

MINUTES

SPECIAL COUNCIL MEETING

Mountain View County

Minutes of the Special Council Meeting held on Wednesday, September 16, 2010, in the Town of Sundre Council Chamber, 717 Main Avenue West, Sundre, AB

PRESENT: Reeve A. Kemmere  
Councillor K. Blain  
Councillor G. Day  
Councillor G. Ingeveld  
Councillor L. Negropontes  
Councillor L. Yakimchuk

ABSENT: Councillor E. Page

IN ATTENDANCE: D. Hawryluk, Director, Planning and Development Services  
N. Petherick, Manager, Planning and Development Services  
S. McCartney, Municipal Planning Intern  
G. Evers, Executive Assistant

CALL TO ORDER: Reeve Kemmere called the meeting to order at 9:06 a.m.

Reeve Kemmere introduced Council and Staff.

AGENDA Moved by Councillor Negropontes  
SC10-119 That Council adopt the agenda of the Special Council Meeting of September 16, 2010.  
Carried.

PUBLIC HEARINGS  
Bylaw #LU 96/10  
SW 35-32-5 W5M,  
Plan 9212437, Block 2  
Bylaw 19/10  
SW 35-32-5 W5M

Reeve Kemmere opened the public hearing regarding Bylaw No. 19/10 and Bylaw No. LU 96/10.

The Director of Planning and Development Services stated that the Municipal Government Act requires that advertising of a Public Hearing be done in one of two ways; either a mail out to adjacent landowners or advertise in the newspaper. In the County we do both to ensure that if there is an error in one we have the other. In this instance the Public Hearing was advertised four times. The first advertisement had the location of the public hearing wrong and the second advertisement the zoning class and address were wrong. The fourth advertisement was correct. Remedial radio advertising and mail outs to adjacent landowners was undertaken to ensure that all correct information was provided. In order to ensure that all affected persons were notified radio advertising was

undertaken with the correct address and zoning for 3 days before the hearing.

A County Bylaw officer is at the previous Town of Sundre office to redirect anyone that goes to that location. Legal Counsel has advised that due diligence was undertaken to make the public aware of the Public Hearing and correct location.

Ms. Hawryluk noted additional information from the Town of Sundre was received on September 14, 2010 and has been provided to each Councillor.

The application for redesignation of the SW 35-32-5 W5M, Plan 9212437, Block 2, 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, site map, aerial photos and concept plan. The Planning and Development Department provided specific information to the application as follows:

- To redesignate 22.28 acres/9.02 hectares within SW 35-32-5-5 Plan 9212437 Block 2 from County Residential District (R-CR) to Country Residential (2) District (R-CR2)
- Division 5
- Memorandum of Agreement and Intermunicipal Development Plan Agreement with the Town of Sundre noting that the subject property is not in the Town of Sundre Urban Fringe or Referral Area
- What servicing strategies will be undertaken
- This area has not been identified as an environmentally significant by the County
- Phase 1 of the application is for twelve (12) one acre lots
- Consideration for Phase 2 could be undertaken after the completion of Phase 1 and the approval of 75% of the Condominium Board and piped water and sewer to the property
- The Municipal Development Plan Bylaw and Area Structure Plan requires that a Concept Plan is prepared
- Numerous studies have been supplied regarding site suitability

The Planning and Development Department advised that all correspondence received was provided to Council. The applicant provided a request after first reading of the bylaw that the application for redesignation be amended from County Residential District (R-CR) to Country Residential (1) District (R-CR1) instead of Country Residential (2) District (R-CR2).

The Planning and Development Department recommended that Bylaw No. LU 96/10 be given second reading

redesignating 22.28 acres/9.02 hectares within SW 35-32-5-5 Plan 9212437 Block 2 from County Residential District (R-CR) to Country Residential (1) District (R-CR1).

