


PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
REDESIGNATION
January 25, 2023
To be heard at: 10:00 AM

APPLICATION INFORMATION		File No. 22R056
	LEGAL DESCRIPTION: SE 30-17-01 W5M	
	LANDOWNER(S): Ethan and Ashley Willows	
	AGENT: Kristi Beunder – Township Planning + Design Inc.	
	AREA OF SUBJECT LANDS: 159.97 Acres	
	CURRENT LAND USE: Agricultural District	
	PROPOSED LAND USE: Country Residential District	
PROPOSAL: Redesignation of a portion of SE 30-17-01 W5M from Agricultural District to Country Residential District in order to allow the future subdivision of one 8.50 +/- acre Country Residential District lot as the first parcel out of the quarter section, leaving a 151.47 +/- acre Agricultural District balance parcel.		
DIVISION NO: 2	REEVE: Delilah Miller	FILE MANAGER: Martine Callum

EXECUTIVE SUMMARY:

Summary of Proposal

To provide one 8.50 +/- acre Country Residential District lot, leaving a 151.47 +/- acre Agricultural District balance parcel. The proposed parcel would be the first parcel out of the quarter section. Please note additional information was provided by the landowner's agent and can be found under Appendix B of this report.

Location

The subject parcel is located:

- adjacent to and on the west side of 80th Street West;
- 1.6 kilometres north of 674th Avenue West; and
- approximately 900 metres southeast of Highway 540 West.

Access

Access is existing on 80th Street West and is intended to be widened to a common approach for the proposed and balance parcel.

Policy Evaluation

Reviewed within the terms of the:

- Municipal Development Plan 2010 (MDP2010);
- Growth Management Strategy; and
- Land Use Bylaw 60/2014.

Referral Considerations

Referred to required internal departments and external agencies.

PURPOSE OF APPLICATION:

Bylaw XX/2023 – Application to further amend the Land Use Bylaw by authorizing the redesignation of an 8.50 +/- acre portion of the 159.97 acre subject parcel from Agricultural District to Country Residential District to allow for the future subdivision of one 8.50 +/- acre Country Residential District parcel, leaving a 151.47 +/- acre Agricultural District balance parcel on SE 30-17-01 W5M.

HISTORY:

Within one half mile there are two Country Residential District parcels.

NW 30-17-1 W5M:

This 1.23 acre Country Residential Parcel (highlighted in purple) was created from a natural subdivision due to upgrades made to Highway 540.

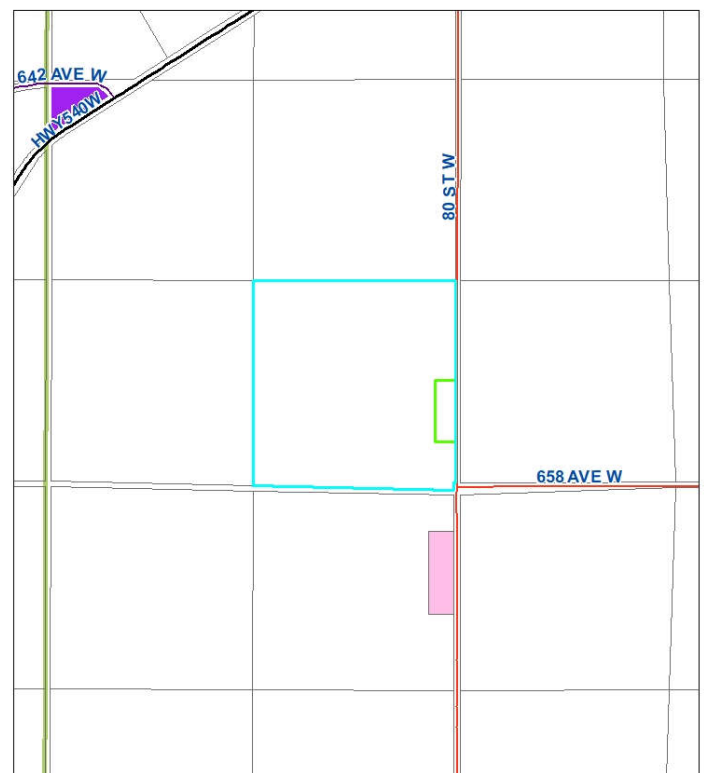
NE 19-17-1 W5M:

1990 – A subdivision application was approved allowing the creation of one 8.25 acre Country Residential District parcel (highlighted in pink), as the first parcel out of the quarter section.

