



Mountain View C O U N T Y

REVISED REGULAR COUNCIL MEETING AGENDA

The Municipal Council will hold a Regular Council Meeting on Wednesday, July 11, 2018, at 9:00 a.m., in the Council Chamber, 1408 Twp. Rd. 320, Didsbury, AB

1. Call to Order
2. AGENDA
 - 2.1 Adoption of Agenda
3. ADOPTION OF MINUTES
 - 3.1 Regular Council Meeting Minutes June 13, 2018
4. BUSINESS ARISING
5. PUBLIC HEARINGS
 - 5.1 Bylaw No. LU 26/18 – NW 17-32-4 W5M and Plan 0011953 Block 1
 - 5.2 Bylaw No. LU 27/18 – NE 35-29-2 W5M
 - 5.3 Bylaw No 16/18 – Land Use Bylaw Amendments (additional information)
6. DELEGATIONS
Nil
7. BYLAWS
 - 7.1 Bylaw No. LU 29/18 – SE 8-33-6 W5M Plan 0312025 Block 1 Lot 1
 - 7.2 Bylaw No. LU 30/18 – SE 27-31-1 W5M
 - 7.3 Bylaw No. 17/18 – Establishing MPC and ASDAA
 - 7.4 Bylaw No. 18/18 – Road Closure Bylaw
8. DIRECTIVES
 - 8.1 Regular Council Directives
9. OLD BUSINESS
Nil
10. NEW BUSINESS
 - 10.1 Budget Meeting Dates
 - 10.2 Banking Services Contract
 - 10.3 Long Range Infrastructure Plan
 - 10.4 Municipal Planning Commission Appointments
 - 10.5 Regional Fire – Request for Proposal
 - 10.6 Crime Prevention Initiative Grants
 - 10.7 Bridge File 1179 and BF 9284 Engineering
 - 10.8 Bridge File 74313 Replacement
 - 10.9 Netook Crossing Development Agreement
 - 10.10 Closure of Road Plan 6333L

11. COUNCILLOR REPORTS
Nil
12. CORRESPONDENCE
 - 12.1 Information Items
 - a. 20180522 - Letter from Didsbury and District Historical Society
 - b. 20180529 - Letter from Municipal Affairs - MSI Funding
13. CONFIDENTIAL ITEMS
 - 13.1 FOIP Section 24 - Advice from Officials
 - 13.2 FOIP Section 24 - Advice from Officials
 - 13.3 FOIP Section 24 - Advice from Officials
14. ADJOURNMENT



Request for Decision

Planning and Development

Date: July 11, 2018

SUBJECT: Bylaw No. 16/18 LUB Amendments 2018 Review

RECOMMENDATION:

1. Administration supports a Council resolution based on Option One; and
 2. That Council approve the amendments to Policy 6002 and Procedure 6002-01 Development Standard Conditions and Policy 6004 and Procedure 6004-01 Subdivision Standard Conditions.
-

ALTERNATIVE OPTIONS: N/A

BACKGROUND: Council is being asked to consider second and third readings of Bylaw No. 16/18 which proposes to amend Bylaw No. 15/15, being the Land Use Bylaw.

The recommended changes to the Land Use Bylaw are intended to provide clarification and clear interpretation when Applicants apply and Administration reviews applications. Planning and Development brought forward proposed changes to the Land Use Bylaw including four (4) additional Administrative amendments at the May 23, 2018 Council meeting. Council gave first reading to Bylaw No. 16/18 on June 13, 2018 and the Public Hearing was advertised in the Mountain View Gazette on June 19th, June 26th and July 3rd, 2018.

The Municipal Planning Commission (MPC) reviewed the changes and comments are included as attachment 06 to this report. **Administration received additional comments from MPC related to setbacks. These comments have been included as attachment 07 to this report.**

Administration's position is that a change in setbacks may have significant impacts that requires careful consideration. The most significant impact is that the discretionary use of a setback relaxation with an associated appeal provision shall be removed with the reduction in setbacks; and while setback relaxations rarely result in appeals, it is the ability for Administration to consider the merits of the requested setback relaxation and for an affected person(s) to appeal that Administration identifies as the most significant impact. Through discussions with Council, setbacks were identified as an item to be considered in future reviews.