Kristi Beunder, Longview Planning and Design, applicant on behalf of Jack and Cynthia Elsner, provided a presentation which included the following:

- The Municipal Development Plan Bylaw requires a Concept Plan for the entire quarter section and an Urban Overlay Policy Area as well as the Area Structure Plan
- R-CR1 enables clustered residential development and open space preservation R-CR2 requires piped servicing
- Consideration was given to pipelines, traffic, servicing, wildlife, and drainage basins on adjacent lands
- Design concepts, conservation by design, and Fire Smart principles were used to address densities
- Public and County consultation processes included a public open house in June, 2009
- Description of the design concept including building envelopes, condominium act requirements, fire smart principles and stormwater plan

Councillor Ingeveld left the room at 10:04 a.m. and returned at 10:06 a.m.

Kristi Beunder discussed the Urban Overlay Plan triggers which would be required for the future intensification plan of an additional 21 lots.

Kristi Beunder requested that Council support the proposed redesignation of 22.28 acres/9.02 hectares within SW 35-32-5-5 Plan 9212437 Block 2 from County Residential District (R-CR) to Country Residential (1) District (R-CR1).

Reeve Kemmere recessed the meeting at 10:12 a.m. and reconvened at 10:22 a.m.

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

Reeve Kemmere asked if there were any comments in opposed to the application from the gallery.

Bob Neerie, adjacent landowner to the west, stated the following:

- He is opposed to the redesignation due to the proposed densities
- In favour of the concept of bonusing at a lower level
- People prefer 2 to 4 acre lots
- Higher densities should be within the town centres

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- This will affect his lifestyle and the value of his property
- Provided a written submission by Teresa Kabatoff
- Area Structure Plan supports maximum of 80 lots per quarter section

Arlene Neerie, adjacent landowner, stated the following:

- Concerned about the impact to wildlife
- Adjacent properties are predominately large acreages
- Access for the wildlife to get to the river would be affected
- This would affect wildlife such as cougar, deer, moose, bears, woodpeckers, and other various animals
- If everyone had the allowed 3 dogs per household that would mean an additional 33 dogs in this subdivision.

Robin Graham, adjacent landowner, stated the following:

- Concerned regarding the required holding tank size requirements and noise of pump trucks
- Road access for heavy traffic
- Costs to upgrade the access road should be at the cost of the developer

Irene Munroe stated the following:

- There is no secondary emergency egress
- Narrow road accessing the subdivision
- Fire smart plan would not be implemented until Phase 2
- Fire protection is a concern

Bill MacEachern, adjacent landowner, stated the following:

- Concerned regarding the amount of traffic that Phase 2 will generate
- Construction traffic will be an issue
- Impact of urban sprawl without appropriate infrastructure

Paddy Munroe, adjacent landowner, stated the following:

- Concerns regarding groundwater flows
- The groundwater flows from southeast to the northwest and will go through the Elsner property and this affects the entire area
- The proposed stormwater pond would be full at all times
- Bareland condominiums are a developer's pyramid scheme and it is doomed to fail
- The internal road will not be to County specifications

Reeve Kemmere recessed the meeting at 11:25 a.m. and reconvened at 11:32 a.m.

Carol James, adjacent landowner, stated the following:

- The Southeast Sundre Area Structure Plan should be adhered to
- High density needs to be located where it is supported by Area Structure Plans
- The current ASP does not support 1 acre lots
- The current ASP needs to be amended before this application is approved
- Objection letters to the concept plan were submitted by the majority of landowners on the quarter section
- The MDP, ASP and IDP should be adhered to
- Is not opposed to 11 lots in total
- Area Structure Plan supports maximum of 80 lots per quarter section

Lennie Anderson, adjacent landowner, stated the following:

- Is not opposed to 11 lots but is opposed to any further subdivision in the future
- Design standards and approval process are a concern
- The approval process should not apply to the entire area of Cell A. The Elsners should not have approval rights of the Anderson property
- Roadways should be to County standards and the access should be 20m wide

Paul Webb, Chair of the Sundre MPC, representing the Town of Sundre, stated the following:

