

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on April 10, 2008 at 9:00 a.m. Present were Reeve R. McLean, Councillors T. Waddock, R. Chase, T. Mills, R. Nelson, L. Spilak, B. Castell, Municipal Manager H. Riva Cambrin and Recording Secretary J. Gordon.

The M.D.'s Director of Public Works and Engineering T. Gilliss entered the Council Chambers to answer any questions that Council may have with respect to Public Works. Also in attendance was Municipal Treasurer B. Robinson.

Reeve McLean called the meeting to order.

AGENDA – APRIL 10, 2008

Moved that Council approve the agenda for the Council meeting of April 10, 2008.
CARRIED

ADDITIONS TO AGENDA

Moved that Council approve the additions to the agenda for the Council meeting of April 10, 2008.

CARRIED

192nd STREET WEST – TRAFFIC & SPEEDING CONCERNS

Moved that Council support Public Works recommendation to keep the speed limit at 80 KM/HR and that additional speed enforcement be utilized along that portion of 192nd Street West

CARRIED

DUST CONTROL – SPOT TREATMENT PROGRAM

Moved that the M.D.'s Dust Control – Spot Treatment Program policy be amended to reflect that the M.D. will not be doing additional spot treatments more than the allotted 100 metres per residence.

CARRIED

WATER BILLING FOR SAND WASHING

Moved that Council accept the staff recommendation regarding the charge of water to Volker Stevin relating to their one-time sand washing operation.

CARRIED

CHINOOK MEADOWS, PHASE 2 SHALLOW UTILITIES

Moved that Council award the bid to Ace Construction Company Inc. for the installation of the shallow utilities.

CARRIED

'IN-CAMERA'

Moved that Council meet 'In-Camera' at 9:23 a.m. to discuss a land matter.

CARRIED

'OUT-OF-CAMERA'

Moved that Council go 'In-Camera' at 9:33 a.m.

CARRIED

LAND ACQUISITION – NE 08-22-01 W5M

Moved that Council instruct staff to proceed with the acquisition of land from the Government of Canada located in the NE 08-22-01 W5M.

CARRIED

LAND ACQUISITION – NE 26-22-03 W5M

Moved that Council instruct staff to proceed with the acquisition of land from Earthsafe Products located in the NE 26-22-03 W5M.

CARRIED

PHOTO RADAR MACHINE

Moved that Council acknowledge receipt of the letter dated April 8, 2008, from R. LaVallie regarding the use of a photo radar machine.

CARRIED

SCHERER, KEDGE SCHIENDER AND SYMMES

LAND USE BY LAW AMENDMENT – NE & SE 3- 20-28 W4

Mr. R. Scherer, Ms. M. Scherer and Mr. E. Scherer were in attendance for the public hearing in connection with the proposed amendment of the two separately titled properties in order to create one additional parcel from each quarter-section. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located one mile North of 434th Ave. and is accessed West off 144th St. E.

Within the SE 3-20-28 W4, one 'first parcel out' of 4 acres was created along the South boundary in 1992. The present application is to allow for the balance of the quarter-section to be subdivided into one 75+/-acre parcel and one 80+/-acre parcel. There are four grain bins located along the South boundary of the quarter-section, immediately West of the 4-acre parcel. The Planning Officer noted that there is currently a surface lease over the Southwest portion (0.74 acres) to allow for maintenance and access to pipeline isolation valves that are currently maintained by Mazeppa.

Within the NE 3-20-28 W4, the quarter-section has been unsubdivided to this point in time. There are two existing approaches that would provide access and a common approach is proposed along the East boundary (144th St. E.) to access the two proposed parcels.

The landowners stated that their applications were submitted for estate planning. The parcel that was subdivided from SE 3-20-28 W4 is not owned by a family member. The land will continue to be farmed and will therefore remain agriculturally productive.

The public hearing was closed.

BYLAW 52/2008

Bylaw 52/2008 was introduced into the meeting to authorize the amendment of NE 3-20-28 W4 from the Agricultural District land use rules in order to permit the future subdivision of one 80-acre parcel.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

In their deliberations, Council commented that the land is located within an agricultural area and that the area within a one-half mile radius has a number of 'first parcels out' of the quarter-sections.

Prior to further consideration, the landowners will be required to submit the following;

Final lot fee of \$650.00;

Subdivision application with appropriate fees.

