

**CLEARWATER COUNTY COUNCIL AGENDA**  
**June 27, 2017**  
**9:00 AM**  
Council Chambers  
4340 – 47 Avenue, Rocky Mountain House, AB

**9:30 am Delegation: Art Terpsma, Rocky Ag Society –  
Ag Recreation Facility Committee**

**10:45 am Delegation: Mike Dodd, Cartier Creek Subdivision**

**11:00 am Public Hearing: Bylaw 1023/17 Land Use Bylaw Amendment for Enforcement Provisions**

**A. CALL TO ORDER**

**B. AGENDA ADOPTION**

**C. CONFIRMATION OF MINUTES**

1. June 13, 2017 Regular Meeting Minutes
2. June 13, 2017 Public Hearing Minutes

**D. PUBLIC WORKS**

1. Maintenance Request on an Undeveloped Road Allowance
2. Crimson Lake Cottage Association Request for Special Tax

**E. AGRICULTURAL SERVICES & LANDCARE**

1. 9:30 am Rocky Agriculture Society – Ag Recreation Facility Committee

**F. DELEGATION**

1. 10:45 am Cartier Creek Subdivision

**G. PLANNING**

*11:00 am Public Hearing – Land Use Amendment for Enforcement Provisions Bylaw  
1023/17*

1. Bylaw 1023/17 Land Use Bylaw Amendment for Enforcement Provisions– Consideration of  
2<sup>nd</sup> and 3<sup>rd</sup> Readings
2. Cartier Creek Subdivision Encroachments

## H. INFORMATION

1. CAO's Report
2. Public Works Director's Report
3. Councillor's Verbal Report
4. Committee/Board Meeting Minutes
  - Rocky Mountain Regional Solid Waste Authority Board April 06, 2017 Meeting Minutes
  - Clearwater Regional Fire Rescue Services Committee May 11, 2017 Meeting Minutes
5. Accounts Payable Listing
6. Councillor Remuneration

## I. IN CAMERA\*

1. Labour - HR Outlook Consulting Group
2. Labour – CAO Performance Evaluation

\* For discussions relating to and in accordance with: a) the Municipal Government Act, Section 197 (2) and b) the Freedom of Information and Protection of Privacy Act, Section 39 (1)(a) and Section 40.

## J. ADJOURNMENT

### **TABLED ITEMS**

<u>Date</u>	<u>Item, Reason and Status</u>
06/13/17	<b>213/17 identification of a three-year budget line for funding charitable/non-profit organizations' operational costs pending review of Charitable Donations and Solicitations policy amendments.</b>
06/13/17	<b>227/17 commenting and/or recommending amendments on the revised preliminary draft Clearwater – North Rocky Major Area Structure Plan pending councillors individual review.</b>



## AGENDA ITEM

<b>PROJECT:</b> Maintenance Request on an Undeveloped Road Allowance		
<b>PRESENTATION DATE:</b> June 27 <sup>th</sup> , 2017		
<b>DEPARTMENT:</b> Public Works	<b>WRITTEN BY:</b> Kate Reglin / Kurt Magnus	<b>REVIEWED BY:</b> Marshall Morton / Ron Leaf
<b>BUDGET IMPLICATION:</b> <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation		
<b>LEGISLATIVE DIRECTION:</b> <input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) <input type="checkbox"/> County Bylaw or Policy (cite)		
<b>STRATEGIC PLAN THEME:</b> 2. Well Governed and Leading Organization.	<b>PRIORITY AREA:</b> 2.2. Provide Service levels that balance the community needs with organizational capacity.	<b>STRATEGIES:</b> 2.2.1. Undertake reviews to determine types and levels of service and assets provided by Council, aligned with community need, to evaluate service quality.
<b>ATTACHMENT(S):</b> Resident Letter of Request, Location Map, Photos		
<b>RECOMMENDATION:</b> That Council review the request, and uphold the practice of not performing maintenance on undeveloped road allowance. Thus, denying the request for a new culvert.		

### BACKGROUND:

On May 29<sup>th</sup>, 2017, Administration received a work order request for a culvert replacement, due to erosion around the culvert, between SW 01-37-05-W5M and NW 36-36-05-W5M. Administration met the landowner on site to review the work order request. The culvert is located on an undeveloped road allowance. Consequently, the landowner was notified, by Administration, that Clearwater County does not perform maintenance on an undeveloped road allowance. Administration also let the landowner know that, if they so choose, to complete the erosion maintenance, it would be at their cost.

On June 9<sup>th</sup>, 2017, Administration, once again, met the landowner, on site, to review their concern. At that time, it was determined that the landowner accesses a grazing lease, on Crown Land, through the undeveloped road allowance. There are two existing gates to access the grazing lease of which one is located beyond the erosion on the undeveloped road allowance. The landowner is also concerned regarding livestock safety while grazing cattle on their deeded quarter. Currently, there is no fencing on the south boundary of the deeded quarter along the north boundary of the undeveloped road allowance.

On June 13<sup>th</sup>, 2017, the landowner sent in a letter of request, to Administration, regarding maintenance on the undeveloped road allowance. The request outlines, that the landowner

requires access into their grazing lease, for their cattle, and, as such, is looking to the County to repair the erosion and replace the culvert on a cost share basis. The landowner/Grazing Lease holder is stating that he cannot move cattle until such time that the aforementioned repairs are made. Administration did inform the landowner that if we obtain a used, suitable culvert, that is the requested size, we will supply it to the landowner. However, as there is no guarantee that we will salvage such a culvert, the Landowner/Grazing Lease holder has requested that Council consider this request and supply a new culvert at no cost.

The cost of the culvert to Clearwater County would be \$1,200.

At this time, there is no License Agreement or Lease in place for the road allowance between the Landowner and Clearwater County.



June 13/2017

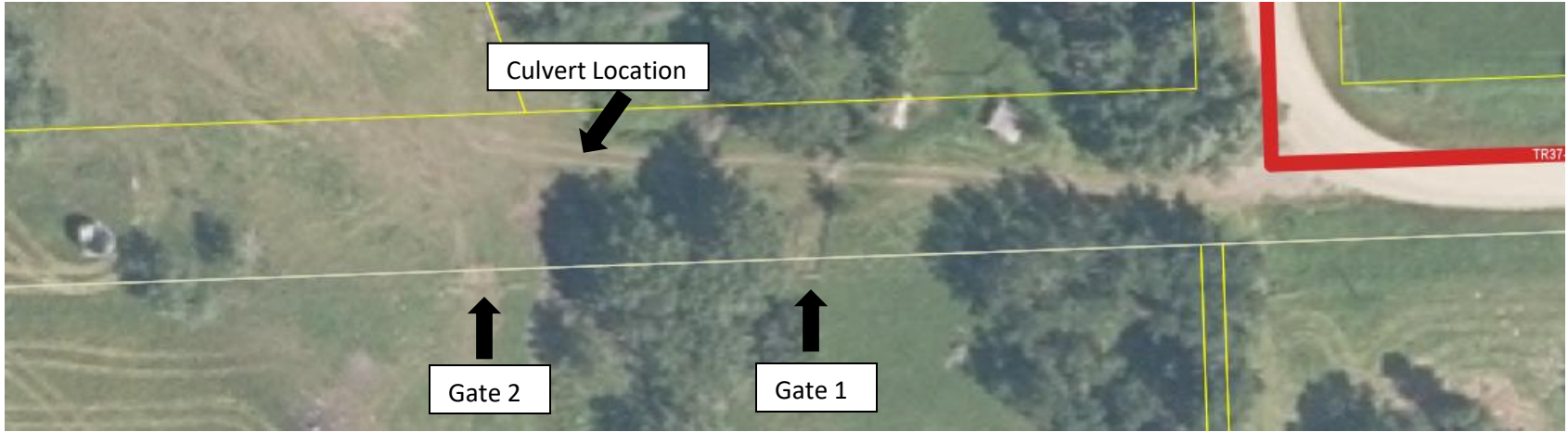
Attention - Marshall Morton  
FAX (403) 845-1330

