

## MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 9:00 a.m. on Tuesday, June 12, 2007 in the Council Chambers, M.D. office, with the following persons present:

### COUNCIL:

DENE COOPER	REEVE
HUGH PEPPER	DEPUTY REEVE
MARIA DUNKI	COUNCILLOR
PAUL ADAMS	COUNCILLOR
PAUL RYAN	COUNCILLOR

<b>STAFF:</b> MARTIN BUCKLEY	CHIEF ADMINISTRATIVE OFFICER
GREG BIRCH	ASSISTANT MUNICIPAL MANAGER
VALERIE FLINK	EXECUTIVE ASSISTANT
BRENDA CHRISTIE	DIRECTOR OF FINANCE
HUGH PETTIGREW	DIRECTOR OF OPERATIONS

### CALL TO ORDER

Reeve Called meeting to Order at 9:00 am

Reeve Cooper called the meeting to order at 9:00 a.m. Reeve Cooper thanked staff for all their hard work and introduced Brenda Christie, the MD of Bighorn's new Director of Finance.

### A. APPROVAL OF AGENDA

Moved by Councillor Dunki that the agenda for the June 12, 2007 Regular Council meeting be adopted with the following amendments:

- New Business Item H.12: MD of Rocky View, Conceptual Scheme Referral-CottageClub Ghost Lake
- New Business Item H.13: Bow River Basin Council – Alberta Water Smart (AB Water Portal)
- Correspondence Item J.20 “Webinar” Re: The Ground Water Beneath Us
- In Camera Item K.3: Land Issue
- In-Camera Item K.4: Personal Issue

CARRIED

### B. MINUTES

1. Moved by Councillor Adams, that the meeting minutes of the 1 March / 5 March / 12 April 2007 Horseshoe Lands Public Hearing be approved with the following amendments:

- Page 19, 3<sup>rd</sup> paragraph of the 1 March, 5 March & 12 April 07 Public Hearing minutes replace “we are” with “the reports are”

CARRIED

R: 163/07  
Agenda adopted as amended

R: 164/07  
1 March / 5 March / 12 April 2007  
Horseshoe Lands  
Public Hearing  
Meeting Minutes

R: 165/07 Minutes  
of the 8 May 07  
Council minutes  
be adopted with  
amendments

2. Moved by Councillor Ryan, that the minutes of the 8 May 07 Council meeting be adopted with the following amendment:

- Page 7, Item K.3 under In Favour “Deputy Reeve” should read as “Deputy Reeve Pepper”

CARRIED

**C. MEETING NOTES/COMMUNITY MINUTES**

1. Moved by Councillor Dunki that Council acknowledge that the following minutes have received approval:

- a) 04 January 07 SDAB RE: DP Application No. 68/06 Meeting Minutes
- b) 11 January 07 SDAB RE: DP Application No. 58/06 Meeting Minutes
- c) 23 February 07 Agricultural Services and Environmental Advisory Board Meeting Minutes
- d) 23 March 07 Agricultural Services and Environmental Advisory Board Meeting Minutes
- e) 18 April 07 Municipal Planning Commission Meeting Minutes
- f) 9 May 07 Community Services Board Meeting Minutes

CARRIED

**D. BUSINESS ARISING FROM MINUTES/NOTES**

1. Councillor Adams mentioned that some ratepayers in Harvie Heights would like to have a ratepayers meeting. It was suggested by fellow Councillors that perhaps someone from the Harvie Heights Community could send the MD a letter stating their concerns and some dates that would work for the Community and Council to meet. Councillor Adams said he would pass this information on to the Community Association.
2. Reeve Cooper stated that he has been asked by Brian Callaghan of Canadian Rockies Public School Division to serve on the Superintendents Committee until the year 2008.

**E. DELEGATIONS**

1. There were no delegations at this 12 June 07 meeting.

**F. UNFINISHED BUSINESS**

1. Bylaw 02/07 – Exshaw/Dead Man’s Flats Design Guideline - This bylaw should be ready for further consideration at the 10 July 07 Council meeting.