Moved that the application for the amendment of the Agricultural District land use rules in order to create one 80-acre parcel from SE 3-20-28 W4 be refused as the quarter-section has a 'first parcel out' previously and the property is located in an agricultural area.

THE MOTION WAS LOST

BYLAW 53/2008

Bylaw 53/2008 was introduced into the meeting to authorize the amendment of SE 3-20-28 W4 from the Agricultural District land use rules in order to permit the future subdivision of one additional parcel.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Prior to further consideration, the landowners will be required to submit the following:

Final lot fee of \$650.00;

Development Agreement for the road improvement fee of \$8,000.00;

Subdivision application with appropriate fees.

TURNER AND PORTMANN - LAND USE BYLAW AMENDMENT

NE 11-20-1 W5

BYLAW 105/2007

Bylaw 105/2007 was reintroduced into the meeting to authorize the amendment of NE 11-20-1 W5 from the Agricultural District land use rules in order to permit the future subdivision of one 54.31-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

TURNER AND PORTMANN - SUBDIVISION - NE 11-20-1 W5

Moved that the subdivision of one 54.31-acre parcel from NE 11-20-1 W5 has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons:

The application is consistent with Section 7 of the Subdivision and Development Regulations;

The subject land has the appropriate land use designation.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application be approved subject to the following conditions:

Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such means as satisfactory to the Registrar of the South Alberta Land Titles Office District;

All accesses to be located and culverts and approaches to be installed and constructed to MD standards and approved by the Public Works Department;

Landowners are to provide all utility easements and agreements to the satisfaction of the MD and the utility companies;

Landowners are to pay all arrears of taxes on the existing parcel prior to the finalization of the subdivision; and furthermore,

It is the applicant's responsibility to provide a Real Property Report of an 'as built' drawing signed and sealed by an Alberta Land Surveyor certifying the location of the water well within the boundaries of the new parcel as well as the location of the adjacent municipal road(s) and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

HOWE – SW 35-20-3 W5

Moved that Council approve the site plan as submitted for two 5+/-acre parcels and a balance parcel of 8.64 acres in size from Plan 500JK Lot 2 in SW 35-20-3 W5.

CARRIED

GORDON - REDESIGNATION - NW 30-20-27 W4

BYLAW 176/2007

Bylaw 176/2007 was reintroduced into the meeting to authorize the amendment of the North Half of NW 30-20-27 W4 from the Agricultural District land use rules in order to permit the future subdivision of one 22-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

GORDON - SUBDIVISION - NW 30-20-27 W4

Moved that the subdivision of one 22+/-acre parcel from the North Half of NW 30-20-27 W4 has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons:

The application is consistent with Section 7 of the Subdivision and Development Regulations;

The subject land has the appropriate land use designation.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application be approved subject to the following conditions:

Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such means as satisfactory to the Registrar of the South Alberta Land Titles Office District;

All accesses to be located and culverts and approaches to be installed and constructed to MD standards and approved by the Public Works Department;

The Municipality's road widening requirement of 5 metres of land along the West boundary of the existing parcel to be dedicated by Caveat and registered concurrently with the Plan of Survey;

Public Reserve: to be deferred by Caveat on the proposed parcel;

Landowners are to provide all utility easements and agreements to the satisfaction of the MD and the utility companies;

Landowners are to pay all arrears of taxes on the existing parcel prior to the finalization of the subdivision; and furthermore,

It is the applicants' responsibility to provide a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor certifying the location of the water well within the boundaries of the new parcel as well as the location of the adjacent municipal road(s) and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

HARRIS AND GERMAN – BOUNDARY ADJUSTMENT – NW 36-21-1 W5

Moved that the boundary adjustment whereby 3 acres from the 10.19-acre parcel legally described as Plan 9810182 Block A Lot 3 in NW 36-21-1 W5 is to be consolidated with Plan 0111541 Block A Lot 4 in NW 36-21-1 W5 in order to create one 7.19+/-acre parcel and one 5.99+/-acre parcel, be approved subject to the following conditions:

Boundary adjustment and consolidation to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such means as satisfactory to the Registrar of the South Alberta Land Titles Office District;

All accesses to be located and culverts and approaches to be installed and constructed to MD standards and approved by the Public Works Department;

Landowners are to provide all utility easements and agreements to the satisfaction of the MD and the utility companies;

Landowners are to pay all arrears of taxes on the existing parcel prior to the finalization of the subdivision; and furthermore,

