



# AGENDA

## Council Meeting

9:30 AM - Wednesday, January 13, 2021  
Council Chambers

Page

### A. CALL TO ORDER

### B. ADOPTION OF AGENDA

### C. ADOPTION OF MINUTES

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1. **County Council Meeting Minutes**  
[County Council - 17 Dec 2020 - Minutes](#)

### D. SUBDIVISION APPLICATIONS

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1. **Subdivision Application #2020-0-135 – Vucurevich - NW 11-09-21-W4M**  
[Subdivision Application #2020-0-135 – Vucurevich - NW 11-09-21-W4M](#)

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2. **Subdivision Application #2020-0-141– Etches - SW¼ 17-08-20-W4M**  
[Subdivision Application #2020-0-141– Etches - SW¼ 17-08-20-W4M](#)

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3. **Subdivision Application #2020-0-149 – Skiba - SE¼ 20-12-24-W4M**  
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4. **Subdivision Application #2020-0-131 – Deleeuw - portion of NE1/4 16-11-21-W4M**  
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5. **Subdivision Application #2020-0-155 – Postman - SW¼ 25-10-24-W4M**  
[Subdivision Application #2020-0-155 – Postman - SW¼ 25-10-24-W4M](#)

### E. PUBLIC HEARINGS

### F. DELEGATIONS

### G. DEPARTMENT REPORTS

**G.1. MUNICIPAL SERVICES**

**G.2. COMMUNITY SERVICES**

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G.2.1. **County Land Purchase**  
[County Land Purchase](#)

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G.2.2. **Bylaw 21-002 - Land Use Bylaw Amendment Hamlet Public/Institutional (HP/I) to Hamlet Residential (HR), Plan 9611179 Block 18 Lot 11 (Monarch Water Tower Site) - First Reading**  
[Bylaw 21-002 - Land Use Bylaw Amendment Hamlet Public/Institutional to Hamlet Residential - Plan 9611179 Block 18 Lot 11 \(Former Monarch Water Tower\)](#)

**G.3. CORPORATE SERVICES**

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G.3.1. **Bylaw 21-001 - 2021 Utility Rates**  
[Bylaw 21-001 Utility Rates](#)

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G.3.2. **Tax Penalty Waiver Request**  
[Tax Penalty Waiver Request - van Voorst](#)

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G.3.3. **Broadband Internet Expenses**  
[Broadband Internet Expenses](#)

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G.3.4. **McNally Community Association Request as presented at the December 17 Council Meeting - Verbal Update for Council**  
[McNally Community Association Request](#)

**G.4. ADMINISTRATION**

**H. NEW BUSINESS**

**I. COUNTY COUNCIL AND COMMITTEE UPDATES**

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1. **Lethbridge County Council Attendance Update - December 2020**  
[2020 December Lethbridge County Council Attendance](#)

**J. CLOSED SESSION**

**K. ADJOURN**



# MINUTES Council Meeting Meeting

9:30 AM - Thursday, December 17, 2020  
Council Chambers

The Council Meeting of Lethbridge County was called to order on Thursday, December 17, 2020, at 9:30 AM, in the Council Chambers, with the following members present:

**PRESENT:** Reeve Lorne Hickey  
Councillor Morris Zeinstra  
Councillor Tory T.Campbell  
Councillor Robert Horvath  
Deputy Reeve Ken Benson  
Councillor Steve S.Campbell  
Councillor Klaas VanderVeen  
Chief Administrative Officer, Ann Mitchell  
Director of Public Operations, Jeremy Wickson  
Infrastructure Manager, Devon Thiele  
Manager of Finance & Administration Jennifer Place  
Executive Assistant Candice Robison

**A. CALL TO ORDER**

Reeve Lorne Hickey called the meeting to order at 9:30 a.m.

**B. ADOPTION OF AGENDA**

**December 17, 2020 Lethbridge County Council Meeting Agenda**

378-2020 Councillor Zeinstra MOVED that Lethbridge County Council approve the December 17, 2020 Council Meeting Agenda as presented. CARRIED

**C. ADOPTION OF MINUTES**

**C.1. County Council Meeting Minutes**

379-2020 Councillor S.Campbell MOVED that the December 3, 2020 Regular County Council Meeting Minutes be accepted as presented. CARRIED

**C.2. Special County Council Meeting Minutes**

380-2020 Deputy Reeve Benson MOVED that the December 4, 2020 Special County Council Meeting Minutes be accepted as presented. CARRIED

**D. SUBDIVISION APPLICATIONS**

**E. PUBLIC HEARINGS**

**F. DELEGATIONS**

**G. DEPARTMENT REPORTS**

**A. MUNICIPAL SERVICES**

**A.1. Revision to Policy 163 - Encroachment Policy**

381-2020 Councillor MOVED that County Council approve Policy 163 - Encroachment

VanderVeen Policy as amended.

CARRIED

**A.2. Road Ban Policy and Bylaw**

382-2020 Councillor Zeinstra MOVED that Bylaw 20-025 – Road Ban Bylaw be read a third time. CARRIED

383-2020 Councillor Horvath MOVED that County Council adopt the changes as presented in the wording of Peace Officer within the Road Ban Policy.

CARRIED

**B. COMMUNITY SERVICES**

**C. CORPORATE SERVICES**

**C.1. Highway 3 Twinning Development Association Membership Fee Request Update**

384-2020 Councillor VanderVeen MOVED that County Council supports the membership of the Highway 3 Twinning Development Association through an annual membership fee based on a population of 10,353 at a per capita rate of \$0.35 for a total of \$3,623.55, to be included in the 2021 Budget with an increase in 2022 of \$0.50 per capita for a total of \$5,176.50.

CARRIED

**C.2. 2021 - 2025 Capital Budget**

385-2020 Councillor S.Campbell MOVED that the 2021 Capital Budget in the total expense amount of \$9,215,000 as outlined in attachments be approved.

And that the 2022, 2023, 2024 and 2025 Capital Budget expenses in the amounts of \$8,095,000, \$10,995,000, \$9,678,000 and \$6,834,000 respectively be approved in principal.

CARRIED

**C.3. 2021 - 2023 Operating Budget**

386-2020 Councillor T.Campbell MOVED that the 2021 Operating Budget expenses in the amount of \$28,050,645 as outlined in Attachment 1 be approved, and that the 2021 and 2022 Operating Budget expenses in the amounts of \$28,476,715 and \$28,888,425 respectively be approved in principle.

CARRIED

**C.4. McNally Community Association Request**

387-2020 Councillor S.Campbell MOVED that County Council postpone the 2021 McNally Community Association request to the January Council meeting for further information.

CARRIED

**D. ADMINISTRATION**

**D.1. Bill C-213 The Canada Pharmacare Act Endorsement**

388-2020 Councillor VanderVeen MOVED that Lethbridge County Council endorse Bill C-213 *The Canada Pharmacare Act*.

CARRIED

**D.2. Canadian Fallen Heroes Foundation - Donation Request**

389-2020 Councillor S.Campbell MOVED that County Council approve a silver donation in the amount of \$500.00 to the Canadian Fallen Heroes Foundation to recognize and honor many of the Lethbridge County Veterans who have served our Country.

CARRIED

**D.3. Provincial Police Act Review**

390-2020 Councillor VanderVeen MOVED that a letter be sent to the RMA indicating Lethbridge County recommends that an RMA resolution requesting greater

consultation with rural municipalities on the proposed Police Act changes be adopted and sent to the Minister of Justice and Solicitor General, prior to any changes being made.

CARRIED

**H. NEW BUSINESS**

**H.1. Grassy Mountain Coal Project**

A letter from a concerned resident regarding the Grassy Mountain Coal Project and open-pit coal mining in our headwaters was received and discussed by Council.

**I. COUNTY COUNCIL AND COMMITTEE UPDATES**

**I.1. Lethbridge County Council Attendance Update - November 2020**

391-2020 Councillor Zeinstra MOVED that Lethbridge County Council receive the report titled "Lethbridge County Council Attendance Update - November 2020", identifying the activities and events attended by Lethbridge County Council for the month of November 2020 as information.

CARRIED

**I.2. Council Remuneration**

392-2020 Councillor VanderVeen MOVED that County Council maintain a 10% reduction of remuneration until the June 3, 2021 Council Meeting when it can be revisited by Council.

CARRIED

**J. CLOSED SESSION**

**K. ADJOURN**

393-2020 Councillor Zeinstra MOVED that the Lethbridge County Council Meeting adjourn at 10:58 a.m.

CARRIED

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Reeve

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CAO

# AGENDA ITEM REPORT



**Title:** Subdivision Application #2020-0-135 – Vucurevich  
- NW 11-09-21-W4M  
**Meeting:** Council Meeting - 13 Jan 2021  
**Department:** ORRSC  
**Report Author:** Steve Harty

## APPROVAL(S):

Hilary Janzen, Supervisor of Planning & Development  
Larry Randle, Director of Community Services,  
Ann Mitchell, Chief Administrative Officer,

Approved - 23 Dec 2020  
Approved - 04 Jan 2021  
Approved - 04 Jan 2021

## STRATEGIC ALIGNMENT:

 <input checked="" type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>
Outstanding Quality of Life	Effective Governance and Service Delivery	Prosperous Agricultural Community	Vibrant and Growing Economy	Strong Working Relationships

## EXECUTIVE SUMMARY:

The application is to subdivide a 2.00 acre first parcel-out farmyard subdivision from a title of 157.83 acres for country residential use. The proposal meets the subdivision criteria of the Land Use Bylaw.

## RECOMMENDATION:

That S.D. Application #2020-0-135 be approved subject to the conditions as outlined in the draft resolution.

## PREVIOUS COUNCIL DIRECTION / POLICY:

- The proposal is eligible for subdivision consideration as a first parcel-out farm yard subdivision as per the policies of Land Use Bylaw No. 1404.
- The proposal complies with the subdivision criteria of Land Use Bylaw No. 1404, and the proposed parcel size conforms to the bylaw's required minimum 2.0 acres and not to exceed 10 acres maximum in size. The resulting 155.83 acre agricultural parcel complies with the minimum agricultural parcel size bylaw requirements.
- County site servicing criteria is met: Water is provided by the rural water co-op to a cistern and sewage is treated by an individual on-site septic field system. Access is provided from the west municipal road allowance.
- There are no abandoned gas wells or confined feeding operations located in proximity where any applicable minimum distance separation (MDS) is compromised.

## BACKGROUND INFORMATION:

Located on Sunnyside Road, approximately 1-mile east of the City of Lethbridge boundary and 1½-miles north of Highway 3. The proposal is to accommodate the subdivision of a long established farmstead, located in the very southwest corner of the ¼-section.

The owners have a farmyard situated linear adjacent to the east side of the Sunnyside Road with two separate houses spread out approximately 425 feet apart. The application is to create a separate title for the very south dwelling and yard area only. The proposed yard area contains minimal improvements with a residential dwelling, trees, and septic system. Some grain bins will encroach over the north property line as proposed but those will be removed and relocated by the applicant. As a condition of approval, the applicant must provide an encroachment agreement or remove/relocate the grain bins located on the north side so that there will be no resulting physical encroachments over the new property line.

Overall, the proposal meets the criteria of the County's Land Use Bylaw No. 1404 for a first parcel-out farmstead subdivision.

The application was circulated to the required external agencies and ATCO Gas requires a utility easement. It is noted the land is situated just outside the IDP boundary with the City of Lethbridge.

**ALTERNATIVES / PROS / CONS:**

The proposal complies with all the criteria for a first parcel-out subdivision, but alternatively, the Subdivision Authority could decide to not approve if it feels the issue of the encroachment of the grain bins should be dealt with prior to rather than as a condition of approval.

**FINANCIAL IMPACT:**

None, and the current tax situation will not change.

**REASON(S) FOR RECOMMENDATION(S):**

The proposed subdivision meets the provincial Subdivision and Development Regulations and the municipal subdivision policies for a first parcel-out subdivision as stated in the Land Use Bylaw.

**ATTACHMENTS:**

[5A Lethbridge County 2020-0-135 APPROVAL](#)  
[Subdivision Diagrams 2020-0-135](#)

## RESOLUTION

2020-0-135

**Lethbridge County**                      **Country Residential** subdivision of NW1/4 11-9-21-W4M

THAT the Country Residential subdivision of NW1/4 11-9-21-W4M (Certificate of Title No. 081 168 014), to subdivide a 2.00 acre (0.809 ha) first parcel out farmyard subdivision from a title of 157.83 acres (63.92 ha) for country residential use. The parcel is located on Sunnyside Road, approximately 1-mile east of the City of Lethbridge boundary and 1½-miles north of Highway 3; BE APPROVED subject to the following:

### CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the condition or easement as required by ATCO Gas shall be provided prior to finalization.
4. That the applicant provide an encroachment agreement or remove/relocate the grain bins located on the north side so that there will be no resulting physical structure encroachments over the new property line. Confirmation of the removal of the bins or provision of an acceptable agreement must be submitted to the satisfaction of the Subdivision Authority prior to final endorsement of the subdivision.

### REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority has determined the application is eligible for subdivision approval as a first parcel out subdivision. The 2-acre parcel size complies with the bylaw minimum parcel size stipulation and the application otherwise conforms to the County's subdivision policies.

### INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Telus Communications Inc. has no objections.
- (e) FortisAlberta has no concerns or requirements. Developer can contact FortisAlberta for electrical service.
- (f) ATCO Transmission high pressure pipelines has no objections. Questions or concerns can be forwarded to [hp.circulations@atco.com](mailto:hp.circulations@atco.com).

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- (g) ATCO Gas has no existing Utility Right of Way on the subject property, or the existing Utility Right of Way is not sufficient for subdivision servicing.

The landowner(s) is required to contact the ATCO Gas land agent listed below to execute a Utility Right of Way to the satisfaction of ATCO Gas.

Once the Utility Right of Way has been registered at the Alberta Land Titles Office we will notify the municipality of the same.

Land Agent: Ellen Struthers

Phone No.: (587) 581-6567

- (h) SMRID – Linda Park, Land Administrator:

“Further to your November 23rd, 2020 subdivision application, the proposed subdivision will be classified as “dry”. If they wish to use non-potable water provided by the District for their yard, etc., a Household Purposes Agreement must be entered into with the District.

If the turnout is located on the irrigated piece, the landowner will be required to enter into a Remote Delivery Agreement with the District and have an easement registered on title in order to guarantee supply of water to the subdivided parcel.

All works and easements involved to provide water to the subdivided parcel will be at the landowner's cost.

· A Service Fee of \$100.00 plus GST will apply.”

- (i) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“Reference your file to create a country residential/farmstead parcel at the above noted location.

Alberta Transportation's primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway system.

The proposal is to create a single parcel of land from an unsubdivided quarter section to accommodate an existing residence and related improvements. As such, this application is in accordance with Section 14(b) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).

As this application complies with said Section 14(b) and access to the proposed parcel and the remnant lands is to be by a means other than a highway, Section 15(3) of the regulation applies.

Notwithstanding the foregoing, the applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is not within the noted control lines and given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance a permit from Alberta Transportation will not be required and development of the country residential/farmstead parcel could proceed under the direction, control and management of the county. The applicant could contact the undersigned, at Lethbridge 403/382-4052, in this regard.

Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

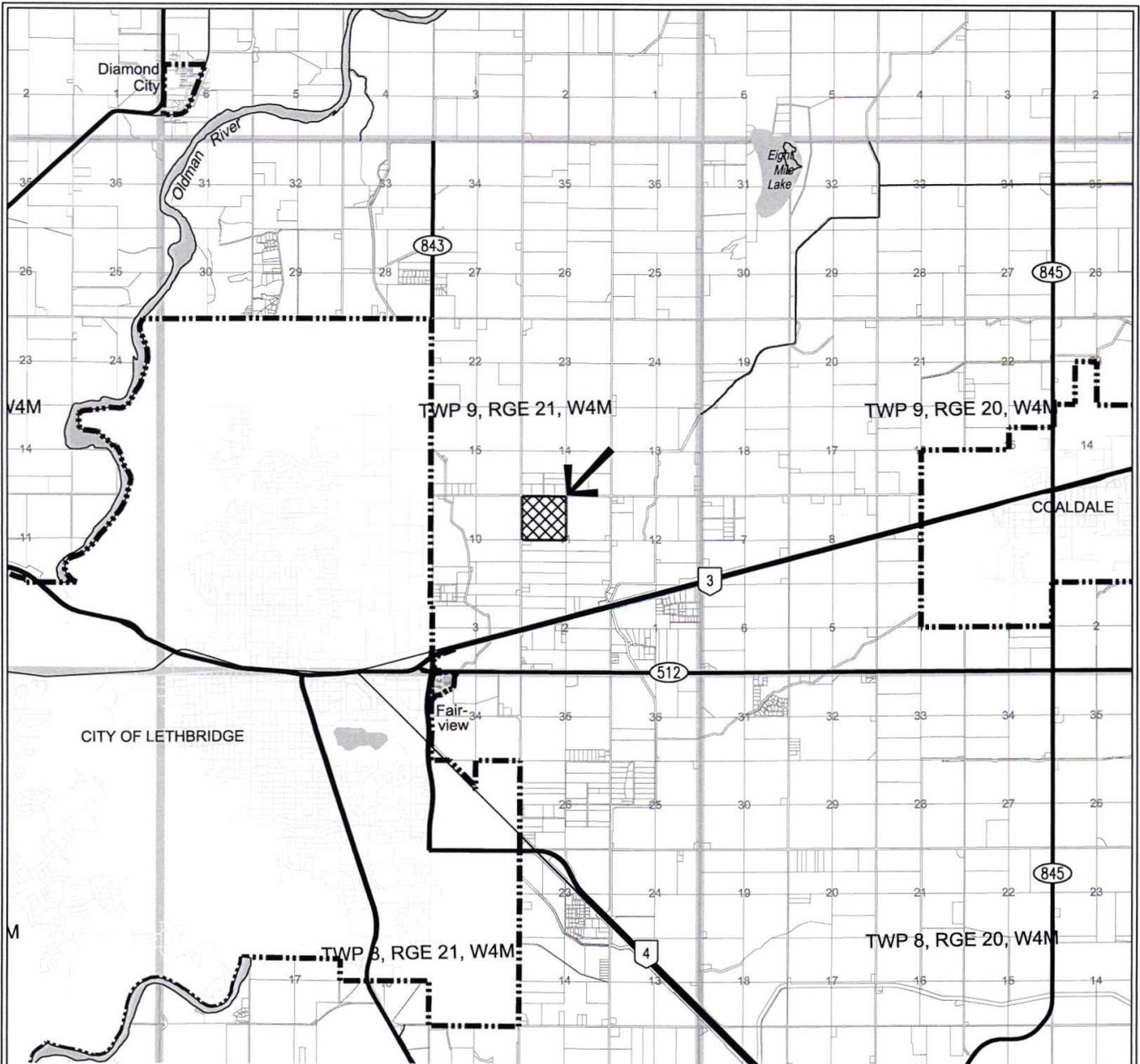
Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application”

- (j) Canada Post has no comment.

