

## Regular Council

### Agenda

Leduc County Centre, Nisku, AB

Tuesday, July 13, 2021

1. **Order - 1:30 p.m.**
2. **Adoption of agenda**
3. **Adoption of previous minutes**  
- June 22, 2021 regular council meeting ✓
4. **1:30 p.m. Presentations**
  - a) **Public**
5. **1:30 p.m. Department reports / recommendations**
  - a) **1:30 p.m. Community Services**
    - i) Town of Devon recreation capital project request ✓ D. Ohnysty
  - b) **1:35 p.m. Planning and Development**
    - i) **1:35 p.m. Public Hearing** - Bylaw No. 14-21 - Nisku Major Employment Centre Area Structure Plan ✓ D. Martin  
**Registered speakers:**  
- Tom Evenson  
- Tammy Gottschlich  
- Susan Meilleur
    - ii) **2:00 p.m. Public Hearing** - Amend Leduc County Land Use Bylaw 7-08 - LA21-002, Agricultural (AG) to Direct Control (DC) District - natural resource extraction, Pt. NE 28-49-26-W4, AB Gill Trucking Limited ✓ C. Richards
  - c) **2:30 p.m. Municipal Policies**
    - i) **Finance**
      - i. FP-01 Financial Reserves and rescind PR-01 Campground Improvement Reserve and MR-01 Use of Municipal Reserve Trust Fund ✓ N. Wice
      - ii. Reserve policy update transactions ✓ N. Wice
    - ii) **Agricultural Services**
      - i. VM-02 Mowing in Leduc County Road Right-of-Way and Leduc County Controlled Lands ✓ A. Van Beers
      - ii. VM-03 Fenceline Spraying ✓ A. Van Beers
6. **3:00 p.m. In-Camera (in accordance with Freedom of Information & Protection of Privacy Act)**
  - a) Greenhough gravel site [S. 24(1) & 25(1), FOIP] ✓ D. Mryglod
  - b) Partnership with Edmonton International Airport [S. 16(1)] ✓ G. Bain

✓ Attachment Provided



# Regular Council

## Agenda

Tuesday, July 13, 2021

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7. **Business arising from In-Camera session**

a) Partnership with Edmonton International Airport

✓

G. Bain

8. **Adjournment**

✓ Attachment Provided

Leduc County is dedicated to serving its citizens and will create an enhanced quality of life through effective leadership, committed partnerships and open, transparent communication.





## Regular Council Meeting

### Minutes

*Council Chamber, Leduc County Centre, Nisku, AB*

***Tuesday, July 13, 2021***

#### **Order and roll call**

The meeting was called to order at 1:30 p.m., Tuesday, July 13, 2021 by Mayor Tanni Doblanko as Chair and council members Rick Smith, Kelly-Lynn Lewis, Kelly Vandenberghe, Larry Wanchuk, Glenn Belozar and Ray Scobie present.

#### **Other attendees**

- Duane Coleman, County Manager
- Rick Thomas, Deputy County Manager
- Grant Bain, Director - Planning and Development
- Lynn White, Recording Secretary
- Dean Ohnysty, Director - Community Services
- Jordan Evans, Manager - Long Range Planning
- Duncan Martin, Senior Planner - Long Range Planning

#### **Others**

- Susan Meilleur, Leduc County resident
- One individual

#### **Agenda adoption**

**192-21** Councillor Lewis -- that the agenda for the July 13, 2021 regular County council meeting be adopted as circulated.

Carried Unanimously

#### **Previous Minutes - June 22, 2021 regular meeting**

**193-21** Councillor Scobie -- that the June 22, 2021 regular council meeting minutes be adopted as circulated.

Carried Unanimously

#### **Public presentation**

There was no one in attendance to provide a public presentation.

#### **Town of Devon recreation capital project request**

Director of Community Services Dean Ohnysty provided a staff recommendation relating to the Town of Devon recreation capital project request.

**194-21** Councillor Smith -- that Leduc County council authorize administration to enter into a funding agreement with the Town of Devon up to \$37,500 relating to the recreation capital project request.

Carried Unanimously

#### **Staff member Ohnysty**

Staff member Ohnysty exited the council chamber at 1:38 p.m.

