

PUBLIC HEARING AGENDA
SUMMER VILLAGE OF SOUTH VIEW
SATURDAY, JANUARY 18, 2020 at 10:00 a.m.
INTERLAKE GOLDEN AGE CLUB, DARWELL, AB (HIGHWAY 765 & HIGHWAY 633)

DATE: Saturday, January 18, 2020
TIME: 10:00 a.m.
PLACE: Interlake Golden Age Club
Darwell, Alberta
(Located at Highway 765 & Highway 633)

- P 1
1. Call to Order and Opening Remarks
 2. Adoption of Agenda
 3. Introductions
 4. Public Hearing

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The purpose of this public hearing is for the Council of the Summer Village of South View to hear testimony and take action relating to the proposed Bylaw 207-2019 which is a Bylaw requesting the Registrar of Land Titles to remove the Park Reserve designation of one parcel of land so as to allow for the disposition of the parcel and confirmation of the location of the Environmental Reserve.

The Reserve is that land legally described as Lot P (Park Reserve), Block 1, Plan 2647 KS, which is adjacent to Isle Lake. This parcel is located south of Oscar Wikstrom Drive and east of 102 Street in the Summer Village of South View.

The Municipality has, following lengthy investigation, determined that there may have been errors made in the boundaries of Lot P at the time of registration of the subdivision that created Lot P, such that certain lots adjacent to Lot P did not extend to the shoreline of Lake Isle, as intended. These errors resulted in the adjacent landowners constructing improvements that encroach onto Lot P and the Municipality has also levied and collected property taxes in a manner that reflects the mistaken belief that the boundaries of the certain lots extended to the shoreline of Lake Isle.

And whereas the Municipality has determined that the result of their investigations indicate "an omission, error or other defect in the certificate of title" for Lot P, and "an encroachment problem and other concerns" with respect to Lot P, within the meaning of section 676(1)(d) of the Municipal Government Act.

5. Presentations
 - a) Michelle Gallagher, Patriot Law Group
 - b) Kyle Miller, Municipal Planning Services

6. Public Testimony & Comment

a) Written Submissions

i) Peter & Lynnda Abrams

b) Written Request to make Oral Presentation

i) Jim Woslyng

c) Oral Presentations/Comments from those persons signed up on the sign-in sheet

d) Oral Presentations/Comments from any other person(s)

7. Questions & Answers (for Council Members Only)

8. Council Discussion

9. Adjournment of Public Hearing

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Public Hearing Protocol

The purpose of a Public Hearing is for the Council of the Summer Village of South View to hear testimony relating to a proposed bylaw.

Everyone present will be given an opportunity to be heard.

Only one person may speak at a time. Each person will be allowed 5 minutes maximum to present to allow time for everyone to be heard. This is the time for presentation of testimony. No debate is allowed.

The ground rules of the hearing and the order of speaking will be:

- a) municipal staff (ie: lawyer, planner, development officer) will speak first to outline facts and present his/her recommendation on the proposed bylaw,
- b) written submissions will be read aloud by either the writer or administration,
- c) written requests for oral presentations will be heard,
- d) members of the public who have signed in will be given the opportunity to speak in the order they signed in,
- e) anyone else, who did not sign in will be given the opportunity to speak,
- f) municipal staff will be given the opportunity to present closing remarks or address any of the issues presented,
- g) Councillors will be given the opportunity to ask questions,
- h) Council will then end the Hearing and retire to consider the information received at the public hearing and may consider any other matter it considers appropriate,
- j) only Councillors may ask questions of speakers during the Hearing. If any persons wish to ask questions of a speaker, they must ask Council to ask the question on their behalf during their presentation, and Council will only ask the question if it feels it wishes to have an answer in order to undertake its consideration.

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A BYLAW OF THE SUMMER VILLAGE OF SOUTH VIEW, IN THE PROVINCE OF ALBERTA, TO REMOVE A PARK RESERVE DESIGNATION FROM CERTAIN LANDS AND TO CONFIRM AN ENVIRONMENTAL RESERVE DESIGNATION TO CERTAIN LANDS.