SE 30-17-1 W5M:

June 30th 2005 – Council granted first reading to Bylaw 108/2005 to authorize the redesignation of a portion of SE 30-17-1 W5 from Agricultural District to Country Residential District in order to allow for the future subdivision of one 5 acre Country Residential District parcel (outlined in green). Then on October 20th, 2005, Council passed the following resolution to not grant any further readings to the Bylaw under the following motion;

“Council moved that no further readings be given to Bylaw 108/2005 as Council is aware that the land is now legally owned by a different party and therefore the reasons and the purpose of the application as submitted by the landowner at the time of the public hearing of June 30th, 2005 are no longer valid.”



SITE CONSIDERATIONS:

Surrounding Area:

Land use designation in the area is predominantly Agricultural District, with a few Country Residential District Properties to the south and northwest of the subject parcel. Appendix A – Land Use Map, illustrates the current Land Uses for the subject area.

Physiography

The subject parcel has native grass and rolling terrain with the low lying area found in the southeast portion of the quarter section.

Access

The subject parcel has one existing approach off 80th Street West, which is proposed to be widened to a common approach standard in order to provide access to both the proposed and balance parcels.

The landowner's agent provided the following comments regarding this existing approach:

"We have utilized the existing approach location on 80th Street East and intend to widen it to a common approach in order to avoid proliferation of approaches on this road"

Appendix A – Site Plan illustrates the approach location.

Existing Development

A water well, stock watering facilities and paddocks are found on the proposed parcel. No other existing development appears in either the proposed or balance parcel.

POLICY EVALUATION:

Municipal Development Plan

The application meets the intent of Policy 5 of the Agricultural section of the MDP2010, which supports the subdivision of one parcel out of an un-subdivided quarter section, so long as the criteria are met that aim to minimize impact on the Agricultural balance. Further, the application generally does not meet the intent of Policy 2 of the Agricultural section of the MDP2010, which supports maintaining the integrity of the agricultural land base and discourages the fragmentation of agricultural lands.

Land Use Bylaw 60/2014

The application meets the density requirements and lot size restrictions as set out in Section 13.1.6.2 of the Country Residential District within the County's Land Use Bylaw.

Growth Management Strategy

The subject parcel is located within the South Central District. Moderate growth is expected in the South Central District. Majority of the growth is to take place on the east side of the district and to the towns of Okotoks and High River, with careful consideration to avoid land use conflicts particularly with respect to long established agricultural operations.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
EXTERNAL	
Alberta Transportation and Economic Corridors	<p>Alberta Transportation provided the following comments:</p> <ul style="list-style-type: none"> • The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway 540. • The requirements of Section 18 would be met, therefore no variance is required for the subsequent subdivision. While no variance is required, the department expects the municipality would mitigate the impacts from this proposal to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 648(2)(c.2) of the Municipal Government Act. • The requirements of Section 19 are met, therefore no variance is required. • If there are any changes to the proposed subsequent subdivision submitted with this land use referral, a separate referral pursuant to Section 7(6)(d) of the Matters Related to Subdivision and Development Regulation is required and the comments in respect of Sections 18 and 19 of the Regulation contained in this decision are no longer valid.
INTERNAL	
Public Works	<p>Public Works provided the following comments:</p> <ul style="list-style-type: none"> • 5 metres for future road widening be taken by way of caveat along the entire east boundary (80th St W) of the subject parcel. • Common approach acceptable. Location meets 180m sight distance. To be built to meet current common approach standards with a bevelled culvert. <p>Public Works provided the following recommendations regarding infrastructure:</p> <ul style="list-style-type: none"> • No topographical areas of concern. The 8.5 +/- acre lot is large enough and is surrounded by permeable area, no concerns with drainage change or negative impacts to the surrounding properties. <p>Public Works provided the following recommendations for the proposed 8.5 +/- acre parcel, as conditions of Subdivision:</p> <ul style="list-style-type: none"> • Septic Disposal Evaluation (PSTS) • Building Envelopes
GIS/Mapping	No Concerns