R: 166/07  
Acknowledge  
Committee/ Board  
minutes that  
received approval

**G. BYLAWS**

R: 167/07  
Amend Bylaw  
04/06

1. Moved by Councillor Ryan that Council amend Bylaw 04/06, the proposed Community Aggregate Levy Bylaw, by deleting the existing definition of “aggregate” and replacing it with the following: “Aggregate” means sand and gravel, individually or in combination, as found naturally or stockpiled but shall not include those substances deemed to be minerals in Part 7 of the Law of Property Act, R.S.A. 2000, Chapter L-7, as amended.”, and by changing the Effective Date to “January 1, 2008”.

CARRIED

R: 168/07  
3<sup>rd</sup> and Final  
Reading to  
Amended Bylaw  
04/06

Moved by Reeve, Cooper, that Council give third and final reading to the amended Bylaw 04/06, the proposed Community Aggregate Payment Levy bylaw

CARRIED

R: 169/07 2<sup>nd</sup>  
Reading to Bylaw  
19/06

2. Moved by Councillor Ryan, that Council give second reading to Bylaw 19/06 the Horseshoe Lands Area Structure Plan.

CARRIED

R: 170/07  
Amend suggested  
direction prior to  
3<sup>rd</sup> reading of  
Bylaw 19/06

Moved by Councillor Adams, that Administration amend the draft Horseshoe Lands Area Structure Plan in accordance with Council’s Suggested Direction for Amendment, (Attached to these minutes as Schedule “A”) prior to consideration of third reading.

CARRIED

R: 171/07 for 2nd  
reading to amend  
the MDP re:  
Bylaw 06/07  
Transfer of  
Subdivision  
Density

3. Moved by Councillor Dunki that Council give second reading to Bylaw 06/07 to amend the Municipal Development Plan with respect to the Transfer of Subdivision Density.

CARRIED 3 - 2

IN FAVOUR:

Reeve Cooper

Councillor Ryan

Councillor Dunki

OPPOSED:

Deputy Reeve Pepper

Councillor Adams

R: 172/07 Public  
Consultation Re:  
Draft Bylaw 06/07

Moved by Councillor Dunki that Council direct staff to undertake a public consultation process regarding the transfer of subdivision density policy, with the intention of seeking improvements to the policy as set out in draft Bylaw 06/07 by determining such things as the values that the community wants to protect and their ranking relative to one another.

CARRIED

Moved by Councillor Ryan that Council give third and final reading to Bylaw 06/07, to amend the Municipal Development Plan with respect to Transfer of Subdivision Density.

CARRIED

R: 172(a)/07  
 for 3<sup>rd</sup> reading and  
 final reading to  
 amend the MDP  
 re: Bylaw 06/07  
 Transfer of  
 Subdivision  
 Density

IN FAVOUR  
 Reeve Cooper  
 Councillor Adams  
 Councillor Dunki  
 Councillor Ryan”  
 OPPOSED  
 Deputy Reeve Pepper

4. & 5. Moved by Councillor Ryan, that and Council give second reading to Draft Bylaw 11/07 the Exshaw Industrial Park Water Local Improvement Bylaw.

CARRIED

R: 173/07  
 2<sup>nd</sup> Reading to  
 Bylaw 11/07  
 Local  
 Improvement Tax  
 for Water Line

Moved by Councillor Adams that Council give third and final reading to Draft Bylaw 11/07, the Exshaw Industrial Park Water Local Improvement Bylaw.

CARRIED

R: 174/07  
 3<sup>rd</sup> and Final  
 Reading to Bylaw  
 11/07 Local  
 Improvement Tax  
 for Water Line

Moved by Councillor Dunki that Council give second reading to Draft Bylaw 12/07, the Exshaw Industrial Park Local Sewer Improvement Bylaw.

CARRIED

R: 175/07  
 2<sup>nd</sup> Reading to  
 Bylaw 12/07  
 Local  
 Improvement Tax  
 for Sewer Line

Moved by Deputy Reeve Pepper that Council give third and final reading to Draft Bylaw 12/07 the Exshaw Industrial Local Sewer Improvement Bylaw.

CARRIED

R: 176/07  
 3<sup>rd</sup> and Final  
 Reading to Bylaw  
 12/07 Local  
 Improvement Tax  
 for Sewer Line

**H. NEW BUSINESS**

1. Moved by Councillor Dunki that Council accept for information, the payroll cheques issued report for cheque number 5492 to 5550 in the amount of \$59,039.59 and the register for A/P cheques issued, number 21948 to 22076 in the amount of \$186,838.12 for the month of May 2007.

