

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on May 29, 2008 at 9:00 a.m. Present were Reeve R. McLean, Councillors 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 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 R. McLean called the meeting to order.

#### **AGENDA – MAY 29, 2008**

Moved that Council approve the agenda for the Council meeting of May 29, 2008.

CARRIED

#### **ADDITIONS TO AGENDA**

Moved that Council approve the additions to the agenda for the Council meeting of May 29, 2008.

CARRIED

#### **DUNBOW ROAD WIDENING AND INTERSECTION TENDER**

Moved that Council award the tender to Slimdor Contracting Ltd. for the above-mentioned project.

CARRIED

#### **FARKAS – LAND USE BYLAW AMENDMENT – SE 17-22-1 W5**

Mr. F. Farkas was in attendance for the public hearing in connection with the proposed amendment of the 155.55-acre parcel in order to permit the future subdivision of one 33.34-acre parcel. Mr. and Mrs. R. Laycraft, Mrs. F. Dover and Mrs. S. Worthington were 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 1.5 miles South of Spruce Meadows off 64<sup>th</sup> St. W. This property is abutting the City of Calgary's boundary and is identified in the Intermunicipal Development Plan as an Agricultural Policy area. Upon circulation, they responded with no objection to this application.

The quarter-section is unsubdivided at this time but is separated by 64<sup>th</sup> St. (Road Plan 6413L . 4.45 acres). There are two existing approaches, both off 64<sup>th</sup> St. W. with one approach to the existing residence in the Westerly 122.21-acre portion of the quarter-section. The tentative plan is to allow for the 33.34-acre portion of the quarter-section that is divided by the municipal road to be under a separate title. The Public Works Department commented that the existing approach to the residence and the proposed approach off 64<sup>th</sup> St. W. do not meet adequate sight distance to the North and therefore a Hidden Driveway sign will be required in the Northbound land on the hill prior to the curve. The field approach to the North requires upgrading and an additional 10 metres of road widening is required on the West side of Plan 6413 for future reconstruction.

Mr. Farkas stated that this application was a natural split in that the land is divided by the municipal road. The location of the road access is halfway between the South and North sloping hill and in his opinion, is the safest place for approaching the property.

The public hearing was closed.

#### **LAYCRAFT – REDESIGNATION – NE 16-21-3 W5**

Mr. R. Laycraft was in attendance for the public hearing in connection with the proposed redesignation of the 80-acre parcel in order to permit the future subdivision of one 7.5+/-acre parcel. Mrs. P. Laycraft, Mrs. F. Dover and Mrs. S. Worthington were 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 approximately 2.5 miles Northwest of Millarville. One joint letter of concern was submitted in objection to the application.

The Planning Officer noted that the quarter-section was subdivided into two 80-acre parcels in 1989. Further to that, one 5.81-acre parcel and one 21.72-acre parcel were subdivided from the Northerly 80 acres in 1990. The present application is to allow for one 7.5-acre parcel from the Southeast portion of the 80-acre parcel. The proposed parcel contains the residence and there are two existing approaches from 240<sup>th</sup> St.

In his comments, Mr. Laycraft stated that there is a natural gas sweet pipeline on the West portion of the land as well as an 8-inch sour gas line that is both insulated and buried deep but neither of these pipelines have setback requirements. The intention of the applicants is to subdivide the residence from the balance of the land for retirement purposes. They have lived in their home for 36 years and intend to stay there and continue ranching for the next while but eventually they would probably pass the land over to their children. The residual parcel will remain agricultural in nature. When the quarter-section was initially subdivided, there was a partnership involving other family members.

Mrs. S. Worthington spoke on behalf of the landowners who signed the letter of concern. The letter indicated that the agricultural land should be preserved and that a previous application within the quarter-section had been refused due to the unnecessary fragmentation of agricultural land.

Mr. Laycraft made closing comments and he stated that the application for the subdivision that was refused was located within the best agricultural land in the quarter-section and that was the reason that it was originally kept in that manner. The public hearing was closed and no decision was made at this time due to a scheduled public hearing.

**YOUNG – LAND USE BYLAW AMENDMENT – S. 26-21-4 W5**

Moved that Council acknowledge receipt of the letter of withdrawal received from D. Young relative to the public hearing scheduled at 10:35 a.m. for the proposed amendment of S. 26-21-4 W5.

CARRIED

**LAUSBERG – LAND USE BYLAW AMENDMENT – NE 35-19-1 W5**

Mr. and Mrs. K. Lausberg were in attendance for the public hearing in connection with the proposed amendment of the 10.5-acre parcel in order to permit the future subdivision of one additional parcel. Mr. J. Coffin, Ms. L. Albert, Ms. K. Hurlbut and Mrs. D. Overton were 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 approximately one-half mile South of 434<sup>th</sup> Ave. One joint letter of support was received from B. Huisman, A. Christensen and L. Alberts. Letters of concern were received from L. Malmqvist and R. and M. Malmqvist. Letters of opposition were received from R. and T. Reidy, K. and M. Hurlbut, C. and L. McGregor, B. and D. Overton, R. Caputo and B. and T. McFarlane. Within the subject quarter-section, there are presently 12 country residential parcels, with the smallest being 9.77 acres in size and the largest being 19.82 acres. In the South half of the quarter-section, there are 15 existing parcels that are more varied in size, those being from 3.68 acres to 21.05 acres in size. The NW 34-19-1 W5, located immediately East of the quarter-section, contains a minimum of 20+/-acres, with the exception of one 9.83-acre parcel and one 10.11-acre parcel.

