

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on March 13, 2008 at 9:00 a.m. Present were Reeve R. McLean, Councillors T. Waddock, R. Chase, T. Mills, R. Nelson, L. Spilak, Municipal Manager H. Riva Cambrin and Recording Secretary J. Gordon. Councillor Castell was not in attendance as she was away on vacation

The M.D.'s Director of Public Works and Engineering T. Gilliss and Public Works Infrastructure Coordinator S. Bartnik 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 – MARCH 13, 2008**

Moved that Council approve the agenda for the Council meeting of March 13, 2008.

CARRIED

**ADDITIONS TO AGENDA**

Moved that Council approve the additions to the agenda for the Council meeting of March 13, 2008.

CARRIED

**LOADER PURCHASE**

Moved that Council accept the staff recommendation as submitted and approve the request to purchase a Caterpillar 966H.

CARRIED

**HAMLET OF BLACKIE - STREETLIGHTS**

Moved that Council accept the staff recommendation as submitted and approve the request for the installation of streetlights within the Hamlet of Blackie, and that these lights conform to the M.D.'s Dark Sky Initiative.

CARRIED

**BYLAW 37/2008**

Bylaw 37/2008 was introduced into the meeting to authorize the installation of a STOP sign on 168 Street West accessing 402 Avenue.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved that Bylaw 37/2008 be given third reading.

CARRIED UNANIMOUSLY

third reading.

THE BYLAW WAS PASSED

**VEHICLE WEIGHT ORDER NO. 175/2008**

Moved that the Reeve and Municipal Manager be authorized to sign Vehicle Weight Order No. 175/2008 and that this Order become effective 8:00 a.m., March 14, 2008, with the following weight restrictions:

Road	Length	%Axle	Surface
81 Street E., Aldersyde Service Road, N. of 410 Avenue	0.8 km	100	Chip seal
265 Avenue W., East of Hwy 552	0.6 km	75	Pavement
408 Avenue, West of Hwy 783	0.1 km	75	Pavement

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

CARRIED

**WAITE – REDESIGNATION – NE 26-21-3 W5**

Ms. C. Waite and her friend/representative, Ms. S. Vendenberg, were in attendance for the public hearing in connection with the proposed redesignation of the 39.17-acre parcel in order to permit the future subdivision of three additional parcels. Also in attendance were K. Mortimer-Rae, D. MacDonald, P. Mortimer-Rae, F. Dover, G. Saggard, B. and J. Gordon, S. and N. Worthington, I. Hasselaar, T. Abercrombie, G. Ellsworth, C. Morgan, C. Oughton, M. Waite and E. O'Reilly. 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 #22 and one mile South of 242<sup>nd</sup> Ave. (Plummers Road). Letters were received from L. Timmons and L. Thomas, C. Morgan and C. Ferguson, R. Hillary and G. and J. Jaggard. One letter of concern, jointly signed by K. and P. Mortimer-Rae, B. Gordon, D. MacDonald, and Y. Southward, was submitted and one letter was received from Priddis-Millarville Residents Association.

The Planning Officer outlined the development within the vicinity of this parcel and indicated the recent refusal of one parcel immediately North (located within Cawthorne Estates). Within NE 26-21-3 W5, two parcels were approved in 2006,

and within SE 26-21-3 W5, there has been conditional approval granted in 2007 for two additional parcels.

The present proposal would allow for three 4+/-acre parcels. The access to the parcel is currently being obtained by way of an easement agreement through the land immediately South. The tentative plan includes a 30-metre service road dedication along the East boundary adjacent to Highway 2. The existing service road would need to be extended North in order to gain access to an internal road. The site plan also includes a 25-metre dedicated area from the cul-de-sac to serve as access to the balance parcel. The plan also includes an environmental reserve easement along the West boundary of the subject parcel. There is a residence as well as a number of outbuildings that would remain within the boundaries of the balance parcel.