Due to the amount of amendments throughout the document it is recommended that Land Use Bylaw No. 15/15 be repealed, and all the amendments be incorporated into a new bylaw, Land Use Bylaw No. 16/18 (attachment 01).

Council gave first reading on June 13, 2018 and Schedule A of Bylaw No. 16/18 is included within attachment 02. For easy reference, the track change format is included within attachment 03. Key topics with Administration's discussion for the change can be viewed within attachment 04.

Council motion # RC18-333 on June 13, 2018 directed the amendment to Procedure 6002-01 - Development Permit Standard Conditions to ensure that the Policy reflects that Council sets the standard conditions for Development Permits.

Track changes have been included to identify Council as the authority to make changes to Development Permit Standard Conditions (Policy 6002) and Subdivision Standard Conditions (Policy 6004). Amendments to the Procedure 6002-01 Development Permit Standard conditions and Procedure 6004-01 Subdivision Standard Conditions are included as attachment 05 of this report.

Minor amendment after first reading

After first reading it was identified that there is benefit in amending the definition of Horticultural Use to add that Horticultural Use, Medicinal and Cannabis Production Facility is not included. This amendment is included in attachment 02.

OPTIONS:

<p>Option One: These motions indicate support without any changes</p>	<p>That the Reeve open and close the Public Hearing.</p> <p>That Council give second reading to Bylaw No. 16/18, being the Land Use Bylaw. (No Vote)</p> <p>That Council amend Bylaw No. 16/18 as presented in the Agenda Package to add to the definition of Horticultural Use that Horticultural Use, Medicinal and Cannabis Production Facility is not included; (Vote)</p> <p>Vote on second reading</p> <p>That Council give third reading to Bylaw No. 16/18, being the Land Use Bylaw. (Approval)</p>
<p>Option Two: These motions indicate support with changes to the Land Use Bylaw</p>	<p>That the Reeve open and close the Public Hearing.</p> <p>That Council give second reading to Bylaw No. 16/18, being the Land Use Bylaw. (No vote)</p> <p>That Bylaw No. 16/18 – Land Use Bylaw be amended as follows: 1. (Vote on Motion)</p> <p>That Council give third reading to Bylaw No. 16/18 – Land Use Bylaw. (Approval)</p>
<p>Option Three: These motions indicate additional information required to render a decision on amendments.</p>	<p>That Council defer Bylaw No. 16/18 – Land Use Bylaw to _____.</p>

RELEVANT POLICY:

- [Land Use Bylaw 15/15](#)
- Policy 6002 and Procedure 6002-01
- Policy 6004 and Procedure 6004-01

BUDGET IMPLICATIONS: N/A

Attachments Nil

- att 01 - Bylaw No. 16/18 without Schedule A
 - att 02 - Amended Bylaw No. 16/18 with Schedule A
 - att 03 - LUB No. 15/15 with track changes
 - att 04 - Key topics with discussion
 - att 05 - Policy 6002 Procedure 6002-01 and Policy 6004 Procedure 6004-01
 - att 06 - MPC comments
 - att 07 - MPC additional comments
-

PREPARED BY:JR

REVIEWED BY:MB

From: Kim Walton <[REDACTED]>
Sent: Monday, July 9, 2018 5:52 AM
To: Margaretha Bloem <mbloem@mvcountry.com>; D Reedy <[REDACTED]>; Peggy Johnson <pjohnson@mvcountry.com>; Phillip <[REDACTED]>; dean hedley <[REDACTED]>; Duncan Milne <dmilne@mvcountry.com>; Dwayne Fulton <dfulton@mvcountry.com>; Angela Aalbers <aaalbers@mvcountry.com>; [REDACTED]; Kim <[REDACTED]>
Subject: Revised MPC Recommendation Setbacks

Hi Margaretha

I am sending this note to let you know the results of the discussion amongst MPC members in regards to the planning department's feedback in regards to the setback change recommendations from MPC for Agriculturally zoned property.