WHEREAS, the Summer Village of South View ("the Municipality") is the registered owner of the lands legally described as

PLAN
2647KS
BLOCK 1
LOT P (PARK RESERVE)
CONTAINING 1.08 ACRES MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERAL AND
THE RIGHT TO WORK THE SAME AS SET FORTH IN
TRANSFER 7849JV
("Lot P")

AND WHEREAS, the Municipality has noted that the "Park Reserve" designation assigned to Lot P is not a recognized designation of land under the current *Municipal Government Act* ("MGA") and that the designation of Lot P most closely resembles an "Environmental Reserve" designation under the current MGA,

AND WHEREAS, the Municipality has, following lengthy investigation, determined that there may have been errors made in the boundaries of Lot P at the time of registration of the subdivision that created Lot P, such that certain lots adjacent to Lot P did not extend to the shoreline of Lake Isle, as intended. These errors resulted in the adjacent landowners constructing improvements that encroach onto Lot P and the Municipality has also levied and collected property taxes in a manner that reflects the mistaken belief that the boundaries of the certain lots extended to the shoreline of Lake Isle,

AND WHEREAS the Municipality has determined that the result of their investigations indicate "an omission, error or other defect in the certificate of title" for Lot P, and "an encroachment problem and other concerns" with respect to Lot P, within the meaning of section 676(1)(d) of the MGA,

AND WHEREAS, the Municipality may, by Bylaw made in accordance with section 676 of the MGA, change the boundaries of an Environmental Reserve in order to correct an omission, error or other defect in the certificate of title, or to rectify an encroachment problem or other concern,

AND WHEREAS, the Municipality wishes to remove the "Park Reserve" designation from Lot P in order to correct the identified problems and concerns prior to subdivision of Lot P,

AND WHEREAS, the Municipality wishes to add an "Environmental Reserve" designation to a portion of Lot P in conjunction with correcting the identified problems and concerns outlined above;

AND WHEREAS a portion of Lot P is also to be subdivided to assist with correction of the problems noted above, a copy of the intended subdivision plan for which is attached as Schedule "A",

NOW THEREFORE, the Council of the Summer Village of South View, in the Province of Alberta, duly assembled, enacts as follows:

1. THAT this Bylaw may be cited as the "REMOVAL OF PARK RESERVE DESIGNATION BYLAW";
2. THAT the Summer Village of South View shall remove the reserve designation from all of Lot P.
3. THAT the Summer Village of South View shall designate Lot 6ER as identified on the intended subdivision plan at Schedule "A" as Environmental Reserve.
4. THAT this Bylaw shall come into force and have effect on the date of the third and final reading.

Read a first time on this __24th__ day of _____April_____, 2019.

Sandi Benford
Mayor, Sandi Benford

Wendy Wildman
Chief Administrative Officer, Wendy Wildman

Read a second time on this _____ day of _____, 2019.

Mayor, Sandi Benford

Chief Administrative Officer, Wendy Wildman

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Municipal Government Act RSA 2000 Chapter M-26
Division 9, Section 676

Read a third and final time on this _____ day of _____, 20_____.

Mayor, Sandi Benford

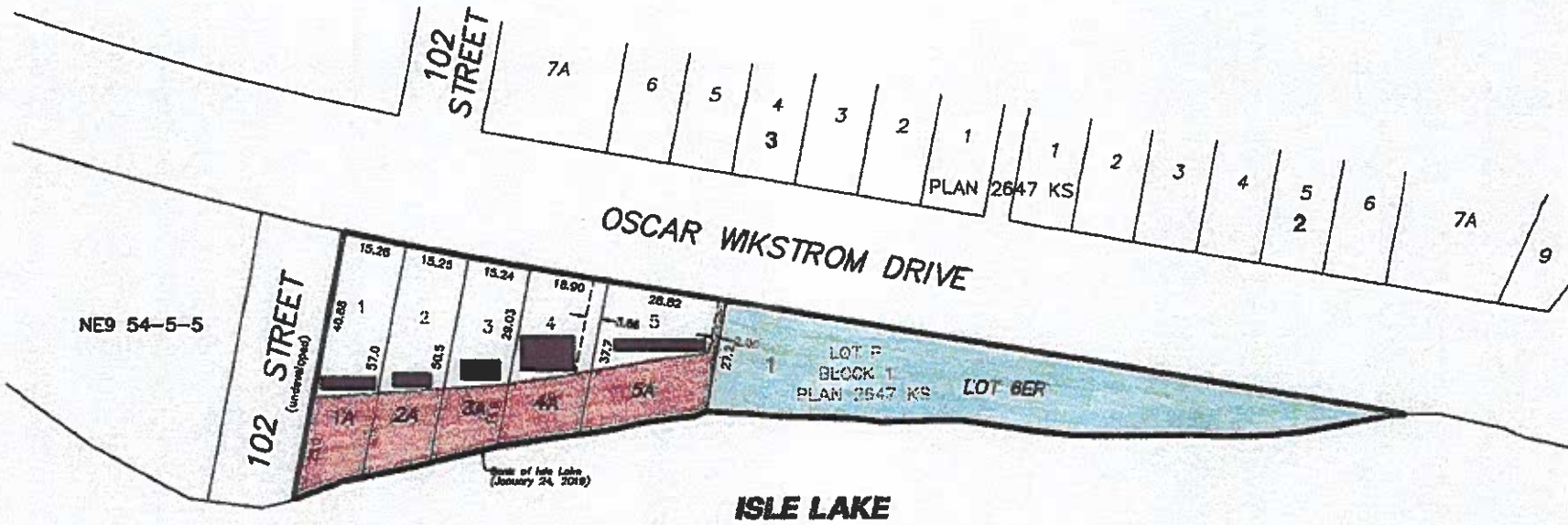
Chief Administrative Officer, Wendy Wildman

