

**THE SUMMER VILLAGE OF SILVER BEACH
PUBLIC HEARING ON PROPOSED ANNEXATION OF
HELD SATURDAY, JULY 19TH, 2008
AT MULHURST COMMUNITY HALL
MULHURST BAY, ALBERTA**

Present:

Council:
Allan Watt
Larry Hill
James Irving

Staff:
Wendy Nickel, CAO

---AND approximately 70 members of the general public

Call to Order

The Public Hearing was called to order at 11:41 P.M.

Purpose of Meeting

Councilor Irving acknowledged the presence of George Scwindt and Sid Tizzard representing the landowners of the property under consideration for annexation, along with their planner, Richard Neufeld. In addition, Larry McKeever, Nancy Watson, and Frank Courtney were present as observers from the County of Wetaskiwin.

Councilor Irving noted that the Public Hearing is for the purpose of receiving comments from the general public with regards to the proposed annexation. The intent of the meeting is to receive information and public input to be summarized and forwarded to the Municipal Government Board.

Background to Annexation

Councilor Irving provided some background leading up to the annexation process. The Schwindt family had approached the village some years ago to annex their property, but the village had declined at that time. The Schwindt family had then approached the County of Wetaskiwin with a development plan where Silver Beach Road would connect to the ¼ section under proposed development and then to the county roads. The County did not want a dead-end road to the development because of emergency access issues. Silver Beach had intervened on the application to the County when the parties had reached an impasse. The proposed development would have also relied on Silver Beach for lake access.

The Schwindt family was invited to talk with Silver Beach Council to discuss the proposed development and a potential annexation. The original development proposal was for 19 back lots and 9 lake lots, which seemed too dense of a development to Council. Through a number of discussions, the development was scaled back to 13 back lots and 4 lake lots. Councilor Irving credited both Council and the Schwindt family for staying the course through a number of difficult discussions to reach a satisfactory compromise. Council now wished to see the annexation process move forward. Councilor Irving noted that the Schwindt family had sent a letter to the County noting that they opposed the annexation. Councilor Irving stated that it was understood that the family could be fearful of an annexation if they felt that Silver Beach would be too restrictive in what it allowed to be developed. That said, Councilor Irving noted that Council would continue to work with the Schwindt family to proceed with an annexation.

Overview of Annexation Process

Councilor Irving provided a brief summary of the annexation process for those present. Silver Beach provided notice of its intent to annex to the County of Wetaskiwin, the Municipal Government Board, the landowners, and all other affected parties, including utility companies and other affected entities. A public hearing is then held to solicit comments from the general public. The village will also meet with the County. Once these steps are done, the village prepares a report for the Municipal Government Board. The Municipal Government Board may then approve the annexation unless there is opposition to the annexation. If this were the case, the Municipal Government Board may opt to hold its own hearings before rendering a decision.

Councilor Irving understood from the County that if the annexed land were only the sliver of land that receives services from Silver Beach, then there would not be any opposition from the County. The Schwindt family has noted its opposition until signed agreements are in place for its protection related to a jointly agreed to Area Structure Plan and Development Plan.

Rational for Annexation

Silver Beach Council noted that all of the groundwork for a development is in place, and it has seen the development plan submitted to the County of Wetaskiwin using the village road. Council is amenable to a development with no access to the east part of the land parcel. The land is currently under the jurisdiction of the County of Wetaskiwin and the owners of the land now want to develop it.

Council's view is that it can be passive and see what development is approved by the County, or it can take an active role and pursue an annexation so that Silver Beach would have control over the development. Council would designate the annexed property as a separate development zone with special provisions in

place to ensure that no further subdivision of the lots would be allowed in the future. There would also be stipulations to ensure that the watershed is not adversely impacted. In addition, there are geotechnical concerns regarding development on the point. The Schwindt family has hired a geotechnical firm to assess stability of the point for development. The Schwindts have also agreed to install a fence along the ¼ line.

Council feels that is in the best interests overall if it can reach a development agreement with the Schwindts and proceed with the annexation.

Comments from the Public

Councilor Irving noted that the annexation process is in the early stages and that it can be aborted at any time. He invited members of the public to submit comments to Council via letter by August 31st, 2008. The floor was then opened to the public.

Jim Lees #41 – Mr. Lees noted that there was not enough information available to the general public on the proposed development to make comments. He would like to see some kind of general overview with the benefits and implications clearly indicated. Councilor Irving noted that Council would post a copy of the amended Area Structure Plan on the village website for the public's information.