\_\_\_\_\_  
MOVER

\_\_\_\_\_  
REEVE

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DATE



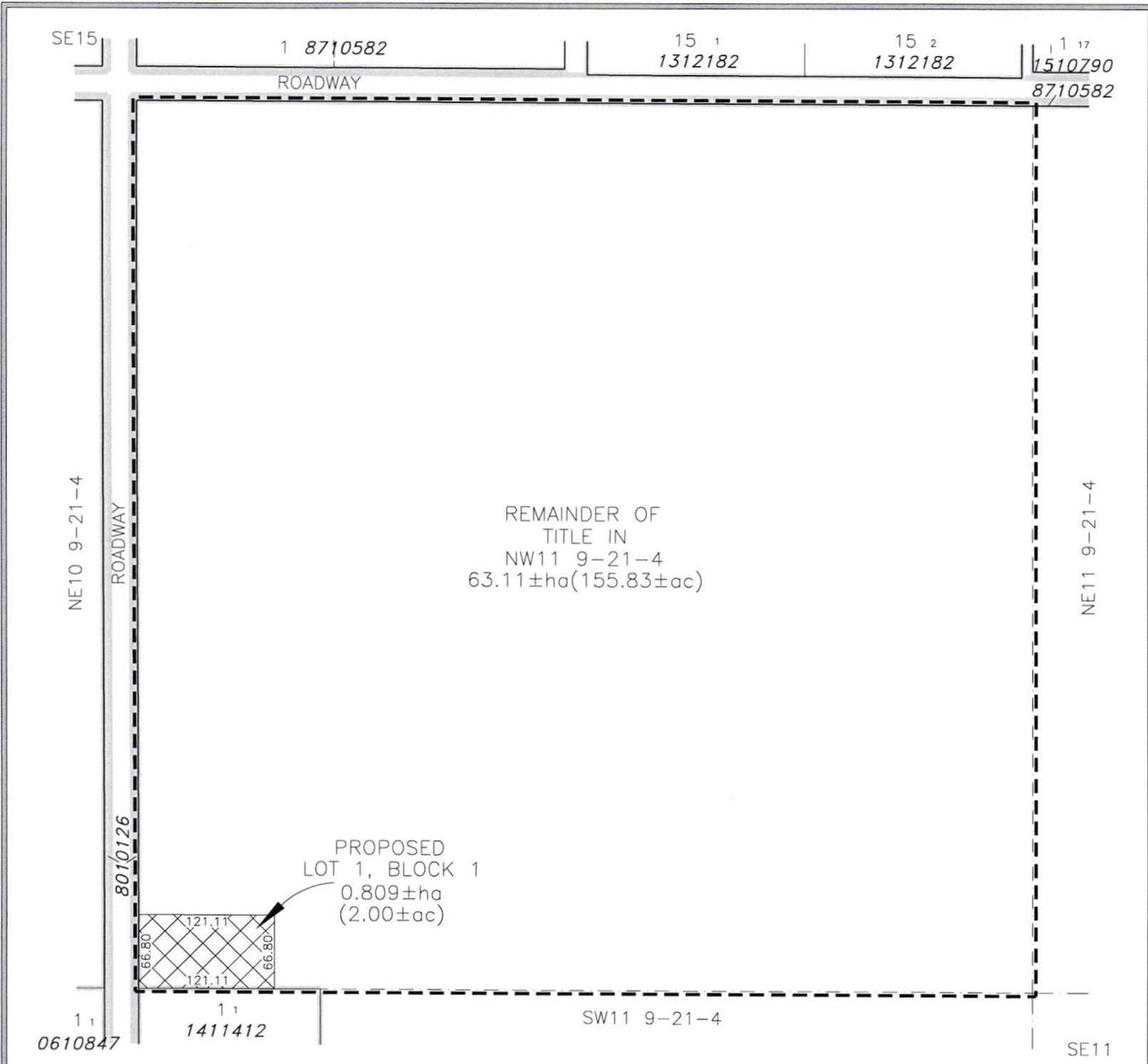
**SUBDIVISION LOCATION SKETCH**  
 NW 1/4 SEC 11, TWP 9, RGE 21, W 4 M  
 MUNICIPALITY: LETHBRIDGE COUNTY  
 DATE: NOVEMBER 19, 2020  
 FILE No: 2020-0-135

MAP PREPARED BY:  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3105 186<sup>th</sup> AVENUE NORTH, LETHBRIDGE, AB T1V 1K6  
 \*NOT RESPONSIBLE FOR ERRORS OR OMISSIONS\*



**OLDMAN RIVER REGIONAL SERVICES COMMISSION**

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**SUBDIVISION SKETCH**

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-15043T

NW 1/4 SEC 11, TWP 9, RGE 21, W 4 M

MUNICIPALITY: LETHBRIDGE COUNTY

DATE: NOVEMBER 19, 2020

FILE No: 2020-0-135





**SUBDIVISION SKETCH**

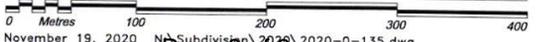
See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-15043T

NW 1/4 SEC 11, TWP 9, RGE 21, W 4 M

MUNICIPALITY: LETHBRIDGE COUNTY

DATE: NOVEMBER 19, 2020

FILE No: 2020-0-135



November 19, 2020 N:\Subdivision\2020\2020-0-135.dwg





# AGENDA ITEM REPORT



**Title:** Subdivision Application #2020-0-141– Etches  
- SW¼ 17-08-20-W4M

**Meeting:** Council Meeting - 13 Jan 2021

**Department:** ORRSC

**Report Author:** Steve Harty

## APPROVAL(S):

Hilary Janzen, Supervisor of Planning & Development  
Larry Randle, Director of Community Services,  
Ann Mitchell, Chief Administrative Officer,

Approved - 23 Dec 2020  
Approved - 04 Jan 2021  
Approved - 04 Jan 2021

## STRATEGIC ALIGNMENT:



Outstanding Quality  
of Life



Effective Governance  
and Service Delivery



Prosperous  
Agricultural  
Community



Vibrant and Growing  
Economy



Strong Working  
Relationships

## EXECUTIVE SUMMARY:

The application is to subdivide a 3.00 acre bareland (vacant) first subdivision from a title of 145.60 acres, for country residential use. The proposal meets the subdivision criteria of the Land Use Bylaw.

## RECOMMENDATION:

That S.D. Application #2020-0-141 be approved subject to the conditions as outlined in the draft resolution.

## PREVIOUS COUNCIL DIRECTION / POLICY:

- The proposal is eligible for subdivision consideration as a first subdivision from the ¼-section as per the policies of Land Use Bylaw No. 1404.
- The proposal complies with the vacant parcel subdivision criteria of Land Use Bylaw No. 1404, and the proposed 3.0 acre parcel size conforms to the bylaw's minimum 2.0 acre to maximum 3.0 acre parcel size.
- A previous subdivision from the ¼-section was done by the irrigation district for the main SMRID canal and does not count towards subdivision eligibility of the private land owner.
- Subdivision siting criteria is met as there are no abandoned gas wells within the ¼-section, and there are no confined feeding operations located in proximity.
- Rural site servicing requirements can be met: Water is proposed to be provided through a private hauled cistern system and sewer treatment is to be an on-site private septic field system. A professional soils analysis with favorable results has been prepared and submitted with the application. Access is available from the west municipal road allowance.

**BACKGROUND INFORMATION:**

Located approximately 3-miles southeast of the City of Lethbridge, ¾-miles east of Highway 4. The application is to subdivide a vacant proposed yard area out of the ¼-section as the first subdivision of the landowner.

The proposed subdivision is located outside the irrigation pivot system and is vacant land with no improvements present. The site is situated approximately 88 m (289 feet) to the north of the ¼-section line in order to account for a gas pipeline R/W that traverses the entire southern boundary of the ¼-section, as no improvements may be located over the gas line area. Additionally, the 88 m (289 feet) separation distance will enable farm machinery equipment to farm the cultivated land in between the southern ¼-section line and the proposed yard acreage boundary.

Overall, the proposal meets the criteria of the County's Land Use Bylaw No. 1404 for a vacant first parcel out subdivision.

The application was circulated to the required external agencies and no concerns or objections were expressed regarding the application. No easements are requested (at time of agenda preparation).

**ALTERNATIVES / PROS / CONS:**

The proposal complies with all the subdivision criteria, but alternatively, the Subdivision Authority could decide to not approve if it is not satisfied with the shape or configuration of the proposed parcel. Such a decision would likely be appealed.

**FINANCIAL IMPACT:**

None direct, but the future tax situation will change with an increase in additional country residential taxes paid on a new yard and dwelling.

**REASON(S) FOR RECOMMENDATION(S):**

The proposed subdivision meets the provincial Subdivision and Development Regulations and the municipal bareland (vacant) parcel subdivision policies as stated in the Land Use Bylaw.

**ATTACHMENTS:**

[5A Lethbridge County 2020-0-141 Approval](#)  
[Subdivision Diagrams 2020-0-141](#)

## RESOLUTION

2020-0-141

**Lethbridge County**                      **Country Residential** subdivision of SW1/4 17-8-20-W4M

THAT the Country Residential subdivision of SW1/4 17-8-20-W4M (Certificate of Title No. 111 057 148), to subdivide a 3.00 acre (1.21 ha) bareland (vacant) first subdivision from a title of 145.60 acres (58.87 ha) for country residential use; BE APPROVED subject to the following:

### CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the applicant submits a final plan of survey as prepared by an Alberta Land Surveyor that certifies the exact location and dimensions of the parcel being subdivided as approved.

### REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed parcel is determined to be the landowner's first subdivision from the quarter section and the 3.00 acre parcel size conforms to the land use bylaw's minimum 2.0-acre and maximum 3.0-acre parcel size stipulations.
4. The Subdivision Authority is satisfied there are no abandoned gas wells, confined feeding operations, or identified environmental or historical features present that require consideration. A professional soils analysis has been prepared and submitted with the subdivision application with favorable results.

### INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Telus Communications Inc. has no objections.
- (e) FortisAlberta has no concerns or requirements. Developer can contact FortisAlberta for electrical service.
- (f) Triple W Natural Gas Co-op Ltd. has no objections.
- (g) Canada Post has no comment.

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(h) SMRID – Linda Park, Land Administrator:

“Further to your November 24th, 2020 subdivision application, the proposed subdivision will be classified as “dry”. If the landowner wishes to use what supplied by the District for their yard, trees, etc., a Household Purposes Agreement must be signed with the District prior to any water use.

If the turnout is located on the irrigated piece, the landowner will be required to enter into a Remote Delivery Agreement with the District and have an easement registered on title in order to guarantee supply of water to the subdivided parcel. All works and easements involved to provide water to the subdivided parcel will be at the landowner’s cost.

A Service Fee of \$100.00 plus GST will apply.”

(i) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“Reference your file to create a country residential parcel at the above noted location.

Alberta Transportation’s primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway system.

To that end, the proposal is to create an undeveloped single country residential parcel of land from an unsubdivided quarter section and is to be located at least 300 metres from the right-of-way of a highway. As such, this application is in accordance with Section 14(c) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).

As this application complies with said Section 14(c) and access to the proposed parcel and the remnant lands is to be by a means other than a highway, Section 15(3) of the regulation applies.

Notwithstanding the foregoing, the applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is not within the noted control lines and given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance a permit from Alberta Transportation will not be required and development of the country residential parcel could proceed under the direction, control and management of Lethbridge County. The applicant could contact the undersigned, at Lethbridge 403/382-4052, in this regard.

Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

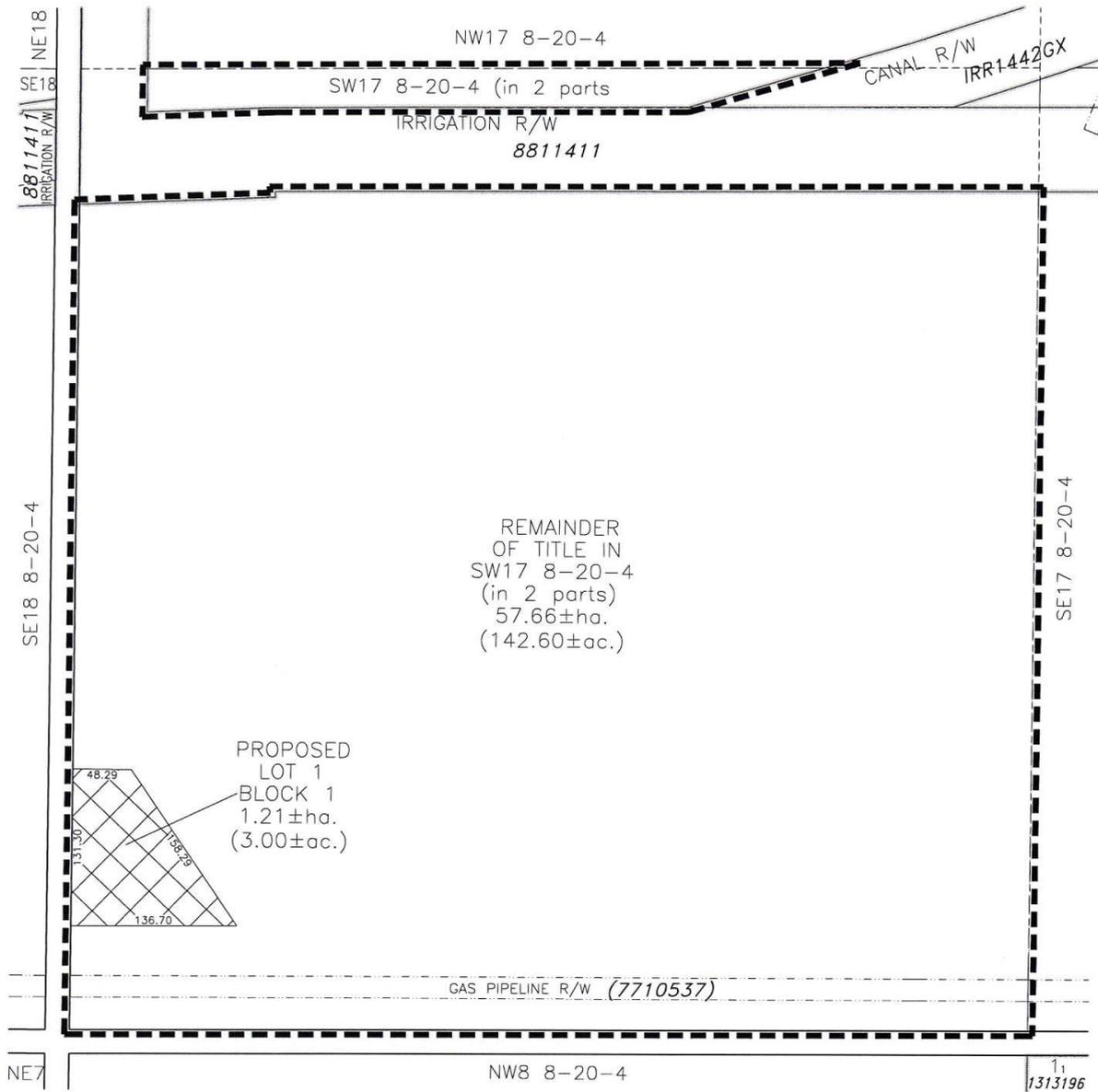
Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.”