It is the applicants' responsibility to provide a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor certifying the location of the water well within the boundaries of the new parcel as well as the location of the

adjacent municipal road(s) and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

TOP - REDESIGNATION - SE 30-19-26 W4

BYLAW 189/2006

Bylaw 189/2006 was reintroduced into the meeting to authorize the redesignation of SE 30-19-26 W4 from Agricultural District to Country Residential District in order to permit the future subdivision of one 12-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

TOP - SUBDIVISION - SE 30-19-26 W4

Moved that the subdivision of one 12-acre parcel from SE 30-19-26 W4 has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons: The application is consistent with Section 7 of the Subdivision and Development Regulations;

The subject land has the appropriate land use designation.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application be approved subject to the following conditions:

Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means as satisfactory to the Registrar of the South Alberta Land Titles District;

All accesses to be located and culverts and approaches to be installed and constructed to M.D. standards and approved by the Public Works Department;

The Municipality's road widening requirement of 5 metres of land along the East and South boundaries of the existing parcel to be registered by Caveat concurrently with the Plan of Survey;

Landowners are to provide all utility easements and agreements to the satisfaction of the M.D. and the utility companies;

Landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision, and furthermore;

It is the applicants' responsibility to provide a Real Property Report or an 'As Built Drawing' signed and sealed by an Alberta Land Surveyor certifying the location of the water well within the boundaries of the new parcel as well as the location of the adjacent municipal road(s) and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

EQUINE TRADER INC. (HICKS) - REDESIGNATION - SE 35-21-4 W5

Moved that, prior to further consideration of Bylaw 186/2007 authorizing the redesignation of the 67.63-acre portion of SE 35-21-4 W5, the following conditions will be required to be met to the satisfaction of the Municipality:

Final lot fee of \$650.00 per new lot;

High water table testing on all lots to be completed to the satisfaction of the Municipal Engineer and Council;

Development Agreement for the road improvement fee of \$8,000.00 per new lot as well as the internal road construction;

Proof of adequate water supply as per the Provincial Water Act;

Identification of building sites on all proposed parcels including the municipal reserve parcel and the balance parcel, respecting all relevant setback distances and elevation requirements to the satisfaction of the Municipal Engineer and Council;

Subdivision application with appropriate fees.

CARRIED

HOLTERMAN - LAND USE BYLAW AMENDMENT - W. 19-17-28 W4

BYLAW 165/2006

Bylaw 165/2006 was reintroduced into the meeting to authorize the amendment of Plan 0111498 Block 9 in W. 19-17-28 W4 from the Residential District land use rules in order to permit the future subdivision of six additional lots.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

HOLTERMAN - SUBDIVISION - W. 19-17-28 W4

Moved that the subdivision of six additional parcels from Plan 0111498 Block 9 Lot 2 in W. 19-17-28 W4 has been evaluated in terms of Section 654 of the Municipal

Government Act and Section 7 of the Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons:

The application is consistent with Section 7 of the Subdivision and Development Regulations.

The subject land has the appropriate land use designation.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application be approved subject to the following conditions:

Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means as satisfactory to the Registrar of the South Alberta Land Titles District;

All accesses to be located and culverts and approaches to be installed and constructed to M.D. standards and approved by the Public Works Department;

Public Reserve: to be by way of cash in lieu of land based on \$45,952.00 per acre on account of 10% of the existing parcel;

Landowners are to provide all utility easements and agreements to the satisfaction of the M.D. and the utility companies;

Landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision, and furthermore;

It is the applicants' responsibility to provide a Real Property Report or an 'As Built Drawing' signed and sealed by an Alberta Land Surveyor certifying the location of the water well within the boundaries of the new parcel as well as the location of the adjacent municipal road(s) and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

NEILSON - REDESIGNATION - SE 10-19-29 W4

BYLAW 179/2007

Bylaw 179/2007 was introduced into the meeting to authorize the redesignation of SE 10-19-29 W4 (North of Road, Northeast of IRR 23) from Agricultural District to Country Residential District in order to permit the future subdivision of two 5+/-acre parcels.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

NEILSON - SUBDIVISION - SE 10-19-29 W4

Moved that the subdivision of two additional parcels from the 54.79-acre portion of SE 10-19-29 W4 has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons:

The application is consistent with Section 7 of the Subdivision and Development Regulations.