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SCHEDULE "A" – BYLAW 207-2019



SCHEDULE "A"



-REMOVE PARK RESERVE DESIGNATION AND CONSOLIDATE

-CONFIRM ENVIRONMENTAL RESERVE DESIGNATION

- NOTES:
1. ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
 2. LOT OWNERS LAST NAME MARKED ON LOTS
 3. AREA OUTLINED THUS AND CONTAINS 0.893 ha.

TENTATIVE PLAN SHOWING PROPOSED SUBDIVISION OF LOTS 1 TO 5 INCLUSIVE, BLOCK 1, AND LOT P, BLOCK 1, PLAN 2647 KS
SUMMER VILLAGE OF SOUTH VIEW - ALBERTA
SCALE 1:1000 FEBRUARY 2019

NAVLAND GEOMATICS INC.
10722 - 181st STREET, EDMONTON, ALBERTA
PHONE NO. 780-486-1119 FAX NO. 780-483-0240
FILE NO. 2673/19 2675-TENT-19.DWG

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January 5, 2020

Peter P. Abrams, Lynnda R. Abrams

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To: Administration Office, Summer Village of South View
Box 8, Alberta Beach, AB
T0E 0A0

RE: BYLAW 207-2019

We are the owners of lots 22 and 34 Lake St. in South View, AB.

We would like to comment on the proposed bylaw as follows:

The bylaw indicates that a portion of the existing Lot P adjoining the Lake, is to be subdivided into 6 lots, 5 of which are to be "consolidated". It appears that the intent is to consolidate the new lots 1A, 2A, 3A, 4A and 5A into the 5 semi waterfront lots on Oscar Wikstrom Drive.

The bylaw states that there were errors made in the original boundaries of Lot P. The notion that there were errors is, in our opinion, unlikely as the creation of a buffer zone between residential properties and a lake is consistent with good environmental planning, as indicated in the Alberta Government Report "Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region". Furthermore it is consistent with other subdivision information such as the diagram defining "lake front", "semi lake front" and "back lot" lot designations in the Government of Alberta "User Guide for Dock Permits". For these reasons we doubt that there was an error in having the buffer zone of Lot P between the residential lots and the lake. Even if there was an "error", the resultant lot plan is consistent with good environmental practices for lake shores and should not be changed.

It also is concerning that the Village would consider giving up the lake shore buffer zone in favour of residential development when the Alberta Environment encourages buffer zones to be created along lake shores.

Subdividing Lot P and giving up all future public access to portions of it is not in the best interests of the people of South View. It eliminates any possibility of a shoreline walking trail or any form of public access to this area in the future.

The bylaw also indicates that the 5 lots have been taxed as though they extend to the lake. It is very surprising that a property assessor would not consult a village lot plan during his assessment process and not realize that the properties do not extend to the lake. If that is the case, the taxes paid could be compensation for use of the public land of Lot P.

We respectfully ask that you consider these issues. If you are still proceeding with this bylaw, we suggest that you sell these lots at fair market value so the citizens of South View at least obtain some compensation for giving up there rights to what is presently public land.

Yours truly,



Peter P. Abrams and Lynnda R. Abrams

22 Lake St. South View

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