

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on April 17, 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.

Reeve McLean called the meeting to order.

AGENDA – APRIL 17, 2008

Moved that Council approve the agenda for the Council meeting of April 17, 2008.
CARRIED

ADDITIONS TO THE AGENDA

Moved that Council approve the additions to the agenda for the Council meeting of April 17, 2008.

CARRIED

VEHICLE WEIGHT ORDER NO. 176/2008

Moved that the Reeve and Municipal Manager be authorized to sign Vehicle Weight Order No. 176/2008 and that this Order become effective 8:00 a.m., April 18, 2008, with the following weight restrictions:

Road	Length	%Axle	Surface
Ravencrest Drive E.	0.7 km	75	Pavement

All other parts of Vehicle Weight Order No 174/2008 and Vehicle Weight Order No. 175/2008 will remain in effect.

CARRIED

REPLACEMENT ENGINE ANALYZER

Moved that Council accept the staff recommendation as submitted and approve the request to update and upgrade the diagnostic scanner for the Aldersyde Shop.

CARRIED

MILLARVILLE RACING & AGRICULTURAL SOCIETY

Moved that Council acknowledge the request from the Millarville Racing & Agricultural Society to grade, gravel and dust control the Millarville Racetrack road and parking areas and that Public Works staff proceed with this project.

CARRIED

POWER POLE AT CAYLEY SCHOOL FOR TENNIS COURT

Moved that FortisAlberta proceed with the installation of a secondary pole at 2220 Ross Avenue in the Hamlet of Cayley.

CARRIED

SAUNDERS, PRESTON AND PRESTON – LAND USE BYLAW AMENDMENT NW 31-20-2 W5

Mr. G. Preston, Mrs. F. Preston and Mr. G. Preston were in attendance for the public hearing in connection with the proposed amendment to allow for one additional parcel. Mr. D. Dhillon 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 338th Ave. and adjacent to the East boundary of 192 St. W.

The West half of the quarter-section contains the existing home site with an approach off 192nd St. W. There are two other existing approaches to the quarter-section along the North boundary (338th Ave.).

Mr. George Preston commented that at the present time they jointly own the quarter-section with Mr. Gavin Preston and Ms S. Preston and they would like to create separate titles.

The public hearing was closed.

NELSON BROTHERS LAZY H RANCHES LTD. - REDESIGNATION NE 18-17-2 W5

Mr. and Mrs. Cam Nelson were in attendance for the public hearing in connection with the proposed redesignation of the unsubdivided quarter-section in order to permit the future subdivision of one additional 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 one-half mile Northwest of Bar U Ranch and is accessed West off 176th St. W.

In presenting the application, the Planning Officer noted that there were no other subdivided quarter-sections within one-half mile of the subject property. The proposed 5-acre parcel is located in the Northeast corner of the quarter-section. The site plan indicates the current access to the quarter-section being from 176th St. W. An approach off 2698 Drive West, by way of an easement agreement, is proposed to provide access to both the balance parcel and the new parcel.

Mr. Nelson commented that his uncle would like to relocate and work with them on the farm. This corner of their field is unproductive and not easy to access with any equipment. Discussion took place regarding the driveway in which the easement is proposed is beside an undeveloped road allowance.

The public hearing was closed.

BYLAW 57/2008

Bylaw 57/2008 was introduced into the meeting to authorize the redesignation of NE 18-17-2 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of one 5+/-acre parcel.

Moved first reading.

Moved that the decision concerning the above resolution be tabled in order that the landowners can meet with staff regarding the clarification on road access.

CARRIED

LEAN – LAND USE BYLAW AMENDMENT - NW 28-21-29 W4

Mr. W. Lean was in attendance for the public hearing in connection with the proposed amendment of the 14.99-acre parcel in order to permit the future subdivision of two additional parcels. Mr. D. Dhillon 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 approximately one mile South of Heritage Pointe and is accessed East off 16th St. E.

The Planning Officer gave a detailed history of development within one-half mile of the subject property. The site inspection noted a low lying wet area in the Northwest corner of the subject parcel. The current proposal is to allow for one 3.9+/-acre parcel and one 3.87+/-acre parcel, leaving a balance of 7.22+/-acres. The tentative site plan includes a common approach to the new parcels along 258th Ave. The balance parcel has an existing access from 16th St. E. and contains the residence, greenhouse, two horse shelters and a barn.

Upon circulation, the Public Works Department recommended high water table and percolation testing.

Mr. Lean was asked about the visibility aspect at the top of the hill and the possibility of the moving the location of the common approach.

The public hearing was closed.

BYLAW 58/2008

Bylaw 58/2008 was introduced into the meeting to authorize the amendment of Plan 8285JK Block 1 in NW 28-21-29 W4 from the Country Residential District land use rules in order to permit the future subdivision of two additional parcels.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

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

The Public Works Department will be required to review and approve the location of the common approach on 258th Ave.;

Final lot fee of \$650.00 per new lot;

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

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

High water and percolation testing to be submitted to the satisfaction of the Public Works Department;

Subdivision application with appropriate fees.