The subject land has the appropriate land use designation.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application be approved subject to the following conditions:

Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means as satisfactory to the Registrar of the South Alberta Land Titles District;

All accesses to be located and culverts and approaches to be installed and constructed to M.D. standards and approved by the Public Works Department;

Public Reserve: to be by way of cash in lieu of land based on \$8,566.00 per acre on account of 10% of the two proposed parcels;

The Municipality's road widening requirement of 5 metres of land along the East boundary of the existing parcel to be registered by Caveat concurrently with the Plan of Survey;

Landowners are to provide all utility easements and agreements to the satisfaction of the M.D. and the utility companies;

Landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision, and furthermore;

It is the applicants' responsibility to provide a Real Property Report or an 'As Built Drawing' signed and sealed by an Alberta Land Surveyor certifying the location of the water well within the boundaries of the new parcel and that the site plan is surveyed according to municipal requirements.

CARRIED

ABILDS & ABILDS INC. - DEVELOPMENT PERMIT - SW 30-19-28 W4

Moved that Development Permit 08D 041 for two industrial buildings be approved within Plan 9812255 Lot 8 in SW 30-19-28-W4 subject to the following conditions:

This application approves two – 12,000 sq. ft. industrial use buildings, one to be used for a high end auto storage and one to be used for a warehouse;
The applicant will be required to obtain a building permit and submit a Professional Engineer's stamped design for the structural-mechanical and electrical for the use and occupancy of the proposed buildings;
The applicant will be required to obtain the necessary Safety Code Permits if they are being installed within the buildings, being plumbing, gas, septic and electrical;
The applicant will be required to obtain a Roadside Development Permit from Alberta Transportation and proof of such is required to be submitted to the Development Officer of the M.D. of Foothills;
The applicant must meet the requirements of the Calgary Health Region;
Should either of the buildings be leased or the property sold for another type of use, the leaseholder or new landowner must apply for the appropriate Development Permit for change of use;
An annual business is required to be obtained from the M.D. of Foothills;
There shall be no long term storage of waste material on the property, nor burning of waste materials. All garbage and waste materials shall be stored in weather-proof and animal proof containers. Garbage containers are required to be visually screened;
The applicant is required to meet the Town of High River's Water and Sewage Bylaw;
The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the M.D. with respect to this permit.

CARRIED

POTTER - SITE SPECIFIC AMENDMENT - SE 35-21-1 W5

BYLAW 9/2008

Bylaw 9/2008 was reintroduced into the meeting to authorize the site specific amendment of Plan 731235 Block 2 in SE 35-21-1 W5 from the Country Residential District land use rules in order to allow for the tower to be used for commercial as a permitted use.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

JOKI - SUBDIVISION - SE 21-21-28 W5

Moved that Council has no objection to the final time extension requested for the subdivision approval granted on October 20, 2005 and the landowners therefore have until October 20, 2008 to comply with all conditions as originally set forth by Council on October 20, 2005.

CARRIED

1094468 ALBERTA LTD. & COBRA CORPORATE MANAGEMENT DEVELOPMENT PERMIT - SW 19-19-28 W4

Moved that Development Permit 08D 013 for three commercial buildings be approved within Plan 0713900 Block 1 Lot 3 in SW 19-19-28-W4 subject to the following conditions:

This application approves three – 11,250 sq. ft. commercial use buildings, with 5 bays per building that will be rented or leased out to different businesses;

The applicant will be required to obtain a building permit and submit a Professional Engineer's stamped design for the structural-mechanical and electrical for the use and occupancy of the proposed buildings;

The applicant will be required to obtain the necessary Safety Code Permits if they are being installed within the buildings, being plumbing, gas, septic and electrical;

The applicant will be required to obtain a Roadside Development Permit from Alberta Transportation and proof of such is required to be submitted to the Development Officer of the M.D. of Foothills;

Each business occupier must apply for their own Development Permit, whereby more specific details are required with each application. If approved by Council , it will allow for specific uses to be carried out within the identified bay;

There shall be no long term storage of waste material on the property, nor burning of waste materials. All garbage and waste materials shall be stored in weather-proof and animal proof containers. Garbage containers are required to be visually screened;

The applicant is required to meet the Town of High River's Water and Sewage Bylaw;

Storm water drainage plans are required to be prepared and stamped by a Professional Engineer and submitted to the Municipal District's Municipal Engineer for review and approval;

The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the M.D. with respect to this permit.