Re - SAM Duran  
Washed our Culvert on Road Allowance  
phone (403) 722-2744

- I just have to say we need to have access to the grazing lease which we pay taxes for to the County.
- I am not asking you to build a road just repair existing washed out culvert.
- I know and see in Clearwater County residents that took acreages out or sell quarter's which is on underdeveloped road allowance the County does build a road with cost share to Seller or Buyer.
- I told Peter I would go cost share just like you do with everybody else.
- The way I see it is you have a double standard.
- At least the County should be reasonable enough to supply a culvert.
- Please note that we cannot move cattle and must feed them 2 Hay Bales a day at \$80.00 each.
- Please reply SOON.
- Thank you for your time.





























**BYLAW NO. 1027/17  
CLEARWATER COUNTY**

A Bylaw of Clearwater County, in the Province of Alberta, (hereinafter referred to as the "County") for imposing a Special Tax on the Crimson Lake Cottage Subdivision to recover a portion of the costs associated with providing dust suppression on the Crimson Lake Cottage Subdivision Road.

**WHEREAS**, Section 382(1)(d) and Section 383(1) of the Municipal Government Act allows a Council to pass Bylaws for imposing a Special Tax to raise revenue to pay for a specific service or purpose that benefits a specific area of the Municipality.

**AND WHEREAS**, Section 347(1)(c) of the Municipal Government Act allows a Council to defer the collection of a tax when it considers it equitable to do so;

**AND WHEREAS**, the County will proceed in 2017 with the application of dust suppression measures to the Crimson Lake Cottage Subdivision Road.

**AND WHEREAS**, attached Schedule "A" identifies the properties that will benefit from the application of a dust suppression program on the Crimson Lake Cottage Subdivision Road;

**AND WHEREAS**, the portion of dust suppression measures costs to be levied on the benefiting properties has been determined by Council to be **\$25,350**.

NOW, THEREFORE, THE COUNCIL OF CLEARWATER COUNTY IN THE PROVINCE OF ALBERTA DULY ASSEMBLED ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Crimson Lake Cottage Subdivision Road Special Tax Bylaw" and will be referred to herein as "this Bylaw".
2. The purpose of this Bylaw is to collect a reasonable share of the proposed dust suppression application costs from benefiting properties. Funds collected pursuant to this Bylaw will only be used for this purpose.
3. For the 2018 taxation year, the County will levy a Special Tax on all properties identified on the attached Schedule "A". The total amount levied by this Bylaw will be **\$25,350**.
4. The County will distribute the Special Tax equally among all properties identified on attached Schedule "A". This distributed levy shall equal **\$284.83** per property identified on attached Schedule "A".
5. The collection of the distributed levy is hereby deferred and collected in three equal installments of **\$94.94** starting in 2018.

- 6. The distributed levy made under this Bylaw will be collected in a similar manner to property taxes annually levied by the County. All penalty provisions applied to unpaid annual property taxes and arrears will be applied to unpaid levies made under this Bylaw.

READ A FIRST TIME IN COUNCIL this                      day of                      2017.

READ A SECOND TIME IN COUNCIL this                      day of                      2017.

PERMISSION FOR THIRD READING this                      day of                      2017.

READ A THIRD TIME IN COUNCIL this                      day of                      2017

\_\_\_\_\_  
**REEVE**

\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

## "SCHEDULE A"

OWNER_ROLL	RURAL ADDRESS	QTR	SECTION	TWP	RGE	MERIDIAN	LOT	BLOCK	PLAN
4008234081	10E CRIMSON LAKE DRIVE	NW	23	40	8	5	5	10	9020704
4008234090	11H CRIMSON LAKE DRIVE	NW	23	40	8	5	8	11	9020704
4008234064	8L CRIMSON LAKE DRIVE	SW	23	40	8	5	12	8	9020703
4008234085	11C CRIMSON LAKE DRIVE	NW	23	40	8	5	3	11	9020704
4008234039	5S CRIMSON LAKE DRIVE	SE	23	40	8	5	19	5	9020702
4008234047	7F CRIMSON LAKE DRIVE	SW	23	40	8	5	6	7	9020702
4008234068	9D CRIMSON LAKE DRIVE	SW	23	40	8	5	4	9	9020703
4008234014	4D CRIMSON LAKE DRIVE	NE	14	40	8	5	4	4	9020705
4008234018	4H CRIMSON LAKE DRIVE	NE	14	40	8	5	008	004	9020705
4008234011	4A CRIMSON LAKE DRIVE	NE	14	40	8	5	1	4	9020705
4008234075	9K CRIMSON LAKE DRIVE	NW	23	40	8	5	11	9	9020703
4008234055	8C CRIMSON LAKE DRIVE	SW	23	40	8	5	3	8	9020703
4008234021	5A CRIMSON LAKE DRIVE	SE	23	40	8	5	1	5	9020702
4008234020	4J CRIMSON LAKE DRIVE	NE	14	40	8	5	10A	4	9421207
4008234005	3E CRIMSON LAKE DRIVE	NE	14	40	8	5	5	3	9020705
4008234031	5K CRIMSON LAKE DRIVE	SE	23	40	8	5	11	5	9020702
4008234036	5P CRIMSON LAKE DRIVE	SE	23	40	8	5	16	5	9020702
4008234049	7H CRIMSON LAKE DRIVE	SW	23	40	8	5	8	7	9020702
4008234016	4F CRIMSON LAKE DRIVE	NE	14	40	8	5	6	4	9020705
4008234071	9G CRIMSON LAKE DRIVE	NW	23	40	8	5	7	9	9020703
4008234052	7K CRIMSON LAKE DRIVE	SW	23	40	8	5	11	7	9020702
4008234028	5H CRIMSON LAKE DRIVE	SE	23	40	8	5	8	5	9020702
4008234004	3D CRIMSON LAKE DRIVE	NE	14	40	8	5	4	3	9020705
4008234063	8K CRIMSON LAKE DRIVE	SW	23	40	8	5	11	8	9020703
4008234067	9C CRIMSON LAKE DRIVE	SW	23	40	8	5	13	9	0925403
4008234069	9E CRIMSON LAKE DRIVE	NW	23	40	8	5	5	9	9020703
4008234024	5D CRIMSON LAKE DRIVE	SE	23	40	8	5	4	5	9020702
4008234084	11B CRIMSON LAKE DRIVE	NW	23	40	8	5	2	11	9020704
4008234034	5N CRIMSON LAKE DRIVE	SE	23	40	8	5	14	5	9020702
4008234023	5C CRIMSON LAKE DRIVE	SE	23	40	8	5	3	5	9020702
4008234073	9I CRIMSON LAKE DRIVE	NW	23	40	8	5	9	9	9020703
4008234007	3G CRIMSON LAKE DRIVE	NE	14	40	8	5	7	3	9020705
4008234050	7I CRIMSON LAKE DRIVE	SW	23	40	8	5	9	7	9020702
4008234045	7D CRIMSON LAKE DRIVE	SW	23	40	8	5	4	7	9020702
4008234066	9B CRIMSON LAKE DRIVE	SW	23	40	8	5	14	9	0925403
4008234022	5B CRIMSON LAKE DRIVE	SE	23	40	8	5	2	5	9020702
4008234056	8D CRIMSON LAKE DRIVE	SW	23	40	8	5	4	8	9020703
4008234057	8E CRIMSON LAKE DRIVE	SW	23	40	8	5	5	8	9020703
4008234040	5T CRIMSON LAKE DRIVE	SE	23	40	8	5	20	5	9020702
4008234041	5U CRIMSON LAKE DRIVE	SE	23	40	8	5	21	5	9020702
4008234033	5M CRIMSON LAKE DRIVE	SE	23	40	8	5	13	5	9020702
4008234065	9A CRIMSON LAKE DRIVE	SW	23	40	8	5	1	9	9020703
4008234059	8G CRIMSON LAKE DRIVE	SW	23	40	8	5	7	8	9020703
4008234006	3F CRIMSON LAKE DRIVE	NE	14	40	8	5	6	3	9020705
4008234027	5G CRIMSON LAKE DRIVE	SE	23	40	8	5	7	5	9020702
4008234083	11A CRIMSON LAKE DRIVE	NW	23	40	8	5	1	11	9020704
4008234026	5F CRIMSON LAKE DRIVE	SE	23	40	8	5	6	5	9020702
4008234013	4C CRIMSON LAKE DRIVE	NE	14	40	8	5	3	4	9020705
4008234054	8B CRIMSON LAKE DRIVE	SW	23	40	8	5	2	8	9020703
4008234060	8H CRIMSON LAKE DRIVE	SW	23	40	8	5	8	8	9020703
4008234025	5E CRIMSON LAKE DRIVE	SE	23	40	8	5	5	5	9020702
4008234017	4G CRIMSON LAKE DRIVE	NE	14	40	8	5	7	4	9020705
4008234035	5O CRIMSON LAKE DRIVE	SE	23	40	8	5	15	5	9020702
4008234029	5I CRIMSON LAKE DRIVE	SE	23	40	8	5	22	5	0929664
4008234058	8F CRIMSON LAKE DRIVE	SW	23	40	8	5	6	8	9020703
4008234072	9H CRIMSON LAKE DRIVE	NW	23	40	8	5	8	9	9020703
4008234074	9J CRIMSON LAKE DRIVE	NW	23	40	8	5	10	9	9020703
4008234087	11E CRIMSON LAKE DRIVE	NW	23	40	8	5	5	11	9020704
4008234043	7B CRIMSON LAKE DRIVE	SW	23	40	8	5	2	7	9020702
4008234038	5R CRIMSON LAKE DRIVE	SE	23	40	8	5	18	5	9020702
4008234061	8I CRIMSON LAKE DRIVE	SW	23	40	8	5	9	8	9020703
4008234009	3I CRIMSON LAKE DRIVE	NE	14	40	8	5	9	3	9020705
4008234051	7J CRIMSON LAKE DRIVE	SW	23	40	8	5	10	7	9020702
4008234012	4B CRIMSON LAKE DRIVE	NE	14	40	8	5	2	4	9020705