SAUNDERS, PRESTON AND PRESTON – LAND USE BYLAW AMENDMENT

NW 31-20-2 W5

BYLAW 59/2008

Bylaw 59/2008 was introduced into the meeting to authorize the amendment of NW 31-20-2 W5 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

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

Final lot fee of \$650.00;

Subdivision application with appropriate fees.

BAVARIAN LION CO. LTD. - NE & SE 20-22-2 W5

Moved that this item be tabled for the Council agenda of April 24, 2008.

CARRIED

MCWHIR – LAND USE BYLAW AMENDMENT - SW 19-22-2 W5

Moved that Council will require a further revision to the site plan as submitted in order to include a balance parcel of less than 10 acres in size.

CARRIED

WILLIAM PATTON
SE 17-22-03 W5M, SOUTH BOUNDARY
APPLICATION TO LEASE ROAD ALLOWANCE
BYLAW 212/2007

Bylaw 212/2007 was reintroduced into the meeting to authorize the road closure for lease application located on the South boundary of the SE 17-22-03 W5M.
Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

WATKINS – REDESIGNATION – NE & NW 15-22-2 W5
BYLAW 198/2006

Bylaw 198/2006 was reintroduced into the meeting to authorize the redesignation of NE 15-22-2 W5 and NW 15-22-2 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of two 10.4+/acre parcels.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

WATKINS – SUBDIVISION – NE & NW 15-22-2 W5

Moved that the subdivision of two 10.4+/acre parcels from the NE and NW 15-22-2 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;
The Municipality's road widening requirement of 5 metres of land along the East 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 two proposed parcels;

Developer's Agreement for the construction of a portion of 136th St. W. to be registered concurrently with the Plan of Survey;

Easement Agreement for drainage dedication to be registered concurrently with the Plan of Survey;

Easement Agreement for cul-de-sac at the south end of newly developed portion of 136th St. W. (forced road), to be registered concurrently with the Plan of Survey;

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

BILLS AND ACCOUNTS - APRIL 17, 2008

Moved that the following cheque nos. 19184-19185; 19187-19197; 19199-19202; 19204; 19206-19218; 19220-19223; 19225-19233; 19236-19238; totalling \$41,502.54 be approved for payment:

<u>Cheque No.</u>	<u>General</u>	<u>Amount</u>
C19186	A.A.M.D. & C.	148,443.93
C19198	Communications Group	6,720.00
C19203	EPCOR Energy Services (AB) Inc	6,473.46
C19205	Fish Creek Ranch Inc.	28,045.50
C19219	Millarville Meadows Inc.	70,000.00
C19224	Receiver General For Canada	26,908.80
C19234	Visa, Royal Bank	10,670.51

CARRIED

MINUTES – APRIL 10, 2008

Moved that Council adopt the minutes, as circulated, of its April 10, 2008, Council meeting.

CARRIED

CALGARY REGIONAL PARTNERSHIP

Moved that Council acknowledge receipt of the request from R. Butler, Executive Director of Calgary Regional Partnership regarding a funding proposal entitled “Exploring New Transit Paradigms” and supports the following resolution:

“Be it resolved that Council authorizes the M.D. of Foothills No. 31 to participate in a Regional Partnerships Proposal for the Calgary Regional Partnership under the Alberta Municipal Affairs partnership Initiative. The Project is entitled “Exploring New Transit Paradigms for the Region”.

That the M.D. of Foothills No. 31 agrees that the City of Calgary be designated the managing partner of the Calgary Regional Partnership for the purposes of receiving, administering, allocating, reporting and accounting for the grant funds on behalf of the partners; and further

That the M.D. of Foothills No. 31 agrees to enter into a conditional grant agreement governing the purpose and use of the implementation grant funds if it is the managing partner, or if not agrees to abide by the terms of a Conditional Grant Agreement signed by the managing partner on behalf of the other partner municipalities and/or approved participants governing the purpose and use of the exploration grant funds.”

CARRIED

LUNCH

Moved that Council adjourn for lunch.

CARRIED

EVANS – LAND USE BYLAW AMENDMENT – SW 25-20-3 W5

Mr. and Mrs. D. Evans were in attendance for the public hearing in connection with the proposed amendment of the unsubdivided quarter-section in order to permit the future subdivision of two additional parcels. 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 three miles North of Turner Valley off 370th Ave. and 208th St. W.

The application is to allow for the creation of one 70+/-acre parcel and one 10+/-acre parcel from the Northwest corner of the quarter-section with the Southerly 80 acres being the balance parcel. There are two existing approaches off 208th St. W. with one to the existing residence, garage and outbuildings that are located within the 10+/-acre proposed parcel.

Upon circulation, Alberta Transportation stated that any development within the setbacks of the highway would require the benefits of a permit from them.