CIRCULATION REFERRALS	
PUBLIC	
Western Wheel	Advertised in the January 11 th and January 18 th , 2023 editions
Landowners (Half Mile)	No correspondence received prior to the submission of this staff report.

SUMMARY:

Bylaw XX/2023 – Application to further amend the Land Use Bylaw by authorizing the redesignation of an 8.50 +/- acre portion of the 159.97 acre subject parcel from Agricultural District to Country Residential District to allow for the future subdivision of one 8.50 +/- acre Country Residential District parcel, leaving a 151.47 +/- acre Agricultural District balance parcel on SE 30-17-01 W5M.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – FIRST READING APPROVAL

Council may choose to grant 1st reading to Bylaw XX/2023 to authorize the redesignation of an 8.50 +/- acre portion of SE 30-17-01 W5M from Agricultural District to Country Residential Sub-district “A” lot, in order to allow for the future subdivision of one 8.50 +/- acre Country Residential Sub-district “A” first parcel out, with a 151.47 +/- acre Agricultural District balance parcel for the following reasons:

In their consideration of the criteria noted within the Agricultural Policy 5 of the MDP2010, Council is of the opinion that allowing the first parcel out of the subject lands would not be detrimental to the agricultural nature of the area. Further the application falls within the density provisions and lot size restrictions of the County’s Land Use Bylaw.

Staff suggests the new 8.50 +/- acre lot be designated as Country Residential Sub-District “A” to ensure that the recommendations and restrictions as outlined in the septic disposal evaluation and building envelope (all provided as conditions of 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 may be required, and a \$5,000.00 deposit as a pre-release condition to ensure compliance of all conditions of the development permit will be required.

Recommended Conditions for Option #1:

1. Proof of adequate water supply to be provided for the 8.50+/- acre parcel, in accordance with the Municipal Water Policy, to the satisfaction of the County;
2. Landowners to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purpose of payment of the Community Sustainability Fee and any other necessary municipal and on-site improvements as required by Council and the Public Works Department;
3. Septic Disposal Evaluation to be provided for the 8.50 +/- acre parcel, to the satisfaction of the Public Works department, **as a condition of subdivision;**

4. Site plan to be provided which identifies building envelopes for the 8.50 +/- acre parcel, which meets the requirements as outlined in Policy 9 under the Residential section of the MDP2010 to the satisfaction of the Public Works department, **as a condition of subdivision**;
5. Final redesignation application fees to be submitted;
6. Submission of an executed subdivision application and the necessary fees.

OPTION #2 - REFUSAL

Council may choose to refuse the application for the redesignation of an 8.50 +/- acre portion of SE 30-17-1 W5M from Agricultural District to Country Residential District in order to allow for the future subdivision of one 8.50 +/- acre Country Residential District parcel with a 151.47 +/- acre Agricultural District balance parcel for the following reasons:

In consideration of the criteria noted in the Agriculture section of the MDP2010, Council did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural District.