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MOVER

\_\_\_\_\_  
REEVE

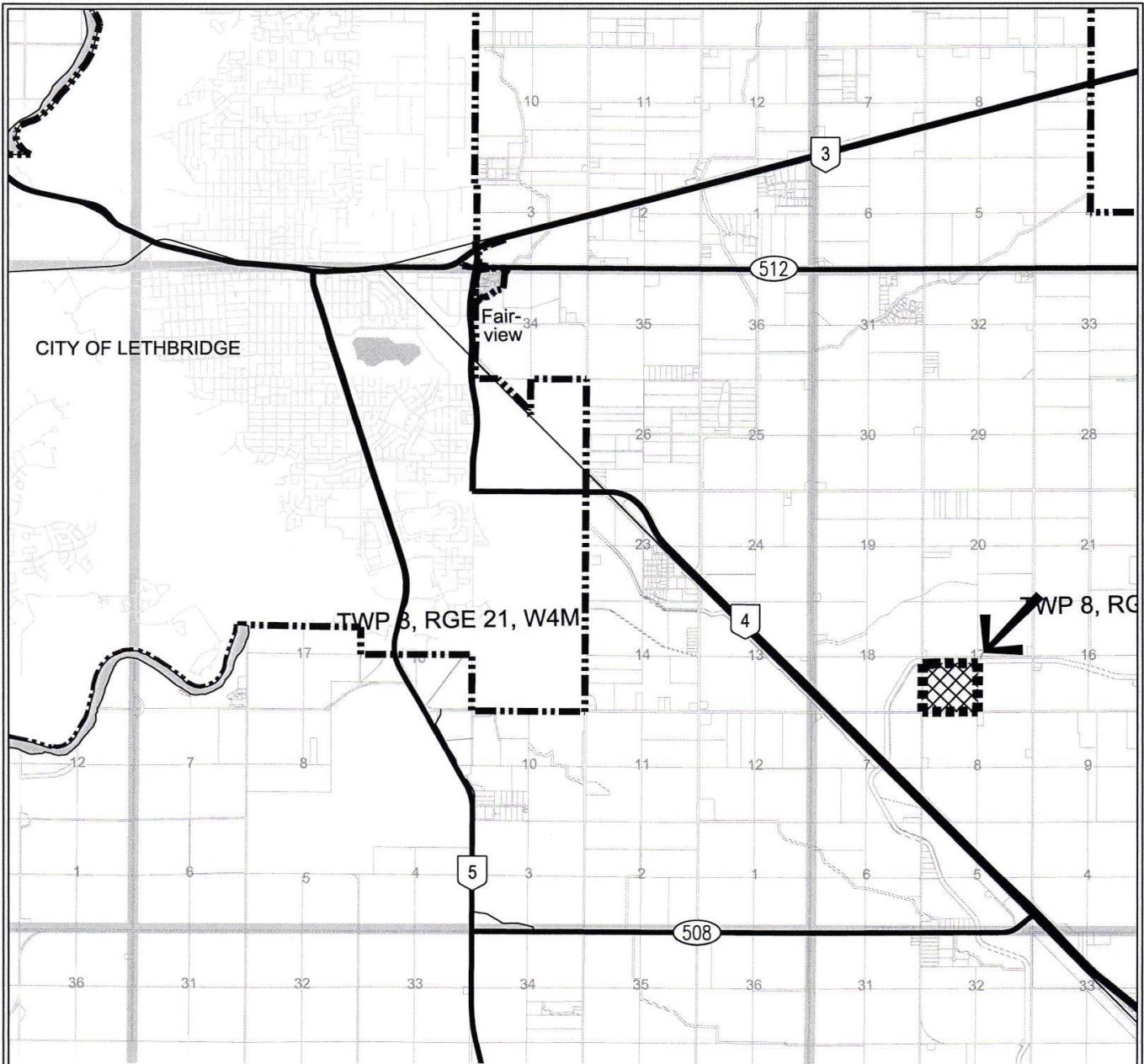
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DATE



**SUBDIVISION SKETCH**

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-15016T  
 SW 1/4 SEC 17, TWP 8, RGE 20, W 4 M  
 MUNICIPALITY: LETHBRIDGE COUNTY  
 DATE: NOVEMBER 13, 2020  
 FILE No: 2020-0-141





**SUBDIVISION LOCATION SKETCH**  
**SW 1/4 SEC 17, TWP 8, RGE 20, W 4 M**  
**MUNICIPALITY: LETHBRIDGE COUNTY**  
**DATE: NOVEMBER 13, 2020**  
**FILE No: 2020-0-141**

MAP PREPARED BY:  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3105 10th AVENUE NORTH, LETHBRIDGE, AB T1H 1K6  
 "NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"



November 13, 2020 **Page 1 of 28** 2020-0-141.dwg



**SUBDIVISION SKETCH**

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-15016T  
 SW 1/4 SEC 17, TWP 8, RGE 20, W 4 M  
 MUNICIPALITY: LETHBRIDGE COUNTY  
 DATE: NOVEMBER 13, 2020  
 FILE No: 2020-0-141



**AERIAL PHOTO DATE: 2018**



# AGENDA ITEM REPORT



**Title:** Subdivision Application #2020-0-149 – Skiba  
- SE¼ 20-12-24-W4M

**Meeting:** Council Meeting - 13 Jan 2021

**Department:** ORRSC

**Report Author:** Steve Harty

## APPROVAL(S):

Hilary Janzen, Supervisor of Planning & Development  
Larry Randle, Director of Community Services,  
Ann Mitchell, Chief Administrative Officer,

Approved - 23 Dec 2020  
Approved - 04 Jan 2021  
Approved - 04 Jan 2021

## STRATEGIC ALIGNMENT:

 <input checked="" type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>
Outstanding Quality of Life	Effective Governance and Service Delivery	Prosperous Agricultural Community	Vibrant and Growing Economy	Strong Working Relationships

## EXECUTIVE SUMMARY:

The application is to subdivide a 6.92 acre first parcel-out farmstead subdivision from a title of 160.00 acres for country residential use. The proposal meets the subdivision criteria of the Land Use Bylaw.

## RECOMMENDATION:

That S.D. Application #2020-0-149 be approved subject to the conditions as outlined in the draft resolution.

## PREVIOUS COUNCIL DIRECTION / POLICY:

- The proposal is eligible for subdivision consideration as a first parcel-out farm yard subdivision as per the policies of Land Use Bylaw No. 1404.
- The proposal complies with the subdivision criteria of Land Use Bylaw No. 1404, and the proposed parcel size conforms to the bylaw's required minimum 2.0 acres and not to exceed 10 acres maximum in size.
- Site servicing criteria is met: Water is provided by a private on-site water well located within a shed house south of the dwelling. The residence has an individual on-site private septic evaporation field also situated south of the dwelling and it will remain within the confines of the yard title once subdivided. Access is provided by the east municipal road allowance.
- There are no abandoned gas wells or confined feeding operation (CFO) located in proximity of this proposal.

## BACKGROUND INFORMATION:

Located ½-mile south of Highway 520 and approximately 6½-miles west of the Village of Barons. The proposal is to create a separate title to an existing long-established farm yard in the northeast corner of the ¼-section.

The parcel configuration is angled on the southwest to account for a future irrigation pivot system on the agricultural portion. The residential yard contains a dwelling, shop, multiple sheds and tree/shrub shelter belts. The proposed layout and size includes 200 feet of undeveloped land between the main yard area and the ¼-section line to the north. This area is non-cultivated land and is included into the yard title to square-it off to the ¼-section line. It also conforms to the bylaw subdivision policy that recommends in instances where the subdivision of a title may result in creating a strip of remnant land less than 100 m (328 ft.) in width between the property line and the adjacent ¼-section line, the parcel should be squared-off and extended to the ¼-section. Some grain bins and shelter belt vegetation situated in the southwest portion of the yard area will be excluded from the title and remain on the remnant agricultural land title. There will be no physical encroachments created with the angled property line as proposed.

Overall, the proposal meets the criteria of the County's Land Use Bylaw No. 1404 for a first parcel-out farmstead subdivision.

The application was circulated to the required external agencies and no concerns were expressed regarding the application. No utility easements are requested (at time of agenda report).

**ALTERNATIVES / PROS / CONS:**

The proposal complies with all the subdivision criteria, but the Subdivision Authority may make a determination on the suitability of including the 200 feet of undeveloped land at the north end or eliminate it from the approved parcel configuration.

**FINANCIAL IMPACT:**

None, and the tax situation will remain as is.

**REASON(S) FOR RECOMMENDATION(S):**

The proposed subdivision meets the provincial Subdivision and Development Regulations and the municipal subdivision policies for a first parcel-out subdivision as stated in the Land Use Bylaw.

**ATTACHMENTS:**

[5A Lethbridge County 2020-0-149 Approval Subdivision Drawings 2020-0-149](#)

## RESOLUTION

2020-0-149

**Lethbridge County**                      **Country Residential** subdivision of SE1/4 20-12-24-W4M

THAT the Country Residential subdivision of SE1/4 20-12-24-W4M (Certificate of Title No. 201 213 042), to create a 6.92 acre (2.80 ha) farm yard parcel title from a previously unsubdivided ¼-section of 160 acres (64.75 ha) for country residential use; BE APPROVED subject to the following:

### CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the applicant submits a final plan of survey as prepared by an Alberta Land Surveyor that certifies the exact location and dimensions of the parcel being subdivided as approved.
4. That any easement(s) as required by utility companies or the municipality shall be established.
5. That the applicant, at their expense, is responsible for meeting any requirements or conditions of the Director of Historical Resources Administrator, if required.

### REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed parcel is the first subdivision from the quarter section and is determined to be suitable for the intended purpose. The proposed 6.92 acre parcel size complies with Lethbridge County's Land Use Bylaw parcel size requirements.

### INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Telus Communications has no objections.
- (e) Alberta Health Services has no objections.
- (f) Canada Post has no comment.

2020-0-149  
Page 1 of 2

(g) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“Reference your file to create a country residential/farmstead parcel at the above noted location.

Alberta Transportation’s primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway system.

The proposal is to create a single parcel of land from an unsubdivided quarter section to accommodate an existing residence and related improvements. As such, this application is in accordance with Section 14(b) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).

As this application complies with said Section 14(b) and access to the proposed parcel and the remnant lands is to be by a means other than a highway, Section 15(3) of the regulation applies.

Notwithstanding the foregoing, the applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is not within the noted control lines and given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance a permit from Alberta Transportation will not be required and development of the country residential/farmstead parcel could proceed under the direction, control and management of the county. The applicant could contact the undersigned, at Lethbridge 403/382-4052, in this regard.

Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

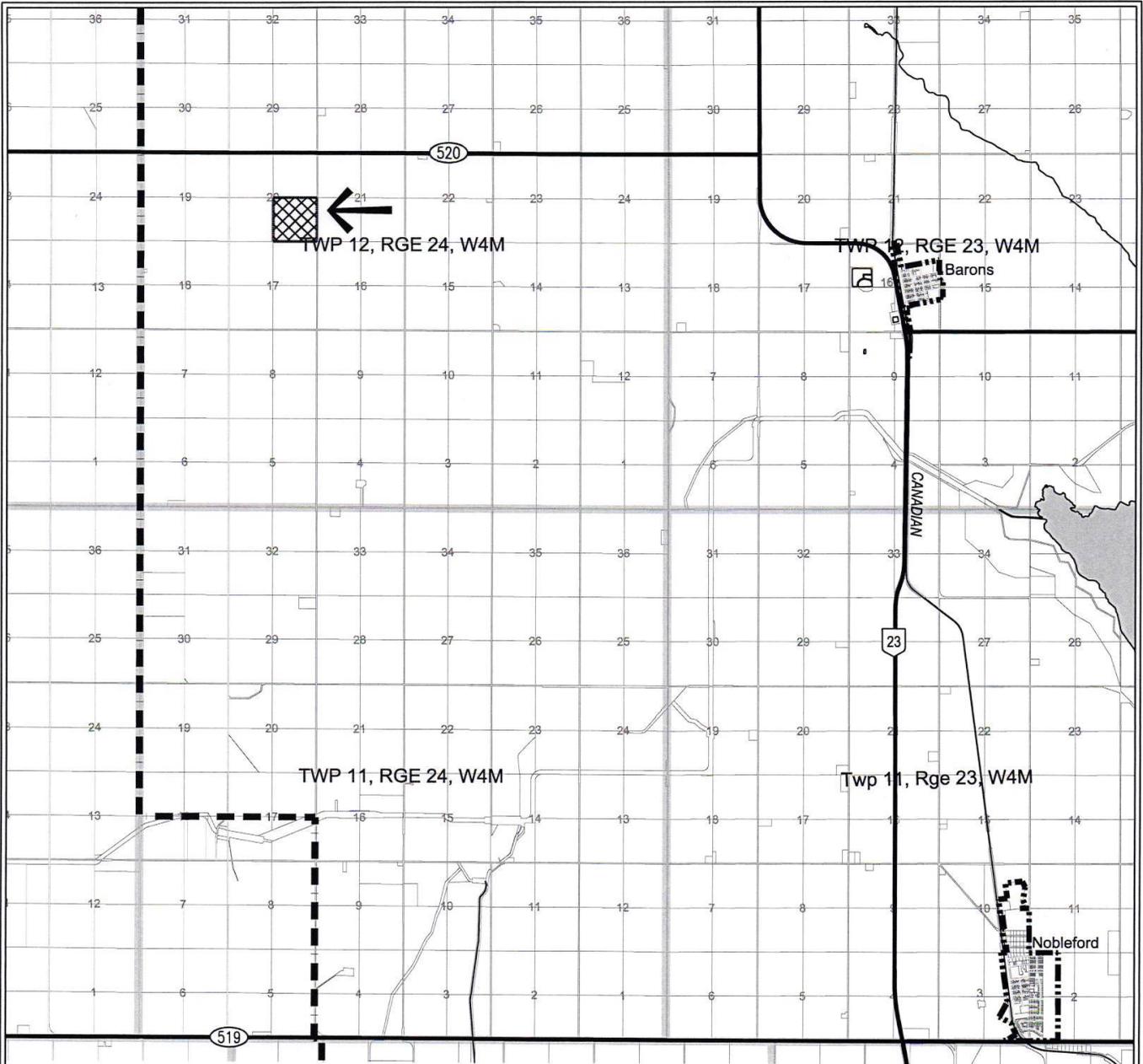
Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.”

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REEVE

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DATE

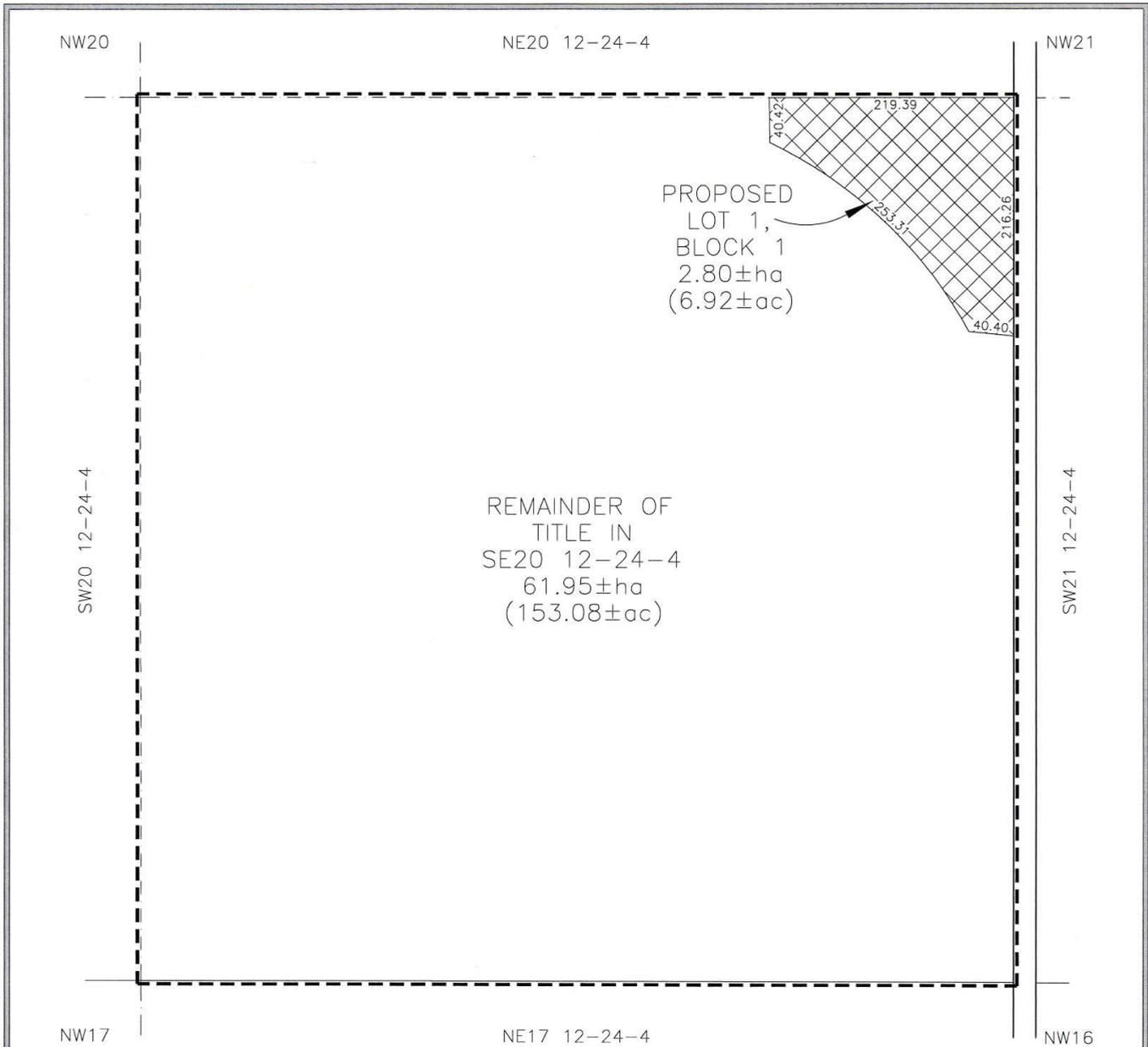


**SUBDIVISION LOCATION SKETCH**  
**SE 1/4 SEC 20, TWP 12, RGE 24, W 4 M**  
**MUNICIPALITY: LETHBRIDGE COUNTY**  
**DATE: NOVEMBER 26, 2020**  
**FILE No: 2020-0-149**

MAP PREPARED BY:  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3100 10th AVENUE NW/OK, LETHBRIDGE, AB T1V 2E9  
 \*NOT RESPONSIBLE FOR ERRORS OR OMISSIONS\*



November 26, 2020 No. Subdivision 2020-0-149.dwg  
 Page 5 of 8



**SUBDIVISION SKETCH**

*See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-15022T*

**SE 1/4 SEC 20, TWP 12, RGE 24, W 4 M**

**MUNICIPALITY: LETHBRIDGE COUNTY**

**DATE: NOVEMBER 26, 2020**

**FILE No: 2020-0-149**





**SUBDIVISION SKETCH**

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-15022T

**SE 1/4 SEC 20, TWP 12, RGE 24, W 4 M**

**MUNICIPALITY: LETHBRIDGE COUNTY**

**DATE: NOVEMBER 26, 2020**

**FILE No: 2020-0-149**

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

November 26, 2020 N:\Subdivision\2020\2020-0-149.dwg



# AGENDA ITEM REPORT



**Title:** Subdivision Application #2020-0-131 – Deleeuw  
- portion of NE1/4 16-11-21-W4M  
**Meeting:** Council Meeting - 13 Jan 2021  
**Department:** ORRSC  
**Report Author:** Steve Harty

## APPROVAL(S):

Hilary Janzen, Supervisor of Planning & Development	Approved - 23 Dec 2020
Larry Randle, Director of Community Services,	Approved - 04 Jan 2021
Ann Mitchell, Chief Administrative Officer,	Approved - 06 Jan 2021

## STRATEGIC ALIGNMENT:



Outstanding Quality of Life



Effective Governance and Service Delivery



Prosperous Agricultural Community



Vibrant and Growing Economy



Strong Working Relationships

## EXECUTIVE SUMMARY:

The application is to reconfigure two adjacent titles by subdividing 4.97-acres from a 9.74-acre yard parcel, and then consolidating it to the south 4.87-acre title, thereby creating an enlarged title of 9.84-acres in size, for country residential use. The proposal meets the subdivision criteria of the Land Use Bylaw.

## RECOMMENDATION:

That S.D. Application #2020-0-131 be approved subject to the conditions as outlined in the draft resolution.

