

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on January 24, 2008 at 9:00 a.m. Present were Reeve R. McLean, Councillors T. Waddock, R. Chase, R. Nelson, B. Castell, L. Spilak, Municipal Manager H. Riva Cambrin and Recording Secretary J. Gordon. Councillor T. Mills was absent as he was away on municipal business.

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 – JANUARY 24, 2008**

Moved that Council approve the agenda for the Council meeting of January 24, 2008.

**CARRIED**

**ADDITIONS TO AGENDA**

Moved that Council approve the additions to the agenda for the Council meeting of January 24, 2008.

**CARRIED**

**RED DEER LAKE SCHOOL SIGNAGE**

**BYLAW 15/2008**

Bylaw 15/2008 was introduced into the meeting to impose a speed limit of 50 KM/HR along that portion of 112<sup>th</sup> Street West, South of Highway 22X and a school zone adjacent to the new Red Deer Lake School.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved that Bylaw 15/2008 be given third reading.

**CARRIED UNANIMOUSLY**

Moved third reading.

THE BYLAW WAS PASSED

**REQUEST TO REDUCE SPEED LIMIT**

**96<sup>th</sup> STREET EAST**

Moved that Council accept the staff recommendation as submitted and therefore does not support a reduced speed limit along that portion of 96<sup>th</sup> Street East.

**CARRIED**

**COUNCIL MEETING**

Moved that the Council meeting convene at 8:30 a.m. on January 31, 2008.

**CARRIED**

**O'CONNOR – LAND USE BYLAW AMENDMENT – NW 21-19-28 W4**

Mr. B. O'Connor was in attendance for the public hearing in connection with the proposed amendment of the 18.48-acre parcel in order to permit the future subdivision of one 6.5+/-acre parcel. Also in attendance were Mr. R. Sobic and Mr. A. Carr. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which was located three miles Northeast of High River, within the Alder Heights Community Association lands.

The Planning Officer explained the history of the Alder Heights area which was created in the 1970's within Section 28-19-28 W4 as well as the North Half of Section 21-19-28 W4 (previously known as Woodland Estates). Through a series of application that were submitted since 2006, Council stated their willingness to consider the 'first parcel out' of the parent parcels and that any further subdivision other than one additional parcel within this community would require the benefit of an Area Concept Plan.

The present application consists of 18.48 acres and the proposed 6.5+/-acre parcel is located along the Southerly portion, with the residence, garage and quonset to remain on the balance land. The existing approach is off 120<sup>th</sup> St. E. and the site plan includes a new approach further South which meets the appropriate site distances in both directions.

The landowner stated that their intention is to build a new residence on the proposed new parcel.

The public hearing was closed and no decision was made at this time due to scheduled public hearings.

**CARR – LAND USE BYLAW AMENDMENT – SE 28-19-28 W4**

Mr. and Mrs. A. Carr were in attendance for the public hearing in connection with the proposed amendment of the 23.73-acre parcel in order to permit the future subdivision of one 3.73+/-acre parcel. Also in attendance was Mr. R. Sobic. The public hearing was advertised in the Western Wheel and circulated to landowners

within one-half mile of the subject property which was located three miles Northeast of High River, within the Alder Heights Community Association lands. This property is located within the same area as described within the summary of the previous public hearing. The subject application is to allow for one 3.73+/-acre parcel along the Southeast portion of the subject property with an access proposed along 466<sup>th</sup> Ave. The existing residence, garage, barn and horse shelter are located within the balance lands and there are two existing approaches onto 466<sup>th</sup> Ave.

Mr. and Mrs. Carr submitted that they have modified their plan in order to eliminate the neighbour's concern regarding the view to the West. The revised proposal shows a 4-acre parcel in the Northeast corner of the subject parcel with a panhandle access from 466<sup>th</sup> Ave. There are two wells on the property at the present time, one of which will be contained within this 4-acre parcel.

The public hearing was closed.

#### **BYLAW 16/2008**

Bylaw 16/2008 was introduced into the meeting to authorize the amendment of Plan 1091LK Block A in SE 28-19-28 W4 from the Country Residential District land use rules in order to permit the future subdivision of one 4+/-acre parcel (in the Northeast corner of the parcel with a panhandle along the South boundary).

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;

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

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

Subdivision application with appropriate fees.

#### **O'CONNOR – LAND USE BYLAW AMENDMENT – NW 21-19-28 W4**

#### **BYLAW 17/2008**

Bylaw 17/2008 was introduced into the meeting to authorize the amendment of Plan 7410092 Block 11 in NW 21-19-28 W4 from the Country Residential District land use rules in order to permit the future subdivision of one 6.5+/-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;

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

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

Subdivision application with appropriate fees.

