

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on February 28, 2008 at 9:00 a.m. Present were Reeve R. McLean, Councillors T. Waddock, R. Chase, R. Nelson, T. Mills, B. Castell, L. Spilak, Municipal Manager H. Riva Cambrin and Recording Secretary B. Bartnik.

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 – FEBRUARY 28, 2008

Moved that Council approve the agenda for the Council meeting of February 28, 2008.

CARRIED

ADDITIONS TO AGENDA

Moved that Council approve the additions to the agenda for the Council meeting of February 28, 2008.

CARRIED

CATERPILLAR 627B SCRAPER TRANSMISSION REBUILD

Moved that Council accept the staff recommendation as submitted and instruct staff to proceed with repairs for the above-mentioned piece of heavy equipment.

CARRIED

MACKILLOP AND MACKILLOP – NW 14-19-29 W4M

Moved that the boundary adjustment whereby 2.76 acres from Ptn. NW 14-19-29 W4, Lot 1, Plan 8911878 is consolidated with NW 14-19-29 W4 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;

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;

The municipality's road widening requirement of 5 m of land along the West boundary of the existing parcels to be dedicated by Caveat;

Landowners are to pay all arrears of taxes on the existing parcels 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 and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

SULLIVAN – REDESIGNATION - SE 01-21-29 W4

The public hearing for the above-noted application was on December 20, 2007 and at that time Council tabled their decision regarding the possibility of a revised site plan.

BYLAW 29/2008

Bylaw 29/2008 was introduced into the meeting to authorize the redesignation of the 130.43-acre parcel designated as Ptn. SE 1-21-29 W4 from Agricultural District to Country Residential District in order to permit the future subdivision of three lots from 5.1+/- acres to 6.77+/- acres in size.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

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

Revised site plan illustrating three lots of equal size;

Final lot fees of \$650.00 per lot;

Development Agreement for the external road improvement fee on two additional lots or applicable upgrading to existing roads to the satisfaction of the Municipal Engineer and Council;;

Proof of adequate water supply as per the Municipal Water Policy

Subdivision application with appropriate fees.

BEWS – LAND USE BYLAW AMENDMENT – NE 30-18-02 W5

Landowners Mr. D. Bews and Mrs. F. Bews were in attendance with their agent, Ms. K. Beunder for the public hearing in connection with the proposed amendment of the 160.0-acre quarter-section in order to permit the future subdivision of one additional parcel on NE 30-18-2 W5. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located two miles Northwest of the Hamlet of Longview, three-quarters of a mile North of Highway #541 and one-mile West of Highway #22. The planning officer noted that land use within the area shows a predominance of

Agricultural parcels. The applicants are proposing to create one 80.0+/-acre parcel from the 160.0-acre balance lands using a boundary line running from East to West, in order to establish separate titles for the two homes on the property. Current access to those existing dwellings is provided from the North via Highway #22 and 176th St West over a portion of undeveloped road allowance, and from the South via Highway #541 through the Wallator gravel pit.

There currently is a Developer's Agreement in place for road allowance on 176th St to a single driveway standard from 530th Ave South to the North East corner of the applicants' quarter-section, of which the applicant will be responsible for developing. Upon circulation, the Public Work Department has recommended that development of the road allowance continue through the parcel to the North East corner of the proposed Southern lot, as an easement to cover perpetual access through the Wallator gravel pit is not available.

Ms. Beunder indicated that this application has been submitted primarily to separate title for the four landowners in order to formalize arrangements that have already been in place. It was indicated that extending development of 176th St to the North East corner of the proposed South lot would not be advantageous as the South portion of the parcel contains a great deal of slope, so internal road access from this point would be difficult. Access from the South via Highway #541 was previously explored by Public Works and it was indicated that it could not be accommodated.

The public hearing was closed and no decision was made due to a scheduled public hearing.

HOWE – LAND USE BYLAW AMENDMENT – SW 35-20-03 W5

Mr. S. Howe and Mrs. D. Howe were in attendance with their Agent, Mr. G. Jarvis for the public hearing in connection with the proposed amendment of the 18.64-acre parcel in order to permit the future subdivision of two additional parcels on SW 35-20-3 W5, Plan 5000JK, Lot 2. 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 East of Highway #22, North of 354th Ave and approximately one and one-half miles South of Millarville. One letter of concern signed by two neighboring landowners was received.

The current proposal would allow for the creation of two 4.24+/-acre lots from the 18.64-acre parent parcel. There is one approach to the quarter-section which is accessed off of the service road adjacent to Highway #22 and serves as an entrance to the existing house and outbuildings on the property. It is proposed that each new lot would be accessed by a separate approach off of the internal subdivision road (220 St West), which would cross the 10 ft of Municipal Reserve land that borders the West side of this internal road.

The letter received from landowners L. Schmaus and E.A. Breukner outlined the history of the service road and municipal reserve strip located within the quarter-section but had no formal objection to the application. Upon circulation, the Public Works Department recommended that the internal subdivision road bordering the East side of the property be upgraded to a paved standard.