Ken Morris #103 – Mr. Morris asked if the Municipal Reserve could be designated as an Environmental Reserve instead. He understood that there is more protection against any future Council disposing of the land or of future development if that were the case. Richard Neufeld noted that a Municipal Reserve cannot be disposed of by the village without a public process, and that Environmental Reserves are only applicable where environmentally sensitive areas are involved. They cannot be installed simply to act as a buffer between developments. Mr. Morris stated that this was not his understanding from his review of the Municipal Government Act. Councilor Irving noted Mr. Morris's concerns related to wanting a buffer between the proposed development and any other future development to the east.

Lee Alstrom #36 – Mr. Alstrom asked about the provisions for sewer to the proposed development, specifically who would bear financial responsibility for any sewer installation. Councilor Irving noted that the developer would negotiate directly with the North East Pigeon Lake Services Commission for sewer services, and that the costs would be fully borne by the developer. Councilor Irving noted that there are other options, such as having sewage pumped to a holding tank to be pumped out in the off-hours. If it were proposed that the sewage be hauled by truck from a holding tank, then Council would have to take a hard look at the implications to the village.

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Sandy Gilmour #115 – Ms. Gilmour expressed concerns over the future development of the land to the east of the strip of land proposed for annexation. She was concerned that a large development to the east would overtake the village if it were connected to Silver Beach by road and through the proposed annexed land. Councilor Irving noted Ms. Gilmour's concerns, and stated that it is important that Council not be passive about any proposed development for this reason. He noted that future development is overwhelmingly likely to happen, and Council wants to ensure that there is no road access to a future development to the east and that a buffer would be maintained between any development on the land proposed for annexation and any future development to the east. He noted that Council wishes to maintain Silver Beach's sense of community as best it can in light of inevitable future development. The question that Council has to keep in mind is how big of an area does it wish to provide road access to.

(Resident) commended the Schwindt family for its compromise on the number of proposed lots to be developed. She also stated that she welcomed the annexation, as development is inevitable. She noted her concern with public access to the point, and wondered if Council would consider buying that piece of land from the Schwindts to maintain a public park. Councilor Irving advised that Council believes on public park is sufficient to service the village, but he noted that the proposed development does include public access to the beach, and that the Schwindt family has included an additional 33' to the required 66' road allowance.

Ken Johnson #91 – Mr. Johnson expressed concern that the existing sewer line and pump station is inadequate to support the new development. He noted that a holding tank that was pumped out and hauled away to the lagoon by truck would have a negative impact on how he viewed the proposed annexation. Councilor Irving said that Council has required that the Schwindt family deal with the problem of sewer lines with the NEPLSC directly and that there has been no argument from the Schwindts in this regard. He noted that one option would be for the Schwindts to run an underground line to a holding tank that would be pumped out during non-peak hours. He further noted that all sewage would end up at the lagoon regardless of the method of disposal. Councilor Irving advised that the village bylaws require developments to connect to the existing sewer line. Richard Neufeld added that the Schwindt family would work with NEPLSC to find the best solution, with the developer paying 100% of the costs. If, for example, the existing pump station at Mulhurst Bay required upgrades to accommodate the proposed development, then the developer would pay the associated costs. Engineers are currently working on the best solution, and any solution would have to be entirely acceptable to the NEPLSC and that it would have the final say on sewage disposal.

Jim Webb #101- Mr. Webb commended Council on its active role in annexation of the Schwindt lands. He questioned whether the Schwindt family would be responsible for the additional wear and tear on Silver Beach Road due to

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increased traffic brought in by the development. Councilor Irving advised that Council is negotiating a charge per lot to cover costs associated with additional wear and tear on the existing infrastructure. He noted that the cost to do road work will be covered by the reserves built up by the ratepayers of the village over time, and that the Schwindt family should contribute as well by way of a special charge per lot.

Peggy Juchli – Mrs. Juchli asked what the time frame would be towards annexation. Mayor Watt noted that it would be dependent on several factors, but that an uncontested annexation would move forward fairly quickly. Mrs. Juchli commented that she would like to see an Area Structure Plan for the entire parcel of land all at once, rather than seeing it presented in sections.

Dave McCoy #117- Mr. McCoy asked if the village could prevent road access if it did not want to provide access to any future proposed developments. Councilor Irving advised that the village can control access through its controlled street access bylaw, but that the village solicitor has advised that the village cannot outright prevent access to its road. This has been a point of contention, and legal advice sought by the village confirms that road access cannot be prohibited, but that the village could maintain control of the road through its bylaws.

(Resident) #33 expressed concerns over the increased population using the public beach. She wondered where the additional users would find public parking, and noted that the public beach is already overflowing. Councilor Irving advised that Council had done its best to ensure adequate public access points.