#### **TOWN OF NANTON**

Moved that Council acknowledge receipt of the letter dated January 8, 2008 from the Town of Nanton and that the request be tabled for further information.

CARRIED

#### **CURZON – REDESIGNATION – SW 4-22-1 W5**

Mr. and Mrs. L. Curzon, their daughter Mrs. S. Cook and their agent, Mr. D. Badke, were in attendance for the public hearing in connection with the proposed redesignation of the 154.13-acre parcel in order to permit the future subdivision of three additional parcels. Mrs. G. Burton 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 North of 242<sup>nd</sup> Ave. and directly East of 64<sup>th</sup> St. W. One letter of objection was received from R. and G. Burton.

The quarter-section had a 'first parcel out' of 4 acres subdivided from the Southeast corner in 1990. The three new parcels are between 3+/-acres and 4.4+/-acres in size and are located immediately West of the previously subdivided parcel, with access proposed along the South boundary (242<sup>nd</sup> Ave.) by way of 25 x 25 metre right-of-way to allow legal access. The residence and outbuildings that currently exist on the property are located within the most Westerly new parcel. To the West of the residence but within the balance parcel is a man-made water storage pond which is used for watering trees.

According to the Intermunicipal Development Plan between the Municipality and Calgary, the subject parcel lies within the Agricultural Policy Area. Upon circulation, the City responded that until such time as the Urban Growth Corridor is negotiated by both municipalities, the development of these lands is premature in their opinion.

Mr. D. Badke, who was speaking on behalf of the landowners, stated that there is sufficient room West of proposed Lot 1 to allow for access to the high ground. Mr. Curzon stated that the parcels were being created for their grandchildren.

Mrs. Burton stated their concern to further subdivision in the area related to water and sewage, loss of good agricultural lands, loss of wildlife habitat, light pollution and infrastructure concerns such as roads, policing, fire and ambulance. Mr. and Mrs. Burton's letter stated their wish that Council would do more long range planning and to work with the residents and organizations in the area to come up with Area Concept Plans giving due consideration to all these issues.

Mr. Curzon said that the pure sandstone on the land allows for an ideal location for underground water. He has planted over 2,000 trees and shrubs on his property. The public hearing was closed and no decision was made at this time due to scheduled appointments.

#### **CURZON – REDESIGNATION – SW 33-21-1 W5**

Mr. and Mrs. L. Curzon, along with their daughter, Mrs. S. Cook, and their agent, Mr. D. Badke, were in attendance for the public hearing in connection with the proposed redesignation of the 40-acre parcel in order to permit the future subdivision of three additional parcels. Mrs. G. Burton 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 East of 64<sup>th</sup> St. W. and approximately one-half mile South of 242<sup>nd</sup> Ave. One letter of concern was received from R. and G. Burton.

The quarter-section contains four 40+/-acre parcels and the subject parcel is separated from the North boundary of the quarter-section by one of the 40+/-acre parcels. The proposal is to allow for the future subdivision of two 14+/-acre parcels with two 5+/-acre parcels along the East boundary. There is one existing approach accessing off 64<sup>th</sup> St. W. and this approach is proposed to provide legal access to all of the parcels by way of a road dedication area. The landowners have proposed that a cul-de-sac be constructed in order to provide such access.

Mr. Curzon stated that in terms of sight distance, they need to use the existing access on 64<sup>th</sup> St. W.

Mr. and Mrs. Burton's letter was written for this proposal as well as for the proposal in SW 4-22-1 W5 and their reasons were noted for the record at this hearing as well.

The public hearing was closed.

#### **BYLAW 18/2008**

Bylaw 18/2008 was introduced into the meeting to authorize the redesignation of the South Half of LSD 5 & 6 in SW 33-21-1 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of three 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 site plan will need to identify the panhandle areas to be dedicated for future road purposes;

Final lot fees 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;

Development Agreement for the internal subdivision road to the satisfaction of the Public Works Department;

Subdivision application with appropriate fees.

#### **BYLAW 19/2008**

Bylaw 19/2008 was introduced into the meeting to authorize the redesignation of the 154.18-acre portion of SW 4-22-1 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of three 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:

Final lot fee of \$650.00 per new lot,

Proof of adequate water supply as per the Municipal Water Policy;

Further inspection is required by the Public Works Department with respect to the access to the balance parcel;

25-metre x 25-metre access to be surveyed out and subject to a Development Agreement to the satisfaction of the Public Works Department;

Development Agreement for the road improvement fee of \$8,000.00 per new lot; Subdivision application with appropriate fees.