Upon circulation, Alberta Transportation responded that the applicant has made provision for a paralleling service road right-of-way that would utilize an existing direct approach and that the service road right-of-way would be required to be registered by plan.

Ms. Waite's letter noted personal reasons for her application. She noted that, although she had previously raised concern with respect to the safety of accessing the highway, she feels that the new entrance has greatly improved the access and the view in both discussions. She would be willing to meet all requirements for drainage and water requirements as set forth by the Municipality.

Mr. E. O'Reilly, who lives immediately South of the parcel, stated that he has no objection to the application but would like to have the access easement agreement discharged from his title with legal access to all of the parcels being obtained through the proposed internal road.

Mr. Mortimer-Rae, who lives in Cawthorne Estates, read out the letter signed by three other landowners. They noted density as well as the absence of an overall plan as their main reasons for opposition to the application. Mr. I. Hasselaar stated that he would prefer one but not three additional homes in that area. Mr. N.

Worthington stated that he was not speaking in support of or in objection to the application, but commented on the access and long-term planning implications if this further fragmentation occurred. Ms. C. Ferguson stated that she lives adjacent to the South boundary and is concerned with the internal road running along the entire North boundary of her property. Mrs. F. Dover read out the letter of concern from L. Timmons and L. Thomas who stated a need for a long term planning and development plan, the proximity to Cowboy Trail, the potential impact upon Pothole Creek and the current access from Highway 22 as reasons for opposing the application.

Closing comments were made by Ms. Waite.

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

#### **MINUTES – MARCH 4, 2008**

Moved that Council adopt the minutes, as submitted, of its March 4, 2008, Council meeting.

CARRIED

#### **MINUTES – MARCH 6, 2008**

Moved that Council adopt the minutes, as submitted, of its March 6, 2008, Council meeting.

CARRIED

#### **LAND USE BYLAW AMENDMENTS**

In attendance: K. Beunder, B. Wright, K. Pyle

A public hearing was advertised to address certain properties that have been issued Building Permits that are not in compliance with the sizes of garages as presently stated in the Land Use Bylaw.

#### **BYLAW 38/2008**

Bylaw 38/2008 was introduced into the meeting to authorize the following amendments to the Land Use Bylaw:

Section 4.2.1(q) of the Land Use Bylaw (which presently reads 'The first private vehicle garage having an area less than 1,200 sq. ft. (attached or detached) where there is an existing permitted dwelling') shall now read:

The first private vehicle garage having an area less than 1,200 sq. ft. (attached or detached) where there is an existing permitted dwelling; or

On properties zoned as Residential District, special provisions may be considered by the Municipality to allow the following:

to allow a garage up to 50% of the dwelling size (provided that it does not exceed a maximum of 2,400 sq. ft.);

to allow the maximum limit to be split into two different structures, either attached or detached from the residence.

Provided that there is a signed release by the Subdivision's Architectural Design & Review Committee, when there are both Architectural Guidelines that are registered on title, and an approved Area Structure Plan.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

**833017 ALBERTA LTD. (LANDOWNER) - ICE RIVER SPRINGS WATER COMPANY INC. (APPLICANT) - NE 31-19-28 W4 AREA CONCEPT PLAN & SITE SPECIFIC AMENDMENT**

Ms. S. Gott and her agent, Mr. R. Hall, were in attendance for the public hearing in connection with an Area Concept Plan and Site Specific Amendment application to allow for a bottled water manufacturing plant. Also in attendance were M. Ramsfield, F. Randle, S. Kennedy, R. Watrin, S. Vickers, B. Doerksen and C. Parker. The public hearing was advertised and circulated within one-half mile of the subject property which is located South of Aldersyde and East of Highway 2A, adjacent to Saddlebrook Industrial Park. Letters of support were submitted from Highwood Auction Mart, B. and S. McCaughan, Mullen Trucking, D. and C. Swartz, B. Harvey and R. Watrin. One letter of objection was received from Chinook Sod Farms.