CARRIED

VAN TONGEREN - REDESIGNATION - SW 32-19-29 W4

BYLAW 209/2007

Bylaw 209/2007 was reintroduced into the meeting to authorize the redesignation of SW 32-19-29 W4 from Agricultural District to Country Residential 'A' District in order to permit the future subdivision of five additional parcels. The designation of Country Residential 'A' District will be imposed on the lots due to the proximity to the landfill site and the requirement for cisterns on the property.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

VAN TONGEREN - SUBDIVISION - SW 32-19-29 W4

Moved that the subdivision of five 3+/-acre parcels from SW 32-19-29 W4 has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons:

The application is consistent with Section 7 of the Subdivision and Development Regulations;

The subject land has the appropriate land use designation.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application be approved subject to the following conditions:

Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such means as satisfactory to the Registrar of the South Alberta Land Titles Office District;

All accesses to be located and culverts and approaches to be installed and constructed to MD standards and approved by the Public Works Department;

Restrictive Covenant with respect to no wells being allowed within the boundaries of the subdivision area to be registered concurrently with the Plan of Survey;

Development Agreement for upgrading and construction of existing and proposed internal roadways to be registered concurrently with the Plan of Survey;

Public Reserve: to be by way of cash in lieu of land based on \$12,599.00 per acre on account of 10% of the proposed new parcels;

Landowners are to provide all utility easements and agreements to the satisfaction of the MD and the utility companies;

Landowners are to pay all arrears of taxes on the existing parcel prior to the finalization of the subdivision; and furthermore,

It is the applicants' responsibility to provide a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor certifying the location of the water well within the boundaries of the new parcel as well as the location of the adjacent municipal road(s) and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

COUNCIL MINUTES - APRIL 1, 2008

Moved that Council adopt the minutes, as circulated, of its April 1, 2008, Council meeting.

CARRIED

COUNCIL MINUTES – APRIL 3, 2008

Moved that Council adopt the minutes, as circulated, of its April 3, 2008, Council meeting.

CARRIED

MAHMUD – LAND USE BYLAW AMENDMENT – SE 20-22-1 W5

Dr. and Mrs. G. Mahmud and their agent, Mr. D. Badke, were in attendance for the public hearing in connection with the proposed amendment of the 8-acre parcel in order to permit the future subdivision of two additional lots. Mrs. M. O'Bertos, L. Rolfe, Mrs. L. Heathcott and Mr. R. Fedorak of Spruce Meadows were also in attendance. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located approximately 0.5 miles South and West of the City of Calgary boundaries on 72nd St. W. Letters of support were received from S. and G Avarello. One letter of interest was submitted by Mrs. L. Heathcott. The subject land is located within the Country Residential policy area of the MD of Foothills/City of Calgary Intermunicipal Development Plan.

The property is located South of Spruce Meadows and there has been development of country residential lots immediately South of this quarter-section.

The applicants were successful in creating one 1.9-acre lot in 1991. In 2001, a further application for one 2-acre parcel was refused.

The present proposal would allow for two additional parcels of 1.73 acres with a balance parcel of 3.59 acres. The access is proposed to be by way of an internal road coming off 72nd St. W. In addressing the internal road, the landowners have noted their preference for a private, bareland condominium ownership.

Upon circulation, the Public Works Department has recommended road dedication along the North boundary for future road access to 64th St W. They also recommended high water table and percolation testing be done prior to finalization of the development. The City of Calgary responded that they have no objection to the proposal as long as it complies with Section 2.2.2 of the IMDP.

Mr. Badke stated that their first preference would be not to do a full public driveway. The landowners' son lives in the 1.9-acre parcel and there is a security gate at the West end of the driveway. Dr. Mahmud stated that they purchased the property 35 years ago and they intend to create the additional lots for family members.

Mrs. L. Heathcott stated that they would prefer to see only one additional parcel and would ask for consideration to have a buffer between their properties. Mr. R. Fedoruk of Spruce Meadows stated that they would prefer to see only one additional lot. He also would like to see some timetable for the development of 194th Ave. on the south end of Tournament Lane due to traffic concerns during tournaments. Mrs. M. O'Bertos, who lives South of the subject property, stated concern with the natural drainage running onto her property. She stated her preference for larger lots than the proposed parcels as per the tentative site plan. Mr. Badke made closing comments. They would be willing to monitor the neighbours' wells if required in order to make sure that there isn't any interconnection.