4008234086	11D CRIMSON LAKE DRIVE	NW	23	40	8	5	4	11	9020704
4008234062	8J CRIMSON LAKE DRIVE	SW	23	40	8	5	10	8	9020703
4008234015	4E CRIMSON LAKE DRIVE	NE	14	40	8	5	5	4	9020705
4008234008	3H CRIMSON LAKE DRIVE	NE	14	40	8	5	8	3	9020705
4008234001	3A CRIMSON LAKE DRIVE	NE	14	40	8	5	1	3	9020705
4008234070	9F CRIMSON LAKE DRIVE	NW	23	40	8	5	6	9	9020703
4008234010	3J CRIMSON LAKE DRIVE	NE	14	40	8	5	10	3	9020705
4008234032	5L CRIMSON LAKE DRIVE	SE	23	40	8	5	12	5	9020702
4008234077	10A CRIMSON LAKE DRIVE	NW	23	40	8	5	1	10	9020704
4008234042	7A CRIMSON LAKE DRIVE	SW	23	40	8	5	1	7	9020702
4008234088	11F CRIMSON LAKE DRIVE	NW	23	40	8	5	6	11	9020704
4008234046	7E CRIMSON LAKE DRIVE	SW	23	40	8	5	5	7	9020702
4008234076	9L CRIMSON LAKE DRIVE	NW	23	40	8	5	12	9	9020703
4008234030	5J CRIMSON LAKE DRIVE	SE	23	40	8	5	10	5	9020702
4008234019	4I CRIMSON LAKE DRIVE	NE	14	40	8	5	9A	4	9421207
4008234044	7C CRIMSON LAKE DRIVE	SW	23	40	8	5	3	7	9020702
4008234053	8A CRIMSON LAKE DRIVE	SW	23	40	8	5	1	8	9020703
4008234078	10B CRIMSON LAKE DRIVE	NW	23	40	8	5	2	10	9020704
4008234003	3C CRIMSON LAKE DRIVE	NE	14	40	8	5	3	3	9020705
4008234002	3B CRIMSON LAKE DRIVE	NE	14	40	8	5	2	3	9020705
4008234082	10F CRIMSON LAKE DRIVE	NW	23	40	8	5	6	10	9020704
4008234048	7G CRIMSON LAKE DRIVE	SW	23	40	8	5	7	7	9020702
4008234037	5Q CRIMSON LAKE DRIVE	SE	23	40	8	5	17	5	9020702
4008234089	11G CRIMSON LAKE DRIVE	NW	23	40	8	5	7	11	9020704
4008234080	10D CRIMSON LAKE DRIVE	NW	23	40	8	5	4	10	9020704



## AGENDA ITEM

<b>PROJECT:</b> Rocky Ag. Society Ag. Recreation Facility Committee Delegation.		
<b>PRESENTATION DATE:</b> June 27 <sup>th</sup> , 2017		
<b>DEPARTMENT:</b> Ag. Services and Landcare	<b>WRITTEN BY:</b> Matt Martinson	<b>REVIEWED BY:</b> Ron Leaf
<b>BUDGET IMPLICATION:</b> <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation		
<b>LEGISLATIVE DIRECTION:</b> <input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) <input type="checkbox"/> County Bylaw or Policy (cite)		
<b>STRATEGIC PLAN THEME:</b> Community Well-Being	<b>PRIORITY AREA:</b> Sustain the recreation, cultural and quality of life needs	<b>STRATEGIES:</b> 3.1.2 – Continue to evaluate, plan and support the recreation cultural and leisure needs within Clearwater County.
<b>RECOMMENDATION:</b> That Council: 1) Receives the Rocky Agricultural Society report as information; 2) Directs staff to provide a recommendation(s) with respect to the Rocky Agricultural Society's request for additional financial support.		

### BACKGROUND:

In 2014 Council was approached by the Rocky Agriculture Society to revive discussion concerning the development of an agricultural recreation facility. Subsequently:

- At its January 28<sup>th</sup> 2014 meeting Council passed a motion directing two members and one alternate member of council to join Ag Society members to form the Ag. Recreation Center Feasibility Study Committee.
- At its February 11<sup>th</sup> 2014 Council passed a motion approving the funding of a feasibility study to assess the viability of an agricultural recreation facility up to \$26,500.
- At its November 22<sup>nd</sup> 2016 meeting Council passed a motion that council confirms NE 03 40 07 W5M (north development lands) as a potential site for a proposed agricultural recreation facility should the project move forward.