The planning officer noted that an alternate site plan was submitted prior to the hearing in order to address possible concerns in regard to the originally proposed access.

Mr. Jarvis indicated that panhandles accessing each of the lots from the Service Road off of Highway #22 were alternately proposed in order to alleviate possible concern over crossing the Municipal Reserve area and in order to decrease paving expenses.

The public hearing was closed.

BYLAW 30/2008

Bylaw 30/2008 was introduced to the meeting to authorize the amendment of the SW 35-20-3 W5, Plan 5000JK, Lot 2 from the Country Residential district land use rules in order to permit the future subdivision of two additional parcels. In order to address the possibility of drainage concerns, the new parcels will be designated as Country Residential 'A' District.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

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

Revised site plan identifying three lots approximately equal in size, with a common approach to the proposed new parcels;

Final lot fees of \$650.00 per new lot;

Geotechnical testing to be provided to the satisfaction of the Municipality;

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

Development Agreement for an approximate 1/6 contribution towards the cost of upgrading the road to a paved standard;
Proof of adequate water supply as per the Provincial Water Act;
Subdivision application with appropriate fees.

CARRIED

STUART / SINCLAIR-SMITH – REDESIGNATION – NW 2-21-2 W5

Moved that the public hearing with respect to the proposed redesignation application in NW 2-21-2 W5 be adjourned until further notice as there was no representative for the application in attendance.

CARRIED

BEWS – LAND USE BYLAW AMENDMENT – NE 30-18-02 W5

BYLAW 31/2008

Bylaw 31/2008 was introduced into the meeting to authorize the amendment of NE 30-18-02 W5 from the Agricultural 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 landowner will be required to submit the following:

Final lot fees of \$650.00;

Development Agreement for the future development of 176th St along the Eastern boundary of both the proposed and balance parcels;

Dedication by Caveat for a 10m right-of-way along the East boundary of the Northern-most proposed parcel;

Subdivision application with appropriate fees.

CARRIED

1096023 ALBERTA LTD. – REDESIGNATION – NW 15-21-29 W4

The public hearing for this application was held on January 10, 2008.

BYLAW 32/2008

Bylaw 32/2008 was introduced to the meeting to authorize the redesignation of the 39.79-acre parcel designated as Ptn. NW 15-21-29 W4, Plan 9611353, Block 2 from Agricultural District to Country Residential District in order to permit the future subdivision of two additional parcels (identified as Lot 1 and Lot 2 within the tentative site plan).

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

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

Percolation and high water table testing to occur from May 15th, 2008 through September, 2008, monitored weekly to the satisfaction of the Municipal Engineer and Council;

Final lot fees of \$650.00 per lot;

Development Agreement for the external road improvement fee and/or applicable upgrading to existing roads to the satisfaction of the Municipal Engineer and Council;

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

Subdivision application with appropriate fees.

Confirmation of a stormwater management plan and overall drainage plan to the satisfaction of the public works department;

Proof of one-acre building site on each parcel;

Municipal Reserve to be deferred by Caveat on the balance.

CARRIED

LUNCH

Moved that Council adjourn for lunch.

CARRIED

BILLS AND ACCOUNTS – FEBRUARY 28, 2008

Moved that the following cheque nos. 18740-18758; 18760-18761; 18763-18765; 18767-18768; 18771-18781; 18783-18791; 18793-18803; totalling \$44,738.49 be approved for payment:

<u>Cheque No.</u>	<u>General</u>	<u>Amount</u>
C18738	1009720 Alberta Ltd.	\$7,322.69
C18739	A.A.M.D. & C.	14,601.33
C18759	EPCOR Energy Services (AB) Inc	9,525.12
C18762	Great West Life Assurance Co.	10,613.20
C18766	M.D. of Foothills No. 31	300,000.00
C18769	Marigold Library System	138,941.44
C18770	Metro Machine Works Ltd.	7,545.30
C18782	Receiver General For Canada	23,593.71
C18792	Stewart Warner Canada	9,718.80

CARRIED

MINUTES – FEBRUARY 19, 2008

Moved that Council adopt the minutes, as circulated, of its February 19, 2008, Council meeting.

CARRIED

MINUTES – FEBRUARY 21, 2008

Moved that Council adopt the minutes, as circulated, of its February 21, 2008, Council meeting.

CARRIED

1267422 ALBERTA LTD. (SORENSEN) AND CHABOT – AREA STRUCTURE PLAN, REDESIGNATION AND LAND USE BYLAW AMENDMENT - PTN. NE 10-20-1 W5 AND NW 11-20-1 W5

In attendance - K. Beunder, C. Chabot, B. Sorenson, J. Mercier, M. Wambeke, K. Larson, L. Caron, D. Larson, K. Yuha, S. Van Der Poel, R. McManus, S. and K. Hartman, R. and D. Snider, M. and L. Caron, M. Balog, M. McIntosh, W. and E. Guigens, P. Majoros, D. Warman, B. Harvey, J. and S. Endersby, M. and C. Sheedy.