Peggy Juchli – Mrs. Juchli asked if there would be more clearing of lands to accommodate proposed public access points. Councilor Irving stated that the question in front of Council at this time is whether or not to annex. He said that the ideal situation for residents of Silver Beach would be if the land in question would stay as is, but this is not an option. He stated that the issue of annexation would be dealt with as a series of compromises by both the developers and the village.

Larry Majeski #32 – Mr. Majeski said that he believed the developer was responsible for contributing 10% of the land as Municipal Reserve. Councilor Irving noted that the developer has provided 10% as Municipal Reserve, and that there is also an Environmental Reserve provided for along the lakefront. The remainder after taking into consideration the ER is designated as MR.

Bob Gibbs #75 – Mr. Gibbs expressed concern over increased traffic. He also asked whether Council was working to preserve as much naturalness of the area as possible. Councilor Irving responded that adding new lots with the proposed development would change the appearance of Silver Beach. The proposed changes to the Land Use Bylaw are intended to mitigate the impact of the development as much as possible.

Don Carlson # 53 – Mr. Carlson commended Council for its pro-active stance with regards to annexation. He said he believed that there should be a greater contribution of funds from the developer towards the road. He is also concerned about the total density of the development and that there is no permanent access being proposed to the county road. Councilor Irving said that the access would be like the existing one in Argentinia Beach, where there is no connecting road.

Frank Cowles #127- Mr. Cowles stated that he hoped the County and the village could work together on ensuring suitable development. He wondered whether the County would have insisted on a through road for any additional development proposed to the east. Councilor Irving noted that the County representatives were present as observers only, but that he was under the impression that the County preferred roads that network and do not “dead-end”.

Peggy Juchli # - Mrs. Juchli commented that the proposed development will not be as dense as the recently approved “Mulhurst Bay Crossing”. She also commented that it might be beneficial to her as a property owner to have a connecting road for emergency vehicle access. She also questioned whether the Girl Guides would now consider adding roads to access its back lots. She expressed concern that a precedent is being set to allow driveways to become road accesses. Councilor Irving responded that he feels no precedent is being set and that all development will occur to the development standards and rules of the governing municipality.

Frank Cowles #127 – Mr. Cowles stated that he hoped the County and the village would act as cooperative liaisons for the best of the community. He was concerned that the County has not expressed its intentions with regards to the matter. He also noted that other municipalities have more stringent requirements for MR and ER allocations, and referred Council to the County of Lacombe website for its requirements. He noted that County of Lacombe also required a public access levy for its developments. Councilor Irving noted that the County of Wetaskiwin has been excellent to deal with. Communication between the County and the village has been good, and he further stated that the County in the end has to be mindful of what is in its best interests, too, and that the village and the County are also capable of disagreement. That said, there have been no complaints over Council’s dealings with the County. Richard Neufeld advised that there has been no general Municipal Development Plan established for Silver Beach. He also noted that the maximum contribution of 10% MR is governed by the Municipal Government Act, unless the developer voluntarily contributes more. He further noted that different municipalities have different rules governing development. Councilor Irving advised that Council is capable of installing conditions on the proposed development, but at the same time the village does not want to make the conditions so restrictive that the value of the Schwindt subdivision is compromised, which would cause the Schwindts to turn to the County rather than work with the Summer Village of Silver Beach. He assured

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those present that negotiations thus far have been based on compromise, and that compromises would continue to be reached to the satisfaction of both parties.

Ed Christopher # - Mr. Christopher asked where the village goes from this point. Councilor Irving noted that the village would summarize the comments gathered today for submission to the Municipal Government Board, and that it would continue to work with the Schwindts to finalize a development agreement. Council intends to proceed with the annexation.

Peggy Juchli # - Mrs. Juchli asked if the public would have access to the report put together for the MGB. Councilor Irving said that the report could be posted on the village website and / or sent out to the public for its information. Mrs. Juchli asked what would happen next, as it would be difficult for residents to approve an Area Structure Plan they have not seen. Councilor Irving noted that as the elected body, Council has the onus of making the decision regarding annexation, and that the Public Hearing is part of a consultation process with the public. He said that Council would consider what it has heard today and follow up on the comments and questions to the best of its ability and act accordingly.

Councilor Irving thanked the members of the public present, including the landowners and the County of Wetaskiwin representatives, for their attendance. He invited written submissions with comments regarding the proposed annexation to August 31, 2008.

Adjournment

Time of Adjournment: 1:00 P.M.

Allan Watt, Mayor

Wendy Nickel, CAO