

FOOTHILLS COUNTY

COUNCIL MINUTES

February 8, 2023, 9:00 a.m.

Present: Reeve Miller, Deputy Reeve Siewert, Councillor Castell, Councillor McHugh, Councillor Alger, Councillor Waldorf, Councillor Oel

Administration: CAO R. Payne, Municipal Manager H. Riva Cambrin, Director of Planning H. Hemingway, Manager of Infrastructure J. Edgington, Manager of Agricultural Services, Parks and Recreation J. Porter, Deputy Director of Operations M. Gallant, Agricultural Fieldman C. Scott, Corporate Services Manager R. Hammond

GENERAL MATTERS

Call Meeting to Order

The meeting was called to order at 9:00 a.m.

Approval of the Agenda

That Council approve the agenda for the Council meeting of February 8, 2023.

CARRIED

PUBLIC WORKS / ENGINEERING / PARKS & RECREATION

Manager of Agricultural Services, Parks and Recreation J. Porter, Agricultural Fieldman C. Scott, Deputy Director of Operations for Public Works M. Gallant, and Manager of Infrastructure J. Edgington were in attendance for a discussion period with Council.

CONFIDENTIAL CLOSED SESSION

Confidential Closed Session

That, in accordance with Section 197 of the *Municipal Government Act*, Council move into a Closed Meeting at 9:14 a.m. to discuss Association Legal Agreements as per Section 16 of the *Freedom of Information and Protection of Privacy Act (FOIP)*. Municipal Manager H. Riva Cambrin, CAO R. Payne, Director of Planning H. Hemingway, Manager of Agricultural Services, Parks and Recreation J. Porter, Manager of Corporate Services R. Hammond and Manager of Infrastructure J. Edgington attended the closed session of Council for the purpose of providing information to Council.

CARRIED

Return to Open Session

That Council return to its open meeting of Council at 9:56 a.m.

CARRIED

PUBLIC HEARINGS & MEETINGS

10:00 a.m. - Wambeke/Fergie - SE 14-20-01 W5M - Amend CR

M. Wambeke, and W. Fergie were in attendance for the public hearing in connection to the proposed amendment to the Country Residential Land Use District for the future subdivision of one new 2.99 +/- acre parcel with an 8.33 +/- acre Country Residential District balance on Plan 9710876, Lot 8, Ptn. SE 14-20-01 W5M.

Also in attendance was C. Fergie.

The public hearing was closed.

Wambeke/Fergie - SE 14-20-01 W5M - Decision

BYLAW 06/2023

Bylaw 06/2023 was introduced into the meeting to authorize an amendment to the Country Residential District for the future subdivision of one new 2.99 +/- acre Country Residential lot with an 8.33 +/- acre Country Residential balance parcel on Plan 9710876, Lot 8, Ptn. SE 14-20-01 W5M.

In their consideration of the criteria noted in Residential Policy 3 of the MDP2010 Council is of the opinion that the subdivision falls within the density provisions and lot size restrictions for Country Residential development.

The new 2.99 +/- acre lot will be designated as Country Residential Sub-District "A" to ensure that the recommendations and restrictions as outlined in the lot grading and comprehensive site drainage plans, (both provided as conditions of the subdivision) are complied with to the satisfaction of the Public Works department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met, and a \$5000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.

Prior to further consideration of the bylaw the applicant will be required to submit the following:

1. Applicant to fully execute and comply with all requirements as outlined within a Development Agreement for the purposes of grading, drainage, payment of the community sustainability fee and any other necessary municipal and on-site improvements as required by Council and/or the Public Works department;
2. Proof of adequate water supply to be provided for the new 2.99 +/- acre lot in accordance with the Provincial Water Act, to the satisfaction of the County;
3. Comprehensive site drainage plan to be provided for the 2.99 +/- acre lot, to the satisfaction of the Public Works department, as a condition of subdivision;
4. Lot grading plan to be provided, for the new 2.99 +/- acre lot, to the satisfaction of the Public Works department, as a condition of subdivision;
5. Septic disposal evaluation to be provided for the new 2.99 +/- acre lot, to the satisfaction of the Public Works department, as a condition of subdivision;
6. Final amendment application fees to be submitted;
7. Submission of an executed subdivision application and the necessary fees.

That Bylaw 06/2023 be given first reading.