- The Town of Sundre has provided correspondence dated September 14, 2010 regarding the proposed redesignation which states that the lands do not meet MOA, IDP or ASP requirements
- The Town was informed via e-mail that the subject property does not fall in the IDP area
- It is the Town's opinion that the subject property falls within the referral or fringe area
- The Town of Sundre is requesting that the matter be defeated or deferred until such time as to proximity, servicing standards, and design are confirmed
- Mr. Webb advised that he has not read the current Inter-Municipal Development Plan Bylaw or Memorandum of Agreement as they are Town documents and he is a volunteer member of the Municipal Planning Commission

Ron Vogel, stated the following:

- Is opposed to clustered subdivisions including the one proposed by the Elsner's
- Subdivision should be single acreages on poor quality farmlands
- Request that Council put a moratorium on all clustered subdivisions

Nigel Miller, adjacent landowner to the northwest, stated the following:

- Owned 13 acres which he has subdivided out 2 - 4 acre parcels

- No one is in favour of this proposal and Council needs to listen to the adjacent landowners

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

Council questions resulted in the following information:

- There are three (3) noted drainage basins in the area
- The Concept Plan recommends that the wildlife corridors be maintained
- The Elsner's have owned the property for 10 years
- Piped water and sewer would be required before for Phase 2 could be applied for
- There is no current requirement to upgrade the access
- CR-1 is a minimum lot size of 1 acre
- The lands are currently zoned Country Residential (CR) and an application for subdivision with 3 acre sized lots could be submitted and considered by the Municipal Planning Commission
- Condominium Boards would be responsible for the infrastructure and maintenance
- A Concept Plan is required according to the Municipal Development Plan Bylaw and Area Structure Plan with an Urban Overlay
- Emergency access and egress are available via the proposed wildlife corridor or various gates and roads adjacent to the subject lands
- A dugout that was installed 2 years ago by Mr. Elsner is only 2/3 full
- Mr. Elsner advised that his property was not under water during the 2005 flood

Reeve Kemmere recessed the meeting at 1:11 p.m. and reconvened at 2:01 p.m.

Kristi Beunder reviewed the Concept plan and provided clarification regarding the approval process of Cell A and further stated that it is the intent that the Elsner's would only have approval rights on their lands and not those owned by the Andersons.

Bob Neerie questions resulted in the following information:

- 75% of a Homeowner's Association needs to reach a consensus on redevelopment to bring an application forward for Phase 2
- Clarification on if one person can hold 75% of ownership to move forward
- The Municipal and the Sunde Area Structure Plan were reviewed concurrently and information was brought to the ASP Committee for consideration
- Sewage holding tanks and disposal would be addressed at the time of subdivision

Mr. Elsner advised that sewage haulage was addressed in the Traffic Assessment. Mr. Elsner recommended that if

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exact numbers are required for comparisons, regarding sewage quantities and traffic counts, that they be taken from the reports.

Council questions resulted in the following information:

- Council was advised that amendments to the Bylaws could be made by motion after second reading
- The Traffic Impact Study would be considered at the time of subdivision

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

Mr. Elsner was provided the opportunity for closing remarks and stated the following:

- It has been about three (3) years since he started this process
- Believes in the plans that the County has in place
- The application as presented meets or exceeds the current County policies and plans

Mr. Elsner requested that Council approve the amended Bylaws as presented.

The Planning and Development Department was provided the opportunity for closing remarks and stated the following:

- The revised application meets all current County Policies and Bylaws
- The proposed design meets sustainable development plans
- Municipal Reserve would be addressed as cash-in-lieu
- An overall drainage plan will be prepared at the time of subdivision
- Pump out sewage tanks are promoted in the Concept Plan
- This is not within the Inter-municipal Development Plan area of the Town of Sundre and was circulated to the Town of Sundre for courtesy sake and to comment on the Fire Protection Plan
- 80 lots per quarter section would be met

Hearing no further comments Reeve Kemmere closed the Public Hearing.

