

**SUMMER VILLAGE OF ARGENTIA BEACH
REGULAR COUNCIL MEETING
SATURDAY, NOVEMBER 30, 2019 at 10:00 AM
Royal Canadian Legion
5705-49 Street, Mulhurst, AB**

MINUTES

Present:

COUNCIL: Mayor Don Oborowsky
Deputy Mayor Lisa Turchansky
Councillor Randy Stebner

ADMINISTRATION: Sylvia Roy, CAO

Mayor Oborowsky called the meeting to order at 10:09 a.m.

A. ADOPTION OF AGENDA AND ADDITIONS/ DELETIONS

Res. #19-192

Moved by Deputy Mayor Turchansky to adopt the agenda as presented.

CARRIED

B. APPROVAL OF MINUTES FROM PREVIOUS MEETING

1. Regular Council Meeting Minutes of October 22, 2019

Res. #19-193

Moved by Councillor Stebner to approve the Argentia Beach Regular Council Meeting Minutes of October 22, 2019, as presented.

CARRIED

C. DELEGATIONS AND VISITORS

1. None

The Summer Village of Argentia Beach Council Meeting recessed for the Public Hearing, at 10:10 AM

D. PUBLIC HEARING

Proposed Bylaw #248: to amend the Summer Village of Argentia Beach Land Use Bylaw

Chairman Don Oborowsky called the hearing to order at 10:10 am in the presence of Council members, the Chief Administrative Officer, the Planning Consultant and members of the Public.

Chairman Oborowsky read aloud the public hearing process.

Confirmation was provided that the Public Hearing was advertised and notice was provided in accordance with the applicable legislation.

Ms. Jane Dauphinee from Municipal Planning Services presented a report on the proposed changes to Argentia Beach Land Use Bylaw #248.

CAO/ Secretary Sylvia Roy read aloud the following written submissions:

Mr. Emile Beaudry:

- 1) Did not feel that the minutes of August 28, 2019 represent the concerns expressed to a) wait until the Municipal Development Plan has been completed, and b) leave the subject property as a single parcel
- 2) It appeared that Council did not consider potential amendments to Bylaw 244 nor seek further comment from Municipal Planning Services which gave the impression that only technical compliance is being addressed
- 3) Current public hearing attendees who missed the public hearing for Bylaw 244 may not have the benefit of hearing earlier submissions and presentations

- 4) Procedural irregularities surrounding Bylaw 244 and 248 suggest a cooling off period would be in order as pushing forward on Bylaw 248 may expose the municipality to legal challenges
- 5) Argentia Beach has initiated the creation of a Municipal Development Plan. Pushing forward on the Land Use Bylaw amendment prior to completion of the Municipal Development Plan is the opposite sequence and diminishes the legitimacy of the planning process
- 6) Bylaw 248 should not proceed until a public hearing can be held in light of a subdivision plan with wetlands assessment and other studied commissioned and paid by the proponents
- 7) The character of the community with respect to lands north of the roadway may be described as "no second-row development" and "protected wetlands". Bylaw 248 changes the number of parcels on the subject land from one to three, without considering sufficient information regarding wetlands, elevations, environmental degradation, etc
- 8) Bylaw 248 may either contravene or undermine the spirit and intent of restrictive covenants that are in place. Attempts to subdivide are addressed in Registered caveats 962301065 and 962305568 Section 2, which Bylaw 248 appears to contravene.
- 9) Mr. Beaudry offered technical comments on Bylaw 248 with respect to farming operations; Schedule C Clause 2.3.1 home businesses; setbacks, lot size and coverage; the need for an Environmental Impact Assessment; Firesmart guidelines; grade and drainage.

Mr. Robert Lloyd:

- 1) Support past and current submissions of Mr. Emile Beaudry
- 2) Expressed disappointment in meetings at the lake in winter and in Edmonton in the Summer

Ms. Carol Warshawski

- 1) Opposed to Bylaw 248 because it subverts, rather than embraces, the Restrictive Covenants that protect the character of the community

Mr. & Mrs. Robert and Leah Lloyd:

- 1) Opposed to Bylaw 248 because it is inappropriate to write new rules for development of a specific property while only half way through the development of the Municipal Development Plan
- 2) The higher density of three parcels on the subject property should not be contemplated before there is sufficient information on the environmental and servicing feasibility of the property – Bylaw 248 should be defeated or amended to make it a single parcel
- 3) Opposed to Bylaw 248 because it subverts, rather than embraces, the Restrictive Covenants that protect the character of the community

Mrs. Barb Gerolomy:

- 1) Supports Mr. Emile Beaudry's submission
- 2) Until the Municipal Development Plan is developed, Bylaw 248 should be defeated and subject property remain a single parcel

Glenn Skolney

- 1) Opposed to Bylaw 248 as it creates 3 lots from one lot; more information is needed on access roads, servicing and other uses

Mr. & Mrs. Stan and Sherry Lissack:

- 1) Opposed to Bylaw 248 because it is inappropriate to write new rules for development of a specific property while only half way through the development of the Municipal Development Plan
- 2) The higher density of three parcels on the subject property should not be contemplated before there is sufficient information on the environmental, ecological, and servicing feasibility of the property
- 3) Opposed to Bylaw 248 because it subverts, rather than embraces, the Restrictive Covenants that protect the character of the community
- 4) Urge Council to defer further decision on Bylaw 248 for 180 days and to perhaps seek professional advice