THE BYLAW WAS PASSED FOR ONE READING

CONFIDENTIAL CLOSED SESSION

Confidential Closed Session

That, in accordance with Section 197 of the *Municipal Government Act*, Council move into a Closed Meeting at 10:28 a.m. to discuss Association Legal Agreements as per Section 16 of the *Freedom of Information and Protection of Privacy Act (FOIP)*.

Municipal Manager H. Riva Cambrin, CAO R. Payne, Director of Planning H. Hemingway, Manager of Agricultural Services, Parks and Recreation J. Porter, Manager of Corporate Services R. Hammond and Manager of Infrastructure J. Edgington attended the closed session of Council for the purpose of providing information to Council.

CARRIED

Return to Open Session

That Council return to its open meeting of Council at 11:58 a.m.

OTHER MATTERS

Lunch

That Council adjourn for lunch.

CARRIED

MISCELLANEOUS PLANNING ITEMS

Silvester - NW 02-21-04 W5M - Bylaw 48/2022 (2nd & 3rd Reading)

BYLAW 48/2022

Bylaw 48/2022 was reintroduced into the meeting to authorize the redesignation of a 6.78 +/- acre portion of NW 02-21-04 W5M from Agricultural District to Country Residential District to allow for the future subdivision of one new 6.78 +/- acre Country Residential lot with an approximate 148.21 +/- acre balance parcel.

That Bylaw 48/2022 be given second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

That the Bylaw 48/2022 be given third reading.

THE BYLAW WAS PASSED

SUBDIVISION APPROVING AUTHORITY ITEMS

That Council recess to sit as the Subdivision Approving Authority.

CARRIED

Silvester - NW 02-21-04 W5M - Request for Subdivision Approval

That the subdivision of one new 6.78 +/- acre Country Residential District parcel from Ptn. NW 02-21-04 W5M with a 148.21 +/- acre Agricultural District balance parcel has been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 9 and 20 of the *Matters Related to Subdivision and Development Regulation* and be approved as per the tentative plan and that a variance be granted to Sections 18 and 19 of the *Regulation* for the following reasons:

- The application is consistent with Section 9 of the *Regulation*;
- The subject lands have the appropriate land use designation; and
- Pursuant to Section 20 of the *Regulation*, written approval was received from the Minister of Transportation and Economic Corridors allowing the Subdivision Authority to grant a variance to Sections 18 and 19 of the *Regulation*.

Further, in accordance with Sections 654 and 655 of the *Municipal Government Act*, the application is approved subject to the following conditions:

1. Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Register of the South Alberta Land Titles District;
2. 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 locations of the adjacent municipal road(s), water well(s) within the boundaries of the appropriate parcels and that the site plan is surveyed according to municipal setback requirements;
3. Completion of all pre-release conditions as noted in the executed Municipal Development Agreement to the satisfaction of the Municipality and where applicable the appropriate external agencies. These conditions include:
 - a. Payment of the \$11,300.00 per new lot Community Sustainability Fee;
4. All accesses to be located and culverts and approaches to be installed to the satisfaction of Alberta Transportation;
5. Landowners are to provide all utility easements and agreements, to the satisfaction of the County and the utility companies;
6. Public reserve: As per section 663(a) of the Municipal Government Act and the County's Municipal Reserve Policy, reserve is not required to be provided when one lot is to be created from a quarter section;
7. Landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;
8. Submission of subdivision endorsement fees.

CARRIED

Adjourn

That the meeting of the Subdivision Approving Authority adjourn and that Council Continue with its regular agenda.

CARRIED

PUBLIC HEARINGS & MEETINGS

2:00 p.m. - Osman - S 08-22-04 W5M - Site Specific Amendment

S. Osman was in attendance for the public hearing in connection to the proposed Site Specific Amendment to the Agriculture District land use rules to allow an oversized private arena with attached barn on Ptn. S 08-22-04 W5M; Plan 8311642, Block 1, Lot 5.

Also in attendance were L. McLeod, C. Brown, K. Beunder, E. Hartman, P. Miles, R. Godfrey, G Didyk, K. Larden, C. Carroll, M. Crane and K. Robertson.

One letter was received from R. Godfrey.

The public hearing was closed.