The present proposal would allow for one 5+/-acre parcel to be subdivided from the East portion of the subject property while the residence, garage, horse shelter and shed will remain on the balance. The proposed access for the parcel is off an internal road that is currently under private ownership and the applicants have been given permission to use this road as access.

Upon circulation, the Public Works Department recommended that the internal road (440<sup>th</sup> Ave.) be upgraded to current municipal standards and that the applicants be required to submit high water table and percolation testing. Speaking out with concerns were D. Overton and C. Hurlbut. Their biggest concern is the density developing in the area. There are small hobby farms of 10 to 20 acres in the area and they would like to keep this area maintained for people who would prefer to have parcels of this size.

Mr. J. Coffin, parent of S. Lausberg, stated that their intention is to move out into the community with the family.

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

**COUNCIL MEETING**

Moved that Council cancel the Council meeting originally scheduled for June 3, 2008.

CARRIED

**FARKAS – LAND USE BYLAW AMENDMENT - SE 17-22-1 W5**

In Council's deliberations, Council noted that this land is noted as an Agricultural Policy Area within the Foothills/Calgary Intermunicipal Development Plan and therefore was circulated to the City and they responded with no objection.

Additionally, the property to be subdivided from the rest of the quarter-section is naturally divided by a municipal road.

**BYLAW 76/2008**

Bylaw 76/2008 was introduced into the meeting to authorize the amendment of SE 17-22-1 W5 from the Agricultural District land use rules in order to permit the future subdivision of one 33.34+/-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;

Subdivision application with appropriate fees.

**LAYCRAFT – REDESIGNATION – NE 16-21-3 W5**

In considering this application, Council noted that in terms of agricultural use, the application is to subdivide the residence from the rest of the land which is to be used agriculturally and this will not impact the agricultural operation of this land. There were no objections received from any landowners within one-half mile of the property and the past application for redesignation of one 21+/-acre parcel from the Northerly portion of the quarter-section that was referred to was refused for logical and reasonable reasons.

**BYLAW 77/2008**

Bylaw 77/2008 was introduced into the meeting to authorize the redesignation of the South Half of NE 16-21-3 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of one 7.5-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;

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

Subdivision application with appropriate fees.

**LUNCH**

Moved that Council adjourn for lunch.

CARRIED

**MATHESON – LAND USE BYLAW AMENDMENT – SW 35-22-5 W5**

In attendance: W. Stevenson-Clark, F. Dean, S. Dunn

When the public hearing was called, Council was informed that the landowners submitted a letter requesting that the public hearing be adjourned.

Moved that Council adjourn the public hearing as requested with the provision that the applicants be informed that an adjournment fee of \$375.00 will be required prior to a public hearing date being set.

CARRIED

Council noted the unfortunate circumstance whereby three interested parties had to take time off work and drive this distance to find out that the public hearing was adjourned and stated that the rescheduling of same will be set after determining the dates they could attend another public hearing.

**BILLS AND ACCOUNTS – MAY 29, 2008**

Moved that the following cheque nos. 19543; 19545; 19547-19557; 19559-19569; 19572; 19575-19583; 19585-19586; 19588-19590; 19593; 19595-19600; 19602-19609; totalling \$53,271.70 be approved for payment:

<u>Cheque Number</u>	<u>Vendor</u>	<u>Amount</u>
C19542	1009720 Alberta Ltd.	\$7,322.69
C19544	A.A.M.D. & C.	\$14,443.79
C19546	Acklands-Grainger Inc.	\$59,483.89
C19558	Christ The Redeemer Catholic	\$15,000.00
C19570	Falcan Industries Ltd.	\$9,587.55
C19571	Finning (Canada)	\$494,143.40
C19573	Foothills Country Hospice	\$10,000.00
C19574	Gardiner, Brad & Cindy	\$10,890.78
C19584	LeDuc Developments (1983) Ltd.	\$15,036.00
C19587	M.D. of Foothills No. 31	\$425,000.00
C19591	Millarville Racing & Ag. Soc.	\$10,000.00
C19592	MPE Engineering Ltd.	\$7,394.57
C19594	Okotoks Healthy Family Resourc	\$8,000.00
C19601	Snap-On Tools	\$6,084.75
C19610	Sterling Western Star Trucks	\$117,989.17

CARRIED

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

Mr. S. Brown and Ms. S. Nielsen were in attendance with their agent, Mr. D. Badke, for the public hearing in connection with the proposed site specific amendment in order to allow for an oversized private riding arena. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located West of Highway #552 and South of 258<sup>th</sup> Ave.