MPC members would like to recommend the following:

A 10 meter set back for for the side and rear yard for accessory buildings only for Agriculturally Zoned property.

The votes for and against this recommendation were:
3 members in favour of no change to setbacks.
7 members in favour of recommending change to the setbacks.

The reason for this recommendation:
MPC regularly permits setback relaxations for Agricultural accessory buildings. A change in current setback distances from the side and rear yards for these buildings may reduce the number of relaxation applications that MPC reviews.

Thank you

Kim Walton

[REDACTED]



Regular Council Meeting

Request for Decision

Planning and Development Services

Date: July 11, 2018

SUBJECT: Netook Crossing (NE 35-32-1-W5): Prodev Limited Partnership's Proposal to conclude the Development Agreement

RECOMMENDATION: That Council authorize Administration to waive the Offsite Levy for the remaining 18 unsold lots owned by Prodev Limited Partnership and refund the current landowners the \$3,500 per acre Offsite Levy paid to the County.

That Council authorize Administration to waive the maintenance period to expedite the issuance of the Final Acceptance Certificate after the final inspection of the road remedial work, and the assignment of the one (1) year warranty for the road remedial work to the County.

That Council agree that prior to the issuance of the Final Acceptance Certificate, Prodev Limited Partnership shall assign the Water Licence to the County at no cost and provide confirmation from Alberta Environment and Parks that Licence conditions are up to date.

That Council authorize Administration to reduce or use the Letter of Credit issued by Prodev Limited Partnership to pay for the road remedial work contract costs between Prodev Limited Partnership and their Contractor.

That Council authorize Administration to defer the payment of the outstanding Development Fees until the bulk sale of the 18 lots provided that the Letter of Credit is not released until the payment is received.

That Council direct Administration to proceed with the preparation of a Utility Rate Bylaw.

ALTERNATIVE OPTIONS: N/A

BACKGROUND:

Prodev Limited Partnership worked with Administration to bring forward a proposal to expedite the issuance of the Final Acceptance Certificate, returning of the remaining Letter of Credit and removing the Development Agreement from affected titles to allow for the bulk sale of the 18 lots owned by Prodev Limited Partnership.

An outline of the Proposal:

1. Road Remedial Work will be inspected within 2 days of notice of completion and stamped Engineering Report. The proceeds of the Letter of Credit will be used to pay the Contractor and Subcontractor. The

one (1) year warranty period shall be assigned to the County. **Risk and implication:** Limited risk to the County as the road remedial contract is between Prodev Limited Partnership and the Contractors; the County will be monitoring the work and receiving the progress reports; and the one (1) year warranty period for the work will be assigned to the County. Details of the time it will take to reduce or receive the Letter of Credit proceeds from the bank is still unclear but not a significant risk.

2. Development Fees of \$4,781 per developable acre for a total of \$342,463.03 will be paid using the proceeds of the sale of the lots. No payment of the Offsite Levy fee of \$3,500 per developable acre. **Risk and implication:** If the LOC is retained until the lots are sold there is no risk. As the Development Fees are intended for road upgrades there will never be an opportunity to charge an Offsite Levy for roads against these thirty (30) lots as an Offsite Levy can only be charged once.

3. Expediting the issuance of Final Acceptance Certificate after the road remedial work is completed and waiving the requirement to maintain the road for one (1) year. Assign the one (1) year warranty for the work to Prodev Limited Partnership and the County. **Risk and Implication:** The risk of the road remedial work is minimized with the assignment of the one (1) year warranty to the County. The County will take ownership of the infrastructure sooner than anticipated.

4. The wastewater trucking will become a County responsibility after the Final Acceptance Certificate is issued. **Risk and Implication:** The County will be an Operator of a wastewater system and a Utility Rate Bylaw will need to be established.