Osman - S 08-22-04 W5M - Decision

That the application for a Site Specific Amendment to the Agricultural District land use rules to allow for the construction of an oversized private arena with attached barn, having a total cumulative size of +/- 19,872 sq. ft., as a permitted use on the subject parcel, being a portion of S 08-22-04 W5M; Plan 8311642, Block 1, Lot 5 be refused. In consideration of the application and the criteria noted within the Land Use Bylaw 60/2014, Council is of the opinion that the amendment to the land use district, and subsequent intended use of the subject lands does not conform with the requirements outlined within the Land Use Bylaw 60/2014.

THE MOTION WAS LOST

BYLAW 07/2023

Bylaw 07/2023 was introduced for a Site Specific Amendment to the Agricultural District land use rules for the construction of an oversized private arena with attached barn, having a total cumulative size of 19,872 sq. ft. +/-, as a permitted use on the subject parcel, being portion of S 08-22-04 W5M; Plan 8311642, Block 1, Lot 5.

In their consideration of the application, Council is of the opinion that the proposed Site Specific Amendment, and subsequent use of the subject lands, would not be detrimental to the nature of the area and will not unduly interfere with neighbouring land uses or materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

Prior to further consideration of the bylaw the applicant will be required to submit the following:

1. Final Site Specific Amendment application fees to be submitted;
2. Submission of a complete Development Permit application and the necessary fees;

3. The Applicant is to ensure all structures and uses on the property are in compliance with Municipal bylaws. If structures and uses are not in compliance, additional development permits will be required; as a development permit condition.

That Bylaw 07/2023 be given first reading.

THE BYLAW WAS PASSED FOR ONE READING

MISCELLANEOUS MUNICIPAL ITEMS

Installation of ~465kW Rooftop Solar PV System at the Scott Seaman Sports Rink

That Council postpone item F.1 Installation of ~465kW Rooftop Solar PV System at the Scott Seaman Sports Rink to the March 15, 2023 Council meeting.

CARRIED

OTHER MATTERS

Accounts – February 8, 2023

That EFT's 021738, 021740-021754, 021756-021757, 021759-021766, 021769-021770, 021772-021778, 021780-021792, 021795-021799, 021801-021806 and Pre-Authorized Payments January 30, 2023 and January 31, 2023 totalling \$59,016.97 be approved for payment:

EFT No.	Vendor Name	Vendor Amt.
EFT021739	Accu-Flo Meter Service Ltd.	\$5,979.33
EFT021755	Cleartech Industries Inc.	\$5,351.61
EFT021758	Davis Inspection Services Ltd.	\$12,969.18
EFT021767	Jack Carter Power Sports	\$6,035.40
EFT021768	Jepson Petroleum (Alberta) Ltd	\$5,702.22
EFT021771	Marigold Library System	\$267,398.25
EFT021779	Quadient Canada Ltd.	\$10,000.00
EFT021793	Town of Diamond Valley	\$23,708.51
EFT021794	Town of Okotoks	\$113,969.28
EFT021800	Viking Cives Ltd.	\$184,511.25

CARRIED

Minutes – February 1, 2023

That Council adopt the minutes, as circulated, of its February 1, 2023 Council Meeting

CARRIED

CONFIDENTIAL CLOSED SESSION

Confidential Closed Session

That, in accordance with Section 197 of the *Municipal Government Act*, Council move into a Closed Meeting at 6:15 p.m. to discuss advice from officials as per Section 24 of the *Freedom of Information and Protection of Privacy Act (FOIP)*. Municipal Manager H. Riva Cambrin, CAO R. Payne, Director of Planning H. Hemingway and Manager of Infrastructure J. Edgington attended the closed session of Council for the purpose of providing information to Council.

CARRIED

Return to Open Session

That Council return to its open meeting of Council at 6:49 p.m.

CARRIED

OTHER MATTERS

Committee Reports

Council provided the following information and updates on the Council Committees attended for the period of February 1 – 7, 2023:

- Reeve Miller: Mayors and Reeves of Southern Alberta
- Deputy Reeve Siewert: No committees to report this period
- Councillor Castell: No committees to report this period
- Councillor Oel: Fish Creek Water Shed Association
- Councillor Alger: No committees to report this period
- Councillor Waldorf: No committees to report this period
- Councillor McHugh: No committees to report this period

Adjourn

That Council adjourn at 6:49 p.m.

CARRIED