One petition of objection was received from 30 landowners and residents. In addition, separate letters were received from S. and J. Endersby, K. and J. Yuha, L. and M. Caron, V. and P. Majoros, M. and B. Balog, M. and C. Sheedy, J. Mercier, W. and S. van der Poel-Van Laere, M. McIntosh, D. and K. Larson, S. and L. Cranswick, R. and C. Mercier and M. Wambeke.

The public hearing addresses three concurrent applications - an application for the adoption of the West Mountain Estates Area Structure Plan which contemplates the development of two separate titles of land; the redesignation of NW 11-20-1 W5 (160 acres) and the amendment of an 80-acre portion of NE 11-20-1 W5.

The NW 11-20-1 W5 contemplates the future subdivision of sixteen 3+/-acre lots, one 4.8+/-acre municipal reserve lot, one 15.7+/-acre environmental reserve lot, one 2.1+/-acre environmental reserve lot, leaving a balance parcel of 80 acres.

The NE 11-20-1 W5 contemplates an amendment to allow for the future subdivision of one 21+/-acre parcel, leaving a balance of 44+/-acres.

The agent submitted that 402nd Ave. provides direct access to the plan area and that all parcels will be accessed by an internal road constructed at the sole cost of the developer. The application is proposing individual water wells. They attempted to contact many area residents however an open house was not held.

Upon circulation, the Public Works Department recommended that a policy statement be added to the Area Structure Plan document indicating that the developer will be required to contribute an off site road levy to the satisfaction of Council and to upgrade the road to the East of the subject lands to the satisfaction of both the Council and the Public Works Department.

Mr. C. Sheedy, who lives to the North of the subject application, noted quantity and quality, drainage and the density of traffic along 402nd Ave. among his concerns as noted in his letter. Mr. K. Yuha, who stated that he was speaking on behalf of a number of neighbours, stated concern with ground and well water, development of prime agricultural land, wildlife, increased density, traffic, noise and light pollution as sources for objecting to a development of this size. Ms. R. Snyder stated that development is inevitable but views it with the possibility of being a high-end subdivision. She does not feel it is proportionate to the area in regard to the number of lots proposed. Mrs. S. Endersby noted the heavy traffic on 402nd Ave. as well as water and density as their reasons for objection. Mr. D. Larson stated his opinion that the application was precedent-setting, that there is a scarcity of water in the area, the disruption of the rural lifestyle and the application is totally uncharacteristic of the area. In defence of the application, Mrs. R. McManus stated that there are going to be restrictions in place to preserve the environment.

Closing comments were made by K. Beunder who stated that they would be willing to have communal or independent wells as deemed necessary. They have attempted to be consistent with what has been occurring in the area and have put certain policies in place in the proposal because of past experience. Mr. Chabot stated that the plan has been laid out specifically to protect privacy. With regard to the perception by some of the open-ended manner of the document, they are looking at 16 lots and an agricultural balance parcel.

The public hearing was closed.

Mr. Nelson left Council Chambers for a previous appointment.

Moved that the decision regarding the adoption of the West Mountain Estates Area Structure Plan, the redesignation application proposed in NW 11-20-1 W5 and the land use bylaw amendment application in NE 10-20-1 W5 be tabled until all

Councillors who attended the hearing are in attendance for the decision-making process.

CARRIED

DeSANTIS - SUBDIVISION – NE 24-20-28 W4

Moved that the application for subdivision of NE 24-20-28 W4 be refused based on the following reasons:

The application to redesignate this property to Country Residential District was previously refused;

Council considers the application to be fragmentation of good farmland in an agriculturally productive area.

CARRIED

ENTZ – LAND USE BYLAW AMENDMENT – NE 2-20-2 W5

BYLAW 100/2007

Bylaw 100/2007 was reintroduced into the meeting to authorize the amendment of Plan 9410019 Block 1 in NE 2-20-2 W5 from the Country Residential District land use rules in order to permit the future subdivision of one additional parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

ENTZ - SUBDIVISION - NE 2-20-2 W5

Moved that the subdivision of one 6.9+/- acre parcel from Plan 9410019, Block 1, NE 2-20-2 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 approaches to be located and constructed to MD standards and approved by the Public Works Department;

Public Reserve: to be by way of cash in lieu of land based on \$27,051.00 per acre on account of 10% of the existing parcel;

Landowner is to provide all utility easements and agreements to be satisfaction of the MD and the utility companies;

Landowner is 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 additionally, that the site plan is surveyed according to municipal requirements

CARRIED

REQUEST TO WAIVE LATE PAYMENT OF TAX PENALTIES

Moved that Council deny the request to waive the late payment of tax penalties for Tax Roll No. 2028190040.

CARRIED

RANGE PATROL MEETING

Moved participation in the Range Patrol meeting, scheduled for May 3, 2008.

CARRIED

APPOINTMENT OF BOARD MEMBERS - HIGH RIVER AIRPORT

Moved that the decision with respect to the appointment of Board Members be tabled until all of Council is present.

CARRIED

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

Moved that a decision in regard to the Revised Site Plan be tabled.

CARRIED

ADJOURN

Moved that Council adjourn at 4:54 p.m.

CARRIED