5. Prodev Limited Partnership to transfer the Water Licence to the County at no cost. **Risk and Implication:** The County will have to work with buyers and potential businesses to outline the limitation of the Water Licence, similar to what the Prodev Limited Partnership has been doing.

6. Upon issuance of the Final Acceptance Certificate, Prodev Limited Partnership and the County mutually release each other from further responsibilities, including outstanding litigation and disputes regarding the business park. **Risk and Implication:** Limited risk with the assignment of the one (1) year warranty for the road remedial work.

RELEVANT POLICY: Development Agreement (Instrument 081 244 331)

BUDGET IMPLICATIONS: Register as a Wastewater Utility Operator and develop a Utility Rate Bylaw.

Attachments Nil

PREPARED BY: MB

REVIEWED BY: JH



Regular Council Meeting

Request for Decision

Operational Services

Date: July 11, 2018

SUBJECT: Closure of Unnecessary Road

RECOMMENDATION: That Council request the Minister of Transportation to Authorize the permanent closure of unnecessary Road Plan Number 6333L, and that the closed Road Plan be consolidated with the adjacent land in SE 16-29-3 W5.

That Council refund the \$1,500 application fee associated with the unnecessary road closure of Road Plan Number 6333L.

ALTERNATIVE OPTIONS:

BACKGROUND: Through a subdivision file and, as a result of motion number RC18-190, Council recommended that Road Plan Number 6333L be closed and consolidated with the adjacent lands in SE 16-29-3 W5 before proceeding with the subdivision.

RC18-190 That Council defer Bylaw No. LU 15/18 regarding lands within the SE 16-29-3 W5M until the road closure is completed or the two-year time limit of rescission of bylaw readings as per Section 188 of the Municipal Government Act, which ever comes first.

The road plan has not been actively used for many years. The Acme Road (Township Road 292) runs parallel to this road plan, and therefore, administration is recommending a closure of the unnecessary Road Plan as there is no longer a need for use by the travelling public.

This file was originally contemplated for a Road Closure under Section 22 of the Municipal Government Act. This would require a \$1500 application fee by the adjacent land owner to support the lengthy administrative tasks of creating a Bylaw, advertising for a minimum of two weeks and holding a Public Hearing in addition to the requirements for consultation with Alberta Transportation. After further review administration has identified a more appropriate method to close the unnecessary Road Plan. Section 24 of the Municipal Government Act states the following :

Closure of unnecessary road- Despite section 22, the council of a municipal district may by resolution, with the approval of the Minister of Transportation, close the whole or any part of a road described in a surveyed road plan that the council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

If Council approves a resolution to Close the unnecessary Road Plan administration will seek final approval from Alberta Transportation.

June 13, 2018 Motion Passed: That Council set the date of July 11, 2018 for the first reading of

Bylaw No. 18/18 for the permanent closure of Road Plan Number 6333L, and that the closed Road Plan be consolidated with the adjacent land in SE 16-29-3 W5; and, further, that Council set a date of July 11, 2018 at/or after 9 a.m. for a public hearing for Bylaw No. 18/18 for the permanent closure of Road Plan Number 6333L, and that the closed Road Plan be consolidated with the adjacent land in SE 16-29-3 W5.

RELEVANT POLICY:

Attachments Nil
- Map

PREPARED BY:

REVIEWED BY: Jeff Holmes

ROAD PLAN NUMBER 6333L, TOWNSHIP 29, RANGE 3, W5M

A plan may not be automatically re-distributed, loaned or reproduced
 by users without the specific written consent of Alberta Land Titles