Mr. David Blades, County of Wetaskiwin No. 10:

- 1) Agree that lots created as a result of subdivision must be connected to the Summer Village wastewater collection system
- 2) No objection to Bylaw 248; however, request that additional wording be added to Section 2.4.5 Supporting Studies and Subdivision Site Design Requirements

Mr. Fred Fishburne and Ms. Cheryl Alexander

- 1) Opposed to current proposed Bylaw 248; the Municipal Development Plan should first be completed prior to any changes to the Land Use Bylaw

Mr. Rod Hawken, Northeast Pigeon Lake Regional Services Commission

- 1) The NEPL Commission authorized Administration to contract an engineer to help determine current and future capacity and potential upgrades to the system
- 2) At this time, NEPL cannot support any additions to the system until the report is received in 2020

Chairman Don Oborowsky then called upon persons signed up on the sign in sheet to speak:

Ms. Catherine Peirce, Pigeon Lake Watershed Association:

- 1) Suggested additional definitions such as wetlands, wetland boundary and qualified wetland professional
- 2) Suggested additional clarifications under supporting studies and subdivision design requirements for wetland assessment; digital site elevations and geotechnical reports.

Mr. Murray Olson:

- 1) Bylaw 248 is presented at a time when the Municipal Development Plan is still under development
- 2) Stormwater management and the historic placement of culverts is an important factor because the geography of the lake is such that water drains from the north to the south into the lake – the subject lands are flood zones and 100 year storms happen more often than that
- 3) The municipality doesn't want to have liability problems for allowing development on wetlands
- 4) Should develop a policy for roads before intensifying to three lots. Should be speaking to the Fire Department in advance regarding access to the lots
- 5) Clarity is required on who is paying for wastewater hookup fees
- 6) Firesmart compliance is important
- 7) Agreed with Mr. Emile Beaudry's submissions

Ms. Naomi Lough-Tichkowsky, Ms. Betty Ann Lough, Mr. Rick Lough

- 1) Opposed to Bylaw 248 as it includes the subdivision of the parcel into three lots.
- 2) No environmental assessment or related studies have been performed that would support that three lots are feasible
- 3) Concerned with increased traffic from the proposed increased density and any type of business activity. Increased traffic makes it unsafe for pedestrians
- 4) Residents are passionate regarding no second row development and the preservation of woodlands north of the road.

Ms. Betty Ann Lough

- 1) Brought up that the date by which submissions were to be received had an error

Mr. Don Odell

- 1) Opposed to Bylaw 248 because it is premature to make rules for the subject property while partway through the Municipal Development Plan process
- 2) It is premature to proceed prior to environmental impact and service feasibility reports of the site
- 3) Rezoning to increase the density offends the will of the ratepayers not to develop the north lands, as evidenced by the restrictive covenant
- 4) Council may want to consider a vote of property owners as described in the restrictive covenant

Mr. John Gibeau, Cozette Gibeau and Jack Gibeau

- 1) In favor of Bylaw 248 and want to see it passed as soon as possible. It has been approximately 15 months since the Gibeau's first wrote to Council seeking permission to subdivide
- 2) The inference that the Purchase and Sale Agreement of 1995 doesn't allow for further development is not accurate. Four easements were granted by the Summer Village at the time
- 3) Clause in the agreement states that as long as the subdivision owners do not use municipal property to access the lake, then subdivision is allowed
- 4) Bylaw requirements such as wetland assessment and geotechnical reports would adequately address any drainage, vegetation or environmental concerns
- 5) With the massive buffer zone between the road and the proposed subdivision, there will be no excessive noise or increased traffic
- 6) Proposal will not require any upgrades to the road or to utilities and is fully compatible with the zoning and land use of all adjacent parcels

Chairman Oborowsky asked if there was anyone else who has not spoken and wishes to speak. No one else wanted to speak.

Chairman Oborowsky asked everyone in attendance if they felt that they have had the opportunity to be fairly heard. No one indicated that they felt they had not had the opportunity to be heard.

Chairman Oborowsky closed the Public Hearing for Bylaw #248 at 11:41 am.

The Summer Village of Argentia Beach Council Meeting reconvened, time 11:42 am.

Res. #19-194

Moved by Deputy Mayor Turchansky that Administration direct Municipal Planning Services to create a report for the next Argentia Beach Council Meeting based on public input received at the Public Hearing.

CARRIED

E. BYLAWS & POLICIES

1. Bylaw #248, A Bylaw to Amend Argentia Beach Land Use Bylaw #154

Res. #19-195

Moved by Deputy Mayor Turchansky to table consideration of first reading for Bylaw #248, A Bylaw to Amend Argentia Beach Land Use Bylaw #154, to the next Council Meeting.

CARRIED

F. REPORTS FROM STAFF/RESOLUTIONS

1. None

G. COUNCIL COMMITTEE REPORTS/DISCUSSION ITEMS

1. None

H. FINANCIALS

1. None

I. CORRESPONDENCE & INFORMATION ITEMS

1. None

J. CLOSED SESSION

1. None

K. ADJOURNMENT

Res. #19-196

Moved by Deputy Mayor Turchansky to adjourn the meeting at 11:44 am.

CARRIED



Donald Oborowsky, Mayor
Summer Village of Argentia Beach



Sylvia Roy, Chief Administrative Officer
Summer Village of Argentia Beach