The Rocky Agriculture Society has consulted stake holders around the potential development of an Ag. recreation facility through several community meetings. Members will be presenting Council the results of their consultation efforts and outlining their plans on how to move the project forward, which includes clarification from Council regarding County financial support.



March 14, 2017

Attention: Clearwater County Council

I, \_\_\_\_\_, own Lot \_\_\_\_\_ in Cartier Creek Crescent. I am aware of the Clearwater County Council resolution on December 13, 2016 that directed all encroaching assets located within the Reserve Land to be removed by July 31, 2017.

I am asking that the County reconsider this decision and vote in favor of leaving everything status quo for all residents as communicated by Rick Emmons, Director of Planning and Development in the fall of 2016. These issues that were brought to your attention by two owners (out of 25 cabins) was not a fair representation of the community's concerns. The County's Administration department did a great job investigating and determining the legitimacy of these issues and responded with a very reasonable common sense approach.

Most of these encroachments have been in place for a long period of time...some over 56 years! Until the County decided to stake the Reserve Land boundary several lot owners were unaware these structures weren't located within their property line. Owners had no choice but to situate these various structures where they are due to the sloped nature of some lots and abundance of trees throughout the community. There are very limited flat open areas to fit a fire pit or playground set and you can't get a satellite signal unless your dish is by the river. These existing 'encroachments' do not adversely affect property values, limit scenic views or restrict public access. If this order is enforced, needless clear cutting of an old growth forest will be necessary...and this is to address a few feet of encroachment! Case law would suggest that these structures should be grandfathered in and easements granted.

It was undemocratic that Cartier Creek residents were not informed of this December meeting and a ruling was made by Council with limited, inaccurate and biased information. It is an inappropriate precedent to make a decision based on unrepresentative submissions. Messrs. Kenney and Allen have misrepresented the situation to the Clearwater County Council, thereby disrupting it and the Cartier Creek community. I believe the majority of Cartier Creek residents come out here to enjoy nature, relax and get away from the city life...so this is the last thing we all want to deal with. In the past, when there have been issues amongst neighbours, I believe Cartier Creek property owners have worked with each other in a friendly and respectful manner to address concerns. They have not resorted – as has been the case here - to divisive, disruptive tactics that waste other owners' and Council's time, and ultimately unnecessary expense for public and private funds out of all proportion to the nature of the encroachments.

I respectfully request that the Clearwater County Council support and implement the recommendations made by Rick Emmons, Director of Planning and Development in the fall of 2016. Failing this, we request that:

- a) Council distribute to all Cartier Creek property owners a copy of the information submitted by Messrs. Kinney and Allen to Council on 13 Dec 2016.
- b) hold a meeting open to all Cartier Creek property owners to state their opinions on the submission made by Messrs. Kenney and Allen.

If that does not satisfy Council that misrepresentation has been made, we request the following:

- a) Council visit Cartier Creek and see for yourselves the impact of the encroachments.
- b) Undertake a full survey of the Cartier Creek subdivision to determine the full extent of encroachments on community reserve.
- c) In light of the information obtained, arrive at a decision that is democratically achieved and has the benefit of full, unbiased information.

Sincerely,

---

Cabin Owner (Print Name)

---

Signature

Mailing Address

Contact Info – phone number/email







## Rebuttal to the presentation “Encroachment on Municipal Reserve Clearwater County”

Representing owners of Lot numbers 1, 4,  
12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24,  
and 25

May 2017

### Overview of Presentation

- The following slides intend to show the Clearwater County Counsel the actual situation with regard to encroachments on Municipal Reserve land versus the previous submission and their pictures that had been staged to misrepresent facts. Those slides are shown first, then see our rebuttal images with a blue background.
- The decision made December 16, 2016 by Clearwater Counsel was based on a complaint by two lot owners that identified three conditions that these encroachments created resulting from placement of structures in the municipal reserve:
  1. Decreased property value
  2. Limited scenic views
  3. Restricted public access
- You will see from this presentation that none of these conditions apply to the Cartier Creek Community.



### **Arial View of Cartier Creek with Overlay of Cabins**



All of the visuals you are about to see represent the actual situation with regards to encroachment on Municipal Reserve Land

3



### **Encroachment Issue 2010**

- On Community Reserve and Crown Land
- Community initiated an online survey vote to garner feedback on encroachment and other issues
- Over ninety percent (95%) of the community participated
- Ninety percent (90%) of participants voted against any encroachment on the community reserve
- Results were presented to the county with some action taken

4



### No Encroachment Issue 2017

The slide used by the Allens has no relevance as to what is happening in 2017, as you can see from the pictures.



All unit owners were contacted, and 56% have no problem with the municipal reserve encroachments as depicted in Allens' slide show from December 2016

4A

### Overview of Current Encroachment

#### View from Cabin #16



View of walking trail past cabin's #17 & #18

5

## Overview of Current Encroachment

### View from Cabin #16



Note: Stake showing property line

Yellow arrow showing supposed walking path, please notice the embankment and natural forest growth for lack of use.

The red arrows indicate the path typically taken by pedestrians for the last 60 years.

To see the actual pathway, please watch the below video [VIDEO](#)

View of walking trail past Lots #17 and #18

5A



Cabin #18 table, barbecue and fire pit as to approach from cabin #17

6





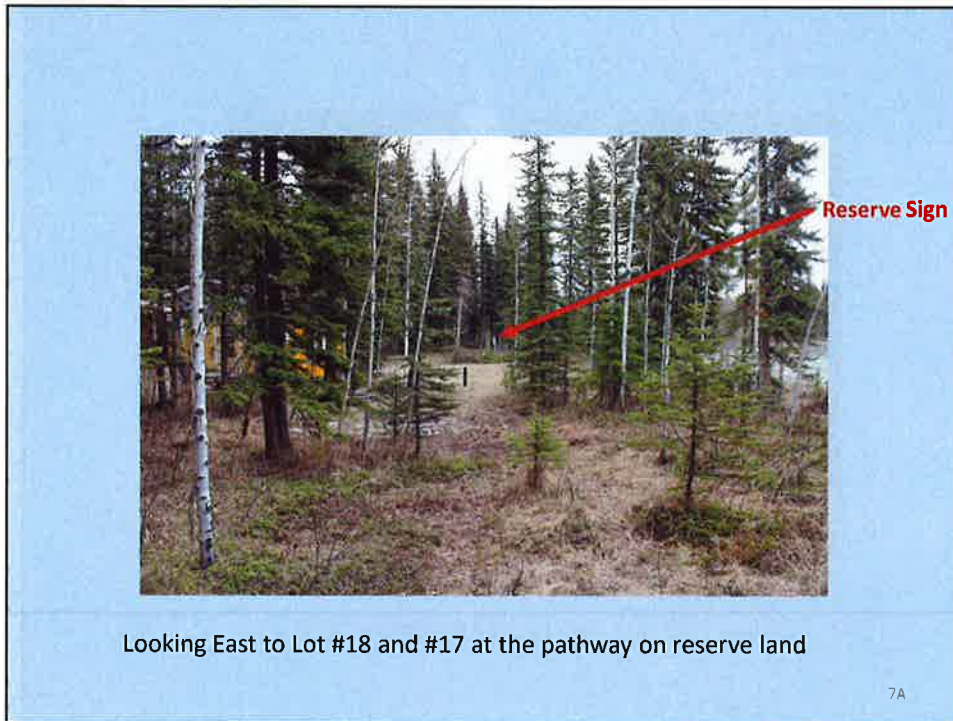
Clear pathway view to Lot #18 from Lot #17

6A



Looking east to cabin #18 and #17 at the pathway on reserve land

7



Looking East to Lot #18 and #17 at the pathway on reserve land

7A



Looking west onto cabin #19 property. The tree right of white pail planted in pathway this spring.