PTS

Dept No 277 L.T.O. No 6333L

1-6333
 Station 2
 6333-17

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File 16049

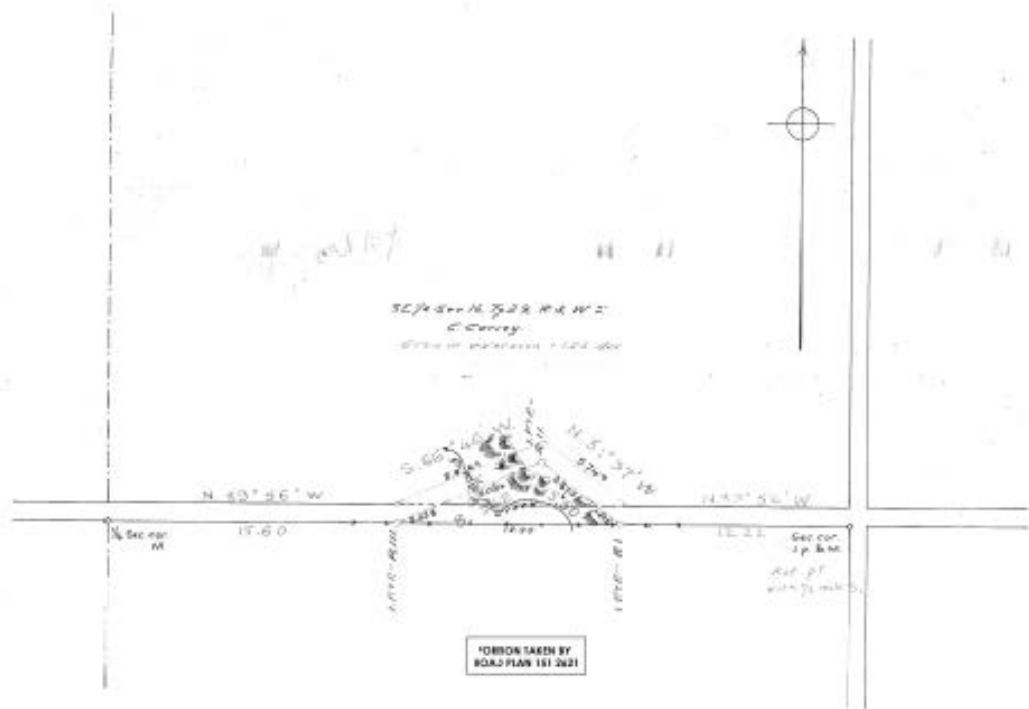
PLAN 44
 Showing the Survey of
ROAD DIVERSION
 in
Tp. 29, Rge. 3, W. of 5 th. M

By
A. C. Tolbot, P.L.S.
 1905

Scale of four chains to one inch

Note - The width of Road Allowance
 is one chain in all cases
 Fences shown with X-X-X-X
 Distances & Bearings in blue
 are computed only

Legally approved in
 under No. 277, L.T.O. No. 6333L
 issued and filed in the Land
 Titles Office for the Town of
 Regina, Saskatchewan in the
 presence of the Registrar of
 Land Titles, Regina, Sask., on the
 21st day of August, 1905
 A. C. Tolbot, P.L.S.
 6333-17
 6333-17



Albert Charles Tolbot is the City of Calgary
 is the District of Calgary
 do hereby declare that this plan accurately shows the manner in which
 the lands shown herein have been surveyed by me, that each survey has
 been made by me personally according to the best knowledge given to me by
 the Chief Engineer of Public Works, and that the said plan is correct and
 true to the best of my knowledge and belief.

Albert Charles Tolbot
 District Land Surveyor

Declared before me at
 Calgary, in the
 Province of Alberta
 this 22nd day of
 August, 1905.
J. P. Manning a Commissioner

Thereby certify that this plan is a true copy of the original survey of the
 road shown herein and each survey and plan have been made in accordance
 with the provisions of The Public Works Act and amendments and
 the rules contained and approved, the said survey and plan have been
 filed in the Department of Public Works for the Province of Alberta and
 that no copy has been filed in the Land Titles Office for the Province of
 Alberta in accordance with the provisions of the said Act and amendments.

Dated at Regina, this 20th day of August, 1905.
John A. Roberts
 Chief Registrar and Deputy Registrar of Land Titles
 for the Province of Alberta.

Examined 24/05/06
 all

29

File 16049
 16049

6333-17

6333L (220) 29
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