**Public Hearing - Bylaw No. 14-21 Nisku Major Employment Centre Area Structure Plan**

Mayor Doblanko called the public hearing to order at 1:38 p.m. with respect to the Nisku Major Employment Centre (MEC) Area Structure Plan.

Mayor Doblanko explained the purpose of the hearing and procedures to be followed.

Mayor Doblanko then called upon designated staff from Planning and Development to introduce the subject of the hearing.

Senior Planner Duncan Martin provided a staff report with respect to the proposed Nisku Major Employment Centre Area Structure Plan, highlighting the following:

- Council passed 1<sup>st</sup> reading of Bylaw No. 14-21 of the Nisku Major Employment Centre Area Structure Plan on June 22, 2021.
- The Nisku MEC Area Structure Plan provides a new vision for the plan area and defines the Nisku MEC area as the primary destination for warehousing and logistics, agribusiness, retail, hospitality, commercial, the energy sector, manufacturing and light to medium industrial developments in Leduc County. The ASP provides overall cohesion and unity of standards and practices in concert with other developed areas within the County.
- Advertising occurred in accordance with the provisions of the Municipal Government Act. Additionally, the County published advertisements through social media such as the County webpage, Facebook and Twitter.
- Comments have been received from three adjacent municipalities, two comments from the public and one follow up email was received.
- Upon conclusion of the public hearing, administration will send the same final draft version of the plan to the Edmonton Metropolitan Region Board (EMRB) for approval and compliance with the Regional Evaluation Framework. Once complete, Council may continue onto the 3<sup>rd</sup> and final reading of Bylaw No. 14-21 to adopt the Nisku Major Employment Centre Area Structure Plan.

Mayor Doblanko asked if council members had any questions for administration, and there were none.

Mayor Doblanko called upon the following registered speakers:

1. Susan Meilleur

- Lives in North Vistas.
- In support of the plan but still have some concerns. My property is highly impacted by flood plain, floodway and flood fringe.
- My property is almost entirely in the flood plain.
- Beau Vista South - east side should never have been subdivided or approved as it is in the flood plain. Every inch of dirt removed causes problems for us.
- The area structure plan has great policies and plans throughout. It protects the natural systems and environmental assets.
- Black Mud Creek, ESAs and wildlife corridor have all been taken into consideration. Flood fringe has been identified.
- Concerned there is no agricultural land identified in this area. Not sure what happened to it. There should be some agricultural land still existing in this area.

Staff member Richards

Supervisor - Development Services Colin Richards entered the council chamber at 1:54 p.m.

SP

Mayor Doblanko called upon anyone else in attendance to speak to the matter, and there was no one.

Mayor Doblanko asked council members if they had any questions for Susan Meilleur, and there were none.

Mayor Doblanko called upon administrative staff to provide final comments.

Duncan Martin provided the following comments:

- Did not receive many responses to the ASP.
- There are definitely flood plains and flood fringe areas. There are layers that are studied by Alberta Environment and Parks.
- The document specifically talks about what is allowed in the flood plain. The Province lays out certain standards which must be met if you want to build in a flood plain.
- Understands Ms. Meilleur's concerns about past subdivision approvals. This plan is intended to set a tone for this not to happen in the future.
- There is agricultural land identified in this plan. Referenced areas shaded in green on Figure 8. Want to preserve the agricultural land as long as possible.

Mayor Doblanko asked council members if they had any questions for administrative staff.

In response to questions, Duncan Martin provided the following:

- Heavy vs light industrial development is identified on page 16 of the report.
- There will be some things that are grandfathered in. Any future development applications for modifications would be dealt with at the time of submission.
- As far as laydown pipe yards go, the trend is towards diversification within the Nisku area.

#### **Conclude public hearing**

Mayor Doblanko concluded the public hearing at 2:05 p.m.

#### **Bylaw No. 14-21 - Nisku Major Employment Centre Area Structure Plan**

**195-21** Councillor Lewis -- that Bylaw No. 14-21 be given second reading to adopt the Nisku Major Employment Centre Area Structure Plan.

Carried Unanimously

**196-21** Councillor Vandenberghe -- that Leduc County council directs administration to submit the proposed Nisku Major Employment Centre Area Structure Plan Bylaw No. 14-21 to the Edmonton Metropolitan Regional Board (EMRB) for the Regional Evaluation Framework approval.