The public hearing was closed.

Moved that the application to amend Plan 2630JK Block 1 in SE 20-22-1 W5 from the Country Residential District land use rules in order to permit the future subdivision of two additional lots be refused due to the application exceeding the density and size requirements as set forth in both the Municipal Development Plan and the Land Use Bylaw.

THE MOTION WAS LOST

BYLAW 54/2008

Bylaw 54/2008 was introduced into the meeting to authorize the amendment of Plan 2630JK Block 1 in SE 20-22-1 W5 from the Country Residential District land use rules in order to permit the future subdivision of one additional parcel.

Mr. Waddock requested a recorded vote.

Moved first reading.

In Favour: L. Spilak, Roy McLean, Ron Chase, Ted Mills

In Objection: R. Nelson, B. Castell, T. Waddock

THE BYLAW WAS PASSED FOR ONE READING

In their deliberations, Council discussed that the application exceeds both the size and density requirements as set forth in both the Municipal Development Plan and the Land Use Bylaw. Council also discussed that the proximity to the City could possibly create a demand for smaller and additional country residential parcels.

Prior to further consideration, the landowners will be required to submit the following:

Revised site plan for one parcel to be a minimum of 3.5 acres in size;

Buffer zone to allow for privacy of the adjacent landowners;

Restrictive Covenant as set forth by the applicants to ensure the restriction of water;

High water table and percolation testing;

Enhanced septic system;

The panhandle portion of the parcel will be required to be dedicated by Caveat to the East boundary of the subject property;

Proof of adequate water supply as per the Provincial Water Act;

Development Agreement for the road improvement fee of \$8,000.00;

Final lot fee of \$650.00;

Subdivision application with appropriate fees.

FOOTHILLS FIRE SERVICES

Moved that the following invoices be written off as recommended by the Fire Services Board:

Invoice #4953 for \$500.00

Invoice #3541 for \$270.00

CARRIED

GAINING GROUND CONFERENCE

Moved that Council acknowledge receipt of the notice regarding the Gaining Ground Conference scheduled for May 1 and May 2 in Calgary.

CARRIED

EFFECTIVE COMMUNICATIONS WORKSHOP

Moved that any Councillors wishing to attend be authorized to participate in the Effective Communications Workshop in Okotoks on May 21, 2008.

CARRIED

FOOTHILLS LAND TRUST

Moved that Council support the addition of the Foothills Land Trust as an Additional Named Insured (ANI) on the M.D. liability policy.

CARRIED

LUNCH

Moved that Council adjourn for lunch.

CARRIED

BILLS AND ACCOUNTS – APRIL 10, 2008

Moved the following cheque nos. 19114; 19116-19117; 19119-19120; 19122-19126; 19128-19138; 19140; 19143-19144; 19146-19151; 19153-19154; 19156-19166; 19169-19181; 19183; totaling \$54,808.67 be approved for payment:

<u>Cheque No.</u>	<u>General</u>	<u>Amount</u>
C19115	A.A.M.D. & C.	33,874.54
C19118	Alberta Health & Wellness	6,187.35
C19121	AMEC Earth & Environmental	23,440.99
C19127	CDW Canada Inc.	53,976.81
C19139	Foothills Fetal Alcohol Societ	15,000.00
C19141	Foothills School Division	38,000.00
C19142	Foothills SNAPS	10,000.00
C19145	Great West Life Assurance Co.	43,595.34
C19152	Literacy for Life	18,000.00
C19155	M.D. of Foothills No. 31	80,000.00
C19167	Sandy Cross Conservation Fdn	10,000.00
C19168	Shawne Excavating & Trucking	174,804.67
C19182	Young Parkyn McNab	7,560.00

CARRIED

FIRE CREEK FARM – SITE SPECIFIC AMENDMENT - NE 15-20-1 W5

Mr. S. Heeneman and Ms. J. Benson were in attendance for the public hearing in connection with the site specific application to allow for a limited public riding arena. Ms. S. Johnston was also in attendance. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located directly South of Highway 7 and approximately one-half mile West of 32nd St W.

The parcel is 29.23 acres in size. The horse boarding proposal would allow for 15 to 20 horses to be boarded, 5 of which belong to the landowners. There would be approximately 10 vehicle trips per day associated with this component of the application. The application for a limited public arena was submitted to allow for a place to ride, train horses and teach riders in the winter months.