CARRIED

R: 177/07  
 Cheques Issued  
 Report for May  
 2007

1. Council discussed the meetings that Council members attended during the months of April and May.

Moved by Councillor Adams that Council approve the payment for the following meeting expense claims:

R: 178/07  
 Approval of  
 Council Meeting  
 Expense Claims

4 Apr	All	Visit to Arkayla Springs re Carraig Ridge	\$130.00+mileage each
1 May	All	Horseshoe Lands discussions	\$130.00+mileage each
7 May	All	Horseshoe Lands discussions	\$130.00+mileage each
22 Apr	Reeve Cooper	Meeting re Community Planning issues	\$130.00
29 Mar	Dep. Reeve Pepper	ASB Forum in Edmonton	\$130.00+mileage

2 May	Dep. Reeve Pepper	ARB Study group	\$130.00+mileage
16 May	Dep. Reeve Pepper	Cum. Effects Study group	\$130.00+mileage
1 May	Coun. P. Ryan	Admin. mtg re Aggregate Levy Bylaw	\$130.00
30 Apr	Coun. P. Adams	Lafarge Noise Hearing	\$130.00 + mileage

And further that the following meeting expense claims be approved with a 1 to 2 paragraph written report submitted with respect to this meeting.

30 Apr	Reeve Cooper	Lafarge Noise Hearing	\$130.00 + mileage
30 Apr	Coun. P. Ryan	Lafarge Noise Hearing	\$130.00 + mileage

CARRIED

It was requested that the Community Services Coordinator provide a monthly activity report as information for Council meetings.

3. Moved by Councillor Ryan that Council approve the Balance Sheet Report to May 31, 2007 as information before adjustments and review by the auditor.

CARRIED

4. Council discussed the background information with respect to Real Properties Reports being provided as part of the development permit application process. Councillor Ryan suggested that perhaps the applicant could sign an affidavit stating that their Real Property Report is indeed updated.

Moved by Councillor Dunki that Council accept the Municipal Planning Commissions suggestion, "that Council consider a revision of the Land Use Bylaw to establish a requirement that real property reports be provided as part of the development permit application on smaller properties or where a proposed structure is to be located close to a property line, and that this requirement be at the discretion of the Development Officer" and, further, that Council resolve that this suggestion be dealt with in a future, major review of the MD's Land Use Bylaw.

CARRIED

5. Councillor Paul Adams explained the background information with respect to the Lac des Arcs Trail Development.

Moved by Councillor Adams that Council approve the Lac des Arcs Community Association request to develop a trail system around the new subdivision located at Mountaineer Close as set out in their letter dated May 22, 2007.

Moved by Councillor Ryan that Councillor Adams' resolution be amended by adding the following wording "subject to the Community Association obtaining a Development Permit, the fee for which shall be waived."

CARRIED

(Deputy Reeve Pepper and Councillor Adams opposed)

Council voted on Councillor Adams' motion as amended.

R: 179/07  
Accept Balance  
Sheet Report as  
Info.

R: 180/07  
Request for Real  
Property Reports  
as part of the DP  
Application  
Process

R: 181/07  
Lac des Arcs Trail  
Development DP  
fee be waived.

R: 182/07  
Amendment to  
Resolution No.  
181/07

CARRIED

R: 183/07 Table  
Motion to this  
Annual Report

6. Moved by Councillor Paul Ryan that Council table the Ghost Waiparous Trails Association 2006 Chairman's Annual Report and Financials until Administration receives a Signed copy of the document.

CARRIED

R: 184/07  
Appoint Reeve  
Cooper  
& Councillor Ryan  
as Reps. to the  
BCEC Board of  
Directors

7. Moved by Councillor Adams that Council appoint Reeve Dene Cooper as the MD of Bighorn representative and Councillor Ryan as the BCEC residents' sub-committee representative on the Calgary Region Airshed Zone Board of Directors.