The subject parcel is 78.38 acres in size and is somewhat isolated from surrounding agricultural parcels. The applicants are proposing the construction of a building of 127,600 sq. ft. in the first phase with a second phase planned to double the building in size. The offices and mezzanine on the North end of the building will be 4,700 sq. ft. in size.

The plant produces bottled water using natural spring water with the bottles being manufactured within the plant by blow moulding and injection moulding. The water source for the bottled water would be from a licenced well in High River and trucked to the site by truck tanker on an average of 24 daily trips under Phase 1. The applicant estimates the total daily trips, including the water hauling traffic counts, could see Phase 1 having up to 130 vehicle trips per day.

With respect to Section 10.5.0 of the Land Use Bylaw, parking requirements with both phases included, would require a minimum of 267 parking stalls. The Development Officer recommended a relaxation of this requirement as the number of parking stalls would be unnecessary for this type of business.

Upon circulation, the Public Works Department stated that the developer, at a minimum, be required to pay to apply and maintain dust control on those roads with the gravel surface or pay to have them permanently surfaced, in addition to entering into an agreement with Public Works regarding the access/egress of this site, haul routes, dust control and times of operation.

In his presentation, Mr. Hall noted that they are presently considering two different wells which are located in High River and Willow Creek. Ms. Gott stated that there is sufficient water supply for both phases of their development. She quoted the Government of Canada's definition of spring water as high quality ground water as long as it isn't from a community source. The process includes filtering and ozonating which disinfects the water after 24 hours.

Mrs. M. Ramsfield, who lives directly South of the property, expressed concern with the amount of water they would be using. Although they are using an outside source, she's concerned about drilling wells on site.

In her closing comments, Ms. Gott stated that in their facility in Feversham, Ontario, they have implemented an expansive monitoring system to address the concerns of landowners regarding the long term impact of their water supply.

The Development Officer confirmed that with a projection of 60 employees, 70 parking stalls would be required.

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

**LUNCH**

Moved that Council adjourn for lunch.

CARRIED

**WIDMER – AREA STRUCTURE PLAN AND REDESIGNATION - NE 22-20-1 W5**

Mr. S. Hossain of Planning Protocol Inc., representative for the landowner, was in attendance for the public hearing in connection with the adoption of an Area Structure Plan and redesignation application proposed on the 120-acre parcel.

Also in attendance were B. Hussey, D. Ulmer, B. Ulmer, B. Burton, M. Castiglione, W. Nobert, B. Bugera, T. Bugera, P. Nobert, B. May and D. Newnham.

Prior to the opening of the hearing, Mr. Hossain requested that Council consider granting an adjournment of the public hearing. Mr. Hossain was informed that if Council didn't grant this request, that he would have the option to withdraw the application and reapply at a later date.

Moved that Council not allow the adjournment request as presented and therefore proceed with the public hearing as originally scheduled.

CARRIED

Mr. Hossain chose to proceed with the public hearing as scheduled. 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 Highway 7 between Okotoks and Black Diamond. One petition of objection was received from numerous landowners in the area.

R. Payne, Planner of M.D. of Foothills, presented the history of the quarter-section - further to a 40-acre parcel subdivided from the Northwest corner in 1992, 4 country residential parcels were created in 1999 and in 2000, an application for 3 additional parcels from the balance 14.5-acre parcel was refused.

The present application contemplates the future subdivision of 15 country residential parcels, 2 municipal reserve parcels, 1 environmental reserve parcel and 1 agricultural balance parcel. The internal road network is proposed by an Easement and Right-of-Way Agreement from the point of the cul-de-sac of the internal subdivision road accessing the parcels in the Northwest corner through the 14.5-acre parcel. It was noted that at the present time, no agreement has been reached with the owner of the 14.5-acre parcel to cross his property in that manner. The sizes of the parcels range from 3.2 acres to 4.5 acres in size, with two 1.5+/-acre municipal reserve parcels, one 3.4+/-acre environmental reserve parcel and a balance parcel of 51.2 acres.