## PREVIOUS COUNCIL DIRECTION / POLICY:

- The proposal is eligible for subdivision consideration as a reconfiguration/ realignment of titles, with no additional titles being created above what presently exist.
- The resulting new 9.84 and 4.77-acre parcel sizes both comply with the maximum and minimum parcel sizes allowed in accordance with the County Land Use Bylaw No. 1404 and the subdivision policies.
- The Subdivision Authority approval will contain a condition that the applicant must submit a final plan of survey as prepared by a certified Alberta Land Surveyor to amalgamate (consolidate) the 4.97-acres portion of land into the adjacent parcel to ensure no additional title is created.
- As the titles being reconfigured are two existing adjacent acreage lots, this type of subdivision is a discretionary consideration as the Subdivision Authority must be satisfied the property boundary realignment results in a logical parcel configuration.

**BACKGROUND INFORMATION:**

Located approximately 2-miles north of the Town of Picture Butte, 1-mile west of Highway 25. The proposal is to accommodate a land swap between two adjacent parcels owned by the same landowner.

Both existing titles currently contain yards with residences. The rear west portion of the larger north lot being subdivided is vacant undeveloped pasture land and the owner desires to amalgamate this 4.97-acres of grassland to the title to the south, enlarging it to 9.84-acres. This will result in an L-shaped parcel configuration. Although perhaps not ideal, the two resulting parcels are large and there is lots of space to accommodate access and development. The owner has a tentative purchase offer pending for the remnant 4.77-acres once subdivided. The larger north lot being subdivided has its dwelling situated at the very north-end and it's septic field is situated to the west but will remain within the yard title once subdivided. Both existing parcels have access to the east municipal road and this will not change with the reconfiguration.

The proposal is eligible for subdivision consideration in accordance with the County's subdivision criteria as a reconfiguration/realignment of titles. The subdivision and consolidation process will result in there being no extra or additional title created, as the applicant starts with two titles and will end-up with two titles, only the parcel sizes and configuration will be different.

Overall, the proposal meets the criteria of the County's Land Use Bylaw No. 1404 for a reconfiguration of titles subdivision.

The application was circulated to the required external agencies and no concerns or objections were expressed regarding the application. No easements are requested (at time of agenda preparation).

**ALTERNATIVES / PROS / CONS:**

Although the application complies with the technical subdivision criteria, the Subdivision Authority could refuse to approve the application if they are not satisfied the resulting parcel rearrangement is logical. Such a decision could be appealed to the local SDAB.

**FINANCIAL IMPACT:**

Nothing will change regarding the current tax situation. However, the County will receive a Municipal Reserve (MR) payment regarding the current tax situation. However, the County will receive a Municipal Reserve (MR) payment calculated at \$20,000 per acre applicable on the 4.97-acre portion being subdivided/consolidated. This is for the reason it was not previously provided for this parcel when it was created in 1926. The lot being consolidated to (Lot 1, Plan 9311758) did provide a MR payment when it was created in 1993. (The remnant portion would be categorized as the first parcel out portion and exempt from MR in accordance with Section 663(a) of the MGA.)

**REASON(S) FOR RECOMMENDATION(S):**

The proposed subdivision meets the provincial Subdivision and Development Regulations and the municipal subdivision policies as stated in the Land Use Bylaw.

**ATTACHMENTS:**

[5A Lethbridge County 2020-0-131 APPROVAL](#)  
[Subdivision Diagrams 2020-0-131](#)

## RESOLUTION

2020-0-131

**Lethbridge County**                      **Country Residential** subdivision of NE1/4 16-11-21-W4M

THAT the Country Residential subdivision of NE1/4 16-11-21-W4M (Certificate of Title No. 151 303 784), to reconfigure two adjacent titles by subdividing 4.97-acres (2.01 ha) from a 9.74-acre (3.94 ha) yard parcel, and then consolidate it to the south 4.87-acre (1.97 ha) title, thereby creating an enlarged title of 9.84-acres (3.98 ha) in size, for country residential use; BE APPROVED subject to the following:

**RESERVE:** Pursuant to Sections 663 of the MGA, the payment of Municipal Reserve (MR) is applicable on the 4.97-acre portion being subdivided and consolidated as cash-in-lieu payment to Lethbridge County in the amount of \$20,000.00 per acre, with the final amount to be determined at the final stage for reserve purposes.

### CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the titles and portions of land to be subdivided and consolidated (with a portion of the NE 16-11-21-W4M [C of T 171020817] being consolidated with Lot 1, Plan 9311758 [C of T 051309239]) to reconfigure the land titles, are to be done by a plan prepared by a certified Alberta Land Surveyor in a manner such that the resulting titles cannot be further subdivided without approval of the Subdivision Authority.
4. That any easement(s) as required by utility companies or the municipality shall be established.

### REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority is satisfied that the subdivision and consolidation process will result in there being no extra or additional title created, as the applicants start with two titles and will end-up with two titles, only the parcel sizes and configuration will be different.
4. No objections have been received on the application and the proposal meets the criteria of the County's Land Use Bylaw for a property reconfiguration/realignment subdivision.

### INFORMATIVE:

- (a) Municipal Reserve (MR) was not previously provided for this parcel as it was created in 1926. The remnant portion would be categorized as the first parcel out portion and exempt from MR in accordance with Section 663(a) of the MGA but the payment of MR is applicable on the 4.97-acre portion being subdivided and consolidated. The lot being consolidated to (Lot 1, Plan 9311758) did provide a Reserve payment when it and the adjacent south lot were created in 1993.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.

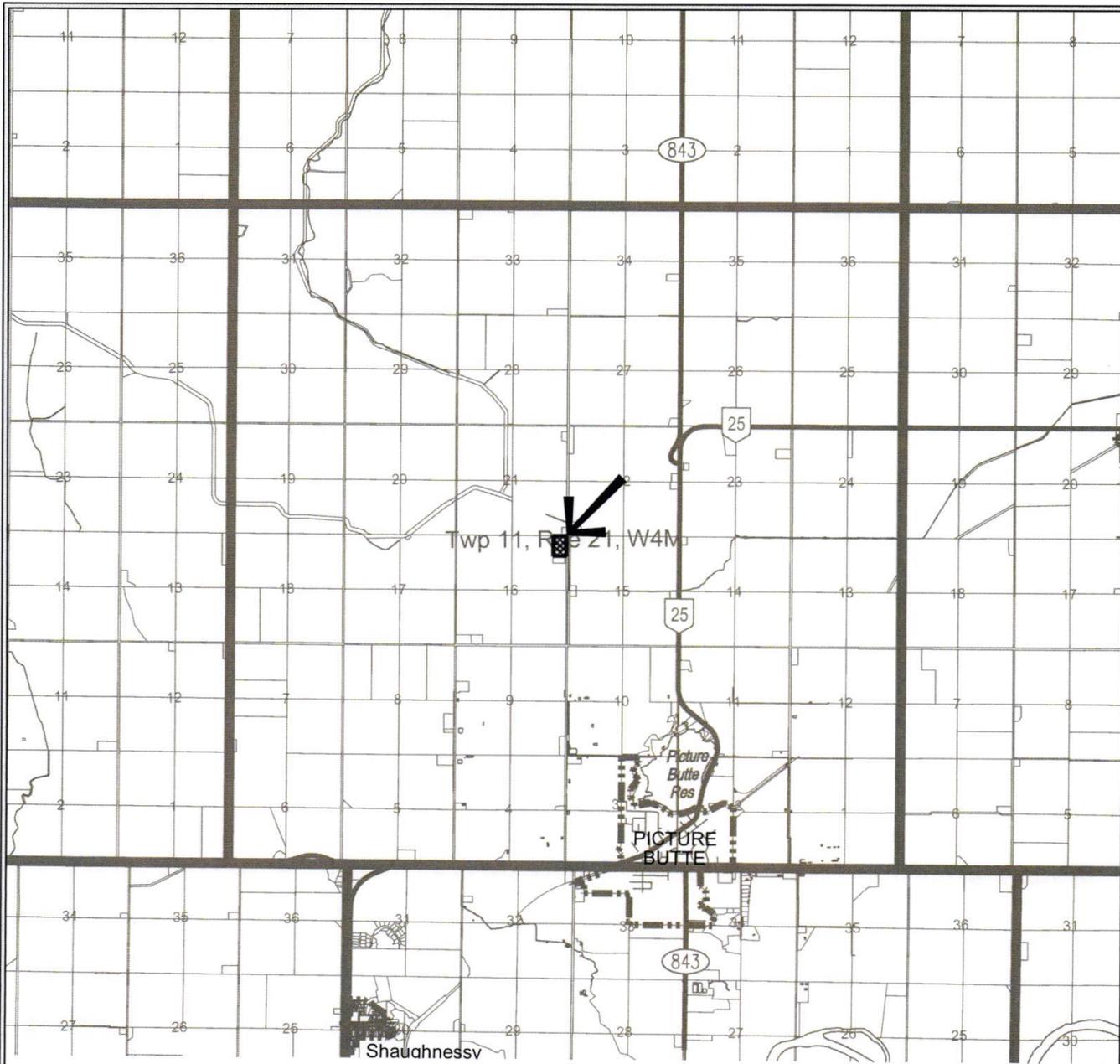
2020-0-131  
Page 1 of 2

- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) ATCO Transmission high pressure pipelines has no objections. Questions or concerns can be forwarded to [hp.circulations@atco.com](mailto:hp.circulations@atco.com).
- (e) Canada Post has no comment.

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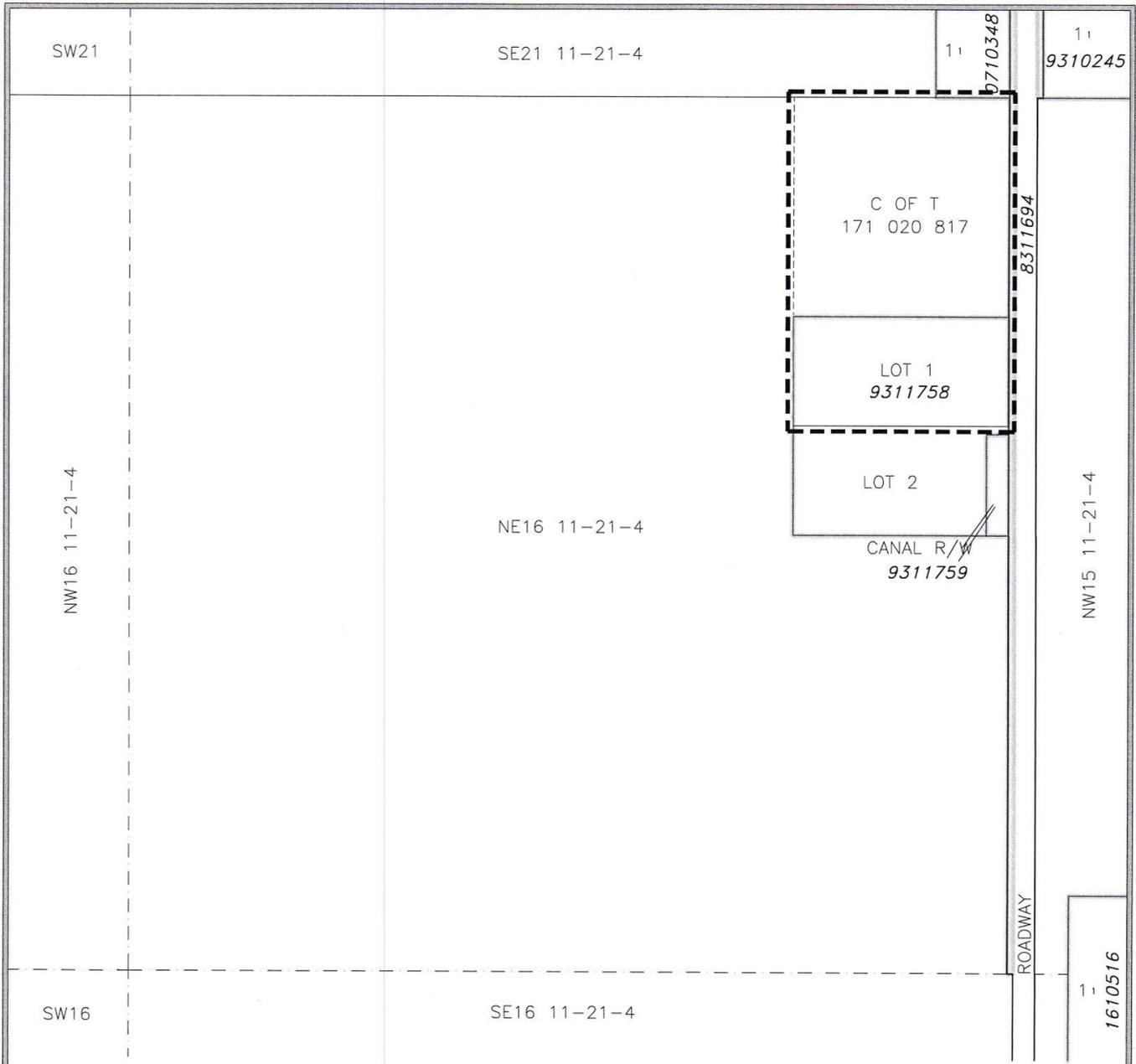


**SUBDIVISION LOCATION SKETCH**  
**LOT 1; PLAN 9311758 &**  
**PORTION OF NE 1/4 SEC 16, TWP 11, RGE 21, W 4 M**  
**MUNICIPALITY: LETHBRIDGE COUNTY**  
**DATE: NOVEMBER 4, 2020**  
**FILE No: 2020-0-131**

MAP PREPARED BY:  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3000 50th AVENUE NORTH, LETHBRIDGE, AB T1V 1B5  
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS

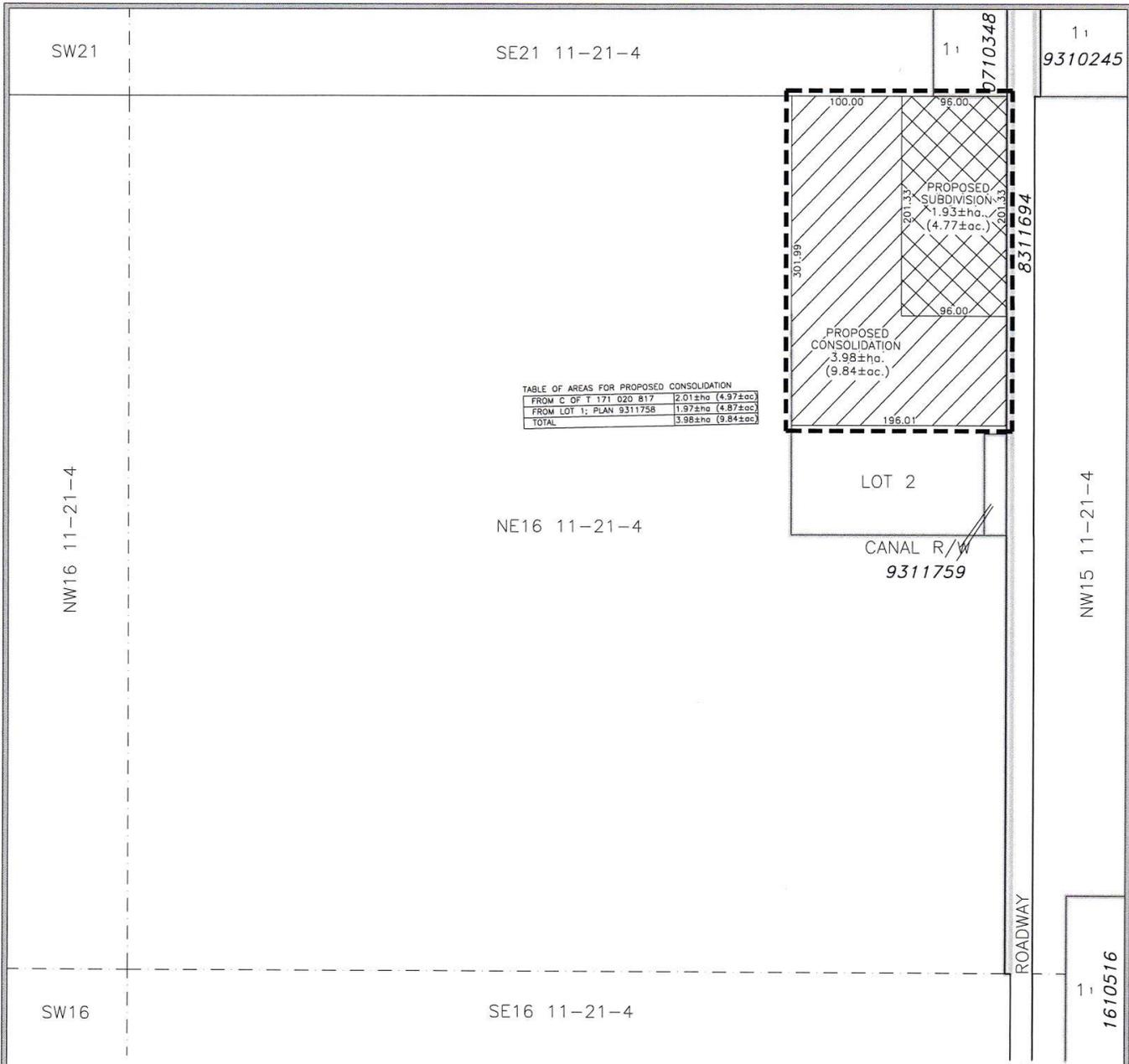


**OLDMAN RIVER REGIONAL SERVICES COMMISSION**  
 November 05, 2020 NRS-Subdiv-2020-0-131.dwg



**SUBDIVISION SKETCH - EXISTING**  
 LOT 1; PLAN 9311758 &  
 PORTION OF NE 1/4 SEC 16, TWP 11, RGE 21, W 4 M  
 MUNICIPALITY: LETHBRIDGE COUNTY  
 DATE: NOVEMBER 4, 2020  
 FILE No: 2020-0-131





**SUBDIVISION SKETCH - PROPOSED**  
 LOT 1; PLAN 9311758 &  
 PORTION OF NE 1/4 SEC 16, TWP 11, RGE 21, W 4 M  
 MUNICIPALITY: LETHBRIDGE COUNTY  
 DATE: NOVEMBER 4, 2020  
 FILE No: 2020-0-131





TABLE OF AREAS FOR PROPOSED CONSOLIDATION

TRACT OR LOT	AREA (AC)	AREA (± AC)
TRACT 10-41-1 PLAN 9311758	1.93±	(4.77± ac)
TRACT 10-41-1 PLAN 9311758	3.08±	(9.84± ac)
TRACT 10-41-1 PLAN 9311758	1.93±	(4.77± ac)
TRACT 10-41-1 PLAN 9311758	1.93±	(4.77± ac)
TRACT 10-41-1 PLAN 9311758	1.93±	(4.77± ac)

**SUBDIVISION SKETCH - PROPOSED**  
 LOT 1; PLAN 9311758 &  
 PORTION OF NE 1/4 SEC 16, TWP 11, RGE 21, W 4 M  
 MUNICIPALITY: LETHBRIDGE COUNTY  
 DATE: NOVEMBER 4, 2020  
 FILE No: 2020-0-131

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 100 200 300 400 Metres

November 10, 2020 No. Subdivision: 2020-0-131.dwg

AERIAL PHOTO DATE: 2018

# AGENDA ITEM REPORT



**Title:** Subdivision Application #2020-0-155 – Postman  
- SW¼ 25-10-24-W4M  
**Meeting:** Council Meeting - 13 Jan 2021  
**Department:** ORRSC  
**Report Author:** Steve Harty

## APPROVAL(S):

Hilary Janzen, Supervisor of Planning & Development Approved - 04 Jan 2021  
Larry Randle, Director of Community Services, Approved - 04 Jan 2021  
Ann Mitchell, Chief Administrative Officer, Approved - 06 Jan 2021

## STRATEGIC ALIGNMENT:



Outstanding Quality of Life



Effective Governance and Service Delivery



Prosperous Agricultural Community



Vibrant and Growing Economy



Strong Working Relationships

## EXECUTIVE SUMMARY:

The purpose of this application is to subdivide a 10.64 acre first parcel-out farmstead subdivision from a title of 160 acres for country residential use.