CARRIED

R: 185/07  
Forward the 2007  
Traffic Plan to the  
BCEC Trucking  
Sub-Committee  
R: 186/07  
Appointment of  
Returning Officer

8. Moved by Councillor Ryan that Council accept the 2007 Traffic Plan for the Canmore Detachment as information and forward to the BCEC Trucking Sub-Committee for information.

CARRIED

9. Moved by Deputy Reeve Pepper that Council appoint Valerie R. Flink as Returning Officer for the 2007 Municipal General Election.

CARRIED

R: 187/07  
Approve  
Amendments to  
Marigolds  
Agreement

10. Moved by Councillor Dunki that Council approve the proposed amendments to paragraphs 35, 36, 37 of the Marigold Library System Agreement.

CARRIED

R: 188/07  
Approve the draft  
CRP Terms of  
Agreement

11. Moved by Councillor Adams that Council approve the draft Calgary Regional Partnership resolution agreeing to the May 7/07 "Terms of Agreement for Working Together – Our Commitment to Develop a Regional Land-use Plan for the Calgary Region, with the amendment adding "and equitable nature" in Section 5 Page 3 of the Agreement.

CARRIED

R: 189/07  
No objection  
response to MD of  
Rockyview RE:  
CottageClub  
Ghost Lake

12. Greg Birch discussed the background information on the MD of Rocky View's Conceptual Scheme Referral – CottageClub Ghost Lake. It was encouraged that the MD of Bighorn meet with the MD of Rocky View and the Town of Cochrane to discuss working together on "Cumulative Forecasting" for future developments.

Moved by Councillor Dunki, that Council direct staff to advise the Municipal District of Rocky View that the Municipal District of Bighorn has no objection to the draft CottageClub Ghost Lake Conceptual Scheme as circulated on May 10, 2007, but that the following points be raised:

- The MD of Bighorn appreciates and supports those aspects of the proposal that will create a seasonal cottage community rather than a full-time residential community.
- The MD appreciates receiving evidence of a water source that is (likely) licensable for the proposed development.
- The proposed boat launch and dock will be exposed to west winds and waves, and will need to be carefully designed.
- The proposed boat launch and dock on the east end of the Ghost Reservoir will

likely generate additional demand for boat moorage on the Reservoir, and this should be addressed.

- Related to the increased moorage and traffic on the Ghost Reservoir that will, in part, be generated by the proposed development, consideration should be given to marking a channel for boat traffic in this part of the Reservoir. (Bighorn Council recognizes that this is beyond local municipal jurisdiction.)
- The concept plan proposes to change the access traditionally used by the public to get to the Bow River (below the dam). Care should be taken to make sure that the design of the new access actually functions for persons who may be carrying canoes or kayaks. In particular, there will need to be enough space at the bottom to accommodate several people, their boats and equipment.
- Consideration should be given to the development of a regional waste collection, recycling and transfer facility in this part of the MD of Rocky View, or nearby the MD of Bighorn, in order to address the needs of the growing recreational use and residential development in the area.

CARRIED

13. Deputy Reeve, Pepper, mentioned that on behalf of the Alberta WaterSMART and the Bow River Basin Council, he was sent a “User Needs Assessment” Survey. Deputy Reeve Pepper had filled out this survey and wanted Council as whole to fill out and submit. The other members of Council agreed that they would look through the survey and submit individually.

#### **I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL**

1. Councillor Adams inquired as to what the impact on “Assessment” of Lafarge’s \$200 million expansion would be. Administration responded that it was uncertain as to what the impact would be until construction was complete.
2. Councillor Adams asked what the progress was with respect to the well drilling in Dead Man’s Flats. The MD’s Director of Operations responded that the MD has an offer from a driller to drill a well for 150 thousand dollars at a location of his choice near the hamlet. Should there be no success in that drilling there would be no charge to the MD as part of the offer. Mr. Pettigrew explained that the piece of land for that well is outside the MD jurisdiction and Administration is now pursuing discussions with Sustainable Resource Development and Public Lands as to how to secure such lands for this purpose.
3. Councillor Adams mentioned that the members of the Lac des Arcs Community had cleared dead fall within the community and was wondering if the MD pick up the piles of brush and deliver same to the Francis Cooke Regional Class III Landfill. It was indicated that this material would be picked up.
4. Councillor Dunki asked if the Moondance Land Company Ltd. had paid their portion of the fee for the Review of their Environmental Assessment. Administration responded

that to date the MD had received payment of \$15,000.00 (Fifteen Thousand) with a balance of \$8,000.00 (Eight Thousand).