Upon circulation, the Public Works Department recommended that road widening be provided along the West boundary, upgrading of 373 Ave. and construction of the proposed internal subdivision road to current road standards, rebuilding of 48<sup>th</sup> St. W. in addition to off-site road improvement fees or basing and paving of 48<sup>th</sup> St. W., storm water management plan and geotechnical testing for high water and percolation testing.

Mr. Hossain stated that he would be willing to answer any questions that Council may have with the application.

Mr. B. Hussey spoke in objection to the parcel due to the agricultural area. The letter of petition noted the dominant agricultural land use in the area, water supply, environmental significance, unsafe access onto Highway 7 and no legal access onto the property as reasons for opposition to the application.

Moved that the application for both the Widmer Farm Area Structure Plan and the redesignation application proposed in NW 22-20-1 W5 be refused for the following reasons:

The density as proposed is inconsistent with the dominant agricultural land use in the area;

The application has no agreement to cross a property by way of the proposed Easement and Right-of-Way Agreement and therefore has no legal access;

The unsafe access onto Highway 7.

CARRIED

**833017 ALBERTA LTD. (LANDOWNER) - ICE RIVER SPRINGS WATER COMPANY INC. (APPLICANT) - NE 31-19-28 W4**

**AREA CONCEPT PLAN & SITE SPECIFIC AMENDMENT**

Moved that Council approve the adoption of the Ice River Springs Area Concept Plan which provides details of planning and development issues for the size, layout, operation, product and management of the proposed manufacturing facility within the 78.38-acre parcel legally described as NE 31-19-28 W4 (East of River South of Railway 306).

CARRIED

**BYLAW 39/2008**

Bylaw 39/2008 was introduced into the meeting to authorize the site specific amendment of the 78.38-acre parcel legally described as NE 31-19-28 W4 (East of River South of Railway 306) from the Agricultural District land use rules in order to allow for a bottled water manufacturing plant as a permitted use.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Prior to further consideration, the landowner will be required to submit the final administration fee of \$650.00 and the Development Permit application with all appropriate fees.

**WAITE - LAND USE BYLAW AMENDMENT - NE 26-21-3 W5**

**BYLAW 40/2008**

Bylaw 40/2008 was introduced into the meeting to authorize the amendment of Plan 8911236 Block 1 in NE 26-21-3 W5 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 landowner will be required to submit the following:

Revised site plan for two equal-sized parcels with a panhandle access to the most Westerly parcel along the South boundary - Council was of the opinion that allowing for only one 20+/-acre parcel would be in keeping with the properties to the North and to the West of the subject parcel and agrees with a past decision of refusal on property immediately North of the subject parcel based on an Area Concept Plan being beneficial prior to further development in SE 35-21-3 W5.

Final lot fee of \$650.00;

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

Compliance with requirements as set forth by Alberta Transportation;

Subdivision application with appropriate fees.

#### **BYLAW 38/2008**

Bylaw 38/2008 was reintroduced into the meeting to authorize the following amendments to the Land Use Bylaw:

Section 4.2.1(q) of the Land Use Bylaw (which presently reads 'The first private vehicle garage having an area less than 1,200 sq. ft. (attached or detached) where there is an existing permitted dwelling') shall now read:

The first private vehicle garage having an area less than 1,200 sq. ft. (attached or detached) where there is an existing permitted dwelling; or

On properties zoned as Residential District, special provisions may be considered by the Municipality to allow the following:

to allow a garage up to 50% of the dwelling size (provided that it does not exceed a maximum of 2,400 sq. ft.);

to allow the maximum limit to be split into two different structures, either attached or detached from the residence.

Provided that there is a signed release by the Subdivision's Architectural Design & Review Committee, when there are both Architectural Guidelines that are registered on title, and an approved Area Structure Plan.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved that Bylaw 38/2008 be given third reading.

