draft Land Use Bylaw is appropriate under Sections 639, 639.1 and 640 of the Municipal Government Act;
- (b) The process for the development of the Off-site Levy Bylaw is appropriate under Section 649 of the Municipal Government Act and the Principles and Criteria For Off Site Levies Regulation 48/2004;
- (c) The conduct of Councillors has been lawful and appropriate;
- (d) The conduct of the Chief Administrative Officer, Director of Planning and Development and Manager of Planning Services has been lawful and appropriate.

And, that Council, believing that its actions and those of its staff are lawful will continue to involve the public and developers on the proposed draft Land Use Bylaw and the proposed Off-site Levy Bylaw, but pledges to the public and developers that it will not pass first reading of those bylaws until the results of the inquiry, if there is one, has been received.

Carried.

Council discussed the following:

- The importance of the involvement of the public in the process and in the municipal elections

ADOPTED

- 34 years of rural planning experience in our staff
- The Chief Administrative Officer's Employment Contract will be ratified by Council at a future meeting,
- The County will post agendas on our website
- The administration building was closed due to a statement in the paper by the Rural Roots Association that "we're going to move into the building"

Council discussed the following:

- At the request of Paddy Munro, Reeve Al Kemmere summarized the resolutions approved by Council following the Rural Roots Association delegation, and some of the discussion had occurred in the meeting
- Council will review the results of the survey and the requests submitted by Rural Roots Association and communicate with the Rural Roots Association by the end of November.
- Councillors added individual comments on their willingness to work with the public

ADJOURNMENT

RC09-726 Moved by Councillor Ingeveld
That Regular Council Meeting of November 4, 2009 be
adjourned at 3:21 p.m.

Carried.

Reeve Kemmere

I hereby certify these minutes are correct.

Chief Administrative Officer