

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on March 27, 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 – MARCH 27, 2008

Moved that Council approve the agenda for the Council meeting of March 27, 2008.

CARRIED

ADDITIONS TO AGENDA

Moved that Council approve the additions to the agenda for the Council meeting of March 27, 2008.

CARRIED

SUBDIVISION REQUIREMENTS

Moved that Council agree with the recommendation brought forth by the Director of Public Works therefore a condition of the subdivision approval will include a requirement for a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor certifying the location of the adjacent municipal road(s), of the new and balance parcel.

CARRIED

SPEED LIMIT REDUCTION

BYLAW 44/2008

Bylaw 44/2008 was introduced into the meeting to reduce the speed limit from 80 KM/HR to 50 KM/HR on 306th Avenue East from Highway 552.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved that Bylaw 44/2008 be given third reading.

CARRIED UNANIMOUSLY

Moved third reading.

THE BYLAW WAS PASSED

PROFESSIONAL PRACTICE MANAGEMENT PLAN

Moved that the Professional Practice Management Plan be amended to include Nasir Sheikh, P. Eng., Professional Member.

CARRIED

CONGRATULATIONS

Moved that a congratulatory letter be sent to Nasir Sheikh of the Public Works Department to acknowledge his professional engineering status that allows him to practice engineering in the Province of Alberta as of March, 2008.

CARRIED

FREDERICK – LAND USE BYLAW AMENDMENT – SE 22-22-2 W5

Mr. D. Frederick was in attendance for the public hearing in connection with the proposed amendment of the 10.84-acre parcel 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 approximately one-half mile South of Highway 22X and the City of Calgary. The parcel is located within the Agricultural Policy area of the existing Intermunicipal Development Plan between the Municipality and the City of Calgary.

The Planning Officer noted that a first parcel of 20.84 acres was subdivided from the quarter-section in 1990 and subsequent to that, two 5-acre parcels were subdivided from the 20.84-acre parcel in 1998. It was also noted that two applications were brought forward to Council to allow for a church on the 10.84-acre parcel but both applications were refused due to the traffic impact as well as the incompatible land use.

The present application would allow for one 5.3+/-acre parcel with a panhandle from a common approach in the Northwest corner of the parcel. There are no structures on the parcel at this time. The Public Works Department responded that the sight lines along 136th St. W. are acceptable.

Upon circulation, the City of Calgary responded that further fragmentation of this quarter-section would further jeopardize the agricultural integrity of the area and that the application was premature, subsequent to the growth corridor discussions with the Intermunicipal Committee.

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

MURRAY – REDESIGNATION – SE 29-19-27 W4

Mr. B. Dyck, representative for Mr. K. Murray, was in attendance for the public hearing in connection with the proposed redesignation of the 155.99-acre parcel. Mrs. P. Erickson 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 North of 466th Ave. and approximately five miles Northwest of the Hamlet of Blackie.

The site plan indicates the proposed parcel to be 11.5 acres in size and is physically separated from the balance of the quarter-section by the Canadian Pacific rail line. In outlining the application, the Planning Officer noted that the parcel is separated by an unnamed creek which makes the property somewhat limited in choosing a building envelope. In determining the building site location, it was concluded that the building envelope would only exist on the East side of the creek.

Upon circulation, the Public Works Department recommended verification with CP Rail as to their use of the railway crossing. They also recommended the extending 208th St. E. along the East boundary 50 metres past the CPR tracks to the North constructing a new approach on both sides of the road as a turnaround.

Mr. Dyck stated that Mr. Murray is finding it difficult to put the hay up and would like to sell this portion of the quarter-section.

Mrs. Erickson, who lives adjacent to the subject parcel, remarked that she has no objection to the subdivision but would like to ensure that her driveway would not be affected.

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

**ALBERTINA FARMING LTD. – SITE SPECIFIC AMENDMENT
NW 12-21-28 W4**

Mr. J. Schweighofer was in attendance for the public hearing in connection with the proposed application for a site specific amendment on the 115.90-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 South of Highway 552 and East of 160th St. Mr. and Mrs. S. Pick were also in attendance. The application would allow for the existing attached dwelling to be brought into compliance for expansion purposes. The Development Officer explained that under the definition of the Land Use Bylaw, an 'attached dwelling' is described as a single building which contains two or more separate living quarters. This attached dwelling, containing two separate living quarters, has been on the property since 1975 and is desirable due to the large farming operation that exists on the entire holdings of the landowners. The applicants wish to replace the attached dwelling as a Professional Engineer has recommended a rebuild as opposed to a renovation. There are currently two temporary mobile homes for farm help on the property, along with one single family dwelling and the subject dwelling.

Mr. Schweighofer noted that the structure was on the property when it was purchased. The principals of the Company would like housing on the farm when they are in Canada and would like an attached dwelling for security reasons. Mr. Pick commented that they live adjacent to this property and are in favour of the application.

The public hearing was closed.

BYLAW 45/2008

Bylaw 45/2008 was introduced into the meeting to authorize the site specific amendment of NW 12-21-28 W4 from the Agricultural District land use rules in order to allow for attached housing 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 \$575.00 and a Development Permit application.