Carried Unanimously

Staff members Evans and Martin; Susan Meilleur and one other individual

Staff members Evans and Martin; Susan Meilleur and one other individual exited the council chamber at 2:10 p.m.

#### **Public Hearing - Amend Leduc County Land Use Bylaw No. 7-08 - LA21-002 Redistrict from Agricultural (AG) District to Direct Control (DC) District, natural resource extraction on Pt. NE 28-49-26-W4, AB Gill Trucking Limited**

Mayor Doblanko called the public hearing to order at 2:10 p.m. with respect to the proposed amendment to Leduc County Land Use Bylaw No. 7-08.



Mayor Doblanko explained the purpose of the hearing and procedures to be followed.

Mayor Doblanko then called upon designated staff from Planning and Development to introduce the subject of the hearing.

Supervisor of Development Services Colin Richards provided a staff report with respect to the proposed amendment to the Leduc County Land Use Bylaw 7-08, highlighting the following:

- The applicant has applied to redistrict part of the property located at Pt. NE 28-49-26-W4 from the Agricultural (AG) District to the Direct Control (DC) District for the purpose to allow for natural resource extraction (clay) to serve 2021-2022 infrastructure projects within the Town of Devon. The land will be returned to agricultural use upon completion.
- Surrounding properties contain both Agricultural District and the Industrial/Agricultural Resource District.
- The area subject to the amendment is currently utilized for pasture and is rated between 78 and 86 on the Farm Assessment Rating, which is considered high capability agricultural lands.
- The subject parcel is 61 ha (151 ac) in size and the proposed Direct Control area to be utilized for clay extraction is approximately 3.5 ha (8.6 ac) in size. Specific optional details will be addressed through a subsequent development permit application should Council support the redistricting, however, the applicants have indicated that the project is proposed to run to December 31, 2023. Throughout the project's lifespan, approximately 75,000 m<sup>3</sup> of clay will be excavated and replaced with topsoil. Daily hauling truck movements are proposed to be 40 to 80 per day, which would equate to four to eight trucks per hour, depending on customer demand.
- The proposed Land Use Bylaw amendment application was advertised in accordance with the provisions of the Municipal Government Act (MGA). The application was also referred to adjacent landowners as well as to the County's internal departments and external stakeholders. The following responses were received:
  - Fortis Alberta: no concerns
  - Leduc County Engineering and Utilities: no concerns
  - Alberta Transportation: issued Roadside Development Permit (RSDP035034) for the proposed development
  - Adjacent Landowners: no comments or concerns received
- The proposed redistricting area is situated within the Agricultural District, where the Municipal Development Plan seeks to protect and minimize the amount of loss to non-agricultural use. Notwithstanding the foregoing, the Development Authority acknowledges that this parcel is located within an area identified within the Municipal Development Plan for a (potential) future agricultural hub, where an Area Structure Plan is intended to be created that supports industrial-agriculture business. Development to this effect has already commenced upon the lands immediately to the east, where agri-business is currently under construction and where future development of an agri-business nature will result in the requirement to produce an Area Structure Plan that likely considers these lands.
- Support of redistricting of a portion of this parcel to Direct Control would allow the landowner/applicant to apply for a development permit for clay extraction. The development permit process would contain additional details surrounding the extraction process and operational parameters, with the ultimate decision being made by Council. At that time, conditions of approval can be implemented to regulate the operation and ensure the lands are returned to agricultural use following the conclusion of the project.

SD

- In conclusion, administration recommends that Council provide first, second and third reading to the proposed amending bylaw to redistrict a 3.5 ha (8.6 ac) portion of land from the Agricultural District to the Direct Control District for the purpose of natural resource extraction (clay)

Staff member Wice

Director of Finance Natasha Wice entered the council chamber at 2:18 p.m.

Mayor Doblanko asked if council members had any questions for administration.

In response to questions by council members, Colin Richards provided the following:

- It is highly likely that the developer will have to source topsoil to fill in where clay has been extracted.
- Clarified where access will be to the subject property.
- If approved, conditions will be applied through development process and the onus will be on the developer to ensure conditions are met.
- The developer whose clay extraction application was approved last year, has their own burrow pit.
- The subject property is considered prime agricultural land.
- If noncompliance occurs, there is an enforcement process in place.

