

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on June 19, 2008 at 8:30 a.m. Present were Reeve R. McLean, Councilors T. Waddock, R. Chase, R. Nelson, L. Spilak, B. Castell, T. Mills, Municipal Manager H. Riva Cambrin and Recording Secretary J. Gordon.

The M.D.'s Public Works Operations Coordinator J. Dale entered the Council Chambers to answer any questions that Council may have with respect to Public Works.

Reeve R. McLean called the meeting to order.

AGENDA – JUNE 19, 2008

Moved that Council approve the agenda for the Council meeting of June 19, 2008.
CARRIED

ADDITIONS TO AGENDA

Moved that Council approve the additions to the agenda for the Council meeting of June 19, 2008.

CARRIED

HERR – REDESIGNATION – NE 12-21-29 W4

BYLAW 232/2007

Bylaw 232/2007 was reintroduced into the meeting to authorize the redesignation of NE 12-21-29 W4 from Agricultural District to Country Residential District in order to permit the future subdivision of one 12+/-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

HERR – SUBDIVISION – NE 12-21-29 W4

Moved that the subdivision of one 12+/-acre parcel from NE 12-21-29 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 if deemed necessary by the Public Works Department to be dedicated by Caveat and registered concurrently with the Plan of Survey;

Development Permit for the temporary mobile home must be renewed to allow for the temporary mobile home to be used during construction;

The landowner is to provide all utility easements and agreements to the satisfaction of the MD and the utility companies;

The 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

BROWN AND NIELSEN – SITE SPECIFIC AMENDMENT – NE 27-21-1 W5

BYLAW 79/2008

Bylaw 79/2008 was reintroduced into the meeting to authorize the site specific amendment of Plan 9611911 Lot 1 in NE 27-21-1 W5 from the Agricultural District land use rules in order to allow for an oversized private arena as a permitted use.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

KOLSKOG – SITE SPECIFIC AMENDMENT – SW 16-20-29 W4

BYLAW 65/2008

Bylaw 65/2008 was reintroduced into the meeting to authorize the site specific amendment of Plan 9512537 Block 12 in SW 16-20-29 W4 from the Country

Residential District land use rules to allow for a major home occupation for a charter bus business.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

MCCAUGHAN – SE 5-20-28 W4

Moved that Council authorize staff to proceed with a court injunction for full enforcement of the property including the existing Development Permit and all outstanding compliance issues in SE 5-20-28 W4.

CARRIED

GRIFFIN AND TANGEN – REDESIGNATION - NW 28-18-27 W4

BYLAW 224/2006

Bylaw 224/2006 was reintroduced into the meeting to authorize the redesignation of NW 28-18-27 W4 from Agricultural District to Country Residential District in order to permit the future subdivision of one 14.3-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

GRIFFIN AND TANGEN – SUBDIVISION - NW 28-18-27 W4

Moved that the subdivision of one 14.3+/-acre parcel from NW 28-18-27 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 West boundary of the existing parcel to be dedicated by Caveat and registered concurrently with the Plan of Survey;

The landowners are to provide all utility easements and agreements to be satisfaction of the MD and the utility companies;

The 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

CAMPBELL – REDESIGNATION – SW 14-19-29 W4

BYLAW 77/2007

Bylaw 77/2007 was reintroduced into the meeting to authorize the redesignation of SW 14-19-29 W4 from Agricultural District to Country Residential District in order to permit the future subdivision of seven additional parcels and two municipal reserve parcels.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

CAMPBELL – SUBDIVISION – SW 14-19-29 W4

Moved that the subdivision of seven additional parcels and two municipal reserve parcels within SW 14-19-29 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;
Development Agreement for the upgrading and construction of existing and proposed roadways to be registered concurrently with the Plan of Survey;
Caveat to be registered on each of the proposed new parcels notifying potential landowners of the existing Municipal gravel pit adjacent to the subject lands and the possibility of future development on that site, to be registered concurrently with the Plan of Survey;
Public Reserve: provided by way of municipal reserve parcels;
The Municipality's road widening requirement of 5 metres of land along the North boundary of the existing parcel to be dedicated by Caveat and registered concurrently with the Plan of Survey;
The landowners are to provide all utility easements and agreements to be satisfaction of the MD and the utility companies;
The 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

SNOWY OWL DEVELOPMENTS – N. 33-22-4 W5

Moved that the barbed wire fencing be moved to the West of the Municipal Reserve Parcel within Plan 0610379 Block 2 Lot 18 in N. 33-22-4 W5.

CARRIED

JONES – MUNICIPAL RESERVE – SW 28-21-29 W4

Moved that Council accept the bid from B. Jones for the leasing of Plan 9910867 Block B Lots 6 & 7 within SW 28-21-29 W4.

CARRIED

FOOTHILLS ADVOCACY IN MOTION

Moved that Council has no objection to the Annual Community Savings Canada Day 5 and 10 km. run along 12th Ave. S.W. hosted by the Foothills Advocacy in Motion Society in conjunction with the Town of High River Canada Day Celebrations on July 1st from 9 a.m. to approximately 10:30 a.m.