APPENDICES:

APPENDIX A: MAP SET:

LOCATION MAP

HALF MILE MAP – LAND USE

HALF MILE MAP – PARCEL SIZES

SITE PLAN

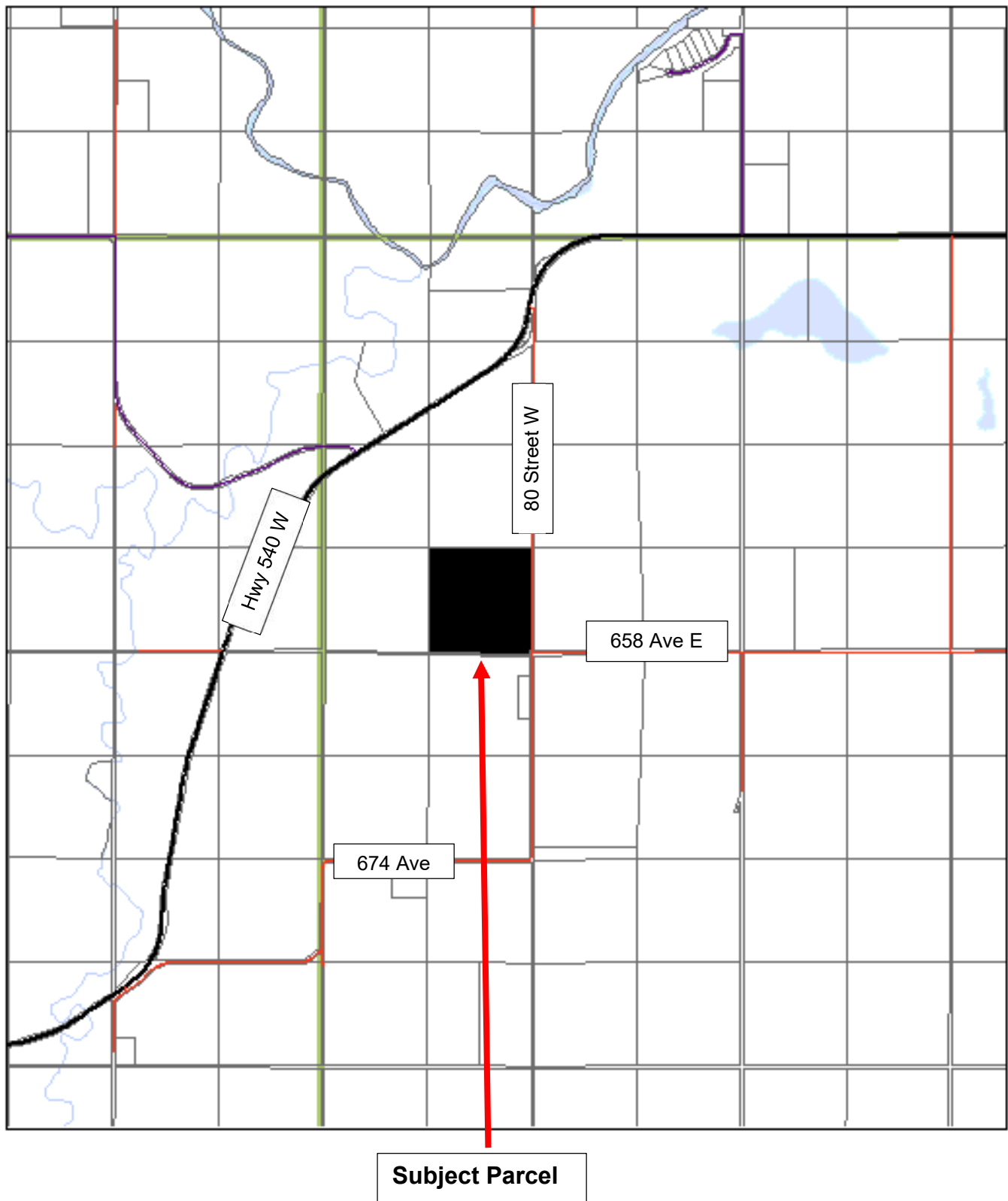
APPENDIX B:

AGENT'S LETTER ACCOMPANYING APPLICATION

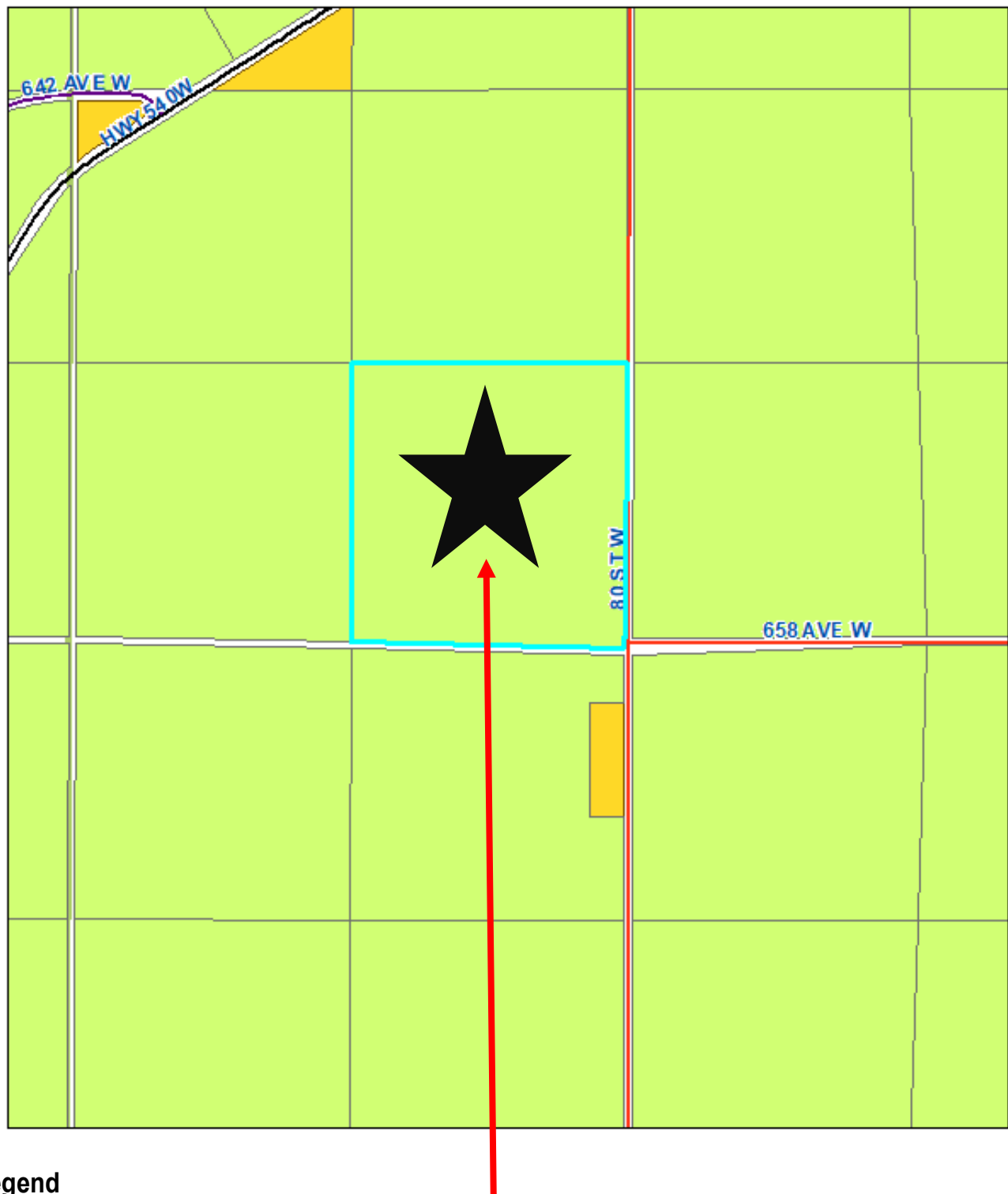
APPENDIX C:

PROPOSED BYLAW



APPENDIX A: LOCATION MAP



APPENDIX A: LAND USE

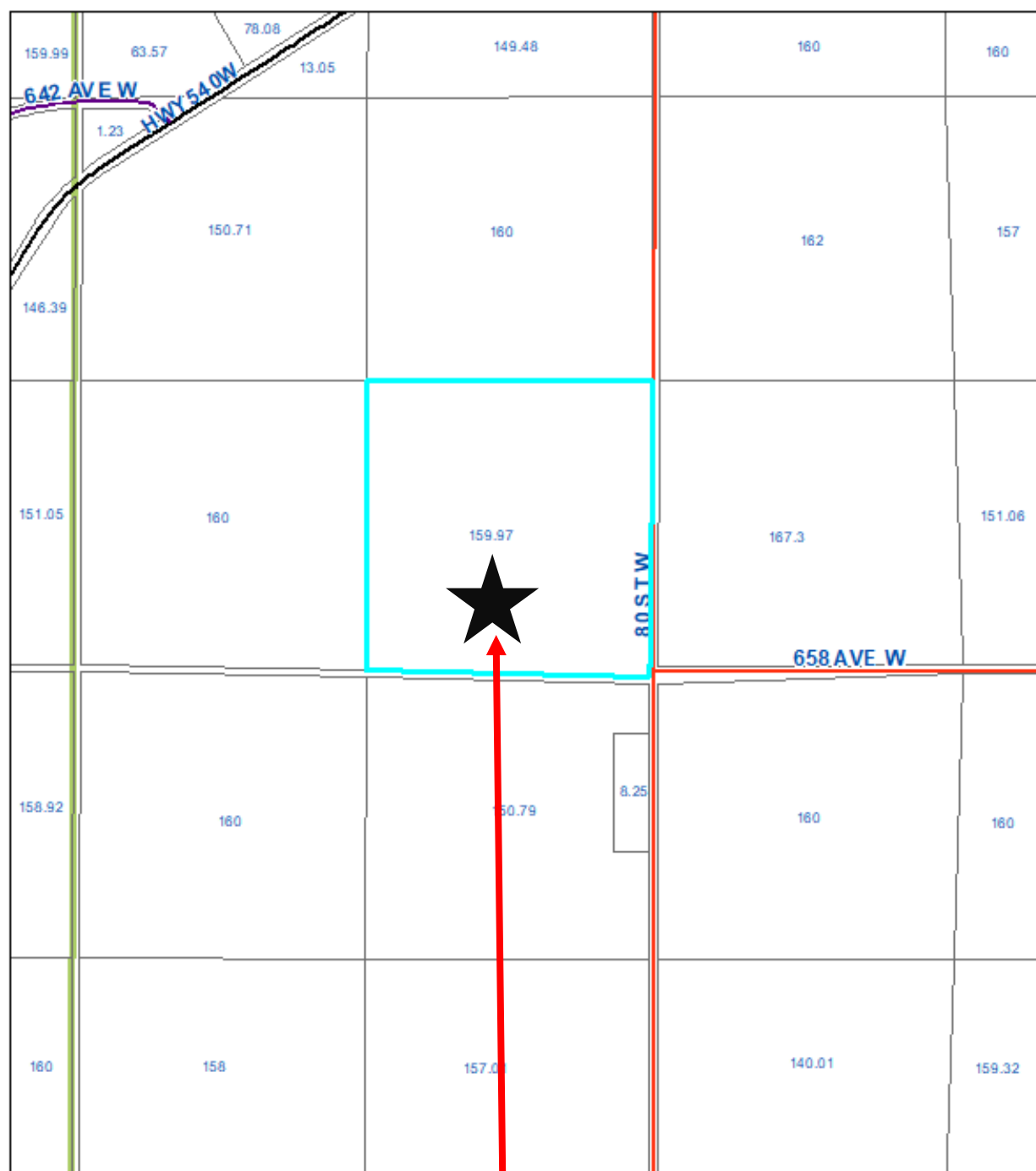


Legend

-  A- Agricultural
-  CR- Country Residential

Subject Parcel

APPENDIX A: LOT SIZES (IN ACRES)



Subject Parcel

APPENDIX A: SITE PLAN



APPENDIX B: AGENT'S LETTER ACCOMPANYING APPLICATION

321-259 Midpark Way SE | Phone: 403.880.8921
Calgary, AB T2X 1M2 | TWPplanning.com