**AAMDC SPRING CONVENTION**

Moved that all Councillors be authorized to attend the 2008 Spring Convention.

CARRIED

**CALGARY REGIONAL PARTNERSHIP**

At the Council meeting, Councillor Waddock asked for interested Councillors in joining one of the project committees:

Regional GIS - R. Nelson;

Specialized Transportation - B. Castell;

Economic Development Forum - R. Chase;

Regional Transportation - L. Spilak and Municipal Engineer T. Gilliss;

Regional Water & Wastewater Servicing - T. Mills and Municipal Engineer T. Gilliss;

Calgary Regional Waste Reduction Partnership - T. Mills.

**LUNCH**

Moved that Council adjourn for lunch.

CARRIED

**MINUTES – JANUARY 17, 2008**

Moved that Council adopt the minutes, as circulated, of its January 17, 2008 Council meeting.

CARRIED

**BILLS AND ACCOUNTS – JANUARY 24, 2008**

Moved that the following cheque nos. 18423; 18425-18427; 18429-18437; 18439-18461; 18463-18490; 18492; 18494-18495; 18497-18501; 18503-18542; 18544-18552; totalling \$81,178.98 be approved for payment

<u>Cheque No.</u>	<u>General</u>	<u>Amount</u>
C18424	A.A.M.D. & C.	58,493.58
C18428	B & M Automation	22,118.49
C18438	Calgary Regional Partnership	23,913.40
C18462	EPCOR Energy Services (AB) Inc	11,479.13
C18491	M.D. of Foothills No. 31	300,000.00
C18493	Mahon Roofing & Waterproofing	7,665.00
C18496	Mesken Contracting Limited	8,358.53
C18502	MPE Engineering Ltd.	17,265.17
C18543	Town of High River	10,564.10

CARRIED

**SORENSEN AND MCMANUS – REDESIGNATION – SE 20-20-1 W5**

Mr. B. Sorenson was in attendance for the public hearing in connection with the proposed redesignation of the 64.39-acre parcel in order to permit the future subdivision of 12 additional parcels. Also in attendance were R. McManus, L. Vanneste, A. Sergerie, C. and B. Williams, J. Merk, K. Brown, H. and J. Rasmussen and D. Mackie. 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 five miles West of Okotoks on the North side of Highway 7. Letters of objection were received from C. Williams, D. Schreiner, F. Forbes (Aldrich), J. Merk, K. Brown, H. and J. Rasmussen and M. and R. Van Der Veen.

The quarter-section presently contains four separate parcels ranging in size from 17.9 acres to 64.39 acres. In 2005, an application to create the subject parcel of 64.39 acres was refused by Council but the decision was later appealed and the subdivision was eventually approved through the Subdivision Appeal Board.

The present proposal is to allow for the future subdivision of twelve additional parcels ranging in size from 3.5+/-acres to 4.5+/-acres with one municipal reserve parcel of 5.8 acres in size. The subject property is currently accessed off 70<sup>th</sup> St. W. and access is proposed to be by way of construction of a portion of the existing service road dedication extending from the 64<sup>th</sup> St. W. road allowance West to the Westerly internal road. It is noted that the West portion of the service road is proposed to remain dedicated by Caveat.

Upon circulation, Alberta Transportation indicated that the West end of the service road should have a cul-de-sac. They also stated that a traffic impact assessment will be required at the intersection of 64<sup>th</sup> St. road allowance and Highway 7 in anticipation of minor intersection upgrade requirements. The Public Works Department recommended that the service road and internal road be paved to the 15-lot standard and recommended stormwater management, high water table and percolation testing.

Mr. Sorenson stated that the water study indicated that there would be minimal impact on the water availability in the area.

Landowners speaking in opposition to the application were K. Brown, L. Vanneste, A. Sergerie. In addition, the letters submitted that the loss of agricultural land, water supply and overall traffic safety were the main reasons for objection.

Mr. Sorenson made closing comments.

The public hearing was closed and no decision was made at this time.

**FULOP AND VAN STAALDUINE – SITE SPECIFIC AMENDMENT**

**NW 18-22-1 W5**

Moved that Council acknowledge receipt of the withdrawal for the application in NE 18-22-1 W5 submitted by Fulop and Van Staalduine.

CARRIED

**SORENSEN AND MCMANUS - REDESIGNATION - SE 20-20-1 W5**

Moved that the application for redesignation of the 64.39-acre portion of SE 20-20-1 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of twelve additional parcels and one municipal reserve parcel be refused for the following reasons:

The proposal is located on productive, agricultural land;

In Council's opinion, the density of the proposal is inappropriate for this area.