CARRIED

REQUEST TO PURCHASE MUNICIPAL PROPERTY

Moved that Council table the decision with respect to the request to purchase 6.1 metres of Municipal property adjacent to Plan 9061EW Block D in SW 19-17-28 W4.

CARRIED

UPPER LAKES GROUP INC. – NE 5-22-29 W4

HERITAGE POINTE AREA STRUCTURE PLAN

C. Oxtoby, T. Stack, M. Hill of Heritage Pointe and K. Beunder of Longview Planning & Design were in attendance for the public hearing in connection with the redesignation of the 40.90-acre parcel (located within the Hamlet of Heritage Pointe) in order to allow for the creation of 33 0.3+/-acre parcels, a 4.6+/-acre Environmental Reserve parcel and a 13+/-acre common area. The public hearing was advertised in two issues of the Western Wheel and circulated to landowners within one-half mile of the subject property.

This application allows for the final phase of the Heritage Pointe Area Structure Plan on the West side of Deerfoot Trail. The 33 residential lots range in size from 0.30 acres to 0.80 acres and will contain executive single family homes with larger lots and lower density. The site specific amendment will allow for a relaxation of the height restriction to 12 metres, a minimum 4-metre front yard setback and a relaxation of up to 90% on front yard corner lots. The tentative plan includes an Open Space area of approximately 17.8 acres and will be owned and maintained under a bareland condominium ownership. The common area serves as a buffer between the existing residences and proposed lots as well as a passive recreational area in addition to servicing linkages and a proposed stormwater pond. The plan also includes a 4.6-acre environmental reserve within the escarpment area adjacent to the Pine Creek Valley.

Due to the subject property being located within the Intermunicipal Development Area, the City of Calgary was circulated for comments. They responded with no

objection but their Parks Department recommended that the developer be asked for mitigation mechanisms to prevent erosion and sediment from entering the nearby creek and Bow River, that the environmental open space be kept as natural as possible and to consider limiting access to the environmental reserve to protect it during construction.

Ms. Beunder and Mr. Stack discussed various stages of the development. They noted their dedication to achieving their goal for recycling in terms of construction waste and debris management. Although they would prefer that the common property remain with no zoning, the suggestion was made for a Recreational designation with a pathway as a permitted use.

The public hearing was closed.

BYLAW 92/2008

Bylaw 92/2008 was introduced into the meeting to authorize the redesignation of Plan 8911839 Block 1 in NE 5-22-29 W4 from Agricultural District to Residential District in order to permit the future subdivision of 33 additional lots, one 4.6+/-acre environmental reserve lot, and the common area being designated as Recreational District with pathways being a permitted use. The bylaw will also allow for a site specific amendment to allow for a minimum 4-metre front yard setback and a relaxation of up to 90% on front yard corner lots.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

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

Infrastructure

a) Road:

The Developer is to provide a Construction Management Plan which details the phasing strategy of the development, the schedule of construction and the mitigation of the effects of construction on the neighbouring landowners. The approved Construction Management Plan will be included within all Developers Agreements. The Construction Management Plan will be completed by the developer to the satisfaction of the Department of Public Works and Council; Developer's agreement will be required for the internal road construction; Development Agreement to be entered into for the road improvement fee of \$3500.00 per new lot;

b) Servicing:

Developer Agreements for all utility serving infrastructure, including all necessary licenses and agreements will need to be in place between the Province, the utility provider and the developer, to the satisfaction of the Municipal District of Foothills, all engineering drawings, and the required letter of credit; Confirmation from Corix Utilities that they will be servicing the site with water and wastewater facilities and that adequate capacity is available to accommodate the proposed new lots.

All requirements of Alberta Environment pertaining to water supply, sewage disposal, and storm water shall be complied with and proof of all applicable licenses and approvals to be submitted to the Municipality;

Developer's Agreement will be required for the construction of the storm ponds and any storm water facilities. All necessary engineering drawings to be provided to the satisfaction of the Municipality;

An integrated master drainage plan and storm water management plan submitted to the satisfaction of the Municipality;

A grading plan which indicates total earth work and finish elevations submitted to the satisfaction of the Municipality;

Conditions as per Area Structure Plan

The applicants shall submit a conceptual landscape plan which protects as many trees as possible, identifies the placement of new trees, outlines park area improvements, and grading/containment plans for review as per the Area Structure Plan;

Site Plan illustrating building envelopes for all of the proposed parcels to be provided for review and approval by the Municipal Engineer;

Sediment and erosion control management plan to be submitted to the Municipal Engineer for review;

A noise analysis as it relates to the location of the proposed lots and the potential noise impact and methods of noise mitigation from the Deerfoot Trail;

Other:

Compliance with all requirements of Alberta Historic Resources Management and Alberta Transportation shall be met;

Final redesignation lot fees to be paid;

Subdivision application with all appropriate fees to be submitted

Municipal Treasurer B. Robinson entered the Council Chambers.