County Manager Duane Coleman provided the following comments:

- The land can be returned to the same quality as it was in the beginning.
- The County can impose securities to ensure the developer adheres to conditions.

Mayor Doblanko called upon the applicant to speak to the proposed amendment, and no one was in attendance to speak.

Mayor Doblanko called upon administrative staff to provide final comments, and there were none.

**Conclude public hearing**

Mayor Doblanko concluded the public hearing at 2:29 p.m.

**Bylaw No. 15-21 - Amend Leduc County Land Use Bylaw No. 7-08 - - LA21-002 Redistrict from Agricultural (AG) District to Direct Control (DC) District, natural resource extraction on Pt. NE 28-49-26-W4, AB Gill Trucking Limited**

**197-21** Councillor Smith -- that Bylaw No. 15-21 be given first reading to amend the Leduc County Land Use Bylaw No. 7-08 as follows:

Direct Control District DC-0##

**General Purpose**

The purpose of this district is to allow for Natural Resource Extraction, specifically the recovery, processing and removal of natural extractive resources (clay) while ensuring that neighbouring land uses and environmentally sensitive areas are not negatively impacted.

**Area of Application**

This Bylaw will apply to Pt. NE 28-49-26-W4 affecting 3.5 ha± (8.6 ac±) of a title area of 61 ha± (151 ac±) as identified on the attached 'Schedule A'.

**Discretionary Uses**

- a) *Natural Resource Extraction (clay)*

2D



**Minimum Building Setback Requirements**

| From the property line adjacent to: | Excavation                                 |
|-------------------------------------|--|
| Road, Highway                       | As per Alberta Transportation requirements |
| Other Lot – Side (east) Rear        | 30.0 m                                     |

**Additional Regulations**

- (a) Only those operations where adverse impacts on the environment and neighbouring land uses can be mitigated to the satisfaction of Leduc County will be permitted.
- (b) Natural Resource Extraction operations shall be required to reclaim, to the satisfaction of the County and relevant government agencies or departments, all lands affected by the operations and shall be required to submit reclamation plans when applying for a development permit.
- (c) The County shall require landscaping and/or screening to the satisfaction of the Development Authority.
- (d) The development shall manage dust emissions to the satisfaction of the Development Authority
- (e) The number of vehicles exiting the site shall be restricted to the satisfaction of the Development Authority.
- (f) Vehicles entering or leaving the site shall not use engine brakes.
- (g) No use or operation shall cause or create any conditions which, in the opinion of the Development Authority, may be objectionable beyond the boundary of the site which contains it, by way of but not limited to the following:
  - i) odorous and toxic matter
  - ii) dust, fly ash or other particulate matter
  - iii) noise
  - iv) vibrations
  - v) air pollution
  - vii) water quality deterioration
  - xi) high brightness light sources
- (h) No operation or activity shall emit air or water contaminants in excess of the standards prescribed by the Province pursuant to the Environmental Protection and Enhancement Act.
- (i) Environmental impact assessments may be required where there is uncertainty as to potential health or environmental effects.
- (j) Natural Resource Extraction shall not be permitted within 100m of an existing dwelling, nor shall a dwelling be permitted within 100m of a Natural Resource Extraction operation. This minimum setback requirement shall not be applicable if an existing dwelling is on the same parcel as a proposed Natural Resource Extraction operation.

Lost

Pro: Councillors Scobie, Belozer and SmithCon: Mayor Doblanko and Councillors Lewis, Vandenberghe and WanchukStaff member Richards

Staff member Richards exited the council chamber at 2:36 p.m.





**Policy FP-01 Financial Reserves**

Director of Finance Natasha Wice provided a staff recommendation to approve Policy FP-01 Financial Reserves and rescinds Policies PR-01 Campground Improvement Reserve and MR-01 Use of Municipal Reserve Trust Fund.

Staff member Mryglod

Director of Engineering and Utilities Des Mryglod entered the council chamber at 2:43 p.m.

**198-21** Councillor Vandenberghe -- that Leduc County council approves Policy FP-01 Financial Reserves and rescinds Policies PR-01 Campground Improvement Reserve and MR-01 Use of Municipal Reserve Trust Fund.