CARRIED

**BLAGOJEVIC - REDESIGNATION - SW 24-21-1 W5**

**BYLAW 69/2006**

Bylaw 69/2006 was reintroduced into the meeting to authorize the redesignation of Plan 0311402 Block 2 Lot 9 in SW 24-21-1 W5 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

**BERTOIA - SW 36-20-29 W4**

Moved that Council acknowledge receipt of the request from the landowners with respect to the name request for the internal subdivision road and ask them to give consideration to a name more in keeping with the rural nature of the area.

CARRIED

**EL-SEOUD & LEI - NW 33-21-29 W4**

Moved that Council accept the recommendation from the Public Works Department for a common approach in the Southeast corner of the subject parcel with a future road dedication along the South boundary of the existing parcel.

CARRIED

**YAMADA - SW 28-22-3 W5**

Moved that Council acknowledge receipt of the request from the landowner and confirm that no Area Structure Plan will be required prior to a redesignation application being submitted for 15 country residential parcels in SW 28-22-3 W5.

CARRIED

**MAJOROS - REDESIGNATION - SW 10-20-1 W5**

**BYLAW 170/2006**

Bylaw 170/2006 was reintroduced into the meeting to authorize the redesignation of Bylaw 170/2006 from Agricultural District to Country Residential District in order to permit the future subdivision of one 3+/-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

**MAJOROS - SUBDIVISION - SW 10-20-1 W5**

Moved that the subdivision of one 3+/-acre parcel from SW 10-20-1 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 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 \$19,029.00 per acre on account of 10% of the proposed new parcel and to be deferred by Caveat on the balance;

The Municipality's road widening requirement of 5 metres of land along the West boundary of the existing parcel to be dedicated by Caveat;

Landowner is to provide all utility easements and agreements to be to the 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 applicant's 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

**1276023 ALBERTA LTD. – REDESIGNATION – SW 12-20-3 W5**

Moved that Council acknowledge receipt of the request from the landowner and confirm that no Area Structure Plan will be required prior to a redesignation application being submitted for 11 country residential parcels in SW 12-20-3 W5.

CARRIED

**ABBIATI – REDESIGNATION – NE 21-21-2 W5**

**BYLAW 94/2007**

Bylaw 94/2007 was reintroduced into the meeting to authorize the redesignation of Plan 7611065 Block 1 in NE 21-21-2 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of one 12.65+/-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

**ABBIATI – SUBDIVISION – NE 21-21-2 W5**

Moved that the subdivision of one 12.65+/-acre parcel from Plan 7611065 Block 1 in NE 21-21-2 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 deferred by Caveat on both parcels and to be registered concurrently with the Plan of Survey;

The Municipality's road widening requirement if deemed necessary by the Public Works Department;

Landowners are to provide all utility easements and agreements to be to the satisfaction of the MD 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 additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

**DIFAM INVESTMENTS AND DISKIN - BOUNDARY ADJUSTMENT**

**SW 8-21-1 W5**

Moved that the consolidation of the 1.31-acre portion of Plan 0716311 Block 1 Lot 2 into the 118.69-acre portion of SW 8-21-1 W5 be approved subject to the following conditions:

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;

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

**COMMUNITY PLANNING ASSOCIATION**

Moved that Councillors be authorized to attend the Community Planning Association Conference scheduled in Red Deer, Alberta, from April 7 to April 9, 2008.

CARRIED

**BOW RIVER BASIN WATER MANAGEMENT**

Moved that Council agree to the contents of the draft letter as submitted and agree to the letter being sent to G. Wilkinson, Bow River Basin Water Management Plan Steering Committee Chair with respect to comments regarding the draft document on Water Quality Objectives and Indicators.

CARRIED

**CROSS CONSERVATION AREA**

Moved that the request from Sandy Cross Conservation Foundation for a funding request for Conservation programs be referred to F.C.S.S. for a further recommendation prior to a final decision being made in this regard.

CARRIED

**MILLARVILLE MEADOWS INC. - NW 2-21-3 W5**

Moved that Council approve a soil survey testing being done to determine the septic field potential of the municipal reserve parcel (Plan 0212953 Block 1 Lot 1MR) for the Phase 1 Millarville Meadows development.

*Mr. Waddock requested that the vote be recorded.*

*In Favour:*

*B. Castell, L. Spilak, R. McLean, R. Nelson*

*In Objection:*

*T. Waddock*

CARRIED

**ADJOURN**

Moved that Council adjourn at 4:45 p.m.

CARRIED