Moved by Councillor Ingeveld

SC10-120 That Council give second reading to Bylaw No. 19/10 – SW 35-32-5 W5M Concept Plan affecting those lands contained within SW 35-32-5 W5M.

The question on Motion SC10-120 was not called.

- Moved by Councillor Yakimchuk  
SC10-121 That Schedule A of Bylaw No. 19/10 – SW 35-32-5 W5M Concept Plan be amended by replacing pages 22, 26, 28, 29 and 30 which amends the area to be redesignated to R-CR2 before Phase Two can proceed, and provides for additional road dedication that may be required as part of Phase Two.

Councillor Blain requested that the vote be recorded.

In Favour: Councillors Blain, Day, Ingeveld, Yakimchuk, Reeve Kemmere

Opposed: Councillor Negropontes

Carried.

- Moved by Councillor Day  
SC10-122 That Schedule A of Bylaw No. 19/10 – SW 35-32-5 W5M Concept Plan be amended by replacing Page 389 of the agenda - Policy 7.2.1 to read” The Homeowners Association comprising of at least 9 separate and individual landowners must reach consensus before a redevelopment can proceed.

Carried.

- Moved by Councillor Ingeveld  
SC10-123 That Schedule A of Bylaw No. 19/10 – SW 35-32-5 W5M Concept Plan be amended by indicating any reference to “Cell A” be amended to indicate “Cell A (the north portion)” and “Cell A (the south portion)” and that any maps be amended to indicate “Cell A (north portion)” and “Cell A (south portion)”.

Carried.

The question on Motion SC10-120 was called.

Councillor Blain requested that the vote be recorded.

In Favour: Councillors Day, Ingeveld, Yakimchuk and Reeve Kemmere.

Opposed: Councillors Blain and Negropontes

Carried.

Reeve Kemmere stated that the matter would be deferred in order to provide for Council to consider the written Bylaw No. 19/10 – SW 35-32-5 W5M Concept Plan.

- Moved by Councillor Negropontes  
SC10-124 That Bylaw No. 19/10 – SW 35-32-5 W5M Concept Plan be brought back to the September 22, 2010 Regular Council Meeting for consideration of the written bylaw.

Carried.

Moved by Councillor Day  
SC10-125 That Council give second reading to Bylaw No. LU 96/10 redesignating the lands within the SW 35-32-5 W5M Plan 9212437 Block 2.

The question on Motion SC10-125 was not called.

Moved by Councillor Yakimchuk  
SC10-126 That Bylaw No. LU 96/10 be amended to replace “Country Residential (2) District (R-CR2)” with “Country Residential (1) District (R-CR1)”.

Carried.

The question on Motion SC10-125 was called.

Councillor Blain requested that the vote be recorded.

In Favour: Councillors Day, Ingeveld, Yakimchuk and Reeve Kemmere.

Opposed: Councillors Blain and Negropontes

Carried.

Moved by Councillor Ingeveld  
SC10-127 That Council give third reading to Bylaw No. LU 96/10 redesignating the lands within the SW 35-32-5-5 Plan 9212437 Block 2.

Councillor Blain requested that the vote be recorded.

In Favour: Councillors Day, Ingeveld, Yakimchuk and Reeve Kemmere.

Opposed: Councillors Blain and Negropontes

Carried.

Moved by Councillor Blain  
SC10-128 The Council recommend that the Municipal Planning Commission consider the following at the time of subdivision of lands within the SW 35-32-5-5 Plan 9212437 Block 2:

- That a secondary emergency egress be indicated at the time of Phase 1
- Stormwater management
- Road standards
- Sewage
- Endeavour to assist
- Pipeline crossing

Carried.

ADJOURNMENT

ADOPTED

Reeve Kemmere adjourned the Special Council Meeting of September 16, 2010 at 3:54 p.m.

Original Signed October 6, 2010

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Chair

I hereby certify these minutes are correct.

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Chief Administrative Officer