BYLAW 60/2008

Bylaw 60/2008 was introduced into the meeting to authorize the redesignation of SW 35-20-3 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of one additional parcel containing the residence.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

In their deliberations, Council was of the opinion that no justification was provided to allow more than a ‘first parcel out’ of the quarter-section and agreed that the original intention for the first parcel out of an unsubdivided quarter-section was to be able to obtain separate title for the farm site.

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

Revised site plan under 10 acres in size to be accompanied with a Real Property Report noting the location of the well;

Final lot fee of \$650.00;

Subdivision application with appropriate fees.

TURNER VALLEY GAS PLANT

Moved that Council agree to the request from the Town of Turner Valley and will send a letter of support to the Province for the continuation of the development of the Turner Valley Gas Plant into a historical centre.

CARRIED

PHOTOCOPIER PURCHASE

Moved that Council approve the purchase of two B&W/colour hybrid copiers and that the grant application through the Municipal Sustainability Initiative grant program be adjusted from \$18,000.00 to \$23,600.00.

CARRIED

MILLER CATTLE COMPANY – REDESIGNATION – NE 35-20-29 W4

Mr. and Mrs. E. Miller and their agent, Ms. K. Beunder, were in attendance for the public hearing in connection with the proposed redesignation of the 137.13-acre parcel in order to permit the future subdivision of two additional parcels. Also in attendance were M. and A. Fenerty and D. Dhillon. 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 West of Highway 2 and approximately 2.5 miles East of Okotoks.

Within the subject quarter-section, there was a 20-acre parcel subdivided from the Northwest corner in 2005. Within the subject parcel, there was a site specific approval granted in 2006 for a 30,000 sq. ft. bulk oil storage facility and this is under construction at the present time. There is also an existing business on the property which includes a fertilizer blending facility which falls under a non-conforming use (this facility was granted approval under an old Land Use Bylaw). This facility would therefore be able to continue under its current conditions but would not allow for expansion, upgrades or add-ons without applying to Council for a permit to bring the business into compliance. The intention is to create separate titles for the two businesses.

The parcel containing the fertilizer blending facility on it is proposed to be 9 acres in size and the bulk oil storage facility would be located on the 5+/-acre parcel. The access to the balance parcel is existing from 338th Ave. along the North boundary of the parcel and the access to the two new lots would come by way of an internal road from 338th Ave. The application includes a request for consideration of a 30-metre road dedication over the existing road. The Public Works Department responded that if this dedication was approved, they would recommend notice to be registered on title indicating that if any future development were to be obtained, the developer would then be required to construct the dedicated area to a full municipal standard road. The reason for the dedication, as noted by the agent, is to allow the landowners to protect the existing young trees that are present on either side of the existing roadway and would allow the applicant to provide the required 15-metre setback from the East proposed property lines to the existing roadway. An easement agreement is also recommended to provide for adequate back sloping and ditch requirements upon dedication of the road dedication area. A second easement agreement would also be required for the water line running within the balance lands allowing the two proposed parcels a deliverable water source for additional fire protection. Mr. Miller stated that they intend to continue the ownership of the properties but that the businesses would be leased from him. The plan for completion of the bulk oil storage facility is July of 2008.

Mr. Fenerty had no objection to the proposal but commented that the country residential designation is not an appropriate land use for this proposal. Mrs. A. Fenerty stated concerns with respect to the environmental impact of the businesses if there was any kind of spill into the seasonal creek.

Mr. Miller commented that the borrow pit is to be used as a dugout for the balance lands as well as the inclusion of a 6 in. pipe that runs from the Southeast corner of the pit and will be used as a deliverable source of fire protection to the two buildings. In terms of environmental impact, there is no opportunity for leakage due to berms being placed in the building.

The public hearing was closed.

BYLAW 61/2008

Bylaw 61/2008 was introduced into the meeting to authorize the redesignation of NE 35-20-29 W4 from Agricultural District to Direct Control District in order to allow for one 9+/-acre parcel and one 5+/-acre parcel.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Prior to further consideration, the following will be required:

Development Agreement for the road and road right-of-way to the satisfaction of Council and the Public Works Department;

Stormwater Management Plan to the satisfaction of Council and the Public Works Department;

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

Compliance with all requirements for water licensing through Alberta Environment;

Final lot fee of \$650.00 per new lot;

Subdivision application with the appropriate fees.

DAVISBURG COMMUNITY ASSOCIATION

Moved that Council agree to the request for funding from the Davisburg Community Association in the amount of \$21,000.00 with the provision that they obtain the balance of the funding through the Community Initiatives Program.

CARRIED

IN CAMERA

Moved that Council go 'In Camera' for legal reasons at 3:08 p.m.

CARRIED

OUT OF CAMERA

Moved that Council go 'Out of Camera'.

CARRIED

ADJOURN

Moved that Council adjourn at 4:20 p.m.

CARRIED