8





View looking East, showing the tree planted to replace the natural tree that died the year before

8A



Looking west at cabin # 19

9





Please note table on deck, and near deck, leaving yard open

Looking West at Lot # 19

The furniture depicted in the previous slide has never been used in those positions.

9A



Looking east onto cabin #19 property

(Notice this table is in a different place than in the photo from slide 9)

10



Actual placement of the table, near the cabin and not in the yard

10A



Cabin # 20 reserve land - Outside row of wood is outer boundary of MR

11



Cabin # 20 fireplace. Note the property peg; and still clearly enough room to walk around.

11A



New tree planted and bird house make effective barriers.

12





Birdhouse fell over, and tree died last fall. Ample room to walk should someone want to.

12A

### View of Encroachment Cabin #22



Municipal sign showing where **outside** of reserve property is. Reserve property is to the right. Notice small **stub** of a tree next to reserve sign.

13

### View across Lot #22



Photo taken May 10, 2017

Same Municipal Reserve not sure why it was not in Allen's slide

13A

### View of Encroachment Cabin #22



One Week Later looking east on MR Notice Clearwater sign next to stub is GONE.

14



### View across Lot #22



The MR Notice Sign in place where it is suppose to be

14A



Ladder acting as a fence  
Camera on tree to take pictures of wildlife (me).

Motion Activated Camera

15



Actual view of landscape, with wildlife camera. Notice the trampoline in the photo for reference.

15A



Looking east - Table blocking walking path. End post of fence now acting as bird house.

16





Looking East – No table, nothing to block the 'imagined' path

16A



Looking down from top of cabin #23. The bird house with #23 is the demarcation point for the reserve. This is their view of the MR.

17





To refute, this is the actual view from Cabin #23. The previous photo was taken skewed to the left.

17A



Dog kennel on cabin #24

18



Dog kennel on Lot #24 in relationship to the MR sign. There is ample room around the kennel. Showing two different views for reference.

18A

### **Pictures from Floodplain (Crowland)**



Looking from Crowland back toward cabin #22. Picture with tag is of an apple tree planted 2015.

19



**Pictures from Floodplain (Crownland)**



The apple tree is still living and adding to the overall aesthetic of the municipality.

19A



Crown Land Adjacent to Cabin #22

20



Crown Land Adjacent to Lot #22 – Not applicable

20A



Items on Crown Land adjacent to Cabin #22

21





Items on Crown Land – Not applicable, temporary placement

21A

Municipal Reserve Encroachments to be addressed  
Three Driveways across Municipal Reserve behind Lot #'s 5, 6, and 7



22

Driveway across Municipal Reserve, Lot # 7



23

Driveway across Municipal Reserve, Lot # 5



24



Roadway on Municipal Reserve behind Lot #'s 1, 2, 3, and 4



25

### In Conclusion

- As you can see from the Photos taken, none of the encroachments - other than the encroachments yet to be addressed - cause the following:
  1. Decrease property value
  2. Limit scenic views or
  3. Restrict public access
- We would appreciate it if the Clearwater Counsel would reconsider their December 16, 2016 ruling on encroachments or enforce all encroachments in the community.

26



## AGENDA ITEM

<b>PROJECT:</b> Bylaw 1023/17 Land Use Bylaw Amendment		
<b>PRESENTATION DATE:</b> June 27 <sup>th</sup> , 2017		
<b>DEPARTMENT:</b> Planning & Development	<b>WRITTEN BY:</b> Rick Emmons / Keith McCrae	<b>REVIEWED BY:</b> Ron Leaf
<b>BUDGET IMPLICATION:</b> <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation		
<b>LEGISLATIVE DIRECTION:</b> <input type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) <input checked="" type="checkbox"/> County Bylaw or Policy (cite) Bylaw: _____ <u>Land Use Bylaw</u> _____ Policy: _____		
<b>STRATEGIC PLAN THEME:</b> #1 – Managing Our Growth	<b>PRIORITY AREA:</b> # 1.1 Plan for a well designed and built community.	<b>STRATEGIES:</b> 1.1.1 Ensure appropriate land use planning for public infrastructure, rural subdivisions, hamlets and commercial and industrial lands.
<b>ATTACHMENT(S):</b> Bylaw 1023/17		
<b>RECOMMENDATION:</b> For Council to grant 2 <sup>nd</sup> reading. Should Council grant 2 <sup>nd</sup> reading, then grant 3 <sup>rd</sup> reading to the proposed by amendment of Bylaw 714/01 passing Bylaw 1023/17.		

### BACKGROUND:

During Council's regular meeting on May 9<sup>th</sup>, Council passed 1<sup>st</sup> reading on a penalty bylaw. Over the last few years, the Planning Department has seen an increase with enforcement issues. Section Five of Land Use Bylaw 714/01 addresses the process and parameters in enforcement. This application by the County to amend the Land Use Bylaw (LUB) represents changes necessary to provide additional options when addressing non-compliance and/or violations of Clearwater County's LUB. Upon completion of a review from Clearwater County's Community and Protective Services Department, what was identified in the 1<sup>st</sup> reading as a "Violation Tag" is now referred to as a "Municipal Tag"; and the second offence under section 5.10 "Penalty", the fine was adjusted from \$1,000.00 to \$1,050.00.

As per legislative requirements, the public hearing is being held for the amendment of section 5 of the Land Use Bylaw with the request for 2<sup>nd</sup> and 3<sup>rd</sup> reading requested to follow.



BYLAW NO. 1023/17

**A Bylaw of Clearwater County to amend Bylaw 714/01, known as the " Land Use Bylaw"**

**WHEREAS** Council of Clearwater County deems it desirable to amend the Clearwater County Land Use Bylaw No. 714/01 for the purpose of implementing enforcement provisions that are in alignment with current legislation;

**AND WHEREAS** notification of this amending Bylaw was advertised in 'The Mountaineer' and 'The Western Star' two (2) weeks prior to the Public Hearing date.

**AND WHEREAS** Council held a Public Hearing on June 27, 2017 and has given consideration to the representations made to it in accordance with Section 692 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, and all amendments thereto;

**NOW THEREFORE** after due compliance with the relevant provisions of the *Municipal Government Act* RSA 2000, Ch M-26, as amended the Council of Clearwater County duly assembled enacts the following:

1. This Bylaw shall be known as the "Land Use Amending Bylaw".
2. The current "Part Five: Enforcement" of the Land Use Bylaw is repealed and replaced with "Part Five: Enforcement" as set out in Schedule "A".
3. This Bylaw shall come into effect upon the date of final passing by Council at Third Reading.

READ A FIRST TIME this 9 day of May A.D., 2017.

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

PUBLIC HEARING held this 27 day of June A.D., 2017.

READ A SECOND TIME this 27 day of June A.D., 2017.

READ A THIRD AND FINAL TIME this day 27 of June A.D., 2017.