Carried Unanimously

**Reserve policy update transactions**

**199-21** Mayor Doblanko -- that Leduc County council approves the creation of the following new reserves:

- Operating - legacy fund reserve
- Operating - utilities - solid waste - curbside pickup reserve

Carried Unanimously

**200-21** Mayor Doblanko -- that Leduc County council approves the re-allocation between reserves as follows:

- 1) Re-allocate \$9,536,318 from the operating reserves broken down as follows:
  - 4,498,063 to the special purpose reserve - future year initiative reserve from:
    - \$2,842,160 from external agreements
    - \$1,513,903 from regulatory
    - \$142,000 from special purposes - one-time initiatives
  - \$740,887 from the facilities and equipment reserve to the stabilization and contingency reserve
  - \$4,260,000 from the special purposes - future year initiatives reserve to the legacy fund reserve
  - \$37,368 from the regulatory reserve to the capital special purposes reserve
- 2) Re-allocate 6,476,711 from the capital stabilization and contingency reserve to the asset lifecycle management - engineered structures reserve.

and further, that Leduc County council approves the elimination of the following reserves:

- 1) Operating
  - External agreements
    - Recreation capital projects - partner municipalities
    - External agreements
  - Facilities and equipment
    - Repairs - facilities & equipment
    - Replacement - fire rescue equipment



- Replacement - equipment
- Stabilization & contingency
  - Consolidate the mill rate stabilization and contingency into a single category
- Special purpose - one-time initiative projects
- Regulatory
  - Aggregate levy
  - Contaminated sites
  - Mission Beach
  - Campground improvement
- Utilities
  - New Sarepta Water
    - Rate stabilization
    - Operating, repair & replacement
    - Carry-forward year-end projects
  - New Sarepta Wastewater
    - Rate stabilization
    - Operating, repair & replacement
    - Carry-forward year-end projects

2) Capital

- Stabilization & contingency
  - Contingency
  - Capital Infrastructure Stabilization
    - Bridges
    - Roads
    - General
- Statutory
  - Offsite levies
    - Water
    - Sewer
    - Roads
- Utilities
  - New Sarepta Water - repair & replacement
  - New Sarepta Wastewater - repair & replacement

Carried Unanimously

Staff member Wice

Staff member Wice exited the council chamber at 2:47 p.m.

**Agricultural Services Policies**

- VM-02 Mowing in Leduc County Road Right-of-Way and Leduc County Controlled Lands
- MV-03 Fenceline Spraying

**201-21** Councillor Lewis -- that Leduc County council approves the following Agricultural Services municipal policies, as recommended by the Municipal Policy Review Committee:

- VM-02 Mowing in Leduc County Road Right-of-Way and Leduc County Controlled Lands; and



- VM-03 Fenceline Spraying

Carried Unanimously

**In-Camera session**

**202-21** Councillor Vandenberghe -- that Leduc County council meet In-Camera in accordance with the *Freedom of Information and Protection of Privacy Act (F.O.I.P.)* as follows:

1. Greenhough gravel sites - *in accordance with s. 24(1) and 25(1) FOIP; and*
2. Partnership with Edmonton International Airport - *in accordance with s. 16(1) FOIP.*

Carried Unanimously

The in-camera session commenced at 2:48 p.m.

**Revert to regular council open session**

**203-21** Councillor Smith -- that the In-Camera session revert to the regular council open session.

Carried Unanimously

The In-Camera session reverted to the open session of council at 3:26 p.m.

**Business arising from In-Camera session - Partnership with Edmonton International Airport**

**204-21** Councillor Vandenberghe -- that Leduc County council approves the actions outlined in Attachment 'A'; and that, pursuant to Section 16 of the Freedom of Information and Protection of Privacy Act, the contents of Attachment 'A' remain private until a future time to be determined by Council or the County Manager.

Carried Unanimously

**Business arising from In-Camera session - Greenhough gravel sites**

**205-21** Councillor Scobie -- that Leduc County council allocates up to \$28,500 from the Community Aggregate Payment Levy for gravel exploration engineering fees at the Greenhough gravel site.

Carried Unanimously

**Adjournment**

**206-21** Councillor Wanchuk -- that the regular County council meeting be adjourned.

Carried Unanimously

The regular County council meeting adjourned at 3:29 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
County Manager