CARRIED UNANIMOUSLY

Moved third reading.

THE BYLAW WAS PASSED

#### **BILLS AND ACCOUNTS – MARCH 13, 2008**

Moved that the following cheque nos. 18868; 18870-18873; 18876-18886; 18888-18889; 18891-18894; 18897-18898; 18900-18908; 18910-18921; 18923-18925; 18927; 18929-18934; 18936; 18938-18940; 18942-18948; totalling \$58,448.83 be approved for payment:

<u>Cheque No.</u>	<u>General</u>	<u>Amount</u>
C18869	A.A.M.D. & C.	15,390.74
C18874	AMEC Earth & Environmental	28,976.58
C18875	ATCO Gas	11,155.00
C18887	D.A.R.E. Works Society	7,800.00
C18890	Direct Energy Regulated Service	5,183.79
C18895	Finning (Canada)	438,107.58
C18896	Foothills Foundation	489,874.64
C18899	Great West Life Assurance Co.	6,752.65
C18909	M.D. of Foothills No. 31	60,000.00
C18922	Saskatoon Boiler Mfg. Co. Ltd.	43,684.20
C18926	South Side Frame & Alignment C	17,318.53
C18928	St. James Parish	5,000.00
C18935	Town of High River	56,481.17
C18937	Town of Turner Valley	5,738.05
C18941	UMA Engineering Ltd.	158,225.67
C18949	Workers Compensation Board	30,738.55

CARRIED

#### **HIGHFIELD STOCK FARM - SUBDIVISION - NW 8-20-28 W4**

Moved that Council acknowledge receipt of the letter from Longview Planning & Design and is willing to relax the requirement for a location of the well source on the property as a condition of the subdivision approval with the proviso that a Caveat be registered against the title to indicate that the water supply for the property is off site and is the sole responsibility of the landowner.

CARRIED

#### **SQUAW COULEE LAND & CATTLE LTD. - REDESIGNATION**

##### **NE 16-18-29 W4**

Moved that Council accept the revised site plan with the environmental reserve easement area and the developable area identified as requested by Council and

agree with the recommendations of the Public Works Department regarding the construction and reconstruction of the road allowance (56h St. E.).

CARRIED

**DEER CREEK LAND DEVELOPMENT - N. 23-21-29 W4**

Moved that Council acknowledge receipt of the letter from Longview Planning and agree to the location of the entry feature signage being located within the road plan area as requested.

CARRIED

**PROPOSED FUTURE CONSTRUCTION PROGRAM**

Moved that Council accept the staff recommendation as submitted and approve the proposed future construction program.

CARRIED

**JONES - N.1/2 33-22-4 W5**

Moved that Council accept the revised site plan as submitted for the proposed redesignation in N.1/2 33-22-4 W5.

CARRIED

**A-MEN SIDING & ROOFING NW 32-19-28 W4**

Moved that Council authorize staff to call on the existing Letter of Credit for payment of outstanding invoices regarding payment of \$9,513.28 for the professional costs incurred with respect to the development approved on this permit.

CARRIED

**REQUEST FOR WRITE-OFF**

Moved that Council accept the staff recommendation as submitted and approve the request to write-off invoice #1294 in the amount of \$2,201.82.

CARRIED

**TAX ROLL NO. 2129047520**

Moved that Council grant the property tax exemption for Tax Roll No. 2129047520.

CARRIED

**FOOTHILLS REGIONAL WATER SUPPLY FEASIBILITY STUDY**

Moved that Council instruct staff to proceed with a joint application with the other municipalities for funding the above-mentioned project under the Alberta Municipal Water Wastewater Program (AMWWP).

CARRIED

**COMMITTEE REPORTS**

The Councillors were all given an opportunity to report on various meetings attended throughout the past week.

**ADJOURN**

Moved that Council adjourn at 5:45 p.m.

CARRIED