## RECOMMENDATION:

That S.D. Application #2020-0-155 be approved subject to the conditions and parcel size waiver as outlined in the draft resolution.

## PREVIOUS COUNCIL DIRECTION / POLICY:

- The proposal is eligible for subdivision consideration as a first parcel-out farm yard subdivision as per the policies of Land Use Bylaw No. 1404.
- The proposal would require a parcel size waiver as it does not comply with the subdivision criteria of Land Use Bylaw No. 1404. The proposed 10.64 acres slightly exceeds the bylaw's maximum 10 acre size requirement.
- Site servicing criteria is met: Water is provided by the Lethbridge North County Potable Water Co-op and sewage is treated by an individual on-site septic field system. Access is provided from the south municipal road allowance with an approach in place.
- There are no abandoned gas wells or confined feeding operation (CFO) located in proximity to this proposal where the MDS will be infringed upon. The farmstead subdivision well exceeds any applicable MDS to the closest CFO in the area.

## BACKGROUND INFORMATION:

Located approximately 2½-miles north of the Hamlet of Monarch, 2-miles west of Highway 23 and 1½-miles south of Highway 519. The proposal is to accommodate the subdivision of an existing well established farmstead, located in the very southwest corner of the ¼-section.

The yard area contains a dwelling, large Quonset, barn, dugout, multiple grain bins and sheds. There is an extensive tree shelterbelt on the east and north sides and to the immediate west of the main yard area. The proposed yard size is based on incorporating the treeline at the northeast perimeter of the yard and then running the property line straight west to the road allowance to create a rectangular shaped parcel. The west undeveloped land area proposed to be included in the yard subdivision is separate and fenced from the cultivated agricultural land to the north.

As a first parcel-out farmstead subdivision this application conforms to the subdivision eligibility and siting criteria, but the applied for 10.64 acre parcel size requires a waiver as it slightly exceeds the County's maximum 10.0 acre parcel size requirement.

The application was circulated to the required external agencies and no concerns were expressed regarding the application. No utility easements are requested (at time of agenda report).

**ALTERNATIVES / PROS / CONS:**

The Subdivision Authority will need to determine the merits of the proposed farmstead parcel size and if not deemed rationale, a condition may be imposed on the approval to reduce the final parcel size so as not to exceed 10.0 acres.

**FINANCIAL IMPACT:**

None, and the tax situation will remain as is.

**REASON(S) FOR RECOMMENDATION(S):**

The proposal as a first parcel-put subdivision meets the provincial Subdivision and Development Regulations, and with consideration for the existing yard improvements and parcel configuration, conforms to the municipal subdivision policies in the Land Use Bylaw with the granting of a minor parcel size waiver.

**ATTACHMENTS:**

[5A Lethbridge County 2020-0-155 Approval](#)  
[Subdivision Drawings 2020-0-155](#)

## RESOLUTION

2020-0-155

**Lethbridge County**                      **Country Residential** subdivision of SW1/4 25-10-24-W4M

THAT the Country Residential subdivision of SW1/4 25-10-24-W4M (Certificate of Title No. 201 039 589 +1), to subdivide a 10.64 acre (4.31 ha) first parcel out farmstead subdivision from a title of 160 acres (64.75 ha) for country residential use; BE APPROVED subject to the following:

### CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the applicant provides a final subdivision Plan from an Alberta Land Surveyor that corresponds to the parcel layout and size as approved by the Subdivision Authority.
4. That any easement(s) as required by utility agencies shall be established prior to finalization of the application.

### REASONS:

1. The proposed subdivision, with the parcel size waiver granted in accordance with section 654(2) of the MGA, is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority has considered and granted a small parcel size waiver request based on the individual merits of the applied for 10.64 acre parcel size, due to the treeline and desire to create a rectangular shaped yard parcel.
4. The Subdivision Authority is satisfied no concerns or objections have been received, and the proposed parcel is the first subdivision from the quarter-section.

### INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) The Subdivision Authority has granted a parcel size waiver in accordance with section 654(2) of the MGA based on the merits of the application.
- (c) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (d) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (e) Telus Communications Inc. has no objections.

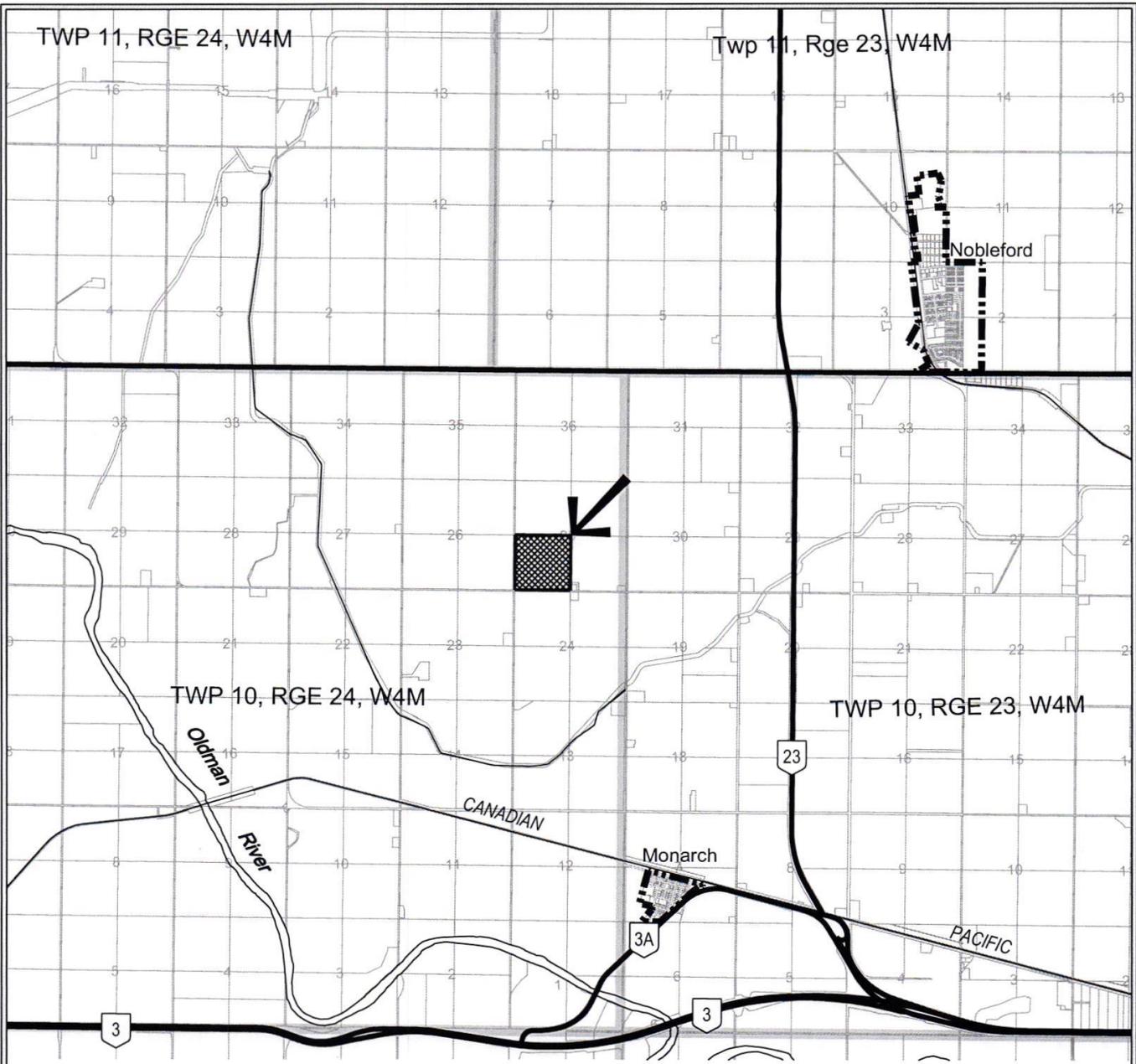
2020-0-155  
Page 1 of 2

- (f) ATCO Transmission high pressure pipelines has no objections. Questions or concerns can be forwarded to [hp.circulations@atco.com](mailto:hp.circulations@atco.com).
- (g) Canada Post has no comment.

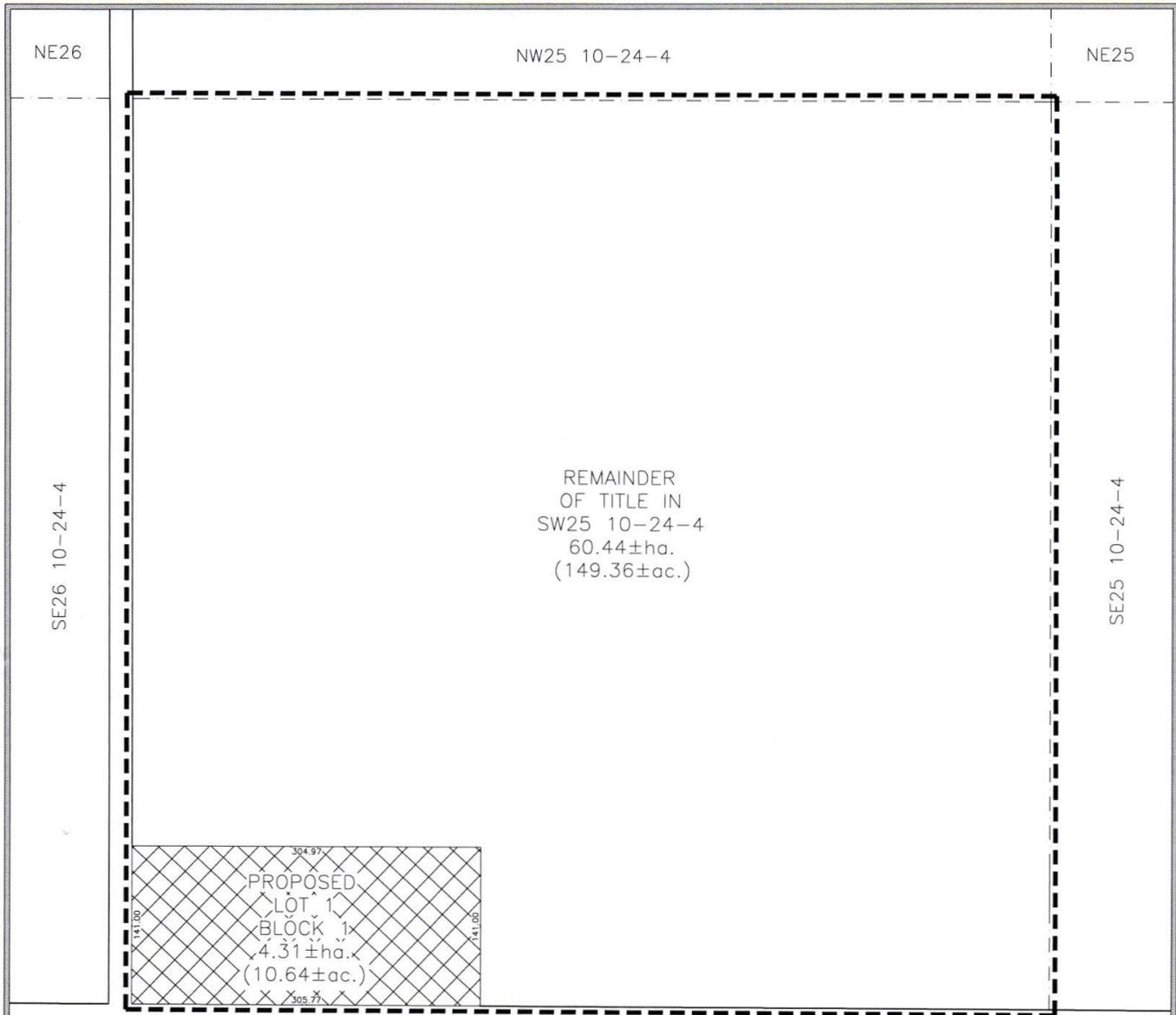
\_\_\_\_\_  
MOVER

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REEVE

\_\_\_\_\_  
DATE



**SUBDIVISION LOCATION SKETCH**  
 SW 1/4 SEC 25, TWP 10, RGE 24, W 4 M  
 MUNICIPALITY: LETHBRIDGE COUNTY  
 DATE: DECEMBER 8, 2020  
 FILE No: 2020-0-155



NE26

NW25 10-24-4

NE25

SE26 10-24-4

REMAINDER  
OF TITLE IN  
SW25 10-24-4  
60.44±ha.  
(149.36±ac.)

SE25 10-24-4



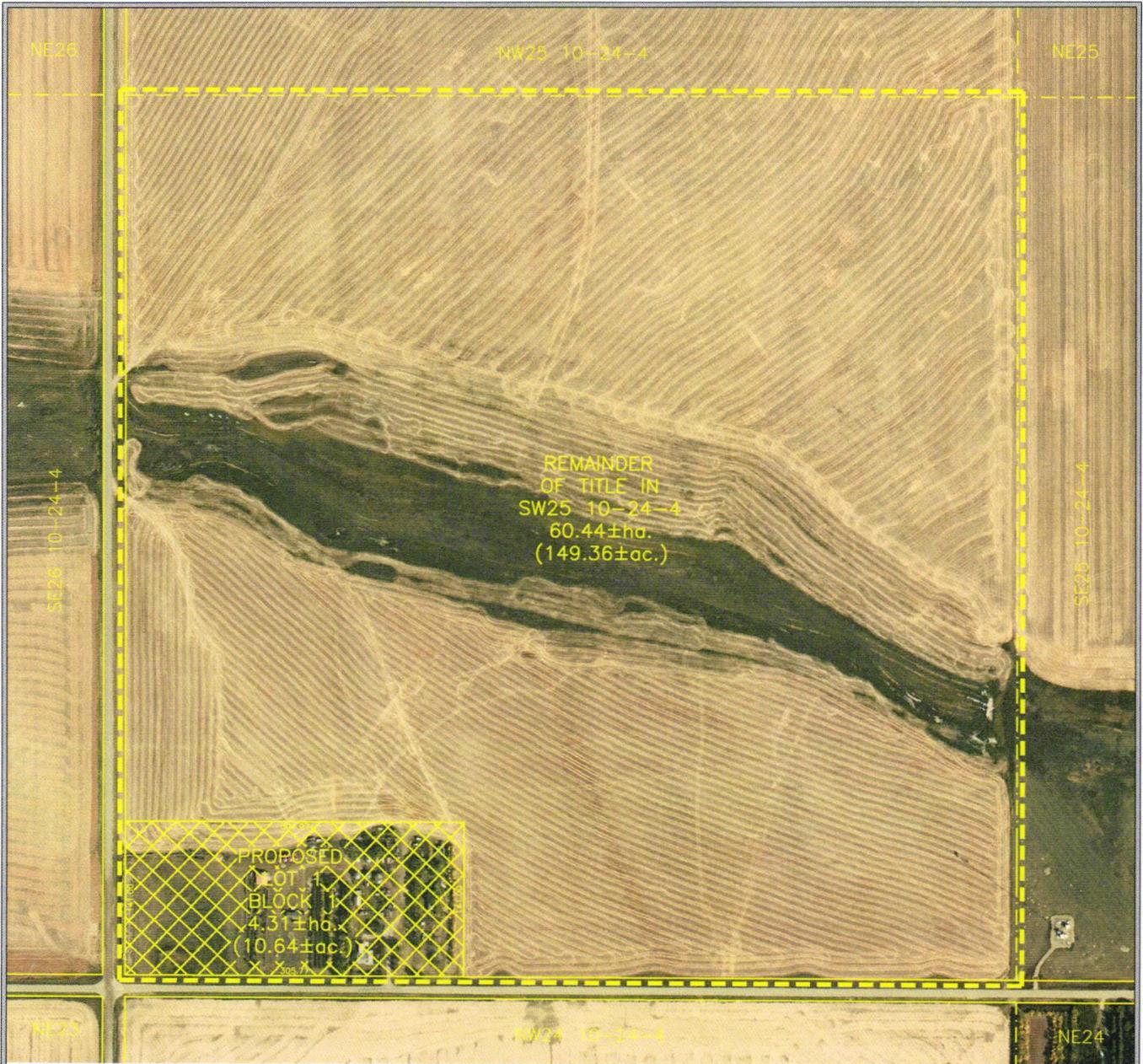
NE23

NW24 10-24-4

NE24

**SUBDIVISION SKETCH**  
**SW 1/4 SEC 25, TWP 10, RGE 24, W 4 M**  
**MUNICIPALITY: LETHBRIDGE COUNTY**  
**DATE: DECEMBER 8, 2020**  
**FILE No: 2020-0-155**