6. Reeve Cooper thanked the MD Operations crew for the great job they did on the Spring Brush Clean Up and the great response to the rising waters at Jura Creek. Reeve Cooper mentioned that he had been receiving many complaints and wasn't sure on how to handle. The C.A.O. responded that the MD of Bighorn has a process for complaints in place and Council members should encourage members of the public to follow the process with respect to filling complaints.

**J. INFORMATION**

Moved by Councillor Ryan that items J.1 to J.20 to be accepted as information.

CARRIED

**K. IN CAMERA**

Moved by Councillor Adams that Council go in camera at 1:43 p.m.

CARRIED

Moved by Councillor Pepper that Council go out of camera at 2:35 p.m.

CARRIED

3. Moved by Deputy Reeve Pepper that Council give a time limit to June 28<sup>th</sup> at 4:30 pm. on the offer to sell lot 5, in the Exshaw Industrial Park to Bow Kor Excavating.

CARRIED

**ADJOURNMENT**

Moved by Councillor Adams that the June 12 Regular Council Meeting adjourn at 2:36 pm.

CARRIED

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REEVE

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MUNICIPAL SECRETARY

R: 190/07  
Accepted as info

R: 191/07  
Council go in to  
Camera @ 1:43  
pm

R: 192/07  
Revert to open  
mtg. @ 2:35 pm

R: 193/07  
Approve a  
deadline

R: 194/07  
Adjournment @  
2:36 pm

# SCHEDULE “A”

## **DRAFT HORSESHOE LANDS ASP** **Suggested Direction for Amendments**

### Major Items to be Addressed or Added to the ASP before 3<sup>rd</sup> Reading

1. The environmental studies need to be completed based on the recommendations of Bighorn’s consultants. Additionally, the impact assessment document should be finalized to take into account the information received from the public and other interested parties (the draft environmental assessment document says this was to be done). Then the draft ASP needs to be amended based on the environmental studies and impact assessment document.
2. A water source for this development must be clearly identified and proven. This is a priority issue, and the license to withdraw water under the Water Act must be provided to the MD prior to consideration of any concept plan.
3. A permit for the required sanitary sewage treatment system must be provided before concept plan approval. In this regard, the draft ASP must be amended to state that best available, demonstrated technology shall be used for the sewage treatment system; not simply that it will meet Alberta Environment’s requirements.
4. The access road from Highway 1 to the site shall be dedicated as a formal road plan owned by the Province of Alberta.
5. Additional work is needed to demonstrate the fiscal viability of the project from a municipal perspective, perhaps using the software that has been previously used for such purposes by the City of Airdrie.
6. There shall be a commitment in the ASP that the commercial and industrial land be developed in proportion to the residential land. Since the ratio between the residential land (85.0 ha) and commercial/industrial land (32.4 ha) is 72.4% to 27.6%, or approximately 3:1, this should be sought in development of the Horseshoe Lands. However, in recognition of the need to generate cash flow, the ASP can reflect that 30.0 ha of residential land may be developed first, irrespective of the required ratio. After that, the 3:1 residential to commercial/industrial land development ratio must be achieved and, subsequently, maintained. ASP policies are needed to ensure that this

ratio is maintained through Council's timing of approvals of land use districts (zoning) and the MD's subdivision approval process.

7. Concept plan approvals will be required prior to any subdivision or development proceeding within the ASP area. Because concept plans are not discussed in any detail in the Municipal Government Act, the MD will formulate a policy, separate from the ASP, for dealing with concept plans. In particular, that policy will establish a process for concept plan review and approval.