The Development Officer stated that a Development Officer has the authority to make a decision for the use of a maximum size of 16,146 sq. ft. As this proposal is more than double the maximum limit, the applicants chose to apply for a site specific amendment to allow for the arena as a permitted use on this 52.65-acre parcel. The size of the arena is proposed at 28,800 sq. ft. with an attached barn being 11,520 sq. ft. in size, to equal of total of 40,320 sq. ft. The arena is for the sole use of the landowners who reside on the property. The Land Use Bylaw does permit up to four non-resident users per day to use or visit the facility under the

private definition. The landowners have 14 horses and they do reining which requires a wide span to execute. The access to the parcel is by way of a panhandle road from Highway #552. There is an existing dwelling towards the West end of the property. In addition, there is also an approved temporary mobile home for farm help that is located near the Northeast boundary of the parcel. Other buildings on the property include an existing barn and a pump house, as well as an outdoor riding arena with existing paddock areas.

The landowners stated that the arena will be set back into the property and is lower than the highway by approximately 15 ft. so nobody will be obstructed from their view. Their intention is for a private riding arena and there are no plans for other users at their facility.

Upon circulation, Alberta Transportation stated that the development will require a permit from their department. The Public Works Department recommended that a storm water drainage plan prepared by a Professional Engineer be submitted for approval to the Municipal Office.

The public hearing was closed.

#### **BYLAW 79/2008**

Bylaw 79/2008 was introduced 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 a private riding arena as a permitted use.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

#### **MINUTES – MAY 22, 2008**

Moved that Council adopt the minutes, as circulated, of its May 22, 2008, Council meeting.

CARRIED

#### **LAUSBERG - LAND USE BYLAW AMENDMENT – NE 35-19-1 W5**

Moved that the decision regarding the proposed amendment of Plan 9212679 Lot 1 in NE 35-19-1 W5 be tabled until the landowners within the subject quarter-section are given the opportunity to discuss the long-term implications of increased density within this quarter-section.

CARRIED

#### **BERTOIA – REDESIGNATION – SW 36-20-29 W4**

#### **BYLAW 172/2007**

Bylaw 172/2007 was reintroduced into the meeting to authorize the redesignation of Plan 0413710 Block 2 Lot 1 in SW 36-20-29 W4 from Agricultural District to Country Residential District in order to permit the future subdivision of six 4.3+/- acre parcels and one 2.6+/-acre municipal reserve parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

#### **BERTOIA – SUBDIVISION – SW 36-20-29 W4**

Moved that the subdivision of six 4.3+/-acre parcels and one 2.6+/-acre municipal reserve parcel from Plan 0413710 Block 2 Lot 1 in SW 36-20-29 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, to be dedicated by Caveat and registered concurrently with the Plan of Survey;

Public Reserve: provided for by way of the municipal reserve parcel;

Development Agreement to be registered concurrently with the Plan of Survey;

Final approval of the Stormwater Management Plan and concurrent registration of the Drainage Easement with the Plan of Survey at the discretion of the Public Works Department;

The landowner is to provide all utility easements and agreements to be 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

#### **PROJECT PORCHLIGHT**

Moved that Council acknowledge receipt of the information from Project Porchlight, an energy efficiency campaign run by a not-for-profit organization, and agree to facilitate the initiation of this project in the M.D. of Foothills No. 31.

(website: [www.projectporchlight.com](http://www.projectporchlight.com))

CARRIED

#### **SNOWY OWL DEVELOPMENTS**

Moved that Council table this item on the agenda until further information is received with respect to fencing requirements.

CARRIED

#### **PATTERSON – SUBDIVISION – NE 33-21-2 W5**

Moved that Council has no objection to the time extension as requested and the landowners will therefore have until March 8, 2009 to comply with all conditions as originally set forth by Council on March 8, 2007.

CARRIED

#### **MONTHLY ACTIVITY REPORTS**

Moved that Council accept for information purposes a copy of the Monthly Activity Reports.

CARRIED

#### **GAS MILEAGE**

Moved that Municipal Manager H. Ri va Cambrin be authorized to submit all mileage claims pertaining to Municipal business.

CARRIED

#### **COMMUNITY FUTURES CONFERENCE**

Moved that Council authorize R. Chase to attend the Community Futures Conference to be held on June 5 and June 6 in Okotoks.

CARRIED

#### **HAMLET OF BLACKIE**

Moved that Council acknowledge receipt of the request from the Hamlet of Blackie Community Association and allow for financial assistance by way of a gift in kind to a maximum value of \$12,000.00 and a cash contribution to a maximum of \$10,000.00 with a request that all matters relating to both money and funding be handled through the Municipal Office.

CARRIED

#### **CALGARY REGIONAL PARTNERSHIP**

Moved that an invitation be extended to the Calgary Regional Partnership staff for a luncheon meeting on June 16, 2008, regarding General Assembly recommendations on governance.

CARRIED

#### **IN CAMERA**

Moved that Council go ~~in~~ Camera to discuss personnel matters.

CARRIED

#### **OUT OF CAMERA**

Moved that Council go ~~Out~~ of Camera

CARRIED

#### **ADJOURN**

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

CARRIED