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

## SCHEDULE "A"

## PART FIVE: ENFORCEMENT

## 5.1 General

- (1) In accordance with the provisions of the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26, this Part Five of the Land Use Bylaw outlines the procedures for enforcing the provisions of the Land Use Bylaw, Part 17 of the ***Municipal Government Act*** and its regulations, a Development Permit, a Subdivision approval or Development Agreement.
- (2) For the purpose of Sections 542 and 646 of the ***Municipal Government Act***, an Officer and Development Officer are designated officers for the purposes of carrying out inspections, remedial actions and enforcement.
- (3) A Development Officer may enforce the provisions of the Land Use Bylaw, Part 17 of the ***Municipal Government Act*** and its regulations, a Development Permit, a Subdivision approval or Development Agreement by taking any or all of the following enforcement actions:
  - a. Issuing a Written Warning,
  - b. Issuing a Stop Order,
  - c. Obtaining an Injunction Order, and
  - d. Any other lawful and authorized action to enforce compliance.
- (4) An Officer may enforce the provisions of the Land Use Bylaw, Part 17 of the ***Municipal Government Act*** and its regulations, a Development Permit, a Subdivision approval or Development Agreement by taking any or all of the following enforcement actions:
  - a. Issuing a Written Warning,
  - b. Issuing a Municipal Tag,
  - c. Issuing a Violation Ticket,
  - d. Obtaining an Injunction Order, and
  - e. Any other lawful and authorized action to enforce compliance.
- (5) Nothing within this Part Five shall limit or prevent the County from issuing a Stop Order in lieu of or in addition to issuing a Violation Ticket or taking any other enforcement action.

## 5.2 Interpretation

- (1) For the purpose of this Part Five, the following terms have the following definitions:
  - a. **Building** has the same meaning as defined in the ***Municipal Government Act***,
  - b. **Bylaw Officer** means an individual employed by the County in the position of bylaw officer;
  - c. **Development Agreement** means an agreement entered into pursuant to Section 650, 651 or 655 of the ***Municipal Government Act***,
  - d. **Development Officer** means:
    - i. a person authorized to exercise the responsibilities of a Development Officer pursuant to this Bylaw; and
    - ii. the Municipal Planning Commission where authorized to act as a Development Officer pursuant to this Bylaw; and
    - iii. where the Municipal Planning Commission is authorized to act as a Development Officer in

addition to a person appointed as a Development Officer, either or both of them.

- e. **Emergency** means a situation where there is imminent danger or risk to public safety or of serious environmental harm to property;
- f. **Injunction Order** means an injunction order obtained pursuant to Section 554 of the *Municipal Government Act*;
- g. **Land** means the aggregate of one or more areas of land described in a certificate of title issued by the Land Titles Office;
- h. **Municipal Tag** means a municipal tag issued by the County pursuant to the *Municipal Government Act* and this Part Five;
- i. **Occupant** means an individual or other party who occupies Land or a Building pursuant to a lease, license or other agreement with or authorization from the Owner;
- j. **Officer** means a Bylaw Officer, Peace Officer and member of the Royal Canadian Mounted Police;
- k. **Owner** means the registered owner of Land pursuant to the *Land Titles Act*;
- l. **Peace Officer** means an individual employed by the County in the position of peace officer in accordance with the *Peace Officer Act*, R.S.A. 2006, Chapter P-3.5;
- m. **Person** means any individual, partnership, firm, corporation, municipality, association, society, political or other group, and the heirs, executors, administrators or other legal representatives of a Person to whom the context can apply according to law;
- n. **Reasonable Notice** means not less than 48 hours except in the case of an Emergency or extraordinary circumstance when no notice needs to be given;
- o. **Reasonable Time** means any time between 9 am and 6 pm on any weekday, with the exception of statutory holidays, or as otherwise agreed to in writing by the Owner or Occupant of the subject Land or Building;
- p. **Specified Penalty** has the same meaning as defined in the *Provincial Offences Procedure Act* (Alberta);
- q. **Stop Order** means an order issued pursuant to Section 645 of the *Municipal Government Act*;
- r. **Violation Ticket** means a violation ticket issued pursuant to either Part 2 or Part 3 of the *Provincial Offences Procedures Act* (Alberta);
- s. **Written Warning** means a written warning issued pursuant to this Part Five.

### 5.3 Right of Entry: Inspections, Remedial and Enforcement Action

- (1) After providing Reasonable Notice to the Owner or Occupant of Land or a Building in accordance with Section 542 of the *Municipal Government Act*, an Officer or Development Officer may enter into or onto any Land or Building at a Reasonable Time for the purpose of determining if the requirements of this Land Use Bylaw, Part 17 of the *Municipal Government Act* or its regulations, a Development Permit, Subdivision approval or Development Agreement are being complied with or for the purpose of carrying out remedial or enforcement action authorized by this Land Use Bylaw, the *Municipal Government Act* or an Injunction Order.
- (2) Notwithstanding 5.3(1), in an Emergency or extraordinary circumstance, the Officer or Development Officer does not need to provide Reasonable Notice to the Owner or Occupant and the Officer or Development Officer may enter upon or into Land or a Building without the consent of the Owner or Occupant at any time.

- (3) No Person shall prevent or obstruct an Officer or Development Officer from carrying out any official duty pursuant to this Land Use Bylaw.
- (4) If a Person prevents, obstructs or interferes with an Officer or Development Officer carrying out any official duty under this Land Use Bylaw or if a person refuses to produce anything to assist the Officer or Development Officer in the inspection, remedial action or enforcement action, then the County may apply to the Court of Queen's Bench for an order pursuant to Section 543 of the **Municipal Government Act**.

#### 5.4 Written Warning

- (1) Where the Development Officer or Officer determines that a development, land use or use of a Building is in contravention of this Land Use Bylaw, Part 17 of the **Municipal Government Act** and its regulations, a Development Permit, a Subdivision approval or Development Agreement, he/she may issue a Written Warning to the Owner(s) and/or Occupant(s) of the subject Land and/or Building and/or the person responsible for the contravention.
- (2) The Written Warning shall:
  - a. Describe the subject Land or Building by municipal address or location and/or legal description,
  - b. State the nature of the contravention,
  - c. State what remedial measures or action must be taken to remedy the contravention,
  - d. State a time within which the Owner(s) and/or Occupant(s) must complete the remedial measures or action which, unless a matter posing a safety risk to life or property, must not be less than seven (7) days from the date of delivery of the Written Warning,
  - e. Advise that if the Written Warning is not adhered to, the County may undertake further enforcement measures pursuant to the Land Use Bylaw and the **Municipal Government Act**.

#### 5.5 Stop Order

- (1) Where the Development Officer determines that a development, land use or use of a Building is in contravention of this Land Use Bylaw, Part 17 of the **Municipal Government Act** and its regulations, a Development Permit, a Subdivision approval or Development Agreement, he/she may issue a Stop Order to any or all of the Owner(s) and/or Occupant(s) of the subject Land and/or Building and/or the person responsible for the contravention.
- (2) The Stop Order shall:
  - a. Describe the subject Land or Building by municipal address or location and/or legal description,
  - b. State the nature of the contravention,
  - c. Direct the Owner(s), Occupant(s) and/or person(s) responsible for the contravention to:
    - i. Stop the development or use of the Land or Building in whole or in part as directed by the Stop Order,
    - ii. Demolish, remove or replace the development,
    - iii. Carry out any other actions required by the Stop Order so that the development or use of Land or Building is brought into compliance with this Land Use Bylaw, Part 17 of the **Municipal Government Act** and its regulations, a Development Permit, a



Subdivision approval and/or Development  
Agreement

within the time set out in the Stop Order,

- d. Unless a matter posing a safety risk to life or property, the time period for bringing the development, Land or Building into compliance must not be less than fourteen (14) days from the date of delivery of the Stop Order,
- e. Advise that the party(ies) to whom the Stop Order is issued may appeal the Stop Order to the Subdivision Development Appeal Board in accordance with Section 685 of the **Municipal Government Act**,
- f. Advise that if the Stop Order is not adhered to, the County may undertake further enforcement measures pursuant to the Land Use Bylaw and the **Municipal Government Act** including but not limited to:
  - i. entering onto or into the Land or Building and performing the necessary remedial action pursuant to Section 542 and 646 of the **Municipal Government Act**,
  - ii. obtaining an Injunction Order,
  - iii. issuing a Municipal Tag,
  - iv. issuing a Violation Ticket, and/or
  - v. registering the Stop Order on the certificate of title to the subject Land pursuant to Section 646 of the **Municipal Government Act**,
- g. Advise that the costs and expenses incurred by the County in enforcing the Stop Order may be added to the tax roll of the subject Land whereby the amount will be deemed to be a property tax imposed under Division 2 of Part 10 of the **Municipal Government Act** from the date that it was added to the tax roll and will form a special lien against the Land in favor of the County from the date it was added to the tax roll, in accordance with Section 553 of **the Municipal Government Act**.