#### Other Items to be Changed or Added to the ASP before 3<sup>rd</sup> Reading

1. The storm water management system must be based on best available, demonstrated technology. This water should not simply be directed to the Bow River.
2. The site access road from Highway 1 that crosses the CPR main line must be a "fly-over" across the rail line. It cannot be an at-grade crossing.
3. The reference to use of the Bailey bridge and TransAlta's Kananaskis Dam lands for emergency access purposes shall be removed from the draft ASP. Maintenance, capacity and long term access issues are viewed by Council as being too complex to make this emergency access viable.
4. The ASP shall require that the access road from Highway 1 be designed and built for emergency situations. For example, the road should have a separation or barrier between the access and egress lanes so that the community is not closed off by an accident on the road, and the road surfaces should be wide enough for two-way traffic flows.
5. The proposed bridge across the Bow River near the Horseshoe Dam shall be moved west to be off of the Horseshoe Dam property, pursuant to TransAlta's request. Also, the ASP should contain a statement that public access to the lands north of the Bow River may be either by construction of such a bridge across the Bow River or by means of a public road to be established across the Stoney Reserve and owned by the Province of Alberta.
6. The phasing plan set out in the ASP needs to be adjusted to give higher (earlier) priority to development of commercial/industrial lands.
7. The ASP shall identify an area of land of 10-15 ha (approximately 10% of the taxable land) that is currently proposed for residential uses, and indicate that its future use will be determined with flexibility in mind. Priority of use will be for commercial/industrial purposes, including such things as secondary educational institutions or research facilities. Only if those uses do not prove viable, may the land be used for residential purposes at Council's sole discretion. The intention of this initiative is that the developer, with the MD of Bighorn's economic development assistance, be encouraged to search for more innovative use of the land for on-site employment generation.
8. P.30, bullet 4: Delete the last sentence and replace it with "Council may pursue area specific taxation practices for the Horseshoe Lands, recognizing that the development creates a higher level of servicing requirements, and subsequently servicing costs, than is required in the rest of the MD of Bighorn".
9. The ASP needs to be amended to more clearly illustrate, in diagram and words, the

- difference between environmental reserve and municipal reserve. The MD's Community Services Master Plan provides guidance in this regard, as it sets out the MD of Bighorn's policy on reserve lands.
10. The developer should more clearly recognize the need for wetlands protection. Besides Council's concerns, this was noted by Alberta Environment and Bighorn's environmental consultants.
  11. Public access to features such as the Bow River must be ensured, and there should be parking provisions as well as trail linkages to ensure this.
  12. As is the case in the Calgary and many other municipalities, it is expected that the developer will provide a community hall for the Horseshoe Lands.
  13. It may be worthwhile to build into the ASP a rough guideline, based on population, as to when various municipal services may be needed; for instance, a fire hall, library, community hall, etc.
  14. The institutional/recreation area/baseball diamond/school site needs to be integrated into the community rather than placed on the periphery. Similarly, there should be many trails linking it to other parts of the proposed community so that people can walk or bicycle to this area.
  15. The ASP should note that the developer will be expected to provide and pay for capital items needed by the MD of Bighorn solely because of this development; for example, a ladder truck for the fire department due to proposed building heights. It is expected that property taxes will be used to supply more traditional equipment, maintenance and replacement.
  16. In Table 2: Proposed Land Uses, there is a need to separate out institutional and other municipal government lands (non-taxable) from residential, commercial and industrial land descriptions; for instance, the water and wastewater treatment plants. However, it is okay to recognize that there is local employment associated with this government infrastructure.
  17. While the ASP indicates that the development will be sustainable and that more work will be done on this prior to concept plan approval, there should be more direction on this in the ASP. Council would like to see a commitment to innovation, new ways of generating energy, recycling, use of best available proven technology, and "Built Green". This will be a new community with new infrastructure, and this will give the developer a lot of freedom because there is no need to tie into older technologies or infrastructure.
  18. Bighorn's Municipal Development Plan establishes requirements for affordable housing and the ASP does not appear to meet those requirements. There needs to be a larger commitment from the developer in this regard. Notice that Council is not adverse to manufactured or modular homes, and believes that rental accommodation should be an option. There could be lot draws for locals, rent-to-purchases dwelling units, a need-to-reside clause for some residential developments, co-op housing options or perpetually affordable housing.
  19. Similarly, the developer should consider the coming demographic change as the baby-boomers age, and have provision for seniors housing and facilities.
  20. There are other, smaller changes to wording that should be discussed with MD staff so that the ASP is accurate.

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