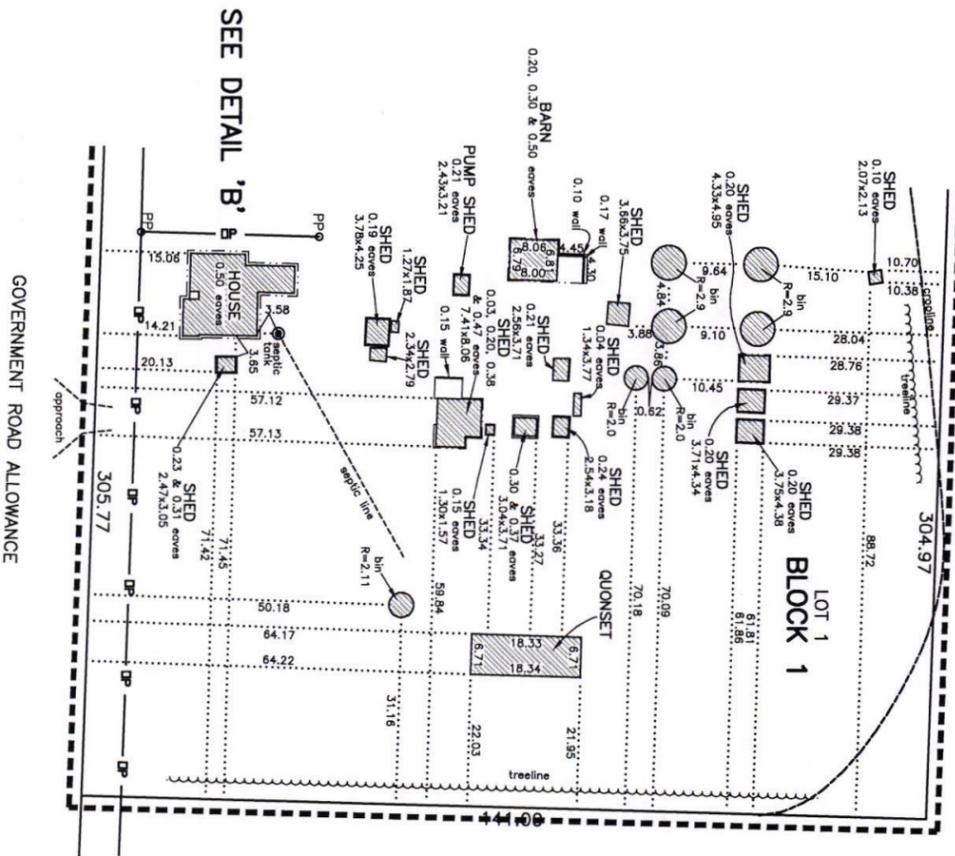
**SUBDIVISION SKETCH**  
 SW 1/4 SEC 25, TWP 10, RGE 24, W 4 M  
 MUNICIPALITY: LETHBRIDGE COUNTY  
 DATE: DECEMBER 8, 2020  
 FILE No: 2020-0-155

OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 0 Metres 100 200 300 400  
 December 08, 2020 Page 7 of 8 2020-0-155.dwg



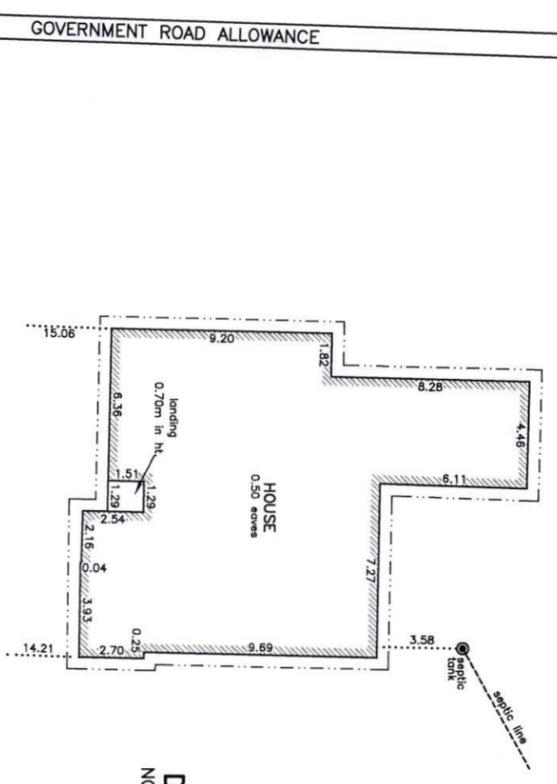
AERIAL PHOTO DATE: 2018

S.W.1/4 SEC. 25 - 10 - 24 - 4



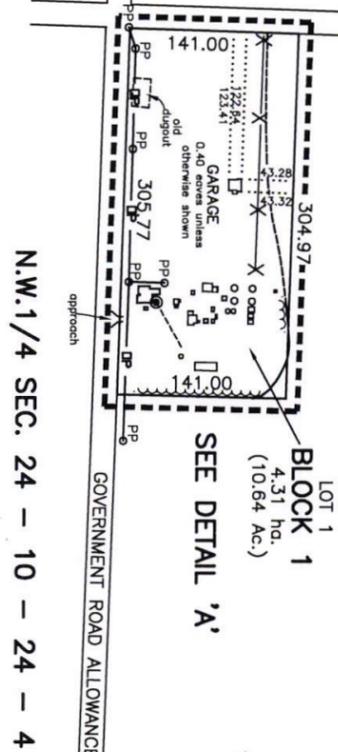
DETAIL 'A'  
SCALE: 1:1000

S.E.1/4 SEC. 26 - 10 - 24 - 4



DETAIL 'B'  
NOT TO SCALE

S.E.1/4 SEC. 25 - 10 - 24 - 4



S.W.1/4 SEC. 24 - 10 - 24 - 4

N.W.1/4 SEC. 25 - 10 - 24 - 4

15

NO.	REVISION	DATE	BY
	Improvements shown were surveyed on November 17th & 19th, 2020		
	NOTE : Portion to be approved is outlined thus  and contains approximately 4.31 ha.		
	Distances are in metres and decimal parts thereof.		
	Overhead line is shown thus		
	PP stands for utility pole.		
	Fence lines are shown thus		
	Distances and areas are approximate and are subject to change upon final survey.		

**LYNNETTE POSTMAN**  
TENTATIVE PLAN SHOWING SUBDIVISION  
of part of  
S.W.1/4 SEC. 25; TWP. 10; RGE. 24; W.4 M.  
LETHBRIDGE COUNTY

**boa** brown okamura & associates ltd.  
Professional Surveyors  
2830 - 12th Avenue North, Lethbridge, Alberta

APPROVED	
DRAWN	CJB
CHECKED	DJA
SCALE	1:5000
DATE	NOV. 30/20
JOB	20-15000
DRAWING	20-15000T

D. J. Amantea, A.L.S.

# AGENDA ITEM REPORT



**Title:** County Land Purchase  
**Meeting:** Council Meeting - 13 Jan 2021  
**Department:** Community Services  
**Report Author:** Larry Randle

## APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 16 Dec 2020

## STRATEGIC ALIGNMENT:



Outstanding Quality of Life



Effective Governance and Service Delivery



Prosperous Agricultural Community



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Strong Working Relationships

## EXECUTIVE SUMMARY:

At the December 3, 2020 Council meeting, the purchase of a utility lot for \$12,500 was approved. Administration recommends that the funds for this purchase come from the Tax Equalization Reserve. The seller has informally agreed to the purchase price.

## RECOMMENDATION:

That \$12,500 be withdrawn from the Tax Equalization Reserve for the purchase of a privately-owned lot that functions as a fire pond.

## PREVIOUS COUNCIL DIRECTION / POLICY:

Council approved purchase of a lot for public utility purposes for \$12,500.

## BACKGROUND INFORMATION:

At the December 3, 2020 Closed Meeting of Council, the circumstances around a privately-owned lot that functions as a public utility lot (fire pond), was discussed. Administration advised Council that the owner was interested in selling it to the County. As a utility lot that serves the public, the property should be owned and maintained by the County. Consequently, Council approved the purchase of the lot for \$12,500. An informal offer was made to the land owner which has been accepted.

## ALTERNATIVES / PROS / CONS:

1. Do not purchase the fire pond lot.

**Pros:** \$12,500 will not be spent.

**Cons:** There is no guarantee that the lot will continue to serve as a fire pond.

2. Purchase the fire pond lot for \$12,500.

**Pros:** This will ensure the fire pond is appropriately managed by the County.

The current land owner has agreed to the purchase price offered by the County.

**Cons:** The Tax Equalization Reserve will be reduced by \$12,500.

The County will have to provide basic maintenance to the property on an ongoing basis.

**FINANCIAL IMPACT:**

The current Tax Equalization Reserve balance is \$3,468,340. Withdrawing \$12,500 from this account will not significantly impact the balance.

**REASON(S) FOR RECOMMENDATION(S):**

The municipality should have ownership and maintenance responsibility for property that functions as a public utility lot in order to ensure it remains available to serve public needs.

# AGENDA ITEM REPORT



**Title:** Bylaw 21-002 - Land Use Bylaw Amendment Hamlet Public/Institutional (HP/I) to Hamlet Residential (HR), Plan 9611179 Block 18 Lot 11 (Monarch Water Tower Site) - First Reading  
**Meeting:** Council Meeting - 13 Jan 2021  
**Department:** Community Services  
**Report Author:** Hilary Janzen

## APPROVAL(S):

Larry Randle, Director of Community Services,  
Ann Mitchell, Chief Administrative Officer,

Approved - 04 Jan 2021  
Approved - 06 Jan 2021

## STRATEGIC ALIGNMENT:



Outstanding Quality of Life



Effective Governance and Service Delivery



Prosperous Agricultural Community



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Strong Working Relationships

## EXECUTIVE SUMMARY:

Lethbridge County Administration has determined that the former Monarch Water Tower site can be re-designated from Hamlet Public/Institutional to Hamlet Residential to allow for up to 5 Hamlet Residential Parcels.

## RECOMMENDATION:

That Bylaw 21-002 be read a first time.

## PREVIOUS COUNCIL DIRECTION / POLICY:

Lethbridge County Council approved the removal of the Monarch Water Tower as part of the 2020 Budget.

## BACKGROUND INFORMATION:

The Monarch Water Tower was demolished in the fall of 2020. County Administration has determined that the best use of the parcel going forward would be for residential purposes. In order to move forward with creating the lots the parcel first needs to be re-designated from Hamlet Public/Institutional to Hamlet Residential. Once the titles have been re-designated to Hamlet Residential the lots can be subdivided, serviced with municipal water and sewer and then put up for sale.

## ALTERNATIVES / PROS / CONS:

County Council may choose to not proceed with First Reading of the Bylaw.

Pros: The lot would be retained by the County and could be used for a different purpose in the future as determined by County Council.

Cons: County would forego the more immediate revenue received from the sale and future taxation of the residential lots.

**FINANCIAL IMPACT:**

- The cost to the County to install services is approximately \$10,000 per lot.
- It is estimated that the cost of the lots could be between \$50,000 and \$60,000 per lot which would be verified when the lots go up for sale by either the County's Assessor or a third party appraisal.

**REASON(S) FOR RECOMMENDATION(S):**

First reading of Bylaw 21-002 will allow County Administration to proceed with setting up the Public Hearing and sending out notifications for the Public Hearing.

**ATTACHMENTS:**

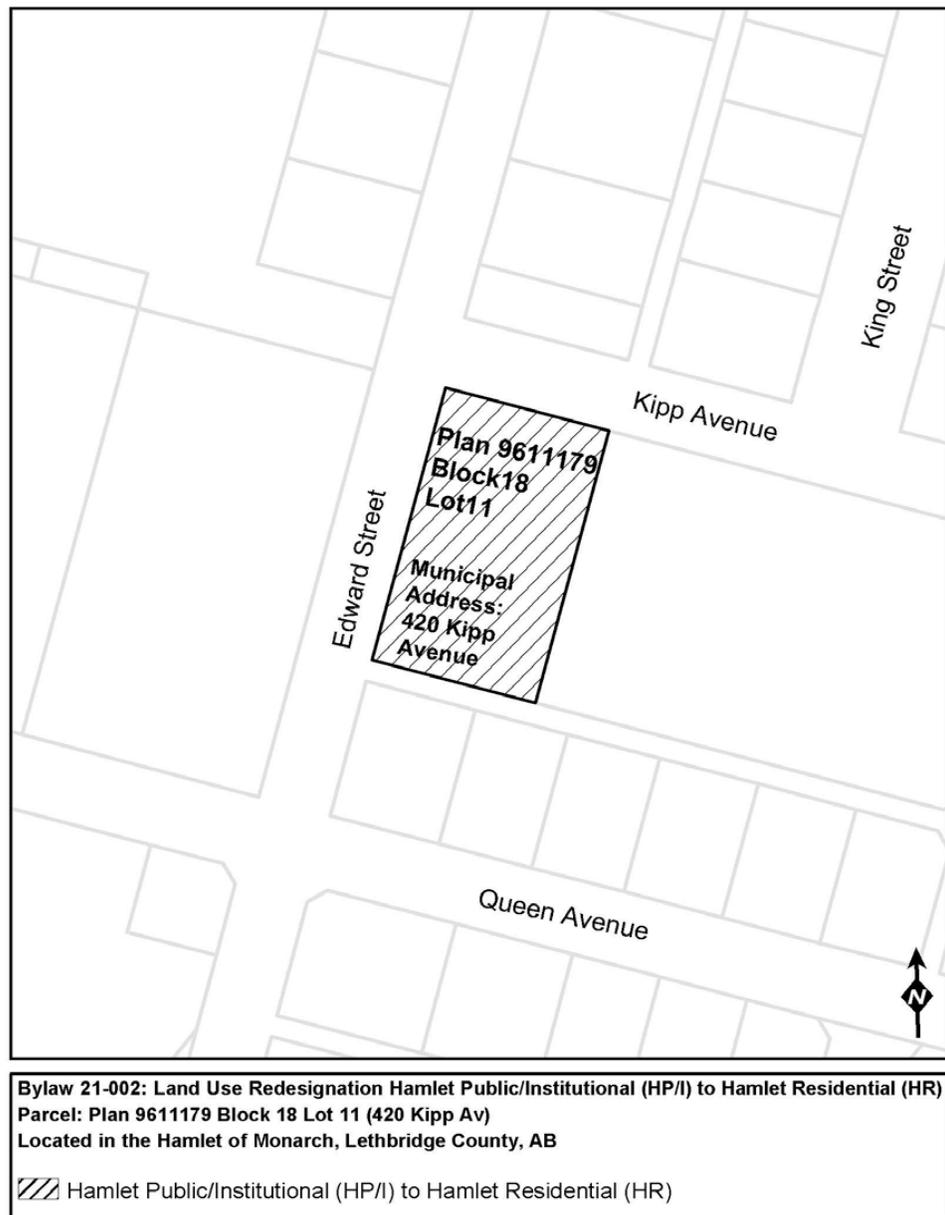
[Bylaw 21-002 - Monarch Water Tower Site - Amendment to LUB](#)

**LETHBRIDGE COUNTY  
IN THE PROVINCE OF ALBERTA**

**BYLAW NO. 21-002**

Bylaw 21-002 of Lethbridge County being a bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 21-002 is to re-designate Plan 9611179 Block 18 Lot 11 in the Hamlet of Monarch from Hamlet Public/Institutional (HPI) to Hamlet Residential (HR) as shown below;



AND WHEREAS the re-designation of the lands will allow for future residential subdivision and development of the parcel;

AND WHEREAS the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following, with the bylaw only coming into effect upon three successful reading thereof;

X:\Executive Files\115 Bylaws\2021 Bylaws\Bylaw 21-002 – Monarch Water Tower Site – Amendment to LUB

GIVEN first reading this 13<sup>th</sup> day of January 2021.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

GIVEN second reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

GIVEN third reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

1 <sup>st</sup> Reading	January 13, 2021
2 <sup>nd</sup> Reading	
Public Hearing	
3 <sup>rd</sup> Reading	

# AGENDA ITEM REPORT



**Title:** Bylaw 21-001 - 2021 Utility Rates  
**Meeting:** Council Meeting - 13 Jan 2021  
**Department:** Corporate Services  
**Report Author:** Craig Praskach, Jennifer Place

## APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 21 Dec 2020

## STRATEGIC ALIGNMENT:



Outstanding Quality of Life



Effective Governance and Service Delivery



Prosperous Agricultural Community



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Strong Working Relationships

## EXECUTIVE SUMMARY:

Through the annual budget process, the Utility rates are reviewed and adjusted to reflect any anticipated increases for the upcoming year and to ensure cost recovery of operations is maintained. Any increases that have been determined by Administration are included within the Budget and are presented to Council during Budget deliberations for implementation in the upcoming year.

When considering the utility rate changes, the County follows any increases considered by the City of Lethbridge as that is where the County purchases its water from. On November 16, 2020, The City of Lethbridge Council voted unanimously to set a target for a zero per cent utility rate increase for 2021. The increases that have been applied within the bylaw for County water rates are related to operational cost increases only.

There is a slight increase to the Garbage rates of 2.5% to ensure the contract increase from the Town of Coalhurst and requisition payments made to the Lethbridge Regional Waste Services Commission are covered. Additionally an increase was made to the cost of replacing the residential curbside bins based on actual cost to purchase. The Utility Rate Bylaw has been amended as attached for Council review and approval to align with the budget.

## RECOMMENDATION:

That County Council pass first, second and third reading of Bylaw 21-001 Utility Rates.

## PREVIOUS COUNCIL DIRECTION / POLICY:

Updated Utility rates are considered and approved annually. Below are the resolutions for the 2020 Utility Rate Bylaw 20-003 from the January 15, 2020 Council Meeting.

12-2020Councillor VanderVeen MOVED that Bylaw 20-003 be read a first time. CARRIED

13-2020Councillor Horvath MOVED that Bylaw 20-003 be read a second time. CARRIED

14-2020Councillor Benson MOVED that Council consider proceeding to third reading of Bylaw 20-003. CARRIED UNANIMOUSLY

15-2020Councillor Zeinstra MOVED that Bylaw 20-003 be read a third time. CARRIED

**BACKGROUND INFORMATION:**

In 2020, the Utility Rate Bylaw Schedule "A" was passed. The utility rates are reviewed annually as part of the budget process. Upon presentation and approval of the annual budget, the Utility Rates are updated to ensure the County is meeting its budget revenue projections within the Utility Department.