The applicants have submitted an Intensive Livestock application in conjunction with the application as the number of animal units on the parcel at any one time would exceed that allowed under the Land Use Bylaw. The applicants have indicated that the well would be 350 ft. from the arena facility and 330 ft. from the closest paddock. The manure will be stored on the East side of the area with 50 to 100 cubic ft. stored and removed each month. The indoor riding arena and barn structure will be approximately 17,280 sq. ft.

Mr. Heeneman commented that they intend to raise the driveway to allow for better vision onto the highway. He stated their willingness to work with the Municipality with any conditions that may be imposed.

The public hearing was closed.

BYLAW 55/2008

Bylaw 55/2008 was introduced into the meeting to authorize the site specific amendment to allow for a limited public riding arena and boarding facility (maximum of 20 horses) as a permitted use under the Agricultural District land use rules.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Council noted that there is a number of arenas located within the subject area and this facility would not interfere with the landowners in the area.

Prior to further consideration, the landowners will be required to submit the following:

Compliance with all requirements as set forth by Alberta Transportation;

Final administration fee of \$575.00;

Development Permit application with appropriate fees.

779257 ALBERTA LTD./PYTE ELECTRIC LTD. – SITE SPECIFIC AMENDMENT SE 17-20-2 W5

Mr. and Mrs. C. Thiessen were in attendance for the public hearing in connection with the site specific amendment to allow for an autobody shop within the 4.5-acre parcel. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located on the Northwest side of Black Diamond.

The Development Officer stated that this property was designated as Industrial - Rural District in 2005. In 2006, the landowners applied for a 12,720 sq. ft. building to be used for storage and servicing of equipment. This application was approved subject to conditions. The building was built oversized to allow for future growth of the business and since then, they have decided to rent or lease the extra space out.

Clint Bodyworks is presently intending to rent the last bay on the South side to allow for a body shop. They would like the opportunity to expand to three employees in the future and are proposing hours of operation to be six days a week from 7 a.m. to 7 p.m. Mr. Thiessen supplied his registration certificate with Alberta Motor Vehicle Industry Council qualifying him to operate as an auto body service technician.

The public hearing was closed.

BYLAW 56/2008

Bylaw 56/2008 was introduced into the meeting to authorize the site specific amendment of Plan 0512737 Block 1 Lot 3 in SE 17-20-2 W5 from the Industrial Rural District land use rules to allow for a body shop.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Prior to further requirements, the landowners and/or applicants will be required to submit the following:

Final administration fee of \$575.00;

Development Permit application with a fee of \$800.00.

SANCTUARY ON THE BOW - SEC. 3 & 10-22-29 W4

Moved that Council acknowledge receipt of the letter from D. Cunningham regarding the application to Alberta Environment to construct a lake and that she be advised that a response from the Municipality would be inappropriate in light of the fact that the subdivision has been approved, subject to the developer meeting the conditions of approval.

CARRIED

MUNICIPAL SUSTAINABILITY INITIATIVE (MSI)

Moved that Council accept the recommendations regarding operating grant funding, as outlined by the Municipal Treasurer.

CARRIED

BLACKIE SEED CLEANING PLANT

Moved that Council instruct staff to proceed with drafting the necessary bylaws and resolutions to allow for the borrowing of money.

CARRIED

NEW COMERS MAP

Moved that Council acknowledge receipt of the letter dated April 8, 2008, from Mr. Tom Jinjoe and that staff be instructed to contact him indicating that the M.D. is not interested in advertising on the New Comers Map.

CARRIED

BID FOR OLD FIRE TRUCK

Moved that Council accept the bid from D. Hobbs for the old fire truck from Blackie.

CARRIED

DRAFT RESOLUTION – RECREATION FIELD HOUSE FACILITY

Moved that Council adopt the Draft Resolution to investigate the feasibility of developing a recreation field house facility, as proposed by staff.

CARRIED

IN CAMERA

Moved that Council go 'In Camera' to discuss land issues.

CARRIED

OUT OF CAMERA

Moved that Council go 'Out of Camera'.

CARRIED

FEDERATION OF CANADIAN MUNICIPALITIES (FCM)

Moved that R. Chase and L. Spilak be authorized to attend the FCM's 71st Annual Conference and Municipal Expo to be held in Quebec City from May 30 until June 2, 2008.

CARRIED

ADJOURN

Moved that Council adjourn at 5:10 p.m.

CARRIED