### 5.6 Municipal Tag

An Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Officer has reasonable and probable grounds to believe has contravened any provision of this Land Use Bylaw, Part 17 of the **Municipal Government Act** and its regulations, a Development Permit, a Subdivision approval or Development Agreement.

- (1) The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - a. The Person's name,
  - b. The offence,
  - c. The appropriate voluntary penalty for the offence as specified in this Bylaw,
  - d. That the voluntary penalty shall be paid within (14) days of issuance of the Municipal Tag to avoid further prosecution;
  - e. the method by which the tag may be paid; and
  - f. Any other information as may be required by the Chief Administrative Officer.
- (2) Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by the Officer provided, however, that no more than one Municipal Tag shall be issued for each day that the contravention continues.

- (3) Where a Municipal Tag has been issued in accordance with this Bylaw, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the County Cashier the penalty within the time frame specified in the Municipal Tag.
- (4) The voluntary penalty issued on a Municipal tag shall be 50% of the Specified Penalty amount for a first offence if payment is received within the time frame noted in 5.7 (3)(d).
- (5) Nothing in this Bylaw shall prevent an Officer from immediately issuing a Violation Ticket.

### 5.7 Service of Written Warning, Stop Orders and Municipal Tags

- (1) In any case where an Officer or Development Officer issues a Written Warning, Stop Order or Municipal Tag to any Person pursuant to this Part Five, the Officer or Development Officer shall effect such service either:
  - a. by causing a written copy of the Written Warning, Stop Order or Municipal Tag to be personally delivered to the Person named in the Written Warning, Stop Order or Municipal Tag,
  - b. in the case of an individual, by causing a written copy of the Written Warning, Stop Order or Municipal Tag to be delivered and left with a person of at least 18 years of age at the Person's residence,
  - c. in the case of a corporation, by sending a written copy of the Written Warning, Stop Order or Municipal Tag by registered mail to the registered office of the corporation, or by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address,
  - d. by causing a written copy of the Written Warning, Stop Order or Municipal Tag to be delivered to and left in a conspicuous place at or about the subject Lands or Building; or
  - e. by causing a written copy of the Written Warning, Stop Order or Municipal Tag to be mailed or delivered to the last known address of the Person as disclosed in the land registry system established by the Land Titles Act of Alberta as shall appear to the Officer or Development Officer most appropriate in the circumstances,

and such service shall be adequate for the purposes of this Bylaw.

### 5.8 Violation Ticket

- (1) An Officer is hereby authorized and empowered to issue a Violation Ticket to any Person where the Officer has reasonable and probable grounds to believe that Person has contravened any provision of this Land Use Bylaw, Part 17 of the **Municipal Government Act** and its regulations, a Development Permit, a Subdivision approval or Development Agreement.
- (2) Where a Municipal tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, an Officer is hereby authorized and empowered to issue a Violation ticket pursuant to either Part 2 or Part 3 of the Provincial Offences Procedures Act.

- (3) A violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person or corporation responsible for the contravention in accordance with the Provincial Offences Procedure Act.
- (4) If a VIOLATION TICKET is issued in respect to an offence, the violation ticket may:
  - a. Specify the fine amount established by this Bylaw for the offence, or
  - b. Require a Person to appear in Court without the alternative of making a voluntary payment.
- (5) Where a Violation Ticket has been issued to a Person and the Violation Ticket specifies the penalty amount to be imposed, the Person may make a voluntary payment in the amount equal to the penalty amount specified in the Violation Ticket. The recording of the payment of a penalty made to the County or the Provincial Court of Alberta shall constitute an acceptance of a guilty plea and constitutes a conviction for the offence and the imposition of a fine in the amount of the specified penalty.

## 5.9 Offences

- (1) Any Person who
  - a. Violates or contravenes or causes, allows or permits a contravention of Part 17 of the **Municipal Government Act** or its regulations,
  - b. violates or contravenes or causes, allows or permits a contravention of any provision of the Land Use Bylaw,
  - c. contravenes or fails to comply with a Development Permit or any conditions forming part of the Development Permit,
  - d. contravenes or fails to comply with a subdivision approval or any conditions forming part of a subdivision approval,
  - e. contravenes or fails to comply with the provisions of a Development Agreement,
  - f. fails to comply with the directions set out in a Stop Order within the time frame specified,
  - g. authorizes or proceeds with any development that is at variance with the description, specification or plans that were the basis for the issuance of the Development Permit,
  - h. authorizes or proceeds with any subdivision that is at variance with the description, specification or plans that were the basis for the issuance of the subdivision approval,
  - i. continues development after a Development Permit has expired or has been revoked or suspended,
  - j. continues with subdivision after the subdivision approval has expired, been revoked or suspended,

is guilty of an offence and is liable upon summary conviction to a fine in an amount specified in this Bylaw under section 5.9.

- (2) All offences created under the Bylaw shall be interpreted to be strict liability offences.
- (3) Where a contravention of the Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence continues.

## 5.10 Penalties

- (1) A Person who is convicted of an offence pursuant to this Bylaw is liable upon summary conviction to a fine in an amount:

- a. For a first offence, a Specified Penalty of not less than \$500.00
  - b. For a second offence of the same offence, a Specified Penalty of not less than \$1050.00
  - c. For a third or subsequent offence of the same offence a mandatory court appearance shall be required with a Specified Penalty of not less than \$2,500.00.
- (2) Payment of any penalty or fine imposed pursuant to this Bylaw does not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw or enactment.





**Attachment "A"**

1<sup>st</sup>, 2017

---

Stephen Kenny  
#257 Cartier Creek Crescent  
Clearwater County, Alberta

Councillor Earl Graham  
Clearwater County  
CC Mr. Rick Emmons

4340 -47 Avenue  
Box 550  
Rocky Mountain House, AB  
T4T1A4

Dear Councillor Graham

We met on December 13, 2016, as I was one of the parties presenting to council on the Cartier Creek community municipal reserve (MR) encroachment issue. As you might recall, council was presented with evidence of the level of encroachment on the MR and the negative impact it was having on my experience as a twenty-year member of the community. Our request was to have the county enforce existing regulations that prohibit encroachment on the MR and that they ask community members encroaching on the MR to remove any personal property from the reserve by a specified date. Council agreed, and it is my understanding that all community members encroaching on the MR were sent letters indicating that they must remove any and all personal property from the MR by July 1<sup>st</sup>, 2017. There is evidence that some community members have actioned councils order and removed said property.