The County is proposing a 1.5% increase most of the water and sewer fees. These increases reflect the annual increases for operations only as the City's rate has not increased.. The proposed rate changes will allow the County to offset the Utility Department's costs while still maintaining cost recovery for operations.

The Garbage rates were increased by 2.5% to cover the contract increase from the Town of Coalhurst and requisition payments made to the Lethbridge Regional Waste Services Commission.

**ALTERNATIVES / PROS / CONS:**

Leave Schedule "A" rates for 2021 the same as the 2020 rates.

PRO - No change to rates for utility users in 2021

CON - will reduce cost of recovery revenues

**FINANCIAL IMPACT:**

Leaving the rates the same as in 2020 would negatively affect the Utility Departments 2021 Operating budget revenues.

**REASON(S) FOR RECOMMENDATION(S):**

Administration feels that the County's utility rates should reflect these changes to ensure cost recovery and transfers to reserves for future capital can be maintained.

**ATTACHMENTS:**

[Bylaw 21-001 2021 Utility Rates](#)

**LETHBRIDGE COUNTY  
IN THE PROVINCE OF ALBERTA**

**BYLAW 21-001**

**BEING A BYLAW INTRODUCED FOR THE PURPOSE  
OF ESTABLISHING A UTILITY RATE BYLAW**

WHEREAS Lethbridge County deems it expedient to set and review, on an annual basis utility rate fees of the County, and

WHEREAS in accordance with the Municipal Government Act, Chapter M-26 RSA 2000 and amendments thereto, the County for a municipality may set fees for goods and services provided;

NOW THEREFORE the Council of Lethbridge County, in the Province of Alberta, duly assembled enacts and adopts the Utility Rates, attached to and forming Schedule "A", Schedule "B" and Schedule "C" of this Bylaw and;

THAT this Bylaw shall come into force and effect January 1, 2021 and;

THIS Bylaw shall hereby rescind previous Bylaw 20-003.

GIVEN first reading this 13<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

GIVEN second reading this 13<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

GIVEN third reading this 13<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

## SCHEDULE "A"

### UTILITIES

The charges below apply to both water and wastewater.

#### 1. Billing Process

All utility bills will be sent to the property owners. Owners shall ensure meters are read and readings reported to the County Utilities Clerk. Meters which have not had readings reported for a period of 3 months will be read by Lethbridge County and a service charge of \$50.00 will be added to the subsequent billing.

#### 2. Utility System Accounts

Overdue accounts are subject to a penalty of 1.5% per month on outstanding amounts. Accounts which are greater than 60 days overdue will have services disconnected. Accounts which are greater than 90 days overdue will have the outstanding balances transferred to the Tax Roll.

#### 3. Connection Fees

- a. Re-connection – If service is disconnected because of an overdue account, the owner must pay the ~~disconnection~~ **re-connection** fee and the outstanding balances before service is restored. Re-connection will be during regular working hours only and within 24 hours of notification of payment.
- b. With the exception of new utility customers in the RAVE Industrial Park, all new utility customers will be charged a \$100.00 connection fee. ~~plus the cost of meter installation.~~
- c. Temporary Water Shut Off - once water service is turned back on a reconnection fee will apply. Re-connection will be during regular working hours only and within 24 hours of notification of payment.
- d. All new utility customers in the RAVE Industrial Park will be charged the following connection fees as applicable: Water - \$43,400 per hectare of site area (includes half of the area of the adjacent local or collector road) plus the cost of all meter connection fees as per Section 3. b. Sewer - \$39,300 per hectare of site area (includes half of the area of the adjacent local or collector road).

#### 4. Fees

- a. Reconnect for non-payment or temporary water shut off - \$100.00
- b. Disconnecting old water service connection at water main for abandonment – \$3,500 – plus labour, material and equipment charge plus G.S.T.
- d. Disconnecting old wastewater service for abandonment - \$1,500 plus labor, material and equipment charge plus G.S.T.
- e. Manual Meter Readings - \$50.00

#### 5. Meter Repair Charge

- a. \$65.00 for meters 25mm (1 inch) or smaller and materials at cost.
- b. \$75.00 for meters over 25mm (1 inch) and materials at cost.

**6. Meter Test Charge**

- a. Up to 40mm - \$50.00
- b. 50 – 80mm - \$100.00
- c. Over 80 mm - \$150.00

**7. Water Charge (Monthly Billing)**

- a. Residential Service - ~~\$42.10~~ **\$42.73** per month base charge plus \$1.62 per cubic meter.
- b. County of Lethbridge Rural Water Association Distribution System - \$0.87 per cubic meter
- c. North County System - ~~\$1.39~~ **\$0.91** per cubic meter  
~~Barons/Nobleford Monitoring Testing - \$0.84 per cubic meter~~
- d. Rave Industrial Park - ~~\$154.60~~ **\$156.92** per month for base water charge - \$1.62 per m<sup>3</sup> consumption charge.
- e. Broxburn Industrial Park  
  
 Potable/Treated Water: ~~\$7.84~~ **\$7.95/m<sup>3</sup>** + \$14.47m<sup>3</sup>/monthly flat fee  
 Raw Water: ~~\$2.05~~ **\$2.08/m<sup>3</sup>** + \$77.93/monthly flat fee  
 Wastewater: ~~\$128.47~~ **\$130.40**/monthly flat fee
- f. Commercial Users – Meter size greater than 200 mm (8 inches) - \$0.78 per cubic meter plus \$0.23 per cubic meter surcharge for capital replacement, operation and maintenance.
- g. Other Commercial Users - ~~\$42.10~~ **\$42.73** per month base charge plus \$1.62 per cubic meter.

**8. Truck Fill Sales**

- a. ~~\$4.50m<sup>3</sup>~~ **\$4.56m<sup>3</sup>**
- b. Water key tags - \$25.00 per tag

**9. Sewer Service Charge**

	<u>Residential</u>	<u>Commercial</u>
a. Hamlets (Diamond City, Monarch, Shaughnessy, Turin)	<del>\$26.25</del> <b>\$26.64</b>	\$52.45
b. Subdivision of Fairview	\$83.40	\$94.45
c. Rave Industrial Park		\$1.62m <sup>3</sup> of water consumption plus <del>\$91.15</del> <b>\$92.52</b> per month base charge
 <b><u>Capital Recovery Surcharge - Sewer</u></b>		
d. Hamlet of Monarch – Debenture	\$ 37.17	\$ 37.17
 <b><u>Diamond City Water &amp; Sewer</u></b>		
e. Pursuant to Bylaw 1284 Annual Levy	\$1,011.85	\$1,011.85

<u>Stub-In Charges</u>	<u>Residential</u>	<u>Commercial</u>
f. Monarch – Existing stub-in	\$2,500.00	\$2,500.00
From January 2005 pay back	\$37.17/month	\$37.17/month
<b>10. <u>Hauled Wastewater – Residential Only</u></b>		
\$25.00 per axle (excluding the front steering axle)		
<b>11. <u>Garbage Collection</u></b>		
a. Street Side Pick-up - <del>\$22.30</del> \$22.85/month/residence		
b. Rollaway Curbside Bin – replacement charge: <del>\$100.00</del> \$110.00		
<b>12. <u>Storm Water Drainage</u></b>		
Rave Subdivision - \$0.034 /sq.m. of property area		

**SCHEDULE "B"****RAVE Industrial Subdivision – Storm Water Improvement Levy**

<b>Property</b>	<b>Storm Water Improvement Levy</b>	<b>Monthly Payment</b>	<b>Total Annual Payment</b>	<b>Start Date</b>	<b>End Date</b>
Lot 3, Block 3, Plan 011773	\$11,989.75	\$69.29	\$831.45	March 1/2015	March 1/2035
Lot 4, Block 3, Plan 011773	\$10,356.68	\$59.85	\$718.20	March 1/2015	March 1/2035
Lot 1, Block 3, Plan 9312509	\$9,140.64	\$52.82	\$633.87	March 1/2015	March 1/2035
Lot 5, Block 2, Plan 9312509	\$4,971.52	\$28.73	\$344.76	March 1/2015	March 1/2035
Lot 4, Block 1, Plan 1113171	\$94,028.37	\$543.38	\$6,520.54	March 1/2015	March 1/2035
Lot 4, Block 1, Plan 1113171	\$80,663.23	\$466.14	\$5,593.71	March 1/2015	March 1/2035
Lot 2, Block 3, Plan 9312509	\$13,203.53	\$76.30	\$915.62	March 1/2015	March 1/2035
Lot 4, Block 2, Plan 9312509	\$16,549.90	\$95.64	\$1,147.68	March 1/2015	March 1/2035
Lot 6, Block 2, Plan 9312509	\$4,961.35	\$28.67	\$344.05	March 1/2015	March 1/2035
<i>Lot 3, Block 2, Plan 9312509</i>	\$18,248.51	\$105.46	\$1,265.47	March 1/2015	March 1/2035
<i>Lot 3, Block 1, Plan 9312509</i>	\$11,795.36	\$68.16	\$817.97	March 1/2015	March 1/2035
<i>Lot 4, Block 1, Plan 9312509</i>	\$13,516.58	\$78.11	\$937.33	March 1/2015	March 1/2035
<i>Lot 1, Plan 8211420</i>	\$13,448.77	\$77.72	\$932.63	March 1/2015	March 1/2035
Lot 7, Block 2, Plan 011773	\$9,668.42	\$55.87	\$670.47	March 1/2015	March 1/2035
Lot 9, Block 2, Plan 0614634	\$35,068.51	\$202.66	\$2,431.88	March 1/2015	March 1/2035
Lot 2, Block 1, Plan 8910227	\$31,384.23	\$181.37	\$2,176.39	March 1/2015	March 1/2035

# AGENDA ITEM REPORT



**Title:** Tax Penalty Waiver Request  
**Meeting:** Council Meeting - 13 Jan 2021  
**Department:** Corporate Services  
**Report Author:** Jennifer Place

## APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 06 Jan 2021

## STRATEGIC ALIGNMENT:



Outstanding Quality of Life



Effective Governance and Service Delivery



Prosperous Agricultural Community



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## EXECUTIVE SUMMARY:

Prior to the 2020 Christmas break, a call was received from Mr. Gerald van Voorst regarding a penalty balance on his 2020 Tax Levy in the amount of \$204.53. The Manager of Finance & Administration, Jennifer Place spoke with Mr. van Voorst indicating that the payment was stamped as received in the office on October 1st and therefore the penalty was applied.

Mr. van Voorst explained that he had spoken to someone at the office prior to the September 30th due date and was told he could pay online, which he can, however when he tried to pay online the payment did not go through. He then sent their son in first thing on October 1st to make the payment in full. Mr. van Voorst also indicated that they had sent a letter to the County but never received a response. Mrs. Place inquired throughout the office and no one recalled receiving the letter. At this time, Mrs. Place asked that Mr. van Voorst please resend the letter directly to her and that if he is requesting a penalty waiver that the request would have to be taken to Council for consideration.

## RECOMMENDATION:

That County Council deny the request for cancellation of tax penalties in the amount of \$204.53 on Tax Roll #6707000.

OR

That County Council approve the request for cancellation of tax penalties in the amount of \$204.53 on Tax Roll #6707000.

## PREVIOUS COUNCIL DIRECTION / POLICY:

Bylaw #20-012 - 2020 Tax Penalty Bylaw

**BACKGROUND INFORMATION:**

The 2020 County taxes were levied and notices were issued in May 2020 and due on July 31st with penalty applied to outstanding balances as of September 30 at 5%, November 30 at 5% and January 31 on all outstanding balances as at 15% as per Bylaw #20-012.

In the attached email from Mr. van Voorst has indicated that they contacted the County office and did attempt to make a payment online on September 30th but was unsuccessful. He further indicated that they tried to get the payment into the drop box prior to the office being opened as this would be accepted as received "on time" however the doors were open and his son delivered the payment to staff directly, therefore he is making a request to have the tax penalties of \$204.53 waived.

Council does have the discretion to cancel a tax penalty if they consider it equitable to do so as per the *Municipal Government Act (MGA)*.

Section 347 of the *MGA* states:

*If a council considers it equitable to do so, it may, generally or with respect to a particular taxable property or business or a class of taxable property or business, do one or more of the following, with or without conditions:*

- a. *cancel or reduce tax arrears;*
- b. *cancel or refund all or part of a tax;*
- c. *defer the collection of tax*

**ALTERNATIVES / PROS / CONS:**

Deny the penalty waiver request

PRO - Council has historically not waived tax penalty requests.

CON - Customer must pay the penalty or incur further penalties.

Approve the penalty waiver request

PRO - Customer would not have to pay.

CON - may set a new precedent and would reduce overall tax penalty revenue by \$204.53.

**FINANCIAL IMPACT:**

All penalties to date have been applied to the Tax Roll account as per the County's 2020 Tax Penalty Bylaw #20-012. Penalty cancellation will reduce the revenues by the penalty amount of \$204.53.

**REASON(S) FOR RECOMMENDATION(S):**

Historically Council has denied most tax penalty waiver requests as the penalty was levied as per Bylaw #20-012. Although approving a request of this nature could set precedent for future tax penalty waivers that may be brought forward to Council, the online payment process for taxes may not have been clearly explained, as efforts were made to pay on time as indicated in the computer screen shot included in Mr. van Voorst's letter.

**ATTACHMENTS:**

- [Van Voorst Tax Penalty Letter](#)
- [Bylaw20-012 2020TaxPenalty](#)

October 1, 2020

To Lethbridge County Council,

Re: Property Tax Payment 2020

We are corresponding due to the fact that we were told we will be charged a penalty of 5% interest on our payment of \$4090.56

Gerard van Voorst called county office on the morning of September 30 to ask if it is possible to make a payment online, and if that evening after coming home from work would still be considered valid for deadlines. He was told that "yes" you can pay online and the evening is valid.

Upon logging on to our online account it became clear that we were not able to make an online payment. It specifically states "not payable online" and we found no option to do so. (see screenshot)

**Citizen Self Service**

Your Accounts  
Your Profile  
Change Password  
Email Us  
Log Off

User ID: 9603  
Customer Name: VAN VOORST, GERARD & EMMIGJE  
Address: P.O. BOX 273  
MONARCH AB T0L 1M0

Below is a listing of the accounts you may access online.  
To view an account's details simply click on the Account # link.

Account Type	Account #	Balance	Due Date	Pay Now	Pay Amount
Accounts Receivable	<a href="#">4851</a>	0.00		<input type="checkbox"/>	<input type="text"/>
Accounts Receivable	<a href="#">5257</a>	0.00		<input type="checkbox"/>	<input type="text"/>
Property Tax	<a href="#">67070000</a>	4,090.56		<input type="checkbox"/>	<input type="text" value="-Not Payable Online-"/>
<b>Total Balance</b>		<b>4,090.56</b>			

**TOTAL PAYMENT**

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We decided to put the cheque into the drop box before opening hours as our son could take it on his way to school in the morning when we needed to drive to Lethbridge anyway, rather than making a late night hour long return trip specifically for the payment. He arrived at the county office before 8:30 a.m., but noticed that the doors were already open, so decided to bring the payment in to the desk clerk, who then told him that it was late and that 5% penalty would be due.

We ask that the penalty please be removed.

Due to the Covid situation we have had reduced income making it impossible to pay sooner. I believe our intention of making the payment on time is clear by the efforts taken to first call and ask if online payment is possible & valid and by dropping payment off first thing in the morning before official opening hours as per the website.

Seeing that payment was in before opening hours on Oct 1, we trust that you will consider the situation fairly and waive the penalty. We thank you in advance,

Sincerely,

Gerard and Emmy van Voorst

Box 273  
Monarch, AB TOL 1M0  
403-308-8804

**LETHBRIDGE COUNTY  
IN THE PROVINCE OF ALBERTA**

**BYLAW NO. 20-012 – 2020 TAX PENALTY**

**A BYLAW OF LETHBRIDGE COUNTY TO AUTHORIZE THE 2020 TAX  
PENALTY OF ASSESSABLE PROPERTY WITHIN LETHBRIDGE COUNTY  
PURSUANT TO THE MUNICIPAL GOVERNMENT ACT**

BY-LAW NO. 20-012 OF THE LETHBRIDGE COUNTY IS INTRODUCED FOR THE PURPOSE OF AMENDING TAX PENALTY RATE BY-LAW NO. 1273, FOR THE 2020 TAX LEVY YEAR ONLY AS FOLLOWS:

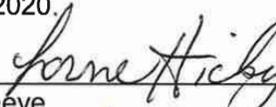
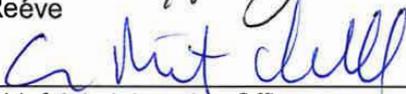
WHEREAS the Municipal Government Act provides the Council of Lethbridge County with the authority to set the time of payment for taxes and the authority to impose penalties on unpaid taxes:

NOW THEREFORE BE IT RESOLVED that the Council of Lethbridge County duly assembled enacts as follows for the 2020 Tax Levy Year only:

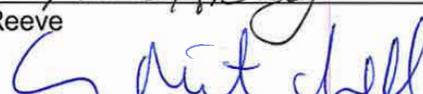
1. That penalty dates for this by-law shall be established as January 31st, September 30th and November 30th.
2. That a penalty of five percent (5%) shall be imposed on the current tax levy balance remaining unpaid after the September 30th penalty date for the 2020 Tax Levy Year only.
4. That an additional penalty of five percent (5%) shall be imposed on the current tax levy balance remaining unpaid after the November 30th penalty date for the 2020 Tax Levy Year Only.
5. That in the event of any taxes remaining unpaid as of the last day of January in any year and commencing in 2020, there shall be added thereto on the first (1) day of February of that year and in each succeeding year thereafter so long as the taxes remain unpaid, a penalty of fifteen percent (15%).

This Bylaw shall hereby amend Bylaw No.1273 for the 2020 Tax Levy Only.

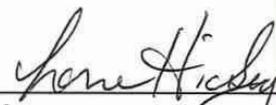
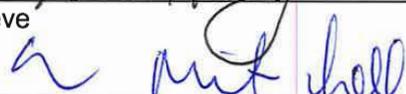
Be read a **FIRST** time this 7th day of May, 2020.