TEUCHER - LAND USE BYLAW AMENDMENT - NW 28-19-28 W4

BYLAW 226/2006

Bylaw 226/2006 was reintroduced into the meeting to authorize the amendment of Plan 1203LK Block B Lot 5 in NW 28-19-28 W4 from the Country Residential District land use rules in order to permit the future subdivision of one 5.07+/-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

TEUCHER - SUBDIVISION - NW 28-19-28 W4

Moved that the subdivision of one 5.07+/- acre parcel from Plan 1203LK Block B Lot 5 in NW 28-19-28 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 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;

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

Public Reserve: to be by way of cash in lieu of land based on \$14,930.00 per acre on account of 10% of the proposed new parcel and to be deferred by Caveat on the balance;

Landowners are to provide all utility easements and agreements to be 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

SAFETY COMMITTEE RECOMMENDATIONS

Moved that Council support the recommendation from the Safety Committee to have defibrillators placed at the Foothills West Shop, Aldersyde Shop, ASB Shop and at the Landfill Site with staff at these locations being trained to safely use this equipment.

CARRIED

Moved that Council support the recommendation from the Safety Committee to approve a smoking cessation plan for Municipal employees.

CARRIED

MURRAY – REDESIGNATION - SE 29-19-27 W4

BYLAW 46/2008

Bylaw 46/2008 was introduced into the meeting to authorize the redesignation of SE 29-19-27 W4 from Agricultural District to Country Residential 'A' District in order to permit the future subdivision of one 11.5+/-acre parcel, with the building site location to be located to the East of the unnamed creek.

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 fee of \$650.00;

Environmental Reserve Easement within the creek area;

Development Agreement for the construction of the road 50 metres North of CPR tracks with approaches to the satisfaction of the Public Works Department;

High water table and percolation testing to the satisfaction of the Municipality;

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

Subdivision application with appropriate fees.

FREDERICK – LAND USE BYLAW AMENDMENT – SE 22-22-2 W5

BYLAW 47/2008

Bylaw 47/2008 was introduced into the meeting to authorize the amendment of Plan 9813651 Lot 1 in SE 22-22-2 W5 from the Country Residential 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

In their deliberations, Council stated that the parcel is designated as Country Residential District at the present time and therefore would not impact the estimation of further fragmentation of agricultural lands. It is their opinion that it

would not contravene the terms of the Intermunicipal Development Plan between the Municipality and the City of Calgary.

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 Municipal Water Policy;

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

Subdivision application with appropriate fees.

MINUTES – MARCH 20, 2008

Moved that Council adopt the minutes, as circulated, of its March 20, 2008, Council meeting.

CARRIED

DAVIES – LAND USE BYLAW AMENDMENT – NW 31-20-27 W4

Mr. J. B. Davies was in attendance for the public hearing in connection with the proposed amendment of the 148.68-acre parcel from the Agricultural District land use rules 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 approximately one-half mile East of Highway 799 and two miles North of Highway 547.

The Development Officer noted that there was a 'first parcel out' of 10.58 acres subdivided from the Southwest corner of the quarter-section in 2001. The present application is to allow for a second parcel of 27 acres in size and the intention is to have the property remain agricultural in nature. The proposed new parcel would contain the existing residence, garage and dugout and obtains access from 338th Ave. Upon inspection, it was noted that the subject lands were comprised of some low wet areas and there was a substantial amount of surface water on both sides of the road at the North portion of the proposed new parcel.

Compton Petroleum has a well site facility on the balance lands and because of it being a Level 1 pipeline, the right-of-way must be observed.

Mr. Davies stated his intention to sell the 27-acre parcel at the present time and eventually return and retire on the balance parcel.

The public hearing was closed.

BILLS AND ACCOUNTS – MARCH 27, 2008

Moved that the following cheque nos. 19014-19028; 19030-19034; 19036-19041; 19043-19047; 19049-19054; 19056-19058; totalling \$31,877.43 be approved for payment:

<u>Cheque No.</u>	<u>General</u>	<u>Amount</u>
C19012	1009720 Alberta Ltd.	\$7,322.69
C19013	A.A.M.D. & C.	27,550.71
C19029	The City of Calgary	7,356.36
C19035	DPOC	6,300.00
C19042	First Impressions	17,681.93
C19048	M.D. of Foothills No. 31	280,000.00
C19055	Town of Black Diamond	100,000.00

CARRIED

DAVIES – LAND USE BYLAW AMENDMENT – NW 31-20-26 W4

BYLAW 48/2008

Bylaw 482008 was introduced into the meeting to authorize the amendment of NW 31-20-26 W4 from the Agricultural District land use rules in order to permit the future subdivision of one 27+/-acre parcel.

Moved first reading.

THE MOTION WAS WITHDRAWN

Moved that the application for the amendment of NW 31-20-26 W4 from the Agricultural District land use rules in order to permit the future subdivision of one 27+/-acre be refused for the following reasons:

There was a 'first parcel out' of the quarter-section subdivided previously and further subdivision in this area would be precedent-setting;

Premature fragmentation of agricultural land.

CARRIED

FAMILY AND COMMUNITY SUPPORT SERVICES

Moved that Council approve the recommendations for funding requests as brought forth from the Committee for Family and Community Support Services for funding requests.

CARRIED

MUNICIPAL HERITAGE PARTNERSHIP PROGRAM

Moved that Council acknowledge receipt of the Municipal Heritage Partnership Program but that the Municipality is unable to pursue this at the present time due to time and staffing commitments.

CARRIED

IN CAMERA

Moved that Council go 'In Camera' for land issues at 2:40 p.m.

CARRIED

Mr. Chase left at 3:05 pm.

OUT OF CAMERA

Moved that Council go 'Out of Camera' at 4:00 p.m.

CARRIED

ALBERTA ROADBUILDERS & HEAVY CONSTRUCTION ASSOCIATION

Moved that Mr. McLean be authorized to attend the Calgary Area Meeting on Wednesday, April 23, 2008, at Spruce Meadows.

CARRIED

ADJOURN

Moved that Council adjourn at 4:00 p.m.

CARRIED