Foothills County
Box 5605
High River, AB
T1V 1M7

10/21/22

ATTN: Samantha Payne, Planning Coordinator

RE: Application for Redesignation from Agriculture to Country Residential Land Use District to allow for the creation of one (1) new parcel (±8.50 acres) within SE 30-17-1 W5M (±160 acres) of Foothills County.
Landowners: Ethan and Ashley Willows

Dear Mrs. Payne,

Please find enclosed the following in support of the above-mentioned Land Use Application:

- The formal application for land use redesignation to allow for the creation of one (1) CR- Country Residential parcel (±8.50 acre);
- The Letter of Authorization allowing Township Planning + Design Inc. to Act as agent for the landowner(s) (please note pending registration on title to transfer to Willows);
- A Credit Card Authorization for the processing of the applicable land use redesignation fee of \$950.00 (\$100 filing fee + \$850/lot);
- A copy of the Abandoned Well Map and Statement;
- A copy of the current Certificate of Title; and
- A copy of the site plan with and without air photo.

To assist Planning and Development with the evaluation of this application we offer the following additional information;

Approach – We have utilized the existing approach location on 80th Street East and intend to widen it to a common approach in order to avoid proliferation of approaches on this road.

Structures- There is a groundwater well, stock watering facilities and paddocks in this area but no structures of significance on this site.

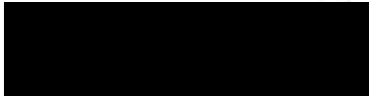
Rationale- This parcel has been designed to avoid native grass on this quarter and include areas that have been subject to previous disturbance. We have left a gap on the south end between this proposed parcel south boundary and the south quarter line. This is due to the area in between being low lying and subject potentially to wet conditions. In addition, an area resident lives close to that south quarter line and we wished to provide some separation to that existing residence. There is an offset intersection at this location, 658th Avenue does not follow the road allowance and is north of it, as a result we do not want to encumber this corner with a parcel should the County need to resolve this offset intersection at any point on the future.

Ethan and Ashley have recently purchased this quarter section from the Poffenroth's and wish to establish their dream here, run cattle on this land and work to retain and restore as much native grass as possible. The First Parcel Out will assist the Willow's family in establishing and continuing their agricultural operation on this site. The parcel size was specifically chosen to include the paddocks, stock, watering well, and the disturbed areas. The size was considered to be reasonable for a first parcel out in an agricultural area where larger parcels are preferred in order to allow for the keeping of livestock.

We can certainly take direction from Council on the size, however, we are of the opinion that size is right for this area and its context on this quarter. The site has a good building envelope and, we believe, will meet the expectations of the County with regard to site suitability.

Should you have any questions or require more information, please do not hesitate to contact the undersigned.

Sincerely,
Township Planning + Design Inc.



Kristi Beunder, B.A., M.E.Des.
RPP MCIP
Senior Planner / Principal
Urban + Regional Planning

Cc: Ethan and Ashley Willows - Landowners

APPENDIX C: PROPOSED BYLAW

BYLAW XX/2023

BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE AN AMENDMENT TO THE LAND USE BYLAW NO. 60/2014 AS AMENDED.

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, and amendments thereto, the Council of Foothills County in the Province of Alberta, has adopted Land Use Bylaw No. 60/2014 and amendments thereto;

AND WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing redesignation of a 8.5 +/- acre portion of the 159.97 acre Agricultural District SE 30-17-01 W5M to Country Residential District, in order to allow for a future subdivision of one 8.5 +/- acre Country Residential District parcel with an approximate 151.47 +/- acre Agricultural District balance parcel.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Land Use Map No. 1701 is amended by *redesignating a 8.5 +/- acre portion from SE 30-17-01 W5M as Country Residential District.*
2. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING:

Reeve

CAO

SECOND READING:

Reeve

CAO

THIRD READING:

Reeve

CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of
Alberta this day of , 2023.