UTILITY CHARGES AND TAX DISCOUNTS

Moved that Council instruct administration to provide a further report in September outlining various options regarding utility charges for Council review.

CARRIED

Moved that the tax discount rates remain unchanged.

CARRIED

MEDICAL BUILDING PROPOSAL

Moved that Council instruct administration to meet with Dr. R. Gorsche and Dr. K. Spackman to discuss options for financing the above-mentioned project.

CARRIED

PHONE SYSTEM

Moved that Council instruct staff to proceed with an application for funding under the Municipal Sustainability Initiative Operating Grant Fund Program to be used to upgrade its current phone system.

CARRIED

Mr. Robinson left the Council Chambers.

MINUTES – JUNE 12, 2008

Moved that Council adopt the minutes, as circulated, of its June 12, 2008, Council meeting.

CARRIED

LUNCH

Moved that Council adjourn for lunch.

CARRIED

CHIPMAN AND BEAUDETTE – SITE SPECIFIC AMENDMENT

SW 27-20-28 W4

Mr. D. Stevens of Davinci Broadband Inc. was in attendance for the public hearing in connection with the site specific amendment to allow for a change of an existing tower use from private to commercial use. 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 547 and East of 128th St. E.

The parcel is 10.5 acres in size and the current private use tower stands at a 45 ft. height. The applicants are now looking to change the use of private to commercial to allow for high speed internet in this area. There are no changes proposed to the tower except for the change in use with the addition of broadcast modules being mounted and the addition of a 10 ft. x 10 ft. fence.

The public hearing was closed.

BYLAW 91/2008

Bylaw 91/2008 was introduced into the meeting to authorize the site specific amendment of Plan 9911200 Lot 1 in SW 27-20-28 W4 from the Country Residential District land use rules in order to allow for the tower on the property be approved for commercial use for the purposes of providing internet services.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Prior to further consideration, the applicants will be required to submit the final fee of \$575.00 and the Development Permit application with a fee of \$800.00.

BILLS AND ACCOUNTS – JUNE 19, 2008

Moved that the following cheque nos. 19771 -19772; 19774-19779; 19781-19815; 19817-19819; 19821-19823; 19825-19826; 19828-19832; 19835-19838; 19840; totalling \$66,858.17 be approved for payment:

<u>Cheque No.</u>	<u>General</u>	<u>Amount</u>
C19773	A.A.M.D. & C.	142,029.48
C19780	Carleton Rescue Equipment Ltd.	8,363.71
C19816	Receiver General For Canada	33,825.65
C19820	Seaman, Gary & Valerie	8,000.00
C19824	Staples Direct Credit Office	7,629.60
C19827	T.L. Fencing	15,918.00
C19833	TD Business Visa	5,144.32
C19834	Volker Stevin Contracting Ltd.	11,176.74
C19839	Wholesale Fire & Rescue Ltd	69,984.50

CARRIED

TOWN OF OKOTOKS

Moved that Council has no objection to the circulation memorandum received from the Town of Okotoks regarding the proposed amendment to the Town of Okotoks Municipal Development Plan, Land Use Bylaw and South Okotoks Area Structure Plan.

CARRIED

M.D. OF FOOTHILLS NO. 31

Moved that Council agree to the new logo for the M.D. of Foothills No. 31 as presented by Staff.

CARRIED

LEIGHTON ART CENTRE

Moved that Division 3 Councillor B. Castell be appointed to the Board of Directors of the Leighton Foundation, as requested by the Leighton Art Centre.

CARRIED

BOW BASIN WATERSHED MANAGEMENT PLAN

Moved that Council accept and support the Bow Basin Watershed Management Plan . Phase One Water Quality Report.

CARRIED

CAYLEY RECREATION BOARD

Moved that Council approve the request from the Cayley and District Recreation Board to have their annual payment increased from \$9,000.00 to \$10,000.00 annually.

CARRIED

CAYLEY SCHOOL

Mr. B. Holmes and Ms. J. Hicklin attended Council to update them on the Cayley project regarding the Fat Spaniel system, the equipment needed to broadcast a real-time signal so that both the solar installation and the wind turbine can be monitored at the same internet location.

Moved that Council authorize the Municipal Manager to sign the Contribution Agreement dated May 5, 2008 between Climate Change Central and the M.D. of Foothills No. 31 regarding the installation of the Fat Spaniel system.

CARRIED

Moved that Council acknowledge the presentation from Mr. B. Holmes and Ms. J. Hicklin regarding the above-mentioned project.

CARRIED

M.D. OF ROCKY VIEW

Moved that Council authorize a letter being sent to the M.D. of Rocky View expressing the desire to form an Intermunicipal Committee.

CARRIED

ADJOURN

Moved that Council adjourn at 3:30 p.m.

CARRIED