It is my understanding that another delegation from the community will be presenting to council on June 27<sup>th</sup> with the intent to have council reconsider and or amend their decision. Unfortunately, I will be unavailable at that time, or I would be there to represent my concerns in person. As my representative in Division Six, I would kindly ask that you refresh your memory of the issues by reviewing the evidence presented in December of 2016 before the June 27<sup>th</sup> meeting so that you and council have a balanced view of the issues being presented. There is talk of concepts such as the county "grandfathering" etc. which fundamentally implies that if you have been in breach of the encroachment rules in the past that it is "ok" we will grant you that land or the use thereof. Accordingly, a grandfathering decision implies a certain message to the community members at Cartier Creek and throughout the county who have respected the regulations. There is also irony in the fact that the few members of our community with the largest number of encroachments have been in the community for less than ten years.

I acknowledge that there have been small encroachments that have historical underpinnings inherited by current cabin owners. Unfortunately, the few property owners who have egregiously encroached on



the MR over the past few years have now created a situation that forces the county to deal with encroachment in a fair and uniform way. I believe your December decision does that.

I don't believe that there is any room for ambiguity in this matter. Either the county allows encroachment in their MR's, or it doesn't. In my opinion, ambiguity will leave the county open for the continued expenditure of time and resources on MR encroachment issues for years to come. The concept of an MR is well founded. It greatly adds to the enjoyment and experience of a truly wonderful area. This is a concept that is worth fighting for, and I would hope that the county does not in any way bend to the will of a few property owners. Please stay the course, enforce the regulations that are in place so that they have meaning throughout the county.

Sincerely,

Stephen Kenny

*Property Owner*

#257 Cartier Creek Crescent Clearwater County, Alberta

**Attachment "B"**

11 June 2017

Earl Graham  
Councillor  
Rocky Mountain House  
Clearwater County  
P.O. Box 550  
T4T 1A4

Copy: Rick Emmons - Planning Department

Dear Councillor Graham:

File: Plan 0179IX  
PTS NW 23 AND SW 36-31-07-W5M  
Re: Cartier Creek Subdivision  
Use of Lot R - Community Reserve Lot

We wish to inform you that, as observers, Glenn and I will be attending the Council meeting of 27<sup>th</sup> June, 2017. It is our understanding that some residents of the Cartier Creek subdivision will present their case asking that Council change the decision made on 13<sup>th</sup> December 2016. (See below. )

"403/16 That Council upholds Section 671(2) of the Municipal Government Act regulations concerning the use of the Cartier Creek Municipal Reserve and that encroaching assets in the Cartier Creek Municipal Reserve be removed by July 31, 2017.

Councillor Vandermeer Carried 7/0"

Through an e-mail sent to us on 14<sup>th</sup> March 2017 from Mike Dodd, Stephen Kenny and ourselves were accused of misrepresenting the community and not seeking a consensus regarding the encroachment issue. It was then and is now our belief that the discretion as to how Municipal Reserve Land is used is not ours, rather it is founded on the Alberta Municipal Act and actioned by elected Council officials. MR land is "public" land created to ensure people from our community and all Albertans have equal access to it for use and enjoyment, as well as using it to access the river. It is not the right of a privileged few to have bearing on this decision.

We appreciate the right of other Cartier Creek cabin owners to be heard, however it is our hope that Council will hold firm on the former decision. By enforcing your decision, it will clearly say that the provisions of the Act will be upheld - that being the intention of Council, now and in the future.

A small aside - we have learned that some CC resident's have coined two phrases. "Pro Pegs" and "Know your limit so stay within it". We heartily agree

Sincerely,

Joanne and Glenn Allen





# Clearwater County

## Councilor and Board Member Remuneration Statement

For the Year of ...2017.....

Name of Councilor / Board Member .....Pat Alexander.....

### Payment Periods

January

February

May

June

~~March~~

~~April~~

~~July~~

~~August~~

September

October

November

December

Supervision Rate -- \$550.00 Monthly  
Reeve Supervision Rate - \$850.00 Monthly

Date	Type of Meeting Attended	First 4 Hours \$159.00	Next 4 Hours \$126.00	Next 4 Hours \$126.00	Regular Council Meeting \$288.00	Lunch \$16.00	Mileage @ \$0.54 / km
May 1	Meeting with CAO	X					
May 1	RPAP		X			X	74 ✓
May 5	AAMDC Conf. Call	X					
May 6	Rocky Legion	X					74 ✓
May 8	NSWA Conf. Call	X					
May 9	Council				X		74 ✓
May 11	Reg Fire	X					74 ✓
May 12	Reg Fire Awards	X					
May 15	Meet with CNRL	X					74 ✓
May 17	NSWA Spruce Grove	X	X	X		X	394 ✓
May 19	May Long Weekend Task	X					85 ✓
May 20	Caroline Parade	X					123 ✓
May 23	Council				X		74 ✓
May 26	IDP	X					74 ✓
May 27	Kinsmen 75 <sup>th</sup> Anniv.	X					74 ✓

{more Space on Back of Page}

### Remuneration Calculation

<u>13</u>	Meetings @ \$159.00=	<u>2067.00</u> ✓	<u>1403</u>	Kms @ \$0.54=	<u>757.62</u> ✓
<u>5</u>	Meetings @ \$126.00=	<u>630.00</u> ✓	<u>3</u>	Lunch @ \$16.00=	<u>48.00</u> ✓
<u>2</u>	Meetings @ \$288.00=	<u>576.00</u> ✓		FCM Hotel Receipt (on file)	<u>1153.08</u> ✓
	Supervision=	<u>        </u>			
	<b>TOTAL=</b>	<u>3273.00</u>		<b>TOTAL=</b>	<u>1958.70</u>

Signature {Councilor / Board Member}

Alexander

May 2017

H6

Date	Type of Meeting Attended	First 4 Hours \$159.00	Next 4 Hours \$126.00	Next 4 Hours \$126.00	Regular Council Meeting \$288.00	Lunch \$16.00	Mileage @ \$0.54/ km
<b>May 31</b>	<b>FCM</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>	<b>209</b>

# Clearwater County

## Councilor and Board Member Remuneration Statement

For the Year of ...2017.....

Name of Councilor / Board Member ..... Curt Mak: .....

Payment Periods

- |           |          |            |          |
|-----------|----------|------------|----------|
| January   | February | <u>May</u> | June     |
| March     | April    | July       | August   |
| September | October  | November   | December |

Supervision Rate - \$550.00 Monthly  
Reeve Supervision Rate - \$850.00 Monthly

Date	Type of Meeting Attended	First 4 Hours \$159.00	Next 4 Hours \$126.00	Next 4 Hours \$126.00	Regular Council Meeting \$288.00	Lunch \$16.00	Mileage @ \$0.54 / km
May 1	Meet Pat/Re-	✓					70
9	Council				✓		70
17	MPC	✓					70
23	Council				✓		70
26	IDP	✓					70

{more Space on Back of Page}

### Remuneration Calculation

<u>3</u>	Meetings @ \$159.00=	<u>477.00</u>	<u>350</u>	Kms @ \$0.54=	<u>189.00</u>
<u>0</u>	Meetings @ \$126.00=	<u>0</u>	<u>0</u>	Lunch @ \$16.00=	<u>0</u>
<u>2</u>	Meetings @ \$288.00=	<u>576.00</u>			
	Supervision=	<u>550.00</u>			
	<b>TOTAL=</b>	<u>1603.00</u>		<b>TOTAL=</b>	<u>189.00</u>

Signature {Councilor / Board Member} ..... Curt Mak .....