  
\_\_\_\_\_  
Reeve  
  
\_\_\_\_\_  
Chief Administrative Officer

Be read a **SECOND** time this 7th day of May, 2020.

  
\_\_\_\_\_  
Reeve  
  
\_\_\_\_\_  
Chief Administrative Officer

Be read a **THIRD** time this 7th day of May, 2020.

  
\_\_\_\_\_  
Reeve  
  
\_\_\_\_\_  
Chief Administrative Officer

# AGENDA ITEM REPORT



**Title:** Broadband Internet Expenses  
**Meeting:** Council Meeting - 13 Jan 2021  
**Department:** Corporate Services  
**Report Author:** Jennifer Place

## APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 07 Jan 2021

## STRATEGIC ALIGNMENT:



Outstanding Quality of Life



Effective Governance and Service Delivery



Prosperous Agricultural Community



Vibrant and Growing Economy



Strong Working Relationships

## EXECUTIVE SUMMARY:

Through the Broadband Internet Project development, some costs were incurred by the County for legal and consultant fees. These costs were to assist the County with both ensuring any and all agreements met legal requirements and to assist Council in making the best long term decision around the future of broadband internet for the County.

All of the legal expense that were incurred have been covered within the approved 2020 operating budget. The cost for the consulting portion of the project was \$40,207.15. As this project was brought forward after the 2020 budget was approved, Administration is looking to have the consulting fees funded from a reserve.

## RECOMMENDATION:

That Administration fund the consulting portion of the Broadband internet Project in the amount of \$40,207.15 from the Tax Equalization Reserve.

## PREVIOUS COUNCIL DIRECTION / POLICY:

An 'In Camera' discussion took place regarding the Broadband Project and direction was provided to administration.

## BACKGROUND INFORMATION:

As part of the project process, legal was obtained to explore the options and legal ramifications around setting up a municipally-controlled corporation for the darkfiber internet project that was being considered at the time. In January and February 2020, there was consideration around leasing the darkfibre ring from Zayo on a 20-year lease, which would require a corporate structure or vehicle in order to make that happen. The County received legal opinions on a number of issues surrounding

the project and was also introduced to Peter Sekulic of Lovinac Corporation, through one of the lawyers

Lovinac Corporation was hired as a consultant to examine the darkfibre ring project from his professional perspective as an internet procurement specialist. Lovinac provided a report for Lethbridge County outlining the pros, cons, and advisability of the darkfibre project as well as future options for Lethbridge County. This report was presented to Council in September 2020.

All of the costs incurred were for the purpose of not only due diligence but to also ensure the County had the best information and recommendation(s) on possibilities for the future on a very complicated subject.

**ALTERNATIVES / PROS / CONS:**

To not fund the the consulting fees incurred through the Broadband Internet Project

PRO - Reserve balance is not impacted.

CON - Could cause a potential deficit to the department, once all of the budgeted and year end entries are completed.

**FINANCIAL IMPACT:**

Funding the consulting portion of the project would reduce the Tax Equalization reserve by \$40,207.17, the reserve currently has a balance of over \$3.4 million while also elevating any potential deficit to the department.

**REASON(S) FOR RECOMMENDATION(S):**

As there was not specific funding determined for the consultation portion of the Broadband Internet Project, administration determined that funding of these expenses from a reserve would reduce any potential deficits to the department budget.

# AGENDA ITEM REPORT



**Title:** McNally Community Association Request as presented at the December 17 Council Meeting - Verbal Update for Council  
**Meeting:** Council Meeting - 13 Jan 2021  
**Department:** Corporate Services  
**Report Author:** Jennifer Place

## APPROVAL(S):

Ann Mitchell, Chief Administrative Officer,

Approved - 07 Jan 2021

## STRATEGIC ALIGNMENT:



Outstanding Quality of Life



Effective Governance and Service Delivery



Prosperous Agricultural Community



Vibrant and Growing Economy



Strong Working Relationships

## EXECUTIVE SUMMARY:

In 2019, the County provided the McNally Community Association with a loan in the amount of \$60,000 for the replacement of the community hall's heating system, funded from reserves. The loan was for a 5 year term with the first payment due in 2020. The 2020 payment has been made in full by the association.

On December 8, 2020 an email, as attached was received from Robert Luco on behalf of the McNally Community Association requesting consideration of some forgiveness on the Association's 2021 Loan Payment amount.

## RECOMMENDATION:

THAT County Council postpone the 2021 McNally Community Association loan payment of \$13,963.34 until 2022, and as such directs administration to extend the McNally Community Association Loan Agreement term by one year.

## PREVIOUS COUNCIL DIRECTION / POLICY:

221/19 - K. BENSON MOVED that County Council approves the McNally Community Association's request (provided they are a non-profit organization as defined in the Municipal Government Act) for a loan of up to \$60,000, with funds to be drawn from the Tax Equalization Reserve, for a term of five years at an annual percentage rate of prime plus one percent compounded monthly. The Tax Equalization Reserve balance is to be replenished as the loan is repaid. CARRIED

## BACKGROUND INFORMATION:

As per Council Resolution #221/19, funds were issued to the McNally Community Association as a loan and a loan payment agreement with the County was entered into. The agreement states that the

borrowed funds will be repaid with interest over a 5 year term beginning in 2020. The repayment funds and interest will then be placed back into the reserve from which the loan came from.

**ALTERNATIVES / PROS / CONS:**

To not provide reprieve for 2021 and extend the loan payment agreement.

PRO - The County would not be out the one year payment plus interest amount of \$13,693.34

CON - Extending the loan would show support for the Community Association and understanding of the financial impact the pandemic has had on their operations.

**FINANCIAL IMPACT:**

The Tax Equalization reserve would not receive the \$13,693.34 in 2021, extending the time in which the funds borrowed were paid back in full. There would be not financial impact to the County's overall operations.

**REASON(S) FOR RECOMMENDATION(S):**

As stated in the email from Mr. Luco, the Community Association has experienced a loss in revenues due to the pandemic because of cancelled rentals and the postponement of their Casino fundraiser. These has impacted their cash flows and they are concerned that the pending loan payment in 2021 would significantly impact their bottom line and potentially future operations.

**ATTACHMENTS:**

[McNally Community Center Email Request](#)

[McNally Comm Assoc Borrowing Agreement - 2019 SIGNED](#)

[McNally Community Assoc Loan Payment Schedule](#)

From: Robert Luco <lucofarms@gmail.com>  
Sent: Tuesday, December 08, 2020 11:40 AM  
To: community <community@lethcounty.ca>  
Subject: McNally Community Center - Question  
Importance: High

Good morning, Larry:

I hope you are staying out of COVID's way and enjoying good health. This is such a crazy year.

I am asking a question on behalf of the McNally Community Association. Covid-19 has been a tough year on the Association with respect to rentals for wedding, funerals, Corporate parties which have all been cancelled. We also were due for a Casino this fall but that has been postponed indefinitely. All of this has significantly impacted our bottom line and also our potential reserves to carry us through 2021. We are asking if Lethbridge County would consider forgiving our loan payment in 2021 in full or in-part. I am not sure who to ask, but thought I would start with you.

Please let me know if you need additional information.

Sincerely,

Robert Luco

Robert Luco  
#13 – 81040 Range Road 215  
Lethbridge County, AB T1K 8G5  
403-892-6533 (mobile)

**Lethbridge County  
Master Loan Agreement – Municipalities**

**THIS AGREEMENT IS MADE EFFECTIVE AS OF THE 16 DAY OF OCT, 2019(the "Effective Date").**

**BETWEEN:**

**LETHBRIDGE COUNTY**

a municipal corporation in the Province of Alberta

- and -

**MCNALLY COMMUNITY ASSOCIATION**

a non-profit organization established under the *Municipal Government Act* Section 24 1(f)(i)  
(the "Borrower")

**MASTER LOAN AGREEMENT**

**WHEREAS:**

- A. The Borrower plans to replace the Air Management System in the McNally Community Association building in Lethbridge County;
- B. The Borrower has asked Lethbridge County to issue a loan up to a maximum of sixty thousand dollars (\$60,000) for the replacement of their Air Management System in the McNally Community Association building and Lethbridge County is prepared to do so, all upon the terms and conditions herein; and
- C. This agreement sets forth the terms and conditions for the financing of an Air Management System between the Borrower and Lethbridge County.

**NOW THEREFORE** the parties agree as follows:

**Section 1 – Definitions and Interpretation**

- 1.1 In this Agreement, the following words and terms shall have the meanings as set out below:
- (a) "McNally Community Association" meaning a non-profit organization as defined in the Municipal Government Act Section 24 1(f)(i);
  - (b) "Agreement" means this agreement, as may be amended by mutual agreement from time to time;

- (c) "Air Management System" means a capital project of the Borrower approved for financing by Lethbridge County;
  - (d) "Loans" means the loan made between the Lethbridge County lenders to the McNally Community Association for financing the replacement of the Air Management System;
  - (e) "Effective Date" means the date as set out at the top of the first page of this Agreement;
  - (f) "Principal Amount" means the total amount of monies advanced or to be advanced to the Borrower by Lethbridge County in respect of the financing of an Air Management System.
- 1.2 This Agreement shall be governed and interpreted in accordance with the laws in force in the Province of Alberta. The parties hereby submit to the exclusive jurisdiction of the Courts of Alberta.
- 1.3 All references to dollar amounts in this Agreement shall be in the lawful currency of Canada.
- 1.4 Time in all respects shall be of the essence of this Agreement.

**Section 2 – Financing of Capital Projects**

- 2.1 That for the purpose of replacing the Air Management System in the McNally Community Association building located in Lethbridge County, Lethbridge County will loan to the McNally Community Association up to a maximum of Sixty Thousand Dollars (\$60,000);
- 2.2 The source of the loan will come from Lethbridge County Reserves.

**Section 3 – Interest**

- 3.1 The interest rate on the loan to the McNally Community Association will be at a rate of Prime plus one percent (1%);

**Section 4 – Payments**

- 4.1 The indebtedness will be repaid over a five (5) year period ending September 30, 2024;

The Borrower shall repay each particular Principal Amount and accrued interest thereon to Lethbridge County in instalments until the maturity date. Each instalment payment shall be made by preauthorized debit of the Borrower's bank account, or by such other means as may be mutually agreed between the parties.

The Borrower does have the option to make lump sum payments on the loan at anytime without penalty.

#### **Section 5 – Payment Assurance**

- 5.1 In the event that the Borrower fails to, or is in jeopardy of failing to, make payments as required under Section 4.1, the Borrower shall impose and collect taxes on all taxable property and businesses in its municipality of an amount sufficient to pay to Lethbridge County all amounts in arrears and becoming due and owing under this Agreement or any Debenture.

#### **Section 6 – Representations and Warranties**

- 6.1 The execution, delivery and performance by the Borrower of this Agreement does not contravene or constitute a default under any:
- (i) provision of its bylaws;
  - (ii) law or regulation which is applicable to the Borrower; or
  - (iii) agreement by which the Borrower is a party or by which it is bound;

#### **Section 7 – Construction and Completion of the Capital Project**

- 7.1 If required by Lethbridge County from time to time, the Borrower shall provide to the County a written progress report on the construction of the Air Management System. Such progress reports shall include such information and supporting documents as may be prescribed by Lethbridge County from time to time. Upon the construction completion of the Air Management System the Borrower shall forthwith provide written notice to Lethbridge County.
- 7.2 In the event that the final total planning, design and construction costs of the Air Management System is less than the applicable Principal Amount, then upon becoming aware of such event the Borrower shall either (unless otherwise agreed by Lethbridge County):
- (a) repay the excess amount to Lethbridge County, but such repayment shall be considered a partial prepayment of the Principal Amount under Section 4.1 and shall therefore be subject to such terms and conditions that Lethbridge County may prescribe.

#### **Section 8 – Default**

- 8.1 Upon the occurrence of any one or more of the following "Events of Default", Lethbridge County may, upon written notice to the Borrower, declare to be immediately due and payable the entire amount of any Principal Amount, or any part thereof that remains due and owing to Lethbridge County, together with accrued

interest thereon and any other amounts due and owing under this Agreement, whereupon such amounts shall become immediately due and payable without presentment, demand, protest or other notice of any kind, all of which are hereby expressly waived by the Borrower:

- (a) the Borrower fails to make any payments as required pursuant to this Agreement or a Debenture when due and payable;
- (b) the Borrower fails to duly perform and observe any other terms or conditions of this Agreement or any Debenture;
- (c) the Borrower makes an assignment for the benefit of its creditors, or is declared bankrupt or makes a proposal under the *Bankruptcy Act* (Canada), or a custodian, receiver, receiver manager, official administrator or other such official is appointed with respect to the Borrower or the Borrower's property;

#### **Section 9 – Deliverables**

9.1 Prior to the disbursement of any Principal Amount (or as applicable, the initial instalment) by Lethbridge County to the Borrower, the Borrower (or its solicitors) shall deliver to Lethbridge County (or its solicitors) original duly signed copies of the following documents:

- (a) this Agreement (2 copies, if not previously provided to Lethbridge County);
- (b) the applicable Debenture (1 copy); and
- (c) a pre-authorized debit form authorizing Lethbridge County to debit the Borrower's bank account for instalment payments in the form as required by Lethbridge County (if not previously provided to Lethbridge County).

#### **Section 10 - Notices**

10.1 Any notice, consent, request, approval or other communication under any provision of this Agreement must be in writing to be effective, and is effective when delivered by any means, including fax transmission or e-mail, to the following respective addresses:

To: Lethbridge county  
100, 905 – 4<sup>th</sup> Avenue South  
Lethbridge, AB T1J 4E4  
Phone: 403-328-5525  
Fax: 403-328-5602  
Attention: Acting Director of Corporate Services  
E-mail: [jplace@lethcounty.ca](mailto:jplace@lethcounty.ca)

To: McNally Community Association  
210075 Township Road 82  
Lethbridge, AB T1K 8H3  
Phone: 403-308-0077  
Phone: 403-892-6533  
Attention: President  
E-mail: mcnallycommunity@gmail.com

10.2 Either party may change its address information by giving notice to the other in the above manner. The onus shall be on a party asserting delivery of a notice, consent, approval or other communication to establish that it was delivered in accordance with the foregoing, provided that in the case of e-mail such onus shall be discharged by proof that an e-mail sent to the designated e-mail address was received and opened at that e-mail address.

**Section 11 - General**

11.1 Lethbridge County shall be entitled to grant any extensions of time or other indulgences, give up security, compromise, grant releases and discharges, and otherwise deal with the Borrower without prejudice to its rights herein.

11.2 This Agreement may not be amended except by written agreement. No waiver of any provision of this Agreement shall be effective unless such waiver is in writing.

**WHEREFORE** the parties hereto have signed this Agreement effective as of the Effective Date.

**LETHBRIDGE COUNTY**

**MCNALLY COMMUNITY ASSOCIATION**

Per:   
Ann Mitchell, CAO

Per: 

Name: Vaughan Coupland

Title: President

Per: 

Name: Wende Luco

Title: Treasurer

...the ... of ...

**MCNALLY COMMUNITY ASSOCIATION  
 FINANCING - REPAYMENT CALCULATION  
 PRINCIPAL BORROWED- \$60,000**

**INTEREST - PRIME + 1% = 4.95%**

Page 10 of 10

PAYMENT #	PAYMENT AMOUNT	PRINCIPAL AMOUNT	INTEREST AMOUNT	BALANCE
1	\$ 13,693.34	\$ 10,856.04	\$ 2,837.30	\$ 49,143.96
2	\$ 13,693.34	\$ 11,400.07	\$ 2,293.27	\$ 37,743.89
3	\$ 13,693.34	\$ 11,971.35	\$ 1,721.99	\$ 25,772.54
4	\$ 13,693.34	\$ 12,571.27	\$ 1,122.07	\$ 13,201.27
5	\$ 13,693.34	\$ 13,201.27	\$ 492.07	\$ -
	<b>\$ 68,466.70</b>	<b>\$ 60,000.00</b>	<b>\$ 8,466.70</b>	

**Lethbridge County Council Attendance  
December 2020**

**Division 1  
Reeve Lorne Hickey**

December 1	Budget Review
December 3	Lethbridge County Council Meeting
December 4	Mayors and Reeves
December 4	Special Council Meeting
December 7	Meeting with Village of Barons
December 15	Telephone Town Hall with Premier Kenney
December 17	Lethbridge County Council Meeting
December 17	Audit Committee, Audit Planning Meeting

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**Division 2  
Councillor Tory Campbell**

December 1	Budget Review
December 3	Lethbridge County Council Meeting
December 3	Chinook Arch Library Board Virtual Meeting
December 4	Special Council Meeting
December 14	Regional Waste Commission Meeting
December 15	Water Commission Meeting
December 17	Lethbridge County Council Meeting
December 17	Audit Committee, Audit Planning Meeting

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**Division 3  
Councillor Robert Horvath**

December 1	Budget Review
December 3	Lethbridge County Council Meeting
December 4	Special Council Meeting
December 17	Lethbridge County Council Meeting

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**Division 4  
Councillor Ken Benson**

December 1	Budget Review
December 3	Lethbridge County Council Meeting
December 4	Special Council Meeting
December 17	Lethbridge County Council Meeting
December 17	Audit Committee, Audit Planning Meeting

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**Division 5**  
**Councillor Steve Campbell**

December 1	Budget Meeting
December 2	Exhibition Park Board Meeting
December 3	Lethbridge County Council Meeting
December 4	Special Council Meeting
December 11	Exhibition Park Board Meeting
December 15	Community Futures HR Committee Meeting
December 16	Community Futures Board Meeting
December 17	Lethbridge County Council Meeting

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**Division 6**  
**Councillor Klaas VanderVeen**

December 1	Budget Review
December 3	Lethbridge County Council Meeting
December 4	SAEWA Zoom Meeting
December 4	Special Council Meeting
December 14	Go To Meeting with LRWMS
December 17	Lethbridge County Council Meeting
December 18	SAEWA Zoom Meeting

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**Division 7**  
**Councillor Morris Zeinstra**

December 1	Budget Review
December 3	Lethbridge County Council Meeting
December 4	Special Council Meeting
December 7	Meeting with Ratepayer
December 8	Meeting with Ratepayer
December 17	Lethbridge County Council Meeting